

Title 16

SUBDIVISIONS AND ANNEXATIONS

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- 16.05 Cluster Development, Planned Unit Development,
and Zero Lot Line Development

Chapter 16.04

SUBDIVISION REGULATIONS

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16.04.010: GENERAL PROVISIONS:

(A) This Chapter as amended from time to time may be cited and referred to as the City's Subdivision Regulations.

(B) The purposes of these subdivision regulations are to promote and protect public health, safety and welfare; to encourage the harmonious, orderly and progressive development of land; to insure the development of economically sound and compatible neighborhoods; to require the construction of necessary improvements and utilities; to insure safe and convenient circulation of vehicular and pedestrian traffic; to insure that parks, open spaces, school sites and land needed for other public purposes are either reserved or dedicated; to insure development is in accordance with the requirements of the City's Comprehensive Plan as such may be amended from time to time; and to insure that new development bears its fair share of

(C) The City Council shall set all fees related to subdivisions under this Chapter. (Ord. 5, §1, 2004)

16.04.015: JURISDICTION:

(A) These Subdivision Regulations shall apply to all land located within the City of Delta, and to lands lying within Tier One in accordance with the City/County Growth Management Agreement, and limited with reference to the City's Major Street Plan, also other land lying within three miles of the corporate limits of the City of Delta which is not located in any other municipality. (Ord. 5, §1, 2004)

16.04.020: INTERPRETATION:

(A) In interpreting and applying the provisions of the subdivision regulations, they shall be regarded as the minimum required for the protection of the public health, safety and welfare and shall be liberally construed to further the purposes as specified in Section 16.04.010 above.

(B) Whenever a provision of these subdivision regulations and any other provision found in another City ordinance contain any restrictions or regulations covering the same subject matter, whichever restriction or regulation is more restrictive or imposes a higher standard or requirement shall govern.

(C) The word "shall" is mandatory. The word "may" is permissive.

(D) Words used in the present tense include the future; words used in the singular include the plural; and words of one gender include all other genders, unless the context clearly indicates the contrary. (Ord. 5, §1, 2004)

16.04.030: DEFINITIONS: For purposes of this Chapter, the following definitions shall apply:

ALLEY: A strip of land dedicated to public use, located at the side or rear of lots and providing a secondary means of vehicular access to the property.

BUILDING LINE: A line parallel to the property line beyond which no exposed portion of a building extends, other than the roof overhang, either delineated by these standards or zoning setback regulations.

CITY: The City of Delta and any authorized officer or employee thereof.

DELTA CONTROL SYSTEM:

1. "Horizontal control" is a system of plane coordinates which has been established by the City for the purpose of defining and stating the positions or the locations of points on the surface of the earth within the City of Delta and surrounding area.
2. "Vertical control" is a vertical elevation system based on NGVD 29 datum which has been established by the City for vertical control within the City of Delta and surrounding area.
3. "Delta Control System Map" is a map on file at the Delta Community Development Department showing the location, coordinates, and vertical elevation of the Delta Control System or control stations.

LOT: A parcel of land in a subdivision intended for transfer of ownership or for building development

OUTLOT: A lot or lots representing the remaining aggregate of unsubdivided land in those instances where large parcels of land are subject to existing uses or development, and may be subject to future subdivision as part of a phased development.

PERSON: Any individual, firm, partnership, association, syndicate, corporation, trust or any other entity.

SIDEWALK: Improvements intended for pedestrian, bicycle and non-motorized traffic including sidewalks, trails, bikepaths, recreation paths and similar facilities.

SUBDIVIDE: Any act which is intended to, or does, result in the creation of a subdivision.

SUBDIVIDER: A person who subdivides.

SUBDIVISION or

SUBDIVIDED LAND: A parcel of land which is divided into two or more parcels, lots, tracts or other interests including condominiums; townhouses, other common interest ownership properties; and any act creating such results. Provided, however, the following shall not be considered to be a subdivision for the purpose or application of these regulations:

- (A) A division of land which creates cemetery lots;

- (B) The creation of separate but undivided interests in a tract of land such as joint tenancy, tenancy in common, tenancy in entirety, trust, lien, mortgage, deed of trust or other security interest, unless such separate interests apply to less than all of the tract;
- (C) An interest severing the oil, gas, minerals or water from the surface estate;
- (D) Creation of a utility easement or an easement unrelated to the use of the surface;
- (E) Any division of property created by official acts of the City, including but not limited to partial acquisitions and conveyances of land, partial annexations of land, easements and public rights-of-way. (Ord. 5, §1, 2004)

16.04.040: ENFORCEMENT:

(A) It shall be unlawful for any person to subdivide any land within the City of Delta whether by sale, conveyance, gift, delivery or recording of a plat, deed or other legal instrument or by any other means except in accordance with the provisions of this Chapter.

(B) Any person convicted of a violation of any provision of this Chapter may be punished by a fine not to exceed one thousand dollars (\$1,000.00) or by a jail sentence for a period not to exceed one (1) year or by both such fine and imprisonment; providing however, that no person under the age of eighteen (18) years may be sentenced to any term in jail in excess of 10 days.

(C) The City may withhold building or occupancy permits with respect to any lot or tract of land which has been subdivided in violation of the provisions of this Chapter.

(D) In addition to any other remedy that the City may have, the City may maintain an action in a court of competent jurisdiction for an order to enjoin any violation of this Chapter.

(E) It shall be unlawful to sell any tract of land, including an entire platted lot or separately described tract, if a violation of the applicable dimensional requirements of the City's Zoning Regulations will result from such sale by virtue of a change in dimensions of any building site.

(F) A separate offense shall be deemed committed each day on which a violation of this Chapter continues. Continuing violations of this Chapter are declared to be a nuisance. (Ord. 5, §1, 2004)

16.04.050: SUBDIVISION PROCEDURE:

(A) The subdivision of land shall be accomplished in accordance with the procedures provided in this Section, except as modified pursuant to Sections 16.04.090, 16.04.100, 16.04.110, and 16.04.115.

(B) Informal Review: The subdivider is encouraged to consult informally with the City prior to the submission of the subdivision application. Prior to submitting a sketch plan or other initial submittal, the subdivider shall make his intentions known to the City by informally discussing plans, City Standards and other issues which may affect development. The City will offer general comments and direction regarding feasibility and design of the proposed subdivision at this stage. No fee shall be required for such review or discussions of any plans or data concerning the proposed subdivision prior to sketch plan review. The City shall not be bound by virtue of any discussions during the informal review stage.

(C) Sketch Plan:

(1) The proposal shall be consistent with the City standards and will be reviewed considering the following at a minimum:

(a) Conformance with the Comprehensive Plan and zoning regulations;

(b) Relationship of development to topography, soils, drainage, flooding, potential natural hazard areas and other physical characteristics;

(c) Availability of water, means of sewage collection and treatment, access and other utilities and services; and

(d) Compatibility with the natural and built environments, wildlife, vegetation and unique natural features.

(2) A subdivider who does not intend to proceed presently with full development of all the tracts involved shall nonetheless submit a sketch plan for the entire property showing present plans for its eventual development.

(3) Following informal review except when not required by other provisions of this Chapter, fifteen copies of the sketch plan shall be filed along with five copies of supporting plans and data, accompanied by an application and a filing fee in the amount set by City Council. Only one copy will be required if the sketch plan is executed in black and white only, and paper size is 11" X 17" or smaller. Plans shall be stapled or otherwise bound, and

folded. Plans which substantially conform to the submittal requirements must be received a minimum of twenty-five (25) days prior to a regularly scheduled Planning Commission meeting in order to be placed on the next agenda.

(4) The sketch plan review shall be commenced only upon submittal of a completed sketch map, a completed sketch plan application form, deed, appropriate fees, and all required supplemental information as set out below. All submittals must be legible, and may be on multiple pages, as needed for clarity.

(a) Sketch Map: The sketch map shall include the following:

- (i) A vicinity map, drawn at a legible scale, showing the project location, with appropriate reference to significant roads or highways, and City Boundaries.
- (ii) A detailed map showing property boundaries of the subdivision, north arrow and date. The map shall include the name of the subdivision. The scale of the sketch map shall not be less than one inch equals two hundred feet. The map shall show zoning and land use of all lands within one hundred feet of any property boundary owned by or under option to the subdivider. In the case of large subdivisions requiring more than one sheet at such a scale, an index map showing the total area on a single sheet at an appropriate scale shall also be submitted.
- (iii) A conceptual drawing of the lot and street layout indicating the approximate dimensions, area and number of individual lots and access to the property. Proposed street names should be included.
- (iv) Existing significant natural and manmade features on the site, such as streams, lakes, natural drainageways; vegetation types including locations of wooded areas; wildlife habitats; visual impacts; existing buildings; utility lines; septic systems; irrigation and other ditches; bridges and similar physical features; and existing development on adjacent property.
- (v) Total acreage of the tract.
- (vi) Existing and proposed zoning district boundary lines.

- (vii) Proposed uses including residential types, commercial, industrial, parks, open space and community facilities.
- (viii) Type and layout of all proposed infrastructure including streets, utilities, water and sewer systems.
- (ix) Existing and proposed storm-water facilities pertaining to the property.
- (x) Provision for sufficient off-street parking and adequate school bus stop, and mail box locations where applicable.
- (xi) Existing site problems or peculiarities, such as poor drainage, flood plain, wetlands or natural and geologic hazards and seepage water.
- (xii) Public use and other areas proposed to be dedicated to the City or conveyed to an Owner's Association and the proposed use of such areas.
- (xiii) Existing utility, access, irrigation and other easements.

(b) Sketch Plan Application: The sketch Plan Application for all major subdivisions shall include, but not be limited to, the following information pertaining to the proposed subdivision (this information may be provided in a narrative format):

- (i) Total number of proposed dwelling units.
- (ii) Water supplier, if not the City, and estimated total number of gallons per day of water system requirements for non-residential subdivisions.
- (iii) Estimated total number of gallons per day of sewage to be treated and means for sewage disposal for non-residential subdivisions. A discharge analysis shall be included for all identifiable non-residential uses.
- (iv) Availability of electricity, natural gas and other utilities necessary or proposed to serve the subdivision.
- (v) An optional statement, which discusses features of the proposed subdivision which will promote the goals of the City's Comprehensive Plan.

(c) The Sketch Plan Application shall also include a copy of the most recent deed. The property owners shall be required to consent to and approve the

application before the plan is acted upon by the commission.

- (d) (i) The Planning Commission shall review the sketch plan and all supporting plans and documents at a regular meeting. The Planning Commission may recommend approval of the sketch plan provided that all required submittals have been properly made, and the plans and proposed improvements meet the requirements of this Chapter and other City ordinances without material deviation. The sketch plan may be approved with conditions to ensure compliance with requirements of this Chapter and other City ordinances and regulations.
- (ii) The Planning Commission may recommend disapproval of any proposed sketch plan which is in violation of the requirements of this Chapter. If denied, the applicant may re-submit a revised sketch plan, pursuant to a new application
- (iii) The Planning Commission's recommendations shall be non-binding on the City.
- (iv) The proposed plan shall be submitted to the City Council, if all required submittals have been made, when the development exceeds 200 lots or residential units, exceeds 100,000 square feet of gross floor area of non-residential subdivisions, is proposing significant material deviations from the standard requirements of this Chapter, or when other circumstances require review by the City Council.
- (e) The subdivider shall be informed of the date of the Planning Commission, and if applicable, City Council meetings.
- (f) The subdivider will be required to post a sign (or signs) on the affected property. Signs will be supplied by the City, which describes the subdivision and the date, time and place of the meeting. Said sign(s) shall be posted for the week preceding the scheduled Planning Commission meeting.
- (g) Sketch plan approval shall expire 1 year from the date of such approval if no preliminary plat has been submitted.
- (h) As part of sketch plan approval, the Planning Commission and City Council may choose to waive the preliminary plat requirement for subdivisions where no

public improvements, unless otherwise postponed, need to be designed and constructed.

(D) Preliminary Plat:

(1) (a) Following approval of the sketch plan, except when not required by virtue of other provisions of this Chapter, twenty-five (25) copies of a preliminary plat along with copies of all required supporting plans or data as set out in 16.04.050(D)(8) below, shall be filed with the City accompanied by filing fees in an amount set by City Council. Pages must be stapled or otherwise bound together, and folded when possible. The plat and engineered plans shall also be submitted on diskette in a digital format acceptable to the City and compatible with the City computer system.

(b) Courtesy Review: The City encourages the subdivider to take advantage of the following courtesy review provision: If requested by the subdivider, Planning Staff will provide a courtesy review of the preliminary submittal for compliance with submittal requirements. Five copies of the preliminary plat and all supporting engineering should be submitted to the City, which will inform the applicant within 10 business days whether the submittal requirements as set forth below for the preliminary plat are met. If said requirements are met, the remaining copies may be submitted to the City. If said requirements are not met, suggestions and recommendations will be made, and submittal deficiencies outlined by the City. Preliminary plat filing fees must be paid prior to courtesy review. The City is not bound by this review.

(2) The City may distribute copies of the preliminary plat and supporting plans or data as appropriate to the County Planning Department, the School District, the gas, CATV, power and telephone companies, the Fire Protection District, the State Highway Department, Federal Aviation Administration, the Uncompahgre Valley Water User's Association, other ditch companies, applicable City departments and employees and other entities as appropriate.

(3) The City may have the preliminary plat and supporting documents and reports checked by an independent registered engineer and/or surveyor at the subdivider's expense.

(4) The City shall schedule the preliminary plat to be considered by the Planning Commission at a regular meeting no sooner than forty-five (45) days after the date the plat and supporting engineering and documents is received by the

City and determined by the City to be in substantial compliance with preliminary plat submittal requirements. The subdivider shall be informed of the date of the Planning Commission meeting.

(5) The preliminary plat and improvements proposed shall comply with all requirements of these subdivision regulations, conditions of sketch plan approval and other applicable City design and construction specifications and standards. The plat shall be drawn to a scale of not less than one inch equals one hundred feet (1" = 100'). Upon the developer's request, the City may waive the minimum scale requirement for large parcels if it is determined that such a deviation will not detract from legibility.

(6) The preliminary plat and supporting maps and documents must be legible, and may be on multiple pages as needed for clarity, and shall contain, at a minimum, the following:

(a) The name of the subdivision and the name and address of the subdivider, and his representatives, if applicable.

(b) The name of the engineer or surveyor preparing the plat, and a title box in the lower right corner.

(c) The graphic scale used and north point and date. The north point shall be grid north based on the Delta Control System.

(d) A location sketch map showing the project location in relation to the City of Delta.

(e) The gross area, and area included within dedicated right-of-ways, subdivision lots, and common areas such as open spaces, parks and trails.

(f) Certificates on forms approved by the City to document approval of the preliminary plat, and the form of the certificates proposed to be used to comply with the requirements imposed for the final plat as found in subsection (E) of this Section, and draft plat notes.

(g) Two foot (2') elevation contours and the boundaries of the "base flood" (100-year flood) and "floodway" and base flood elevation data, as defined and specified in the City's flood plain management regulations.

(h) The zoning of the subdivision and of adjacent property.

(i) The names of the owners of record of adjacent property, and the property lines of adjacent property as space will allow.

(j) The location of watercourses including streams, lakes, wetlands, swamps, ditches and flood prone areas; the location of existing streets, roads, railroad easements, utility lines, poles and towers, sewer lines, water lines, drains, culverts and other underground utilities and facilities both on the proposed subdivision and adjacent property as practical. Specify whether utility lines are in easements or rights-of-way, underground or aerial, and show locations of poles, towers and all exposed utility appurtenances (i.e. water meters, telephone pedestals, electric transformers boxes, and pedestals, fire hydrants, etc.).

(k) The layout and location and name of proposed streets, the layout and location of alleys, bike paths, utility easements and pedestrian walks, and the layout of all lots showing the dimensions and lot areas, and any proposed building setback lines which are required by these regulations or sketch plan approval. Footprints of existing buildings and other improvements should be shown.

(l) The proposed use of all lots and tracts including proposed ownership of parks, trails and open space, as well as the lot layout with block and lot numbers.

(m) Phasing plan, when applicable.

(7) The following shall be submitted accompanying the preliminary plat together with plans and specifications prepared by a registered professional engineer consistent with City standards and specifications, for all required or proposed improvements. All plans and reports shall be wet-stamped by the engineer. Standard details are available from the City in digital format.

(a) A utility composite plan, depicting all proposed and existing utility line and appurtenance locations, including but not limited to fire hydrants and water and sewer tap locations. Plans for electrical service must be included if the subdivision is not served by ML&P.

(b) Plan and profiles for the proposed sanitary sewer system showing location, grade, rim elevation, pipe sizes and invert elevations (into and out of the manholes), appurtenances and the connection points to the existing system. Service wye locations and all intersecting utilities such as water, gas, storm

sewers and irrigation ditches and pipelines must also be shown. Standard details must be included for all sanitary sewer appurtenances.

(c) Plan and profiles for the water system and fire protection system showing locations, pipe size, valves, service connection, meter locations, fire hydrants and connection points to the existing system and supporting water demand calculations, if necessary. All intersecting utilities such as water, gas, storm sewers and irrigation ditches and pipelines must also be shown. Standard details must be included for all water appurtenances. Supporting calculations showing that the water supply is adequate for domestic use and required fire-flows may be required.

(d) Plan and profiles for the storm drainage system showing location, pipe sizes, appurtenances, pond cross sections, grades and discharge points and supporting calculations. Standard details must be included for all storm sewer appurtenances. Storm drainage report and calculations are required. Design of storm sewer and/or storm water systems shall be in accordance with the City of Delta's Stormwater Management Manual, in addition to other applicable standards.

(e) Plans for proposed streets, sidewalks, bike paths, trails and walkways showing grade and cross-sections. Grades shall be shown on a plan and profile drawing showing finished grade elevation profiles and left and right top of curb or finished grade elevation profiles. The design shall be based on soils analysis by a qualified geotechnical engineer or soils laboratory, on samples taken in the proposed construction area, which shall be submitted to the City. Street names, street light and street sign locations shall be shown.

(f) Submittal of a soil or geological report prepared and certified by a professional geologist or geotechnical engineer for lot areas is encouraged by the City.

(g) A final site grading plan.

(h) Plans for piping ditches, private irrigation systems or improvements to waterways.

i) Plans for parks, open space, and recreation facilities, including equipment, fencing, landscaping and irrigation systems.

(j) Unless waived by the City, a traffic impact study and plans for recommended traffic mitigation measures shall be required for residential developments with ten or more lots, units, or property interests, and for all commercial and industrial developments. The traffic impact study shall include all information required by the City's traffic study format requirements, provided that the City may waive, or add requirements on a case-by-case basis as circumstances warrant. The scope of the impact study may be broadened to include other nearby subdivisions and developments, allowing for cooperative participation and cost sharing.

(k) Documents and plans required pursuant to sketch plan approval.

(l) Draft covenants.

(m) All proposed subdivisions of greater than 500 residential units, or greater than 200,000 square feet of gross floor area for non-residential subdivisions, shall submit a fiscal/infrastructure impact analysis with the preliminary plat that shall demonstrate that the proposed subdivision or development will not have significant, adverse impacts on the capacity or quality of the City's existing infrastructure, including the City's water and sewage treatment systems, streets, storm-water, electric utilities and the school system.

A fiscal/infrastructure impact analysis shall contain the following requirements, provided that the City may waive, or add requirements on a case-by case basis as circumstances warrant:

(i) The projected service demands for City utilities, services, and infrastructure, including water, sewer, streets, storm-water, electric utilities and schools, that are directly generated by the proposed subdivision; and

(ii) An analysis of the capacity of existing and planned municipal facilities and infrastructure to meet future demand directly generated by the proposed subdivision, and a determination of any resulting capacity shortfalls or degradation in service or quality; and

(iii) An estimate of the costs associated with the provision of municipal utilities and services to the proposed subdivision.

- (8) Supporting documents shall be submitted as follows:
- (a) Eight (8) copies of all engineering reports and calculations.
 - (b) Twelve (12) copies of engineered plans and profiles, which may include water, sewer, storm sewer, and streets, bound together, but separate from other plans.
 - (c) Twenty (20) copies of the utility composite drawing and phasing plan. Twenty (20) of the required twenty-five (25) copies of the preliminary plat should be bound with the utility composite and phasing plan, separate from other plans.
 - (d) Twenty (20) copies of the parks, trails, open space, or recreation areas plans, landscaping plans and irrigation plans, bound together, but separate from other plans.
 - (e) Fifteen (15) copies of the covenants.
- (9) The applicant shall be required to give advance notice of the preliminary plat review by the City Planning Commission by posting a sign (or signs) on the affected property. Signs will be supplied by the City, which describes the subdivision and the date, time and place of the meeting. Said sign(s) shall be posted for seven (7) days preceding the scheduled Planning Commission meeting.
- (10) The Planning Commission shall review any plat submitted to it at a regularly scheduled meeting, and either recommend approval of the plat with or without conditions provided that all supporting documentation has been properly submitted and the plat meets all requirements, disapprove the plat if it does not appear to comply with the provision of this Chapter, or approve the plat with modifications or conditions.
- (11) The reasons for recommending disapproval shall be included in the minutes of the Planning Commission meeting and provided to the subdivider in writing upon request.
- (12) The City may disapprove a preliminary plat where the fiscal/infrastructure impact analysis shows there will be a significant, adverse impact on the City's infrastructure capacity and/or quality unless the City determines that the benefits of the project, including potential tax revenues outweigh any anticipated adverse impacts.
- (13) Unless the subdivider withdraws his plat, it shall be submitted to the City Council for review and action. The

Council may disapprove the preliminary plat if it finds, that the requirements of these regulations have not been met. The Council may approve the plat with conditions as appropriate to implement the provisions of this Chapter.

(14) (a) The subdivider may commence construction of subdivision improvements only following approval of the preliminary plat by the City Council, submittal of copies of the preliminary plat as finally approved by the City, submittal of any revised plans (stamped by the engineer) required by the City and approval thereof, and a diskette of the preliminary plat in a digital format acceptable to the City and compatible with City computer systems.

(b) Water utility applications must be completed and water tapping and any other applicable system improvement fees must be paid prior to commencement of construction.

(c) Prior to commencement of construction, the applicant and City Planning Staff shall cooperatively schedule a pre-construction meeting, to be held at City Hall. The applicant shall be responsible to arrange for his contractor(s) and representatives from all affected utility companies to attend said meeting.

(d) After the pre-construction meeting, and upon submittal and approval of completed submittals and payment described above, the City shall then issue a written notice to proceed.

(E) Final Plat:

(1) (a) No land shall be subdivided nor any subdivided lot or parcel sold or conveyed until a final plat has been approved and recorded in accordance with this subsection. No final plat may be submitted more than two (2) years after approval of a related preliminary plat or partial final plat filing without resubmitting a preliminary plat for approval. In all cases, no final plat shall be approved if submitted beyond ten (10) years of approval of a related preliminary plat.

(b) Building permits may be issued for any property with an approved preliminary plat after adequate infrastructure has been installed to serve the building, but no certificate of occupancy, other than limited temporary certificates of occupancy, shall be issued until a final plat is approved and recorded. In all cases, the property owner of record must be the applicant for, and sign said building permit. Building footprints of such buildings must then be depicted on the final plat.

(2) Fifteen copies of the final plat shall be submitted to the City for review accompanied by filing fees in an amount set by the City Council.

(3) Disclosure of ownership, with supporting documentation from a title insurance company or attorney licensed in the state of Colorado, which shall set forth a legal description of the property and title ownership of the property must be provided in conjunction with submittal of the final plat.

(4) The final plat shall contain all elements required as a condition of preliminary plat approval and the following, all in standard City approved forms, or other form acceptable to the City:

(a) The total number of lots and lot numbers or letters.

(b) Sufficient data to determine easily and reproduce on the ground the location, bearing, length of every street line, boundary line, easement line, block line, lot line and building setback line (which are required by these regulations or preliminary plat approval), whether curved or straight, including the radius, central angle and arc length or chord distance and bearing for all curved lines. All dimensions shall be to the nearest one-hundredth of a foot (.01') and all angles to the nearest second.

(c) A certificate by a registered surveyor, attesting to the accuracy of the survey plat and placement of monuments, and compliance with the requirements of this Chapter and State law.

(d) A certificate of ownership and dedication for streets, easements and other property dedicated for public use, properly executed and notarized.

(e) A lienholder's certificate, where applicable.

(f) A certificate by a licensed professional engineer that the streets, water, sewer and storm drainage systems meet all applicable requirements of the City.

(g) Separate certificates of approval of the plat for the Planning Commission, the City Council, and the City Attorney.

(h) A certificate of recording to be executed by the County Clerk and Recorder.

(i) A certificate of an attorney that title to the property is in the name of those parties executing the dedication, and that property dedicated to the City will be free and clear of all liens and encumbrances affecting marketability.

(j) A certificate by the Community Development Director specifying which improvements have been completed.

(k) A certificate by the City Clerk as to receipt of any security for the completion of improvements.

(l) The name of the subdivision and the name and address of the subdivider, and his representative if applicable, said information to be included within a title box on the lower right corner.

(m) The name of the surveyor preparing the plat, the date of the plat, said information to be included within a title box on the lower right corner.

(n) The scale used, direction of true north, and basis of bearing, based on City of Delta Controls.

(o) A location sketch map showing the project location in relation to the City of Delta, with appropriate reference to significant roads or highways.

(p) The gross area and area excluding dedicated public ways and property of the subdivision.

(q) The location of watercourses including streams, lakes, wetlands, swamps, ditches and flood prone areas; and the location of rights-of-way and easements.

(r) The layout, location and name of streets, the layout and location of alleys, bike paths, utility easements and pedestrian walks, and layout of all lots showing dimensions and lot areas, and any building envelopes or building lines which differ from zoning setbacks, if any.

(s) The location of all parks, trails and recreation paths, open space and any land to be reserved or dedicated for public or other uses.

(t) The boundaries of the "base flood" (100-year flood) and "floodway" and base flood elevation data, as defined and specified in the City's Flood Plain Management Regulations.

(u) The location and description of all monuments and coordinates of all external boundary monuments based on Delta Control System.

(v) Plat notes and restrictions as appropriate to implement compliance with this Chapter, conditions of approval, and as necessary or desirable to implement the City's Comprehensive Plan.

(w) Existing improvements, including buildings and septic system locations if applicable.

(5) The final plat shall be accompanied by a computation showing closure of the tract boundary to one foot (1') in five thousand feet (5,000') or better. The final plat and accompanying plans shall be drawn to a scale of not less than one inch equals one hundred feet (1" = 100'). The City may have the plat checked by an independent registered surveyor at the subdivider's expense.

(6) The final plat may be submitted for a portion of the preliminary plat, or "phased", subject to the following conditions:

(a) All required improvements, utilities and road infrastructure must be accessible to the remaining aggregate of unsubdivided land, and "outlots"

(b) In instances where completion of required improvements, utilities or road infrastructure within the outlot is necessary to serve the lots in the partial final plat, the developer shall be required to complete said improvements, utilities or road infrastructure upon approval of that final plat. This may include, but not be limited to, completion of necessary road infrastructure, stormwater drainage system, trails and park development.

(c) In instances where the dedication or conveyance of land or easements within the outlot is necessary to serve lots in the partial final plat, the developer shall be required to dedicate said lands or easements upon approval of that partial final plat. This may include, but not be limited to, the dedication, conveyance and development of land for parks, trails, open space, right-of-way and easements.

(7) The final plat shall be accompanied by security for the completion of any uncompleted improvements in accordance with Section 16.04.080 of these regulations.

(8) Accompanying the final plat shall be the record drawings ("as-builts") for streets, sanitary sewers, storm sewers, drainage systems, water systems and fire systems

showing grades, pipe sizes, outlets, connection points, and service tap and stub-out locations, including elevations based on the Delta Control System, and other information which the City may require along with record drawings plans for all other utility systems. Record drawings and data shall also be provided on diskette in a digital format compatible with City computer systems, and in accordance with City specifications. Record drawings for any improvements not completed at the time the final plat is submitted shall be submitted prior to inspection or approval of the improvements and release of any security.

(9) The City shall schedule the final plat to be considered by the Planning Commission at a regular meeting no sooner than 30 days after the plat and required supporting material is received by the City and determined by the City to be in substantial compliance with final plat submittal requirements. Final plats of subdivisions where no substantive changes have been made since preliminary plat approval, and where all conditions of preliminary plat approval have been met will not require Planning Commission review and recommendation prior to scheduling City Council review. In all cases, however, adequate time for administrative and legal review must be allowed prior to placing the plat onto a City Council agenda.

(10) When applicable, the Planning Commission shall review the final plat and either recommend approval or disapproval of the plat with or without conditions.

(11) If disapproved, the reasons for recommending disapproval shall be included in the minutes of the Planning Commission meeting and provided to the subdivider in writing upon request.

(12) Unless the subdivider withdraws the plat, it shall be submitted to the City Council for review and action. The Council may approve the plat, approve it subject to conditions necessary to implement the provisions of this Chapter, or disapprove the final plat if it finds that the requirements of these regulations have not been met.

(13) Following final approval and execution by the City, the plat shall be recorded by the City.

(14) No final plat shall be recorded by the City until:

(a) All of the improvements required by these subdivision regulations have either been installed, inspected and approved by the City or a subdivision improvements agreement for the improvement(s) with a security arrangement in accordance with the provisions of Section 16.04.080 of these regulations has been

properly executed by the subdivider on forms approved by the City.

(b) Two reproducible mylars of the plat in final form fully executed by all required parties except the City, along with a diskette in a digital format acceptable to the City, and compatible with the City's GIS system have been submitted.

(c) Payment to the City of all reimbursable expenses has been received.

(d) Final plat approval shall expire if the requirements of this paragraph 13 are not met within 90 days of approval. (Ord. 5, §1, 2004; Ord. 3, §1-3, 2008)

16.04.060: REQUIRED IMPROVEMENTS AND DEDICATIONS: All Subdivisions and improvements shall be in substantial compliance with the City Comprehensive Plan.

(A) All subdivisions shall be provided, at the expense of the subdivider, with the following improvements as required to serve the subdivision and to mitigate its impacts, including but not necessarily limited to the following:

(1) Street improvements:

(a) Paved streets;

(b) Paved alleys, if required by the City;

(c) Street signs;

(d) Street lights;

(e) On and off-site traffic mitigation improvements;

(f) State highway intersection improvements required by CDOT to serve the development.

(2) Curbs, gutters, sidewalks and ADA accessibility ramps

(3) Public Utilities:

(a) A water system including fire hydrants and fire mains;

(b) A sanitary sewer system;

(c) A stormwater system;

(d) Other public utilities, including if available, gas, electricity, telephone and CATV;

- (4) Parks, open space, bikepaths, pedestrian and recreation trails;
- (5) Piped drainage facilities and waterways.
- (6) Survey monuments;
- (7) Berms, screening and buffers, if applicable;
- (8) Off-street parking, mailbox location areas and school bus stops, if applicable.
- (9) Piped ditches.

(B) (1) A subdivider may provide, at the subdivider's expense, certain private improvements including, but not limited to recreational facilities, open space, parks, pedestrian walkways, trails, drainage facilities, pond and waterway, berms, screening and buffers, etc., to serve the subdivision or to mitigate its impacts, in accordance with duly adopted City standards, if applicable.

(2) Land proposed to be left as substantially undeveloped open space must be designed, located, altered, owned and maintained as appropriate to eliminate trash, weeds, litter, nuisances or junk, dumping, and to mitigate any safety or fire hazard.

(3) The City may require the installation of ditch, storm drainage, flood protection improvements, retention or detention areas, waterway piping or other improvements to be privately owned and maintained, as appropriate to serve or protect the subdivision and other properties.

(4) An area shall be provided for mail boxes and school bus stops when due to subdivision size or location, they are deemed necessary.

(5) The plat shall contain for all privately owned improvements, appropriate restrictions on the use and covenants for ownership and maintenance, in perpetuity, enforceable by the City, providing for recovery of the City's costs by liens or assessment against the property in the subdivision.

(6) Construction of any such improvements shall be completed or secured similar to public improvements prior to final plat approval.

(C) Other improvements may be required as a condition of approval when found to be roughly proportional to the impacts being mitigated.

(D) All improvements shall be constructed in accordance with these regulations, other applicable City design and construction specifications and standards and other applicable City ordinances or regulations, in substantial conformity with the preliminary plat as approved and in accordance with good engineering and construction practices.

(E) Following the completion of any required improvements and submission of the as-built plans (record drawings), the City shall conduct an inspection and if the improvements are in accordance with the requirements of these and other applicable regulations and good engineering and construction standards, the City shall issue a certificate of completion, and shall thereafter own all public improvements. For a period of one year thereafter, the subdivider shall be responsible to correct all defects or failures which appear in such improvements. The City may make warranty inspections of the improvements. The City shall give the subdivider a list of any corrections to be made. The warranty shall continue, however, until all corrections are made and approved.

(F) All property, and easements dedicated to the City on any plat shall become property of the City upon approval and execution of the plat by the City, free and clear of all mortgages, liens and encumbrances.

(G) All property and easements must be dedicated to the City, free and clear of all liens and encumbrances by the owners of any interest therein except the owners of severed mineral interests. (Ord. 5, §1, 2004)

16.04.070: MINIMUM DESIGN STANDARDS:

(A) All public improvements shall be constructed in accordance with the minimum standards set forth below and other applicable City design and construction specifications and standards, and other applicable City ordinances or regulations. All public and private improvements shall be in substantial conformity with the preliminary plat as approved, the City Comprehensive Plan and amendments thereto, and in accordance with good engineering and construction practices.

(B) The City may allow a deviation from these design standards under the following circumstances:

- 1) The deviation is not intended to merely reduce the cost to the developer, and will not adversely affect the quality of the subdivision or the public health, safety and welfare, and will not undermine the purposes of these regulations, or be substantially inconsistent with the City's Comprehensive Plan, and.
- 2) (a) The alternative design is necessary to reasonably accommodate development of unusually shaped parcels or

parcels with waterways or other limiting topographical features, or

(b) The alternative design will more effectively implement the purposes of these regulations and the public health, safety and welfare, or

(c) The alternative design is superior in functionality, durability or utility to the City, or

(d) The alternative design will conform to existing adequate public improvements within the subdivision previously approved by the City.

(C) Streets:

1) Subdivider shall be required to make and install improvements to existing streets within and abutting the subdivision and in other areas outside the subdivision, including but not limited to curbs, gutters, sidewalks and street paving improvements, when the subdivision will create a need for said improvements outside the subdivision itself, or a need to expand or improve existing public improvements to current standards in order to properly serve the subdivision, or if the subdivider or their predecessors of interest by virtue of their actions and the timing and scope of development of the subdivision or other property have created a situation where the needed improvements were not previously improved or installed. It shall be presumed that existing streets and sidewalks directly abutting the subdivision must be improved to current City standards in order to properly serve the subdivision.

2) In those cases where the City determines that the immediate improvement of the abutting street, or other on-site or off-site improvements, is not currently practical, or should be delayed, or the costs of such improvements should be shared with additional property likely to use and be benefited by the improvements, such as future State highway intersection improvements mandated by CDOT, the developer may be allowed to execute recordable covenants on the plat or separately on a form provided by the City, binding the lots in the subdivision to future assessments or participation in an improvement district for the construction of such improvements.

(3) Wherever topography will permit, the arrangement of streets shall provide for the alignment with and continuation of existing streets in adjoining areas, and where applicable, shall be consistent with the City's Major Street Plan. Additional right of way must be dedicated for such streets notwithstanding whether current street construction is required as part of the subdivision.

(4) Cul-de-sacs shall terminate in a circular turn-around having a minimum right of way of at least one hundred feet (100') in diameter and a paved turn-around with a minimum outside diameter of eighty feet (80'). Cul-de-sacs shall be located at least forty feet (40') from intersections. Cul-de-sacs shall have a maximum length of seven hundred feet (700') and may be abutted by no more than twenty-five (25) lots, units, or property interests even if its length is less than seven hundred feet. It is provided, however, that such length requirements may be modified when appropriate due to the topography or physical shape of the property being subdivided.

(5) Dead-end streets are prohibited, unless they are designed to connect with future streets in adjacent unplatted land, in which case, temporary dead-end streets which extend for a distance greater than the depth of one abutting lot provided with a temporary turn-around having a diameter of at least eighty feet (80'), may be allowed.

(6) Half streets are prohibited. Whenever a new street is proposed along the edge of the subdivision, the entire street shall be dedicated and improved within the subdivision.

(7) No more than two (2) streets shall intersect at any point except where alternative street designs, such as roundabouts, are employed. Intersections shall be as near as practicable to ninety degrees (90^N).

(8) The length of local streets between intersections shall be a maximum of fifteen hundred feet (1,500').

(9) Reverse curves shall conform to the design criteria as stated in the City's Standards and Specifications. A street shall have a minimum straight distance of one hundred feet (100') from the intersection before it may be curved. No street shall intersect any other street at an angle of less than sixty degrees. The angle of the intersection is to be measured at the intersection of the street centerlines.

(10) All lots shall have direct access to a dedicated street, except that reciprocal access easements may be approved to accommodate subdivisions with multiple commercial units with contiguous parking areas in commercial zoning districts.

(11) Any two (2) streets which intersect a common third street shall have center lines no closer than one hundred twenty five feet (125') from one another except where alternative street designs, such as roundabouts, are employed.

(12) Street names shall not be used which will duplicate or be confused with the names of existing streets and shall be subject to approval by the City. Street numbers shall be assigned by the City staff.

(13) Streets shall be developed in accordance with the Major Street Plan as required by the City. The minimum dedicated right of way shall be as follows, except as provided in subsection 16.04.070(D)(1), or as noted below. Collector right-of-way widths may be required for local streets which were dedicated or conveyed in conjunction with subdivisions previously approved by the City or County which required 60' wide streets.

<u>Street Classification</u>	<u>Minimum Right of Way</u>	<u>Minimum Pavement Width Between Face of Curbs</u>
Major Arterial	100 feet	64 feet
Minor Arterial	80 feet	48 feet
Collector	60 feet	42 feet
Local	50 feet	38 feet

(14) Subdivisions which include any part of an existing street which does not conform to the minimum right-of-way requirements of these regulations shall provide additional width as required to meet the minimum right-of-way requirements of these regulations to the extent practicable.

(15) No street grade shall be less than one-half of one percent (0.5%) or exceed the following maximum grade:

<u>Street Classification</u>	<u>Maximum % Grade</u>
Major Arterial	5%
Minor Arterial	5%
Collector	8%
Local	8%

(16) The radius of any curve on a major arterial or minor arterial street shall not be less than four hundred feet (400'). The radius of any curve on a collector street shall not be less than three hundred feet (300'). The

radius of any curve on a local street shall not be less than one hundred feet (100').

(17) The minimum sight distance on a major arterial street, or minor arterial street shall be five hundred feet (500'); on a collector street, three hundred feet (300'); and on local streets, two hundred feet (200'); as measured between points four feet (4') above the centerline of the street.

(18) Alleys shall be provided at the rear of lots which are commercially zoned except where the subdivider can demonstrate that loading, trash pick-up and utilities can be better served without an alley. Alleys shall be a minimum twenty feet (20') in width and shall be paved in accordance with City specifications. New alleys shall be maintained by the abutting property owners or lot owners association, and a plat note provided on the plat for this purpose.

(19) Driveways and intersections shall comply with City access standards and the Major Street Plan.

(20) Additional pedestrian ways, not less than 10' wide, may be required to provide access between non-through streets such as cul-de-sacs, and to schools, playgrounds, shopping centers, open space, other community facilities, or adjacent parcels.

(21) Private streets shall not be approved except in a planned unit development.

(22) Where reasonably necessary to provide street access to an adjoining tract, a street shall be dedicated to the boundary of such property.

(23) All subdivisions which contain more than 25 lots, units or interests shall have more than one street access to the subdivision in order to provide for the public safety.

(24) Local and collector streets shall be laid out so that their use by major through traffic will be discouraged. Expected volumes on proposed streets should not exceed the range acceptable for their assigned classification as established by the Major Street Plan.

(25) When a tract is subdivided into larger than normal building lot(s) or parcel(s), such lot(s) or parcel(s) shall be so arranged as to permit the logical location and

opening of future streets and appropriate resubdivision, with provision for adequate utility easements and connectors for such resubdivision.

(26) Where a street will eventually be extended beyond the subdivision, but is temporarily dead-ended, an interim turnaround shall be required.

(27) Where a subdivision borders or contains a state or federal highway or railroad right-of-way, the City may require adequate provisions for separation and reduction of noise. A parallel street, landscaping, screening, sound wall, easement, greater lot depth, increased rear yard setbacks and fencing, among others, are some appropriate measures for mitigating undesired noise and other highway impacts.

(28) Where railroad crossings are proposed or are affected, provisions for grade separation, buffer strips and safety protection devices shall be provided by the applicant or railroad as required. Obtaining approval from the affected railroad company and the Colorado Public Utilities Commission, where applicable, shall be the applicant's responsibility.

(29) Mid-block pedestrian crossings may be required if determined by the City to be necessary.

(D) Curb, gutter and sidewalks:

(1) Curb, gutter and six foot (6') sidewalks shall be provided along major and minor arterials; curb, gutter and five foot (5') sidewalks shall be provided along collector and local streets. The following exceptions may apply, provided however, that streets designated as major or minor arterial or collector streets by the City's Major Street Plan shall have curbs, gutter and sidewalks:

(a) A subdivider may, however, elect not to install curb, gutter and sidewalk on local, internal streets in "estate subdivisions". "Estate subdivisions" are those subdivisions with a minimum lot size of one-half (0.5) of an acre, a maximum lot size of five (5.00) acres, an average lot size of at least one acre, and a gross area of at least ten (10) acres. In such cases, local streets shall have a minimum right of way of sixty feet (60'), a minimum pavement width of thirty six feet (36'), gravel based shoulders - on each side two feet (2') in width, and stormwater drains as approved by the City. Sidewalks or recreations paths

shall still be required to access parks and open space. Sidewalks shall also be located and constructed as necessary to interconnect the subdivision and lots therein with the network of City sidewalks, recreations paths and trails, and as necessary to provide logical and convenient pedestrian access and circulation within the subdivision.

(b) In industrially zoned subdivisions, the subdivider may elect to install concrete valley pans in lieu of curb, gutter and sidewalk on internal streets which only serve the industrial subdivision. In order to provide for pedestrian needs, all collector, arterial and external abutting streets shall be constructed in conformity with City requirements for curb, gutter and sidewalks.

(2) Where curb and gutter are to be constructed, vertical curb shall be required for all arterial and collector streets. Combination curb, gutter and sidewalk (rolled curb) which meets City specifications may be used only on local residential streets. On local streets, where safety considerations require access to be controlled, vertical curb shall be used to effect such control.

(3) Accessibility ramps shall be provided in accordance with the Americans with Disabilities Act and City Standards and Specifications. ADA preferred options must be used, unless other options are specifically approved by the City.

(4) The City may require any sidewalk to be wider than those standards set forth herein, upon a finding that greater widths are necessary to serve the subdivision due to high density of the subdivision; special needs of the residents or users of the subdivision; connection to existing wider sidewalks or recreation paths.

(5) Access drives onto existing streets which do not have curb, gutter and sidewalks shall comply with existing City and County standards for driveway construction.

(6) In subdivisions where alternatives to curb, gutter and sidewalk are utilized, weed control of gravel shoulders shall be the responsibility of the abutting property owner, and so noted on the plat.

(E) Blocks and Lots:

(1) Blocks shall have a length of at least four hundred feet (400') and not more than one thousand five hundred

feet (1,500'). In residentially zoned districts, blocks shall be wide enough to permit two (2) lots between lengthwise streets.

(2) (a) The building line for residential lots that adjoin collector streets shall be set back no less than twenty-five feet (25') from the property line that is shared in common with the boundary line of the collector street.

(b) The building line for residential lots that adjoin arterial streets shall be set back no less than forty feet (40') from the property line that is shared in common with the boundary line of the arterial street.

(3) Minimum lot size must conform to zoning regulations, but in no case shall it be less than 6000 square feet. Minimum lot width at the front building line of residential lots shall be 50' minimum, except that lots abutting cul-de-sacs shall have at least twenty-five (25') of linear frontage to the cul-de-sac.

(4) Residential lots which abut a street in the front and the rear should be avoided except where they are needed to provide for the separation of residential development from major streets or railroad right-of-way, or to overcome specific disadvantages or topography, in which case such a lot shall have a minimum depth of 125'. Privacy fencing or landscape screening may be required where side or rear yards back onto arterial streets or railroad ROW. There shall be no right of access across such a fence or screening easement.

(5) Side lot lines shall be as close as practical to and perpendicular to the tangent line of the abutting street.

(6) Every lot shall front on a designated collector or local street. No lot shall front on a major arterial or minor arterial street. No access shall be permitted directly from a lot to a major arterial or minor arterial street. However, new lots may be created which have access onto an arterial street if the following conditions are met:

(a) The subdivision contains no more than 3 lots,

(b) A shared access easement is utilized so that no new access points are created, or the total number of access points onto the parcel is not increased,

(c) No more than 1 additional lot may be created which has such access in any subdivision,

(d) A plat note shall be employed to prohibit further subdivision of or construction of multi-family residences unless local street access is provided.

(e) An easement must be provided which reserves adequate room for automobile turnaround space within the lot.

(7) Lots designed to have access onto a collector or arterial street shall provide adequate room for automobile turnaround space within the lot so that vehicles will not back onto street right-of-ways. The provision of combined access points, to serve two (2) or more lots is encouraged in commercial areas in order to minimize disruptions to traffic flow along the adjacent collector or arterial roadway. Shared driveways are encouraged for residential lots adjacent to collector streets. Residential lots utilizing shared driveways shall be provided with T shaped easements a minimum of 20' wide.

(8) The lot depth shall not be more than three (3) times the lot width at the front building line except in instances of extreme topography or unusual physical conditions or as noted below:

(a) Flag lots which do not meet the above proportion requirement may be allowed where topography or other unique physical circumstances necessitate the use of such design, so long as they meet the following criteria:

(i) in residential zones, a minimum width of 60' feet must be provided for the driveway (flagpole), except a minimum width of 25' may be provided for the driveway (flagpole), if further subdivision of the lot is prohibited by a plat note.

(ii) no flag lot shall abut more than one other flag lot.

(iii) the lot area occupied by the flag driveway shall not be counted as part of the required minimum lot area. Setbacks will be applied only to the area occupied by the primary (flag)

portion of the lot, with the driveway disregarded for application of setbacks.

- (iv) no flag driveway (flagpole) shall be longer than 150 feet,
- (v) in no instances shall flag lots constitute more than 5% of the total number of building sites in a given development, or 3 lots (whichever is more);
- (vi) flag lots shall not be permitted whenever their effect would be to increase the number of building sites taking driveway access to an arterial street.
- (vii) no structures shall be allowed to be placed within the flagpole area.
- (viii) lots shall be designed to allow vehicles to exit driving forward.

(10) All lots should be large enough to permit location of a building which conforms to building lines, irrespective of minimum lot size.

(11) The layout of lots and blocks should provide desirable settings for structures by making use of natural contours and maintaining existing views, affording privacy for the residents and protection from adverse noise and vehicular traffic. Natural features and vegetation of the area should be preserved to the greatest extent possible.

(12) Unique site features, whether topographic or vegetative, shall receive special consideration in any subdivision design. Such features should be left undisturbed wherever practical in lot development. Significant natural drainageways shall not be disturbed or re-routed except where of general benefit to the overall development.

(F) Easements:

(1) Utility easements shall be dedicated on the final plat with a width as reasonably required by the affected utilities, but no less than a minimum of 20' wide. Wherever possible, easements shall be centered on lot lines.

(2) Easements for irrigation or waste-water ditches or pipelines shall be a minimum of 20' wide, with greater widths provided as requested by the affected irrigation company. Where access for maintenance is needed, sufficient width should be provided for maintenance vehicles. When irrigation or waste-water pipelines or ditches share easements with utilities, additional easement width should be provided to minimize conflicts between the uses.

(3) Where a proposed subdivision is traversed by a water course or drainage way, appropriate provisions shall be made to accommodate storm water and drainage through and from the proposed subdivision. Such easements shall conform substantially with the lines of said water course and be of sufficient width for construction and maintenance or both.

(G) Parks, Trails, Open Space, Recreation Facilities, Common Areas:

(1) The provision of parks, trails, open space, common areas, and recreation facilities shall conform to the minimum design standards as set forth herein, and the City specifications for parks.

(2) All non-public common areas or elements and open spaces will be owned, located, constructed, installed and maintained in perpetuity, with appropriate City approved plat restrictions on use and covenants for ownership and maintenance. All non-public common areas shall be located, constructed and installed in compliance with plans as reviewed and approved pursuant to these regulations.

(3) Public parks, sidewalks, bike paths, recreation trails, pedestrian walkways and parkways shall be provided consistent with the City's Comprehensive Plan, integrated with existing and planned sidewalks, bikepaths, parks, recreation trails, pedestrian walkways and parkways whenever feasible and shall be designed and constructed in accordance with City design and construction standards.

(4) Unless otherwise authorized, areas which will be available for use by the public in addition to the residents of any subdivision shall be conveyed by easement or dedication to the City. Sidewalk and recreation trails shall conform to the Americans with Disabilities Act where applicable.

(5) Unless otherwise authorized, parks developed in accordance with City standards and specifications at least two acres in size, shall include all-weather restrooms and adequate parking areas to City standards and shall be dedicated to the City for public use. Parks containing less than two acres shall be owned and maintained under common ownership, and shall be a minimum of one acre in size.

(6) Natural watercourses shall be developed and preserved consistent with City Floodplain Management Regulations, Storm Drainage Requirements and Federal Clean Water Act Section 404 Permit requirements, to minimize safety, environmental, and other hazards, and shall be integrated with the City's Comprehensive Plan for such watercourses whenever feasible. Parks, open space, and trails shall be sited in flood plains instead of developed lots when reasonable to do so.

(7) Developed, dedicated parks shall be provided at the developer's expense for all subdivisions, except boundary adjustments and replats as defined in these regulations, those with plat restrictions prohibiting residences, or within the I-1 and I-2 zones. In accordance with the National Parks Standard adopted by the City, subdividers shall dedicate developed park land based upon a formula of ten (10) acres of developed and usable park land per density of one thousand (1,000) residents, calculated at build-out of the proposed subdivision. For purpose of this calculation, it shall be assumed that each residential unit shall house two and one-half (2.5) residents.

(8) For purposes of these provisions, developed park land shall require submittal and approval of a park plan (as part of the preliminary plat submittal) by the City, which plan shall address grading and topsoil preparation, access, irrigation system, park access, equipment, and landscape plantings.

(9) (a) For those subdivisions where the dedication of park land or open space is not practicable, such as subdivisions involving small land area or few lots or other unusual circumstances, or when the required acreage computed by the formula of paragraph 7 above is less than one acre, the City may require or accept a cash payment in lieu of construction of developed parks based upon the City's average park development costs and land acquisition costs as stated below. Payment in lieu of shall be calculated as follows:

Number of additional Lots or Units created x 0.025
(acres park land per lot or unit) x \$48,120.00 (value
per developed park land acre based upon \$15,000 per
acre land value plus \$33,120 park land development
cost) = \$1203.00 per lot or unit

(b) Such payments shall be collected prior to recording the final plat and used by the City for park acquisition and development purposes. Such payment may be subject to a City discount established by City Council from time to time (initially \$414 per lot or unit) to recognize a City wide contribution toward regional parks.

(c) The City may also require development of only a portion of the park requirement as appropriate to meet the need for a neighborhood park and require a payment in lieu for the remainder of the obligation to be utilized by the City for community parks. In determining which of the combination of the above policies to implement the City will consider the following: The size of the development and its adequacy for accommodating a suitable public use site; 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 subdivision; and any other appropriate factors.

(10) When authorized by the City, requirements for developed park land may be partially or wholly met all or in part by alternative provision of public access open space areas such as riparian habitat, floodplains, wetlands habitat, view corridors or trails. The appraised land value of such an alternative dedication shall be equal to the total value of the developed park land which it replaces based on values as calculated pursuant to paragraph 9(a) above.

(11) All developed park areas shall be designed and constructed so that they are accessible to both pedestrians and vehicles.

(H) Irrigation, Wastewater, Seep, and Drainage Ditches & Pipelines:

(1) All ditches shall be piped, with the following exceptions:

(a) Large canals where it is currently unfeasible or unpractical to pipe or cover, shall be protected by fencing to protect the life, safety and welfare of the public. Security for future piping of such canals may be required in the form of a covenant on the plat.

(b) Piping of ditches is not required for those properties that are within the A-1 zone, or where all proposed lots are larger than 1 acre, except as noted in (2) below.

(2) In all cases, where irrigation or other ditches are located adjacent to and/or within road right-of-ways, ditches should either be piped, or piping secured, and appropriate easements provided. In cases where irrigation pipelines share easements with any other utility, additional easement width shall be provided to separate said pipelines or ditches from other utilities, and minimize conflicts between the different uses.

(3) Appropriate easements shall be dedicated on the plat to Uncompahgre Water Users Association, or other ditch owner unless the City authorizes the ditch to be in a street right-of-way.

(4) Perpetual maintenance shall be provided pursuant to plat notes. The City shall not be named responsible for said maintenance.

(5) Permission shall be acquired, in writing, from all applicable owners of ditch facilities prior to improvements thereto.

(I) Utilities:

(1) All utilities shall be installed underground unless the City determines that soil or topographic conditions make that impracticable. Utilities such as telephone, television cable, electric and gas services shall be installed in accordance with the standards of the servicing company.

(2) Utilities shall be installed prior to the paving of any street under which they are to be located and the individual service lines shall be connected and stubbed out prior to paving, in order to avoid the necessity of cutting into the pavement to connect any abutting lots.

Where an entire subdivision is adjacent to an existing improved street, and no new street construction is

required, street crossings for dry utilities such as power, cable, phone, etc, must be accomplished by boring rather than an open street cut, and a sleeve provided for these utilities, at a minimum.

(3) Utilities will be sized and placed as necessary to facilitate connection with future subdivisions and developments. At a minimum, six inch (6") water main lines shall be provided in residential zoning districts, and eight-inch (8") water main lines shall be provided in commercial and industrial zoning districts. At a minimum, eight-inch (8") sewer main lines shall be provided in all zoning districts.

(4) The City may elect to require over-sizing of the extended utility and may participate in the cost of over sizing City mains above the size necessary to serve the subdivision.

(5) Water and sewer lines shall be designed to best accommodate extension to all adjacent properties which may develop at a later time.

(6) City water systems shall be provided except where the City has required an alternative water supplier by service area agreement with such alternative provider.

(7) Individual sewage disposal systems may be used instead of City sewer service only on the following conditions:

(a) More than a 1/4 mile extension of City sewer main would need to be constructed at the developer's cost in order to reach the closest point of the subdivision;

(b) Further subdivision of any lot is prohibited unless City sewer service is provided;

(c) Each lot shall be subject to a covenant to participate in the cost of a sewer extension project to serve the lot, payment of tap fees, system improvement fees and other charges, by assessment, improvement district or otherwise, and to connect to City sewer upon the City's request.

(d) No lot may be smaller than 1 acre, or such larger lot as required by County Health Department ISDS requirements.

(e) Uses are restricted to uses eligible for ISDS systems.

(f) The plat shall contain notes in a City approved form implementing these provisions.

(g) Health Department inspection of the site must be made and written verification from the Health Department must be provided prior to recording the final plat indicating that ISDS can be constructed on each lot.

(8) Prior to any installation or construction of utility extensions, the subdivider shall first submit proposed alignment location maps and engineered drawings for City approval. The subdivider shall acquire all necessary easements for the proposed utility location from all affected properties. The easements shall be conveyed to the City and executed on applicable City forms. City Right-of-Way Excavation and Revocable Encroachment permits shall be acquired prior to work.

(9) All utility extensions shall be subject to City inspection and approval. The City may elect to contract inspection services at the subdivider's expense.

(10) All utility main line extensions, once approved by the City, shall be dedicated to the City with applicable utility easements. As-built plans and data shall be provided on hard copy in accordance with these provisions and on diskette in a digital format compatible with City computer systems.

(J) Monuments: All lots and related streets shall be monumented in accord with the requirements of C.R.S. §38-51-104 and 38-51-105 and in further accord with the requirements of Section 1.25.03 and all other applicable sections of the City of Delta's Standards and Specifications for the Development and Construction of Public Improvements, and future amendments thereof.

(K) Flood Protection and Storm Drainage:

(1) Where watercourses or ditches traverse the subdivision, facilities shall be designed and provided to protect against flooding, in accordance with City Flood Plain Regulations.

(2) Stormwater discharge improvements shall be engineered and approved in accordance with City specifications and the

City Stormwater Management Manual. An adequate drainage system, including the necessary pipes, culverts, storm sewers, intersectional drains, drop inlets, bridges, and other necessary appurtenances shall be designed and installed by the subdivider according to plans and specifications adopted by the City. Detention or retention areas shall be provided for storm water drainage as needed.

(3) No discharge of urban stormwater into any irrigation ditches, pipelines, or canal facilities shall be allowed without written permission received from applicable owner of said facilities and water users.

(4) Historical flow patterns and runoff amounts shall be maintained in such a manner that preserve the natural character of the area and prevent property damage of the type generally attributed to runoff rate or velocity increase, diversion concentrations and/or unplanned ponding of storm runoff.

(5) Surface drainage shall utilize, wherever possible and practical, natural swales and retention/detention ponds. Retention and detention ponds and swales shall be planted with grass and kept mowed, and maintenance covenants placed on the plat.

(L) Street Lights: Street lights shall be provided at all intersections and at intervals between intersections conforming to City standards and specifications.

(M) Berms, screening and buffers:

(1) Where a residential lot abuts an arterial street or railroad right-of-way, the subdivider shall provide an easement of no less than twenty (20) feet, with provisions for perpetual maintenance. In this easement, the subdivider may be required to install, construct or plant effective screening in accordance with the standards set out below, or as otherwise approved by the City.

(a) The required screening may be natural planting, or constructed of brick, stone, masonry block, wood or any other materials approved by the City.

(b) Walls and fences shall be of sufficient height to function as a device to screen the property from passing traffic and to provide privacy for the residents.

(c) Trees are recommended as the most desirable screening device. When used, the subdivider is encouraged to plant the trees early in the development of the subdivision. Trees shall be planted a maximum of twenty (20) feet apart measuring from trunk to trunk.

(2) Buffers and/or screening may be required between incompatible uses both within the subdivision and adjoining the subdivision. Design shall include adequate provisions for reduction of noise and visual buffering. A parallel street, fence, landscaped buffer area or berm, or lots with increased setbacks may be required.

(N) Mail box areas: An area shall be provided for mail boxes acceptable to the Post Office, which reduces traffic hazards, with appropriate maintenance covenants on the plat.

(O) School bus stops: An area for the safe use of school buses acceptable to the School District shall be provided in residential subdivisions if requested by the School District.

(P) Agricultural protection: Subdivisions shall be designed to avoid unreasonable interference with existing agricultural operations in the area. Plat notes may be used to protect agricultural operations. Buffers shall be provided as appropriate.

(Q) Plat notes:

(1) Plat notes and covenants may be required by the City as appropriate to implement the provisions of these regulations. Plat notes shall run with the land and bind all successors in interest thereto.

(2) Any plat notes on prior County Subdivision or PUD plats, or plats of survey which created new parcels, including those notes requiring release by the County Commissioners, shall not be enforceable by the City, and are superseded unless reiterated on the plat. Plat notes which are intended to benefit lot owners within the subdivision will be reiterated unless such owners sign a document to indicate their concurrence with the proposed plat notes.

(3) Plat notes on prior City plats are superseded unless reiterated on the plat.

(R) State Highway Access: Access to State Highways shall be in accordance with the State Highway Access Code. The subdivider/developer shall be responsible for submitting the application and supporting documentation required by the Colorado Department of Transportation (CDOT), providing copies of the approved access permit from CDOT to the City as part of the preliminary plat submittal and constructing all CDOT required improvements prior to the final plat submittal. (Ord. 5, §1, 2004; Ord. 38, §5, 2006; Ord. 12, 2007; Ord. 3, §4-9, 2008)

16.04.080: SECURITY FOR COMPLETION OF IMPROVEMENTS:

(A) The intent of Section 16.04.050, Subdivision Procedure, is to have all necessary subdivision improvements constructed before recording of the final plat. A Subdivision Improvements Agreement ("SIA") on forms approved by the City shall be recorded with any final plat on which any required subdivision improvements have not been previously completed. If the subdivider wishes to have the final plat approved prior to the installation, inspection and approval of all required improvements, security must be provided to guarantee the completion of all improvements by the date specified in the SIA or, at maximum, within four (4) years after approval of the final plat in accordance with this Section. Said security shall be in the form of either of the following:

(1) A subdivision improvements and lien agreement placing an adequate lien on subdivided lots, together with an escrow account with the City into which the subdivider shall pay, prior to the sale of any lot in the subdivision, an amount to be verified by the City (with cost estimates provided by the subdivider) as follows:

- For improvements to be completed within one year of final plat approval, an amount equal to one hundred fifty percent (150%) of the pro rata cost to complete all improvements necessary to serve the pertinent lots;
- For improvements to be completed within two years of final plat approval, an amount equal to two hundred percent (200%) of the pro rata cost to complete all improvements necessary to serve the pertinent lots;
- For improvements to be completed within three years of final plat approval, an amount equal to two hundred fifty percent (250%) of the pro rata cost to complete all improvements necessary to serve the pertinent lots;

- For improvements to be completed within four years of final plat approval, an amount equal to three hundred percent (300%) of the pro rata cost to complete all improvements necessary to serve the pertinent lots; or

(2) A cash escrow deposited with the City, or a clean irrevocable letter of credit issued to the City by an acceptable lender or other issuer, in an amount to be verified by the City (with cost estimates provided by the subdivider). The amount shall be sufficient to complete all improvements necessary to serve the subdivision and shall be computed in accord with the provisions of the preceding subsection (1).

Payment in lieu of parks fees required by Section 16.04.070(G)(9) shall be collected prior to recording the final plat, and shall not be postponed by means of a subdivision improvements agreement or other arrangement.

(B) Funds in any escrow account shall be returned to the subdivider upon the completion of the improvement secured, submission of record drawings, and acceptance by the City.

(C) The subdivider shall complete all improvements by the stated completion date. In the event that all required improvements are not completed, inspected and approved by the completion date, the City may withhold further building or occupancy permits, or water taps or sewer taps in such subdivision until such improvements are completed. It shall then be unlawful to sell any further lots in the subdivision until all improvements are completed. The City may take any other lawful action to execute upon its security and otherwise enforce completion of the necessary improvements.

(D) The City Council may authorize extensions of time to complete all improvements beyond the four (4) year limitation contemplated herein. Such extensions will require review of, and will be incorporated into an amendment of, the Subdivision Improvements Agreement. (Ord. 5, §1, 2004; Ord. 15, §1, 2007)

16.04.090: MINOR SUBDIVISIONS:

(A) Subdivisions which meet all of the following criteria do not need a sketch plan or preliminary plat to be submitted.

(1) The subdivision results in no more than three (3) tracts or lots or interests.

(2) All lots or tracts are adjacent to a dedicated, accepted and constructed public street.

(3) All improvements required by these regulations other than fire hydrants, piped ditches, curb, gutter, sidewalk, and adjacent street improvements are already in existence and available to serve each lot, or have been secured. Curb, gutter and sidewalk, as required by 16.04.070(D) and piped ditches as required by 16.04.070 (H) must either be installed or security provided. Fire hydrants must be installed.

(4) Each lot will meet requirements of the City zoning regulations without the necessity for any variance and no variance has been granted within the three (3) previous years.

(5) No part of the subdivision has been approved as part of a minor subdivision or lot split within three (3) years prior to the date of submission of the minor subdivision plat.

(6) The subdivision must comply with the design standards of Section 16.04.070.

(B) Fifteen (15) copies of the minor subdivision plat shall be filed with the City, accompanied by an application and a filing fee in the amount set by City Council. Plats shall be stapled or otherwise bound, and folded. Plats which substantially conform to the submittal requirements must be received a minimum of twenty-one (21) days prior to a regularly scheduled Planning Commission meeting in order to be placed on the agenda.

(C) The plat shall meet the requirements for a final plat as required by subsection 16.04.050(E)(4), except that the Engineer's Certificate may be deleted.

(D) Following receipt of a plat and application for approval of a minor subdivision accompanied by the required fee which appear to comply with this Section, review shall be scheduled before the Planning Commission at which the applicant will have the burden of showing that the conditions specified in sub-section 16.04.090(A) above have been met. The Planning Commission may either recommend approval, disapproval or conditional approval of the plat subject to compliance with any minimum design standards; to dedication of additional right-of-way, easements, open space or park land; or to installation of additional improvements.

(E) Unless the subdivider withdraws the plat, it shall be submitted to the City Council for review and action. The Council may approve the plat, approve it subject to conditions

necessary to implement the provisions of this Chapter, or disapprove the final plat if it finds that the requirements of these regulations have not been met.

(F) No final plat shall be recorded by the City until:

(1) All of the improvements required by these subdivision regulations have either been installed, inspected and approved by the City or a subdivision improvements agreement for the improvement(s) with a security arrangement in accordance with the provisions of Section 16.04.080 of these regulations has been properly executed by the subdivider on forms approved by the City.

(2) Two reproducible mylars of the plat in final form fully executed by all required parties except the City, along with a diskette in a digital format acceptable to the City, and compatible with the City's GIS system have been submitted.

(3) Payment to the City of all reimbursable expenses has been received.

(4) Final plat approval shall expire if the requirements of this paragraph (F) are not met within 90 days of approval. (Ord. 5, §1, 2004)

16.04.100: LOT SPLITS:

(A) Subdivisions which meet all of the following criteria do not need a sketch plan or preliminary plat to be submitted and may be approved administratively by the City Manager or his designee.

(1) The subdivision results in no more than two (2) tracts or lots or interests.

(2) All lots or tracts are adjacent to a dedicated, accepted and constructed public street.

(3) The lots are part of a subdivision plat that has been approved and/or accepted by the City or Delta County and recorded in the Delta County Records.

(4) All improvements required by these regulations other than fire hydrants, piped ditches, curb, gutter, sidewalk, and adjacent street improvements are already in existence and available to serve each lot, or have been secured.

Curb, gutter and sidewalk, as required by 16.04.070(D) and piped ditches as required by 16.04.070(H) must either be installed or security provided. Fire hydrants must be installed.

(5) Each lot will meet requirements of the City zoning regulations without the necessity for any variance and no variance has been granted within the three (3) previous years.

(6) No part of the subdivision has been approved as part of a minor subdivision or lot split within three (3) years prior to the date of submission of the minor subdivision plat.

(7) No material changes to existing easements, plat notes, or restrictions which are for the benefit of third parties shall be made.

(8) The subdivision must comply with the design standards of Section 16.04.070.

(B) Seven copies of the lot split plat shall be filed with the City, accompanied by an application and a filing fee in the amount set by City Council. Plats shall be stapled or otherwise bound, and folded.

(C) The plat shall meet the requirements for a final plat as required by subsection 16.04.050(E)(4) except that the plat shall contain Certification on forms approved by the City to document approval of the plat, including but not limited to the following:

(1) The name of the subdivision and the name, address and phone number of the subdivider, and his representative if applicable.

(2) A certificate by a registered surveyor, attesting to the accuracy of the survey plat and placement of monuments, and compliance with the requirements of this Chapter and State law.

(3) The name of the surveyor preparing the plat and the date of the plat

(4) A certificate of an attorney that title to the property is in the name of those parties executing the dedication, and that property dedicated to the City will be

free and clear of all liens and encumbrances affecting marketability.

(5) A certificate of recording to be executed by the County Clerk and Recorder.

(6) A certificate of dedication (when applicable), ownership, and acknowledgement.

(7) A lienholder's certificate (if applicable).

(8) Separate certificates of approval of the plat for the City Manager and City Attorney.

(D) The City Manager or his designee may either approve the plat, approve it subject to dedication of required street right-of-way, easements for access, ditches, pipelines, or proposed or existing utilities and appurtenances, or disapprove the plat if it finds that the requirements of these regulations have not been met.

(E) No final plat shall be recorded by the City until:

(1) Two reproducible mylars of the plat in final form fully executed by all required parties except the City, along with a diskette in a digital format acceptable to the City, and compatible with the City's GIS system have been submitted.

(2) Payment to the City of all reimbursable expenses has been received.

(3) Final plat approval shall expire if the requirements of this paragraph (E) are not met within 90 days of approval. (Ord. 5, §1, 2004)

16.04.110: REPLATS:

(A) Replats which meet all of the following criteria may be submitted without a sketch plan or preliminary plat.

(1) The plat, as amended, does not increase the number of lots or reduces the number of lots within the subdivision; or the nature of the amendment is de minimis.

(2) All lots or tracts are adjacent to a dedicated and constructed public street.

(3) The lots are part of a subdivision plat which has been approved and/or accepted by the City or Delta County and recorded in the Delta County Records.

(4) All improvements required by these regulations other than fire hydrants, piped ditches, curb, gutter, sidewalk, and adjacent street improvements are already in existence and available to serve each lot, or have been secured. Curb, gutter and sidewalk, as required by 16.04.070(D) and piped ditches as required by 16.04.070(H) must either be installed or security provided. Fire hydrants must be installed.

(5) Each lot will meet requirements of the applicable City Zoning regulations without the necessity for any variance and no variance has been granted within the three (3) previous years.

(6) No material changes to existing easements, plat notes, or restrictions which are for the benefit of third parties shall be made.

(7) The subdivision must comply with the design standards of Section 16.04.070.

(B) Seven (7) copies of the plat shall be filed with the City accompanied by an application and a filing fee in the amount set by City Council. Plats shall be stapled or otherwise bound, and folded.

(C) The plat shall meet the requirements for a final plat as required by subsection 16.04.050(E) (4) except that the plat shall contain Certificates on forms approved by the City to document approval of the plat, including but not limited to the following:

(1) The name of the subdivision and the name, address and phone number of the subdivider, and his representative if applicable.

(2) A certificate by a registered surveyor, attesting to the accuracy of the survey plat and placement of monuments, and compliance with the requirements of this Chapter and State law.

(3) The name of the surveyor preparing the plat and the date of the plat

(4) A certificate of an attorney that title to the property is in the name of those parties executing the dedication, and that property dedicated to the City will be free and clear of all liens and encumbrances affecting marketability.

(5) A certificate of recording to be executed by the County Clerk and Recorder.

(6) A certificate of dedication (when applicable), ownership, and acknowledgement.

(7) A lienholder's certificate (if applicable).

(8) Separate certificates of approval of the plat for the City Manager and City Attorney.

(D) The City Manager or his designee may either approve the plat, approve it subject to dedication of required street right-of-way, easements for access, ditches, pipelines, or proposed or existing utilities and appurtenances, or disapprove the plat if it finds that the requirements of these regulations have not been met.

(E) No final plat shall be recorded by the City until:

(1) Two reproducible mylars of the plat in final form fully executed by all required parties except the City, along with a diskette in a digital format acceptable to the City, and compatible with the City's GIS system have been submitted.

(2) Payment to the City of all reimbursable expenses has been received.

(3) Final plat approval shall expire if the requirements of this paragraph (E) are not met within 90 days of approval. (Ord. 5, §1, 2004)

16.04.115: BOUNDARY ADJUSTMENTS

(A) Subdivisions which are intended to adjust the boundary line between two adjacent parcels may be processed pursuant to this section so long as the boundary adjustment or transaction does not result any of the following:

(1) The reconfiguration of a lot into one which does not meet all other requirements of the Delta City Code including, but not limited to, those related to such land

use and development considerations as zoning, building setback restricts for existing structures, and depth requirements for new frontage.

(2) The creation of a new lot or parcel.

(3) Elimination of access from any lot or parcel to the street system.

(4) The subdivision shall comply with the design standards of Section 16.04.070.

(B) Boundary adjustments do not need a sketch plan or preliminary plat to be submitted and may be approved administratively.

(C) Seven copies of the boundary adjustment plat shall be filed with the City, accompanied by an application and a filing fee in the amount set by City Council. Plats shall be stapled or otherwise bound, and folded.

(D) (1) The plat shall comply with applicable provisions of C.R.S. 38-51-101 et seq. and C.R.S. 38-44-112 and meet the requirements for a final plat as required by subsection 16.04.050(E)(4) except that the plat shall contain Certificates on forms approved by the City to document approval of the plat, including but not limited to the following:

(a) The name of the subdivision and the name, address and phone number of the subdivider, and his representative if applicable.

(b) A certificate by a registered surveyor, attesting to the accuracy of the survey plat and placement of monuments, and compliance with the requirements of this Chapter and State law.

(c) The name of the surveyor preparing the plat and the date of the plat

(d) A certificate of an attorney that title to the property is in the name of those parties executing the dedication, and that property dedicated to the City will be free and clear of all liens and encumbrances affecting marketability.

(e) A certificate of recording to be executed by the County Clerk and Recorder.

(f) A certificate of dedication (when applicable), ownership, and acknowledgement.

(g) A lienholder's certificate (if applicable)

(h) Separate certificates of approval of the plat for the City Manager and City Attorney.

(E) The City Manager or his designee may either approve the plat, approve it subject to dedication of required street right-of-way, easements for access, ditches, pipelines, or proposed or existing utilities and appurtenances, or disapprove the plat if it finds that the requirements of these regulations have not been met.

(F) No final plat shall be recorded by the City until:

(1) Two reproducible mylars of the plat in final form fully executed by all required parties except the City, along with a diskette in a digital format acceptable to the City, and compatible with the City's GIS system have been submitted.

(2) Payment to the City of all reimbursable expenses has been received.

(3) Final plat approval shall expire if the requirements of this paragraph (F) are not met within 90 days of approval.

(4) Draft copies of the deeds should be submitted if there will be a monetary exchange and formal closing, otherwise original executed deeds should accompany the plat. (Ord. 5, §1, 2004; Ord. 28, §1, 2006; Ord. 3, §10, 2008)

16.04.120: PLAT AMENDMENTS, CORRECTIONS AND MINOR MODIFICATIONS:

(A) Changes to lawfully recorded subdivision plats which meet any of the following criteria may be initiated by the City Manager and be reviewed and approved pursuant to this section in lieu of other procedures of this Chapter.

(1) Changes due to clerical errors or omissions.

- (2) Minor reconfiguration of an easement.
- (3) Minor changes to plat notes and restrictions.
- (4) De Minimus changes to a plat.

(B) A document such as an affidavit of amendment may be used to implement the change, unless a new plat is needed to adequately depict the amendment. Such document shall be recorded after approval by the City.

(C) Such changes may be reviewed and approved by the City Manager, except changes involving third party rights or provisions for the benefit of third parties shall be referred to the Planning Commission for recommendation and to the City Council for review and action.

(D) Such changes shall be consistent with the requirements of these regulations.

(E) Any person requesting such a change shall pay fees, as set by Council and Subsection 16.04.140. (Ord. 5, §1, 2004)

16.04.125: COMBINING EXISTING TAX PARCELS:

(A) Consolidation of two (2) or more adjacent lots or parcels which are held under the same ownership with the intention of creating a single parcel for tax purposes can be accomplished without City approval by executing a deed which contains the following language:

The foregoing lots or tracts of land shall be considered as a single tract of land for purposes of application of the City of Delta Subdivision Regulations and cannot be redivided except as pursuant to such regulations.

(B) Once such a deed is recorded, the entire tract may only be subdivided by complying with the provisions of this Chapter. (Ord. 5, §1, 2004)

16.04.130: REVIEW HEARING:

(A) Upon City Council action concerning either a preliminary or final plat, the subdivider may request, in writing and filed with the City Clerk within 30 days of said action, a review hearing before the City Council.

(B) The review hearing shall be limited to review of:

(1) denial of the plat; or

(2) all terms and conditions imposed as a requirement of approval of the plat.

(C) The Council shall issue a written decision on the matter. (Ord. 5, §1, 2004)

16.04.140: COST RECOVERY:

The subdivider shall reimburse the City for all out-of-pocket costs incurred during review of the subdivision, including legal fees, postage, notice and publishing costs, map costs, inspection, engineering fees, etc., plus 10% to cover overhead and administration. The City shall bill the subdivider periodically as such costs are incurred. Each bill shall be due 30 days after its date. Bills not paid by the due date shall accrue interest at the rate of 1-1/2% per month or part thereof. No plat shall be recorded, improvements accepted, lien released, building permit issued, tap approved, or other approval action taken until all fees then due are paid to the City. Such fees may be certified to the County Treasurer for collection as delinquent charges, or collected in any lawful manner. (Ord. 5, §1, 2004)

16.04.150: EXTRATERRITORIAL SUBDIVISIONS:

(A) In addition to other requirements of this Chapter, the following will apply to those subdivisions which are processed by the City under the terms of the Growth Management Agreement between the City of Delta and Delta County. These terms do not apply, however, to those properties for which a request for annexation has been received by the City, applicable fees have been paid, and the City Council has passed a resolution to annex said parcel.

(B) Applications must be completed for all new water and sewer taps which are needed to serve lots within the subdivision. A properly executed Utility Connection and Annexation Agreement, and payment of system improvement and tap fees must be received prior to recording the plat. Fees as outlined in Section 13.04.040.A.5 of the Municipal Code will be applied to all taps.

(C) Applicants will be required to mail notice of the date, time and place of the Planning Commission review of their subdivision proposal to all adjacent property owners. Notices

should be hand delivered or placed in the U.S. Mail at least one week prior to the scheduled Planning Commission meeting.

(D) Lot sizes shall conform to the standards of the A-1 zoning district. (Ord. 5, §1, 2004)

Chapter 16.05

CLUSTER DEVELOPMENT, PLANNED UNIT DEVELOPMENT, AND ZERO LOT LINE DEVELOPMENT

Sections:

- 16.05.010 Purpose.
- 16.05.020 General provisions.
- 16.05.030 Definitions.
- 16.05.040 Submission and review of cluster development.
- 16.05.050 Submission and review of planned unit developments.
- 16.05.060 Submission and review zero lot line development.
- 16.05.070 Changes to adopted plan.

16.05.01 Purpose. The purpose of the Planned Unit Development, sometimes in this Chapter referred to as PUD, is to provide the opportunities to create more desirable environments through the application of flexible and diversified land development standards under a comprehensive plan. It is further intended to achieve economics in land development, maintenance, street systems, and utility networks while providing building groupings for privacy, usable attractive open spaces, safe circulation, and to protect the general well-being of the inhabitants.

The purpose of Zero Lot Line Development and Cluster Development is to allow multiple ownership of single building envelopes such as condominiums, town homes, office and retail space. Cluster development is encouraged to preserve environmentally sensitive areas, open space and agricultural lands.

16.05.020 General provisions.

A. Planned Unit Developments, Zero Lot Line Developments and Cluster Developments may include the uses allowed by right in the zoning district in which the development is located.

B. The zoning and subdivision regulations contain the minimum standards for any development. Where modifications of those standards is in keeping with the intent of this Chapter and can be documented to show beneficial effects, such modification may be permitted.

16.05.030 Definitions. Those terms specific to PUD's, Zero Lot Line Developments and Cluster Developments are defined for use in this Chapter as set forth in this Section.

Additional definitions may be found in Section 16.04.030 of The Subdivision Regulations.

A. "Cluster Development" means lots that are smaller and arranged differently than otherwise allowed to allow conservation of farm land, wildlife areas or common open space.

B. "Common Area" means area used and maintained by all owners located in the development.

C. "Common open space" means a parcel of land, an area of water, or a combination of land and water within the site designated and intended primarily for the use or enjoyment of residents, occupants and owners of the Planned Unit Development. In a single-family PUD, private yards may be considered common open space.

D. "Limited Common Element" means an area restricted to use by the units (area) designated.

E. "Plan" means the provisions for 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.

F. "Planned Unit Development" means an area of land, controlled by one 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, the plan for which does not correspond in lot size, bulk or type of use, density, lot coverage, open space, or other restrictions to the existing land use regulations.

G. "Provisions of the plan" means the written and graphic materials and other contents of the "plan" defined by subsection E of this Section.

H. "Zero Lot Line Development" refers to buildings that may be attached to each other with a common wall or directly adjacent to each other on one lot boundary line.

16.05.040 Submission and review of cluster development plans.

A. Cluster developments shall follow sections 16.04.010 through 16.04.080, exempting 16.04.070.E with the following additional requirements:

1. Interior setbacks of individual ownership may be modified to fit the needs of the specific cluster development. The exterior setbacks of the entire development shall meet the tabled setback for the appropriate zone.

2. Twenty-five percent of the gross acreage must be open space.

3. The minimum lot size maybe reduced if the aggregate size of the total platted cluster development meets the total of all lots minimum size requirements, including open space, however streets and roads may not be counted towards open space.

4. The perimeter of the cluster development which abuts a right-of-way shall be buffered. All, or a portion of, the open space may be located between the clustered development and adjoining development.

5. The project landscaping and buffer design shall be established as part of any preliminary subdivision plan approval.

6. A cluster development project may be developed in phases. The City may require the applicant to divide the project into phases in order to meet requirements and standards contained in these regulations. Each phase must be self-sufficient with adequate facilities and services and contain a mix of residential uses and densities and open space, while meeting the requirements, standards and conditions applicable to the project as a whole.

7. All cluster developments shall establish a Home Owner's Association or other entity to maintain the common area.

16.05.050 Submission and review of a Planned Unit Development.

A. A PUD shall be located along a major street of at least collector status as shown on Major Street Plan as adopted by the Planning Commission, with access to the street approved by the City Planning Commission.

B. PUDs shall follow Sections 16.04.010 through 16.04.080 (but excepting provisions of subsection 16.04.070E.) with the following additional requirements:

1. Final plan showing the location and size of all existing and proposed buildings, structures and improvements and their uses;

2. Certification showing the landowner dedicates or reserves areas of common open space;

3. Final plan showing the density and type of dwelling to be built within the PUD to include the maximum height of all buildings;

4. Final plan showing the internal traffic circulation system, off-street Parking areas, service area, loading areas and major points of access to a public right-of-way;

5. Final plan showing the location, height and size of signs, lighting and advertising devises;

6. Final landscaping plan showing the spacing, sizes and specific type of landscaping material;

7. A legal description of the PUD;

8. A final report explaining the character and objectives to be achieved by the PUD;

9. A final report describing the development schedule indicating when construction will start and when the PUD will be completed;

10. Final copies of any special agreements, conveyances, restrictions or covenants which will govern the use, maintenance and continues protection of the PUD and the common open space areas.

C. Minimum design standards. The provisions of Section 16.04.070 (with the exception of the provisions of Subsection E. thereof), are hereby incorporated in this subsection C. and made a part thereof by this reference.

1. In addition to the requirements set forth Subsection A of said Section 16.04.070, the following will be required for a PUD:

a. The uses in a planned unit must be uses permitted of right or permitted by special review in the zoning district in which the planned unit is located. In addition, uses by right in business districts shall be uses by special review in residential planned units, and may be permitted if, in the opinion of the Planning Commission, such uses, if any, to be allowed in a residential planned unit shall be established by the Planning Commission on the basis of these criteria.

b. The planned unit's relationship to its surroundings shall be considered in order to avoid adverse effects to the development caused by traffic circulation, building height or bulk, lack of screening or intrusion on privacy;

c. Minimum lot area requirements are established in the Subdivision Regulations. These requirements may be modified by the Planning Commission if the developer indicates that such changes are in keeping with the intent of this Title 16. The Planning Commission must review all PUD's

with respect to living space, common open space, parking spaces and traffic circulation.

d. Common Open Space.

i. Common open space shall comprise at least twenty-five percent of the total gross area of a residential PUD. Such open space will be developed and designed for the use of the occupants of the development and shall contain therein adequate space for active recreational activities, and adequately landscaped walkways and parks. Common open space does not include space devoted to streets, parking and loading areas.

ii. The Planning Commission may exempt nonresidential PUD's from the common open space requirement if it finds the development will provide for the occupants' or customers' needs for open space in whole or in part by either or a combination of :

(1). Public park, mall or recreation features, or a combination thereof, for which the site of the planned unit has or will be levied a special assessment; or

(2). Developed facilities in the planned unit, such as but not limited to common recreational areas or facilities, plazas, balconies or rooftops improved for recreational uses.

iii. A reduction in common open space or lot area per dwelling unit shall not be permitted if such reduction would be detrimental to the character of the proposed planned unit or the character of the surrounding area.

iv. The Planning Commission may determine that all or a part of stream areas, bodies of water, and slopes in excess of fifteen percent may be included as usable open space. In making this determination, the Planning Commission shall be guided by the following factors:

(1). The extent of those areas in relation to the area of the planned unit; and

(2). The degree to which these areas contribute to the quality, livability and amenity of the planned unit.

e. Off-street parking will be determined by the subdivision/zoning regulations. These regulations may be altered by the Planning Commission if the character of the PUD is such that changes to the requirements are in keeping with the intent of this Title.

16.05.060 Submission and review of zero lot line development plan.

A. Zero lot line developments shall follow sections

16.04.010 through 16.04.080, with the exception of the provisions of Subsection 16.04.070.E) with the following additional requirements:

1. The outside boundary of the permissible building envelope for each lot must be graphically depicted on the plat to be recorded. Any existing buildings must also be depicted on the plat.

2. Multiple plan and elevation view plats are required if a building has more than one story, or if there is a basement located in the building.

3. The setbacks for the original parcel must be met for the appropriate zone, interior setbacks may be zero, and may be through a building or buildings creating individual ownership properties or may divide the original parcel into two or more parcels with individual ownership.

4. Recorded covenants shall provide for the maintenance of common walls, other common areas, limited common areas, and common spaces.

5. All business entities must follow CRS 38-30-172 Statement of Authority.

6. All buildings must meet current building code regulations.

7. Lawfully existing non-conforming uses are not allowed in zero lot line developments.

8. Separate utilities are required for each unit.

16.05.070 Changes to any adopted plans in this Chapter.

A. Minor Plan Changes. The terms, conditions of an adopted plan may be changed from time to time provided as follows: The City's development department director, or other agent as authorized by the City Manager, may approve minor modifications in the location of streets and underground utilities and in the location, sizing and height of buildings and structures if required by engineering or other circumstances not foreseen at the time the plan was formally approved, so long as the modification does not result in:

1. An increase of more than five percent (5%) in the gross residential density;

2. An increase of more than five percent (5%) in the floor area proposed for nonresidential use of a commercial or industrial nature;

3. An increase of more than five percent (5%) in the total ground area covered by buildings except in single-family residential areas; and

4. A reduction of more than three percent (3%) in the area set aside for common open space.

B. Plan Changes Involving Land Uses. Any uses that are not approved in a final plan but are allowable in the pertinent zoning district as a permitted use may be added to the plan upon approval of any such alteration by the Planning Commission and City Council at regularly scheduled meetings.

C. Major Plan Changes. All other modifications of an adopted and recorded plan shall be regarded as "major modifications", and shall be subject to the following application and review procedures:

1. Any application for major modifications of a previously approved and recorded plan shall be submitted on forms provided by the City, and a fee equal to that which is required for the initial filing of a full plan shall be paid to the City at the time of any such application.

2. Review and approval of any application filed pursuant to this subsection C shall be subject to compliance with all the criteria and procedural steps required for review and approval for filing a sketch plan. Such review and approval shall also be subject to compliance with all other applicable City Code sections that may be generally contemplated. Complete engineering and design drawings of the proposed major modification of a plan shall be submitted with the application therefore, detailing the proposed changes and demonstrating compliance with all legal requirements.

3. A public review process generally following the procedures set forth in the Delta Municipal Code shall also be required as a pre-condition of approval of any major modification of a plan. In that regard, the concept of notice to owners of record required under Delta Municipal Code Section 17.04.290(D) (3) shall be expanded to include all record owners of properties within the boundaries of the originally approved plan and all record owners of properties immediately adjoining said boundaries and within a distance of five hundred feet (500') plus the width of any intervening public right-of-way.

4. The City Planning Commission may recommend for ultimate approval by the City Council the proposed major changes to a plan if it determines that all of the following criteria are substantially met:

a. The requested change will not adversely affect the public health, safety and welfare.

b. The requested change is the minimum that will afford relief and allow for reasonable use of the property sought to be affected by the application.

c. The requested change will not result in development that is incompatible with other property uses and/or building improvement within the pertinent boundaries or in the

adjoining areas, and will not substantially impair the value or development of such other property within or outside of the area covered by the originally approved plan.

5. The City Planning Commission may impose such additional conditions of approval as may be reasonably necessary to ensure that the above criteria are met. (Ord. 15, §2, 2012)