



CITY OF MONTROSE

SUBDIVISION REGULATIONS

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Chapter 4-7

SUBDIVISION REGULATIONS

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4-7-1: GENERAL PROVISIONS

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

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 ensure the development of economically sound and compatible neighborhoods; to require the construction of necessary improvements and utilities; to ensure safe and convenient circulation of vehicular and pedestrian traffic; to ensure that parks, open spaces, school sites and land needed for other public purposes are either reserved or dedicated; to ensure development is in accordance with the requirements of the City's Master Plan as such may be amended from time to time; and to insure that new development bears its fair share of the costs of providing improvements and services necessitated by, or resulting from, the development of subdivisions.

(B) The Mayor and City Council shall set all application fees related to land use action under this Chapter per resolution. (Ord. 1940, 03-06-2003)

4-7-2: INTERPRETATION

- (A)** The interpretation and application of the provisions of the Subdivision Regulations 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 4-7-1 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.
- (E)** Reference to "City" shall be interpreted to generally apply to City Land Use Staff, City Planning Commission and City Council collectively.
- (F)** Reference to "Master Plan" shall be reference to the City Comprehensive Plan, as may be amended from time to time.

4-7-3: DEFINITIONS

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

AMENDED PLAT: An amended subdivision plat, or "replat", which changes the number of separately described contiguous parcels of property or lots previously approved by the City, and meeting the requirements of Section 4-7-10.

BUILDING LINE: A line parallel to the property line beyond which no exposed portion of a building extends, other than the roof overhang.

ESTATE SUBDIVISION

(LARGE): A subdivision, or part thereof, with a minimum lot size of at least one half (0.5) of an acre, a gross area of at least ten (10) acres or a minimum total area inclusive of adjoining approved large or small "estate subdivision" with a minimum of one-sixth (1/6) contiguity of at least twenty (20) acres, and which is designated as a "single family residence" district.

ESTATE SUBDIVISION**(SMALL):**

A subdivision, or part thereof, with a minimum lot size of fourteen thousand five hundred (14,500) square feet, a gross area of at least ten (10) acres or a minimum total area inclusive of adjoining approved large or small "estate subdivision" with a minimum of one-sixth (1/6) contiguity of at least twenty (20) acres, and which is designated as a "single family residence" district.

LAND USE STAFF:

City Staff members appointed by the City Manager for purposes of review of land use matters, inclusive of the City Planner, the City Engineer, the City Manager and the City Attorney.

**LETTER OF INFRASTRUCTURE
COMPLETION****AND ACCEPTANCE:**

A letter issued by the City Engineer pursuant to Chapter 4-7 of the Municipal Code accepting all public and necessary on and off-site improvements. The issuance of this letter shall end the Construction Warranty period.
(Ord. 2173, 11-15-2007)

**LETTER OF SUBSTANTIAL
COMPLETION:**

A letter issued by the City Engineer pursuant to Chapter 4-7 of the Municipal Code accepting all public and necessary on and off-site improvements, except for landscaping and irrigation facilities. The landscaping and irrigation facilities may be secured with as set forth in Section 4-7-8 of the Municipal Code. (Ord. 2173, 11-15-2007)

LOT WIDTH:

The width of a lot measured at the building line.

MINOR SUBDIVISION: A subdivision which meets the requirements of subsection 4-7-9(A) of this Chapter.

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.

**PRELIMINARY LETTER
OF INFRASTRUCTURE**

COMPLETION: A letter issued by the City Engineer pursuant to Chapter 4-7 of the Municipal Code when all public and necessary on and off-site improvements have been inspected and determined to be complete. This letter initiates the Construction Warranty. (Ord. 2173, 11-15-2007)

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

**STORMWATER
DRAINAGE SYSTEM:** A system designed to carry off and minimize the effects of run-off water. It may consist of surface grading or subsurface piping or other components as required.

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

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 division of land which creates cemetery lots;
- 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;
- An interest severing the oil, gas, minerals or water from the surface estate;
- Creation of a utility easement or an easement unrelated to the use of the surface;

- 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;
- Boundary adjustments which resolve a disputed boundary or boundary survey problem such as overlaps or gaps, so long as the boundary adjustment or transaction does not result in the transfer from one parcel to another of an area in excess of 10,000 square feet and does not result in any violation of applicable City Zoning Regulations.

**TRANSPORTATION
PLAN:**

That portion of the City's Comprehensive Plan which establishes the location, character and size of streets or other public ways. "Transportation Plan" may also be referred to as "Street Plan" or "Thoroughfare Plan".

WARRANTY

“Warrant” or “Warranty” as used herein means the subdivider shall take such steps and incur such costs as may be needed so that all public and necessary on and off-site improvements or any portion or phase thereof as repaired and/or replaced, shall comply with the subdivider’s construction plans and/or site plan and City standards and specifications until the end of the warranty period. (Ord. 2173, 11-15-2007)

(Ord. 1884, Amended, 12/20/2001)

4-7-4: ENFORCEMENT

- (A) It shall be unlawful for any person to subdivide any land within the City of Montrose 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).

- (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.

4-7-5 SUBDIVISION PROCEDURE

- (A) The subdivision of land shall be accomplished in accordance with the procedures provided in this Section, except for those instances where different governing procedures are set forth pursuant to Sections 4-7-9, 4-7-10 and 4-7-11 Informal Review and Sketch Plan. The City Council shall set all application fees related to land use action per Resolution.
 - (1) Prior to submittal of the subdivision application, the subdivider shall make a reasonable effort to consult informally with property owners of record adjoining or within 100 feet of the proposed subdivision, and the City. 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.
 - (2) The proposal shall be consistent with the Master Plan, City subdivision and zoning regulations, standards and other applicable ordinances and regulations and will be reviewed considering the following at a minimum:
 - (a) Conformance with the master 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, storm water drainage, access and other utilities and services;
 - (d) Compatibility with the natural environment, wildlife, vegetation and unique natural features;
 - (e) Adjacent streets and traffic flow, including pedestrian access;
 - (f) Availability of fire, police and other emergency services protection;
 - (g) Impacts on area schools.
- (3) A subdivider who intends to immediately develop only a portion of a full tract shall nevertheless submit an informal Sketch Plan for the entire tract showing his present plans for its eventual development.
- (4) Following Informal Review when applicable, and in all cases except when not required by other provisions of this Chapter, the applicant shall file copies of the Sketch Plan application and sketch map, along with all required supporting plans, with the City. The submittal of such application, map and supporting plans shall comply with City's application and fee requirements.
- (a) Filing of a Sketch Plan shall not be required in cases where a subdivision, which does not qualify as a minor or amended subdivision, primarily due to a lack of installed on or off-site public improvements. In no case shall the Sketch Plan requirement be waived under this provision for subdivision proposals containing more than three (3) divisions of real property, or where any part of the subdivision has been subdivided without a Sketch Plan under any part of this Official Code of the City of Montrose, Colorado, within the three (3) years prior to the date of submission. (Ord 2229, 11-05-2009)

(5) The Sketch Plan review shall commence only upon submittal of a completed sketch map, a completed Sketch Plan Application form, which form shall be provided by the City, and all required supplemental information as set forth below, as well as any additional materials determined by City Staff to be necessary for processing of the application:

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

- (i) A location map, of approximately 4" by 4", showing the project location in relation to the City of Montrose, with appropriate reference to major and minor arterial and collector roads or highways.
- (ii) A detailed map showing property boundaries of the subdivision, north arrow and date. The scale of the map shall not be less than one inch equals two hundred feet. The map shall include the name of the subdivision, name of the county, township, range, section and quarter section. The map shall further indicate zoning and land use of all lands within three hundred feet of any property boundary owned by or under option to the subdivider. A title box shall be located in the lower right corner of the map. 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 shall also be submitted.
- (iii) A conceptual drawing of the lot and street layout indicating the approximate area and number of individual lots and access to the property.
- (iv) Significant natural and manmade features on the site, such as streams, lakes, natural drainage ways and wetlands; vegetation types including locations of wood areas; wildlife habitats; scenic corridors; visual impacts; solar access; existing buildings; utility lines and easements; irrigation ditches; bridges and similar physical features; existing development on adjacent property; and footprints of existing buildings.
- (v) Total acreage of the tract.

- (vi) Existing and proposed zoning district boundary lines. General land use divisions including residential types, commercial, industrial, parks, open space and community facilities, including the proposal's relevance to underlying zoning.
 - (vii) Type and layout of all proposed infrastructure including streets, utilities, water and sewer systems, and impact on existing systems.
 - (viii) Public use areas proposed to be dedicated to the public, the purpose of the dedication, and their relationship to existing public use areas.
 - (ix) Existing and proposed land use patterns, including street system, of both the tract proposed for development and immediately adjacent land.
 - (x) Existing site problems or peculiarities, such as areas of poor drainage, existing flood plain, geological hazards and seepage water.
 - (xi) Existing and proposed storm water discharge facilities pertaining to the property.
- (b) Sketch Plan Application: The Sketch Plan Application 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) Estimated total number of gallons per day of water system requirements, source of waters to supply subdivision requirements, and proposed dedication of water rights in accordance with existing City ordinances.
 - (ii) Estimated total number of gallons per day of sewage to be treated and means for sewage disposal.
 - (iii) Availability of electrical power, natural gas, CATV, telephone and other utilities necessary or proposed to serve the subdivision.

- (iv) Access to the property, off-street parking, school bus stop area(s), and mail box location(s).
 - (v) Total number of proposed dwelling units.
 - (vi) Demonstrated compatibility with natural features.
 - (vii) Identification of all activities of the subdivision which shall require approval by permitting agencies at the local, state and federal level, and a description of the approval so required.
 - (viii) Names and addresses of all property owners of record adjoining or within 100 feet of the proposed subdivision.
 - (ix) Summary of issues or concerns resulting from informal review with neighboring property owners, if applicable.
- (c) Sketch Plan Supplemental Documents: The Sketch Plan Application shall also include the following supplemental documentation:
- (i) Disclosure of ownership, with supporting documentation from a title insurance company or, if acceptable to the City, an attorney licensed in the state of Colorado, which shall set forth a legal description of the property and title ownership of the property.
- (6) Upon complete submittal of all required information, City Staff shall provide initial review of the Sketch Plan within 45 days. Upon completion of initial review of the plan and submission by the applicant of any supplemental materials or necessary revisions as requested by City Staff, the Sketch Plan Application shall be placed on an upcoming Planning Commission agenda for which space is available and for which all notice requirements can be met.
- (7) Advance notice of the Sketch Plan review by the City Planning Commission shall be provided by publication, with a location map of the property to be subdivided. Fifteen (15) day advance written notice shall also be provided, by hand delivery or deposit into the U.S. mail, to all property owners of record adjoining or within 100

feet of the proposed subdivision. The City shall provide such notice. The review and discussion of the Sketch Plan by the Planning Commission shall be informal and non-binding in nature, and shall serve as a means to provide guidance to the subdivider.

(B) Preliminary Plat:

- (1) An application for Preliminary Plat shall be submitted to the City and shall comply with applicable City submittal requirements.
- (2) The City may distribute copies of the Preliminary Plat and supporting plans or data as appropriate to the County Land Use Department, the School District, the natural gas, CATV, electrical power and telephone companies, the Fire Protection District, the Colorado Department of Transportation, the Federal Aviation Administration, the Uncompahgre Valley Water User's Association, applicable City departments and employees, and other entities as appropriate.
- (3) The Preliminary Plat and proposed improvements shall comply with all requirements of these subdivision regulations 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'). (See Chapter 4 of this Title, Zoning Regulations).
- (4) The Preliminary Plat shall contain, at a minimum, the following:
 - (a) The name of the subdivision and the name, address and phone number of the subdivider, and his representatives, if applicable. Such information shall be contained in a title box located on the lower right corner of the plat.
 - (b) A certificate by the engineer or surveyor preparing the plat attesting to the accuracy of the plat. Such information shall be contained in a title box located on the lower right corner of the plat and shall be signed and stamped by the licensed professional engineer or registered surveyor, and shall indicate the scale used and direction of true north.
 - (c) A certificate by a licensed professional engineer that the water, storm water, sewer systems, and all other improvements are properly engineered and designed in

compliance with applicable requirements of the City and State.

- (d) A certificate of ownership of the subject property.
- (e) A location map, of approximately 4" by 4", showing the project location in relation to the City of Montrose, with appropriate reference to significant roads or highways. The location map shall be provided both on the Preliminary Plat and separately on letter size paper.
- (f) Certification on forms approved by the City to document approval of the 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 (D) of this Section.
- (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 then current zoning designations of the subdivision and of adjacent properties.
- (i) The names of the owners of record of adjacent properties, and the property lines of adjacent properties as space will allow.
- (j) The location and ownership interest of existing and proposed watercourses including lakes, swamps, ditches and flood prone areas (the inclusion of such watercourses within the jurisdictional authority of local, State or Federal regulatory agencies shall also be noted); the location of existing and proposed streets, easements, utility lines, poles and towers, sewer lines, water lines, drains, culverts and other underground utilities and storm water drainage facilities both on the proposed subdivision and adjacent properties as practical.
- (k) The layout of all lots showing the building lines, dimensions and lot areas and footprints of existing buildings, if any. The plat shall include at least two references to City GPS Coordinates.

- (l) The layout and location of all parks and open space.
 - (m) The location of all land to be reserved or dedicated for public use.
- (5) The following shall be submitted accompanying the Preliminary Plat together with plans and specifications prepared by a licensed professional engineer consistent with City standards and specifications, for all required or proposed improvements. All plans and specifications shall be signed and stamped by a licensed professional engineer.
- (a) Plans for the proposed sanitary sewer system showing location, grade, pipe sizes and invert elevations, and the connection points to the existing system.
 - (b) Plans for the water system and fire protection system showing locations, pipe size, valves, fire hydrants and connection points to the existing system.
 - (c) Plans for the storm drainage system showing location, pipe sizes, grades and discharge points, including off-site improvements. Such plans shall comply with any applicable City storm water drainage requirements.
 - (d) Plans for any improvements specifically affecting watercourses within the jurisdictional authority of local, State or Federal regulatory agencies, noting the required permits therefore.
 - (e) Plans for proposed streets, sidewalks, recreation paths, showing grade and cross-section, trails and walkways and streetlight and street names.
 - (f) A soil or geological report prepared and certified by a professional geologist or soil scientist.
 - (g) Plans for piping ditches, or improvements to waterways.
 - (h) Plans for parks and recreation facilities.

- (i) A traffic impact study for all developments when estimated vehicle trips per day will exceed 250 and plans for recommended traffic mitigation measures. The study shall provide, but not be limited to, traffic capacity for existing road infrastructure, proper analyses of transportation linkages in conformance with Transportation Plan, cumulative traffic impact of development at build-out, and proposed infrastructure design to account for such considerations. The scope of the impact study may be broadened to include other nearby subdivisions and developments, allowing for cooperative participation and cost sharing.
- (6) If the applicant intends to develop the project in phases, a Phasing Plan will be required to be submitted to and approved by the City. The Phasing Plan must include the numbers of lots in each phase, the infrastructure planned for completion with each phase that is necessary to allow the phase to properly integrated into City services as determined by the City Engineer, the amenities to be constructed with each phase, and all other information pertinent to the completion of the development.
- (7) Upon submittal of all required information, the City Staff shall provide initial review of the Preliminary Plat within 45 days. Upon completion of initial review of the Preliminary Plat and submission by the applicant of any supplemental materials and revisions necessary to comply with City regulations, the Preliminary Plat Application shall be placed on an upcoming Planning Commission agenda for which space is available and for which all notice requirements can be met. City Staff shall make a recommendation to the City Planning Commission to approve the Preliminary Plat, 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 provisions of this Chapter, or approve the plat with conditions or modifications.
- (8) Advance notice of the Preliminary Plat review by the City Planning Commission shall be provided by publication, with location map of the property to be subdivided. The City shall provide such notice at least fifteen (15) days in advance of the scheduled meeting.
- (9) Following receipt of a completed Preliminary Plat Application, the applicant shall be required to diligently pursue the application by providing revised plans, plat maps, and other necessary information

in a timely fashion. Where the applicant fails to meet this requirement, the City shall, in writing, request the applicant to withdraw the application. If the applicant fails to take any further action on the Preliminary Plat Application for a period of six (6) consecutive months following such request to withdraw, the Preliminary Plat Application shall automatically expire and all applicable fees shall be non-refundable. When a Preliminary Plat Application has expired under this subsection, in the event the applicant wishes to pursue development of the property the applicant must re-apply and pay any applicable fees.

- (10) Upon review by the City Planning Commission, the Commission shall make a recommendation to the City Council to approve the Preliminary Plat 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 provisions of this Chapter, or approve the plat with modifications or conditions. The reasons for such recommendation shall be included in the minutes of the Planning Commission meeting and provided in writing to the applicant upon request.
- (11) Unless the subdivider withdraws the Preliminary Plat from review, or it expires as set forth herein, the plat shall be submitted to the City Council for final review and action. Advance notice of the Preliminary Plat review by the City Council shall be provided by posted notice.
- (12) Council may approve the Preliminary Plat, approve the plat subject to conditions necessary to implement the provisions of this Chapter, or disapprove the plat if the Council finds that the requirements of these regulations have not been met. (Ord. 2092, 11-17-2005)
- (13) No construction of the required subdivision improvements shall commence until approval of the Preliminary Plat by the City Council and submittal of both a Mylar of the Preliminary Plat, as finally approved with signed certificates as required by the City, and a copy of the Preliminary Plat in a digital format acceptable to the City and compatible with City computer systems. Upon approval and submittal of the Mylar, and supporting documentation as required, the City shall then issue a written notice to proceed.

(C) Final Plat:

- (1) No land shall be subdivided, or any parcel thereof sold or conveyed, until a Final Plat has been approved and either a Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion has been issued in accordance with this subsection (C).

(Ord. 2173, 11-17-2007)

- (a) Final Plat submittals shall comply with all application and fee requirements. The submittal of Final Plats for approval must occur within five (5) years of approval of a related Preliminary Plat, unless an extension of time is granted by the City Council, or the timing of the submittal is consistent with a Phasing Plan that has been submitted by the applicant and approved by the City. The applicant may request and the City Council may approve an extension of time for filing the Final Plat where development of the project in accordance with the Preliminary Plat has been pursued with due diligence.

- (b) (Ord. 2173, 11-15-2007)

- (i) Until the public improvements are accepted by the City, the City shall not be obliged to issue any building permits within a subdivision, except as provided herein. Provided that all other applicable City codes and regulations have been satisfied, building permits may be issued only to the subdivider for any property with an approved Preliminary Plat. The subdivision must have sufficient access and water to allow for adequate fire protection as determined by the fire protection district. No certificates of occupancy, temporary or otherwise, shall be issued unless and until:

- (a) all public and necessary on and off-site improvements have been completed;
- (b) a Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion has been issued by the City; and
- (c) a Final Plat has been approved and recorded.

- (ii) A Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion shall evidence City inspection and approval.
 - (iii) The two (2) calendar year Construction Warranty shall begin to run from the date of said Preliminary Letter of Infrastructure Completion.
- (c) The Final Plat shall contain all plat elements required as a condition of Preliminary Plat approval and the following, all in forms acceptable to the City:
- (i) The total number of lots and lot numbers or letters.
 - (ii) Sufficient data to determine easily and reproduce on the ground the location of all monuments, and the bearing and length of every street line, boundary line, block line, lot line and building line whether curved or straight, including the radius, central angle and tangent distance for the center line of curved streets. Other curved lines shall show arc or chord distance and radius. All dimensions shall be to the nearest one-hundredth of a foot (.01') and all angles to the nearest second. The plat shall include at least two references to City GPS Coordinates.
 - (iii) 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.
 - (iv) A certificate of dedication for streets, easements and other property dedicated for public use, properly executed and notarized.
 - (v) A certificate by a licensed professional engineer that the sanitary sewer, water distribution and storm drainage systems, streets and other improvements are properly engineered, designed and constructed in compliance with all applicable requirements of the City and the State.

- (vi) Separate certificate of approval of the plat by the City Attorney.
- (vii) 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.
- (viii) A certificate by the City Engineer specifying which improvements have been completed and listing those that require security prior to Final Plat approval.
- (ix) A certificate by the City Clerk as to receipt of any security for the completion of improvements.
- (x) The name of the subdivision and the name, address and phone number of the subdivider, and his representative if applicable, said information to be included within a title box located on the lower right corner of the plat.
- (xi) The name of the registered surveyor preparing the plat, the date of the plat, said information to be included within a title box located on the lower right corner of the plat.
- (xii) A certificate of recording to be executed by the County Clerk and Recorder.
- (xiii) The scale used, direction of true north, and basis of bearing.
- (xiv) A location map, of approximately 4" by 4", showing the project location in relation to the City of Montrose, with appropriate reference to significant roads or highways. The location map shall be provided both on the Final Plat and separately on letter size paper.
- (xv) The location and ownership interest of all watercourses including lakes, swamps, ditches and flood prone areas; the location and names of streets, sidewalks, easements, utility lines, poles and towers, sewer lines,

water lines, drains, culverts and other underground utilities and storm water drainage facilities.

- (xvi) The layout of all lots showing the building lines, dimensions and lot areas.
 - (xvii) The layout and location of all parks, trails, recreation paths and open space.
 - (xviii) The location of all land to be reserved or dedicated for public or other uses 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.
 - (xix) Plat notes and restrictions as appropriate to implement compliance with this Chapter, conditions of approval as necessary or desirable to implement the City's Master Plan.
 - (xx) Plat notes, easements and restrictions as appropriate to implement required FAA aviation regulations.
- (2) 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'). If discrepancies are believed to exist, the City may have the plat checked by an independent registered surveyor at the subdivider's expense.
- (3) Any conditions or improvements imposed on the applicant by the City Council under the Preliminary Plat approval must be shown on the Final Plat and either completed, or the appropriate security under § 4-7-5(C)(5) provided, prior to approval by the City Council.
- (4) The Final Plat may be submitted for a portion of the Preliminary Plat, or "phased", subject to the following conditions:
- (a) The applicant has submitted a Phasing Plan that has been approved by the City.
 - (b) All required improvements, utilities and road infrastructure must be accessible to the remaining aggregate of unsubdivided land, or "outlot".

- (c) In instances where completion of required improvements, utilities or road infrastructure within the outlot is determined by the City to be necessary as a condition of approval of that 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, storm water drainage system, trails and park development.
 - (d) In instances where the dedication of land for public purposes within the outlot is determined by the City to be necessary as a condition of approval of that Final Plat, the developer shall be required to dedicate said lands upon approval of that Final Plat. This may include, but not be limited to, the dedication and development of land for parks, trails, open space, rights-of-way and easements.
- (5) The Final Plat shall be accompanied by security for the completion of any uncompleted improvements in accordance with Section 4-7-8 of these regulations.
 - (6) Accompanying the Final Plat shall be two (2) copies of the "as-built" plans or record drawings for sanitary sewers, storm sewers or drainage systems and the water and fire systems showing grades, pipe sizes, pipe types, outlets, connection points and other information which the City Engineer may require along with as-built plans for all other utility systems. As-built plans and data shall also be provided in a digital format compatible with City computer systems, and in accordance with City specifications. As-built plans 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. All as-built plans and data shall be signed and stamped by a licensed professional engineer.
 - (7) Upon complete submittal of all required information, City Staff shall, within 30 days, provide initial review of the Final Plat. Upon completion of an initial review of the Final Plat and submission by the applicant of any supplemental materials or necessary revisions as requested by City Staff, the application shall be placed on an upcoming City Council agenda for which space is available. No Final Plat shall be placed on a City Council agenda unless and until all necessary materials have been submitted, reviewed and determined by City Staff to meet all applicable City codes and regulations.

- (8) City Council may approve the Final Plat, approve it subject to conditions necessary to implement the provisions of this Chapter, or disapprove the plat if it finds that the requirements of these regulations have not been met. (Ord. 2092, 11-17-2005)
- (9) No Final Plat shall be approved by the City Council until:
 - (a) All of the improvements required by these subdivision regulations have been installed, inspected and approved by the City Engineer, or properly secured in accordance with the provisions of Section 4-7-8 of these regulations on forms approved by the City.
 - (b) Two (2) hard copies of as-built plans and data for completed utility improvements have been provided, reviewed and accepted by the City Engineer, and also provided in a digital format acceptable to the City and compatible with City computer systems. As-built plans for any improvements not completed at the time the Final Plat is submitted, and secured in accordance with the provisions of Section 4-7-8, shall be submitted prior to inspection or approval of the improvements and release of any security. All as-built plans and data for completed utility improvements shall be signed and stamped by a licensed professional engineer.
 - (c) The Final Plat has been submitted in final form on two (2) reproducible Mylars, with all requisite signatures, and also in a digital format acceptable to the City, and compatible with City computer systems.
 - (d) Payment to the City of any costs incurred by the City within the subdivision review process, which costs are specifically subject to reimbursement.
 - (e) The security for the two (2) calendar year Construction Warranty has been provided by the subdivider in a form acceptable to the City. (Ord. 2173, 11-15-2007)
- (10) Following City Council approval of the Final Plat and verification that the documentation has met all applicable codes and regulations, the Final Plat shall be executed by the appropriate City Staff and recorded with due diligence.

(Ord. 2062, Amended, 06/02/2005)

4-7-6: REQUIRED IMPROVEMENTS

- (A) All subdivisions and improvements shall be in substantial compliance with the City Comprehensive Plan.
- (B) All subdivisions shall be provided, at the expense of the subdivider, and subject to applicable zoning criteria, with the following public improvements as required to serve the subdivision and to mitigate its impacts.
 - (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.
 - (2) Curbs, gutters, sidewalks and accessibility ramps.
 - (3) Blocks and Lots.
 - (4) Parks, open space and recreation trails.
 - (5) 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;
 - (6) Piped drainage facilities and waterways.
 - (7) School land dedication.
 - (8) Survey monuments.

- (9) Berms, screening and buffers, if applicable.
 - (10) Off-street parking, mailbox location areas and school bus stops, if applicable.
- (C) Other improvements required as a condition of approval and found to be roughly proportional to the impacts being mitigated. All public improvements shall be subject to applicable City Minimum Design Standards, Regulations and Specifications.
- (D) Following the completion of any required improvements and submission of the as-built plans, the City Engineer 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, shall issue a Preliminary Letter of Infrastructure Completion as provided herein. (Ord. 2173, 11-15-2007)
- (1) A Letter of Substantial Completion may be issued when only landscaping and irrigation facilities are incomplete and secured as provided under Section 4-7-8 of the Municipal Code.
 - (a) In the case of subdivisions that have been issued a Letter of Substantial Completion, upon completion of the outstanding improvements and submission of the as-built plans therefore; the City Engineer shall conduct an inspection and shall issue a Preliminary Letter of Infrastructure Completion, if all public and necessary on and off-site improvements are in accordance with the requirements of these and other applicable codes and regulations and good engineering and construction standards.
 - (2) The subdivider shall warrant the improvements against defects or failures in workmanship or materials for a period of two (2) calendar years from the date of the Preliminary Letter of Infrastructure Completion. During this two (2) calendar year Construction Warranty period, the City will, as applicable, assume the responsibility for snow removal in regard thereto, but the subdivider shall remain responsible for all other maintenance and to correct all defects or failures that appear in any such public improvements during the Construction Warranty period.
 - (a) The City shall determine what constitutes a defect or failure in its sole discretion, provided, that such are not the result of public abuse, misuse or normal wear from use. The City Engineer shall notify the subdivider in writing of such defect

or failure, setting forth a list of specific deficiencies. If within thirty (30) days after the City has notified the subdivider of a defect or failure, the subdivider has not started or completed the required repairs, provided construction drawings and a proposed repair schedule for City review and approval, or submitted a written objection to the to the City's request for repair work, the City is hereby authorized to make the repairs or replacements or to order the work be done by a third party. The City may authorize a temporary repair if necessary due to weather conditions or materials availability. The subdivider shall pay the cost of any repair work. Any appeal of the City Engineer's repair or replacement requirements shall follow the appeal process pursuant to Chapter 4-1-6 of the Municipal Code.

- (b) At the end of two (2) calendar years from the date of issuance of the Preliminary Letter of Infrastructure Completion, the subdivider shall request, in writing, that the City Engineer perform a final inspection of the improvements to facilitate the completion of the Construction Warranty.
 - (i) The City Engineer shall conduct an inspection of all public and necessary on and off-site improvements, and upon final approval, as evidenced by the City's issuance of a Letter of Infrastructure Completion and Acceptance, the City shall accept the improvements, and the security held by the City shall be returned to the subdivider.
 - (ii) All public and necessary on and off-site improvements, including all physical facilities constructed by the subdivider necessary for the extension, maintenance and repair of municipal utility services and other public facilities constructed by the subdivider in public rights of way, easements, streets or alleys shall become the property of the City immediately upon the issuance of the Letter of Infrastructure Completion and Acceptance by the City Engineer.
 - (iii) Following such conveyance, the City shall be solely responsible for the maintenance of such public improvements, unless otherwise provided for by agreement, except for any correction work required during the warranty period.

- (c) Any repairs or replacements noted in the final inspection shall be completed prior to the issuance of the Letter of Infrastructure Completion and Acceptance.
 - (i) Upon notification, the subdivider shall promptly make all repairs or replacements in accordance with a repair plan prepared by the subdivider and approved by the City, which repair or replacement, in the opinion of the City, arose out of defects or failures and became necessary during the Construction Warranty period.
 - (ii) The subdivider shall warrant each repaired and/or replaced improvement or any portion or phase thereof for one (1) calendar year following acceptance of such repair and/or replacement.
 - (iii) Inspection of any improvement(s) does not constitute a waiver by the City of any right(s) or remedies that it may have on account of any defect in or failure of the improvements that are detected. The Construction Warranty shall continue until the Letter of Infrastructure Completion and Acceptance is provided in writing to the subdivider.
- (3) The City shall require a Construction Warranty backed by financial security prior to issuance of a Preliminary Letter of Infrastructure Completion.
- (4) The subdivider may, at the subdivider's option, provide the City financial security for the two (2) calendar year Construction Warranty in one or a combination of the following forms only:
 - (a) A cash escrow in the amount of fifteen percent (15%) of the total construction cost of all public and necessary on and off-site improvements required by the Final Plat.
 - (b) A letter or letters of credit on forms acceptable to the City, in the amount of fifteen percent (15%) of the total construction cost of all public and necessary on and off-site improvements required by the Final Plat.

- (c) Marketable securities acceptable to the City, with a value no less than fifteen percent (15%) of the total construction cost of all public and necessary on and off-site improvements required by the Final Plat. In the situation where the value of the securities is later determined to be below the amount of security required, without notice from the City, subdivider shall be required to provide additional securities or other security as provided in this Section to address any shortfall.
- (d) It is the responsibility of the subdivider to maintain the necessary amount of security at all times until all public and necessary on and off-site improvements are completed and accepted by the City.
- (e) The City shall not be obligated to administer burdensome security arrangements.

(5) The security shall be available for the City to use to correct any defects or failures in accordance with City specifications during or after the two (2) year Construction Warranty period in the event the subdivider is unable or unwilling to perform any repair or replacement of the improvements in a timely fashion. The use of the proceeds from the security is a remedy that is cumulative in nature and is in addition to any other remedies that the City has at law or in equity. (Ord. 2173, 11-15-2007)

(E) All property and easements dedicated to the City on any plat shall become property of the City upon execution of the plat, free and clear of all mortgages, liens and encumbrances. The subdivider shall provide written evidence to the City Attorney that the title to lands underlying the improvements are free and clear from all liens and encumbrances, except those items or encumbrances that may be approved in writing by the City Attorney. (Ord. 2173, 11-15-2007)

(1) All dedicated improvements shall be subject to the two (2) calendar year Construction Warranty as provided above.

(F) The subdivider may provide, at his or her expense, certain private improvements as specifically referenced below, to serve the subdivision and to mitigate its impacts, and in accordance with duly adopted City standards, if applicable.

- (1) Recreational facilities, parks, open space and trails;
- (2) Piped drainage facilities and waterways;
- (3) Mail box location areas;
- (4) Berms, screening and buffers;
- (5) Other private improvements required as a condition of approval.

(G) Such improvements shall be privately owned and/or maintained, and the plat shall contain 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. Such improvements shall be completed or secured similar to public improvements prior to final plat approval.

4-7-7: MINIMUM DESIGN STANDARDS

(A) All public improvements shall be constructed in accordance with the minimum standards set forth below or 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. All plans must be approved in advance by the City Engineer.

(B) The Planning Commission may recommend to the City Council a deviation from these standards during preliminary or final plat review, if and only if all of the below criteria are met. The Council may accept or deny the recommendation accordingly.

- (1) Unusual topography or a hardship exists;
- (2) Alternative standards will more effectively protect the quality of the subdivision and the public welfare and more effectively achieve the purposes of these regulations;
- (3) Alternative standards will more effectively implement provisions of the City's Comprehensive Plan.

- (4) Alternative standards will more effectively conform to existing improvements within the subdivision, which existing improvements have been previously approved by either the City of Montrose or the County of Montrose in accordance with applicable laws and regulations.

(C) Minimum Standards.

(1) Streets

- (a) Subdivider shall be required to make and install improvements to existing streets within and abutting the subdivision and / or other areas outside the subdivision or any filing thereof being considered, including but not limited to curbs, gutters, sidewalks and street paving improvements, when the subdivision and developments thereof will directly 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 future residents of the subdivision, or if the subdivider or their predecessors of interest by virtue of their actions and the timing and scope of developing 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.
- (b) 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, the developer may be allowed to execute recordable covenants on the plat or separately in 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.
- (c) Wherever topography will permit, the arrangement of the streets shall provide for the dedication and construction of street stubs to align with existing or future streets to adjoining developing or developable areas. (Ord. 2229, 11-05-2009)

- (d) 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 not less than one hundred feet (100') long, and not more than five hundred feet (500') long, as measured from the center of the cul-de-sac bulb to the center of the intersecting street; use of cul-de-sacs is limited to places where street connections would be impractical.
 - (i) Cul-de-sacs longer than three hundred feet (300') shall require a recreation trail connection at the end that provides connectivity to the nearest City street.

(Ord. 2229, 11-05-2009)

- (e) Temporary dead-end streets which extend for a distance greater than the depth of one abutting lot shall be provided with a temporary turn-around having a diameter of at least eighty feet (80').
- (f) Whenever a new street is proposed along the edge of the subdivision, the entire street shall be dedicated and improved within the subdivision.
- (g) No more than two (2) streets shall intersect at any point. Intersections shall be as near as practicable to ninety degrees (90°). A street shall have a minimum straight distance of one hundred feet (100') from the intersection before it may be curved.
- (h) A straight section of one hundred feet (100') shall be provided between reverse curves on all streets.
- (i) All lots in the subdivision will have direct access to a dedicated street, subject to the following exceptions:
 - (i) private access drives, subject to City specifications, may be approved for subdivisions with a total of six (6) or less units in residential zoning districts.
 - (ii) reciprocal access easements may be approved to accommodate subdivisions with multiple commercial

units with contiguous parking area in commercial zoning districts.

- (j) Any two (2) local streets which intersect a common third local or collector street shall have centerlines no closer than one hundred seventy-five feet (175') from one another. Any two (2) local streets which intersect a common third minor arterial or major arterial street, shall have centerlines no closer than three hundred fifty feet (350') from one another.
 - (i) The City may limit access to major arterial or minor arterial streets to facilitate traffic flows, or to promote public safety.

(Ord. 2229, 11-05-2009)

- (k) The maximum block length, as measured from the centerline of the nearest intersecting streets, shall be a maximum of seven hundred feet (700'). (Ord. 2229, 11-05-2009)
- (l) Street names must be approved by the City.
- (m) All streets, alleys, sidewalks, recreation paths, parks of two acres or larger, and other public ways or places must be dedicated to the City by the owners of any interest therein except the owners of severed mineral or water interests.
- (n) Streets shall be developed in accordance with the City's Comprehensive Plan Roadway Cross-Sections, the City's Engineering Specifications, as applicable, and the table below. The minimum dedicated rights-of-way and street widths shall be as follows:

Street Classification	Minimum Right-of-Way	Minimum Street Width Urban = Width between Curb Flowlines Rural = Paved Width (Asphalt or Concrete)
Major Arterial - Urban	124 feet *	92 feet ***
Major Arterial - Rural	124 feet *	76 feet ***
Minor Arterial - Urban	112 feet **	Varies with traffic volume and whether parking is allowed, see Engineering Specifications for road widths ***
Minor Arterial - Rural	112 feet **	Varies with traffic volume and whether parking is allowed, see Engineering Specifications for road widths ***
Collector	70 feet	46 feet
Local - Boulevard Style Alternative 2	50 feet 50 feet	28 feet with detached 5-foot sidewalk 36 feet with attached 6-foot sidewalk
Planned Developments	40 feet	24 feet with attached 6-foot sidewalks in addition to curb and gutter Supplemental off-street parking may be required.

* R-O-W width shall be increased by 10 feet within 500' of an arterial cross street intersection to allow a double left turn lane.

** R-O-W width shall be increased by 12 feet within 500' of an arterial cross street intersection to allow a double left turn lane.

***The decision whether to require urban or rural street widths shall be made at sketch plan review.

(Ord 2229, 11-05-2009)

- (o) Subdivisions which include any part of an existing platted street which does not conform to the minimum right-of-way requirements of these regulations may be required to provide additional width necessary to meet the minimum right-of-way requirements of these regulations.

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

Street Classification	Maximum % Grade	Minimum Radius of Curve	Minimum Sight Distance*
Major Arterial	5%	400 feet	500 feet
Minor Arterial	5%	400 feet	500 feet
Collector	8%	300 feet	300 feet
Local	8%	100 feet	200 feet

* as measured between points four feet (4') above the centerline of the street.

- (q) Alleys shall be provided at the rear of lots within the commercial zoning districts, or as otherwise approved by the City. Alleys shall be twenty feet (20') in width and shall be paved in accordance with City specifications.

(2) Curb, gutter and sidewalks

Curb, gutter, and sidewalks or recreation trails shall be provided along all roadways consistent with the City's Comprehensive Plan.

- (i) A minimum ten-foot (10') wide concrete recreation trail with the addition of two-foot (2') obstacle-free recovery zones, constructed of Class 6 gravel aggregate, or a City-approved alternative, on each side of said trail shall be located along one (1) side of the roadway, as determined by the City. Recreation trails shall be designed in accordance with the AASHTO "Guide for the Development of Bicycle Facilities".
- (ii) A minimum six-foot (6') wide sidewalk shall be provided on the side of the roadway not occupied by the recreation trail described above. Greater sidewalk widths may be required in commercial areas.
- (iii) Recreation trail lighting may be required in more heavily populated or urbanized areas, travel corridors, and commuter routes, as determined by the City. Recreation trail lighting shall provide a minimum .4 to

.5 foot-candles of illumination at all points along the length of the trail. The City's provisions, standards, and specifications regarding outdoor lighting shall also apply.

- (iv) Recreation trails with alternative non-hard surfaces and narrower widths may be approved in those instances where such trails are secondary to existing or proposed concrete recreation trails, and do not serve as connectors to the City's recreation trail system, as denoted within the City's Comprehensive Plan.
- (v) Curb, gutter, and sidewalks shall be provided along collector and local streets. Six-foot (6') detached sidewalks are required on collector streets. Five-foot (5') detached or six-foot (6') attached sidewalks are required for local streets.

(Ord 2229, 11-05-2009)

- (b) Sidewalks shall be located and constructed as necessary to interconnect the subdivision and lots therein with the network of City sidewalks and recreation trails. (Ord 2229, 11-05-2009)
- (c) Accessibility ramps shall be provided in accordance with the Americans with Disabilities Act. (Ord 2229, 11-05-2009)
- (d) The City may elect to require over-sizing of any sidewalk and participate in cost sharing thereof. (Ord 2229, 11-05-2009)
- (e) The City may require any sidewalk to be wider than those standards set forth herein, upon a finding that such greater widths are necessary to serve the subdivision, due to:
 - (i) high density of the subdivision;
 - (ii) special needs of the residents of the subdivision; or
 - (iii) connection to existing wider sidewalks or recreation trails.

(Ord 2229, 11-05-2009)

(3) Blocks and Lots.

- (a) In residentially zoned districts, blocks shall be wide enough to permit two (2) lots between lengthwise streets.
- (b) The building line for residential lots on collector streets shall be set back twenty-five feet (25') from the front property line.
- (c) The building line on corner lots shall be set back twenty-five feet (25') from both street front property lines.
- (d) Lots which abut a street in the front and the rear shall be avoided except where a railroad right-of-way, a major arterial or minor arterial street is located to the rear of the lot, in which case such a lot shall have a minimum depth of one hundred twenty five feet (125'). Lots abutting cul-de-sacs shall have a minimum frontage of twenty-five feet (25').
- (e) Every lot shall front on a designated collector or local street, subject however to the following exceptions:
 - (i) Private shared access drives accessing more than one dwelling unit may be allowable, subject to City approval, in subdivisions containing a total of six (6) or less dwelling units in residential zoning districts;
 - (ii) Private access easements may be provided, subject to City approval, in subdivisions within commercial zoning districts across parking lot areas;
 - (iii) In such instances, the shared access improvements shall be subject to City specifications and the restrictions set forth in Section 4-7-6(G) above.
- (f) No residential lot shall front on a major arterial or minor arterial street. No access shall be permitted directly from a residential lot to a major arterial or minor arterial street.
- (g) The lot depth shall not be more than three (3) times the lot width at the front building line.
- (h) Access drives and intersections shall comply with City access standards and the Transportation Plan. In addition, accesses onto County roads shall comply with applicable County regulations.

- (i) Lots shall be at least fifty feet (50') in width at the front building line. Lots abutting cul-de-sacs shall have at least twenty five feet (25') of linear frontage to the cul-de-sac.
- (j) Sight triangles shall be shown on the plat as per the Engineering Specifications. (Ord 2229, 11-05-2009)

(4) Parks, open space and trails.

- (a) For all new residential development requiring subdivision or P.D. approval, or a combination of both, the owner shall pay money in lieu of park land dedication as determined by the City to be necessary or required, to defray the cost of and provide parks and open space as calculated below.
 - (i) Those developments that dedicate adequate quantities and qualities of park land acceptable to the City, in the City's sole discretion, shall not be required to pay the money in lieu of park land dedication. Only park land dedicated to the City of Montrose, and approved by the City, in the City's sole discretion, that meets the City's Parks, Trails, and Open Space Plan, or the City's Comprehensive Plan, the minimum design standards as set forth herein, and that is improved to meet the City's park standards and specifications, shall qualify to relieve the subdivider of payment of money in lieu of park land dedication.
 - (ii) *Lot or Unit x 0.0175 (acres park land per lot or unit) x \$90,000 (value per developed park land acre, based upon \$25,000 per acre undeveloped land value plus \$65,000 park land development cost) = \$1,575 per lot or unit.*
 - (iii) Monies collected in lieu of park land dedication shall be collected at time of issuance of building permit, and placed into a City park development fund to be earmarked for future acquisition or development of parks, opens space, or trails. No security as set forth in Section 4-7-8 shall be required.

(Ord 2229, 11-05-2009)

- (b) Monies paid in lieu of park land dedication, pursuant to this § 4-7-7 (C)(4), are to enable the City to provide parks in the proper locations, and of the proper sizes to serve the citizens of the City.
 - (i) Private open space(s) or recreation areas shall not be a substitute for the dedication of park land, or money in lieu of park land dedication.

(Ord 2229, 11-05-2009)

- (c) All non-public common areas, parks and open spaces shall be held in private ownership and maintained in perpetuity, with appropriate platted restrictions on use and covenants for ownership and maintenance in accordance to the provisions of §4-7-6(G) above. All non-public common areas shall be located, constructed and installed in compliance with plans as reviewed and approved.
- (d) For purposes of these provisions, developed park land shall require prior submittal and approval of a park plan by the City, which plan shall address the City's park standards and specifications. (Ord 2229, 11-05-2009)
- (e) When authorized by the City, the required dedication of developed park land may be partially or wholly substituted by alternative dedication and/or preservation of open space areas such as riparian habitat, wetlands habitat, wildlife habitat and view corridors as approved by the City. (Ord 2229, 11-05-2009)
- (f) Parks that are sized, developed, and located to meet the needs of the City and constructed in accordance with City standards and specifications may be dedicated to the City, and if so dedicated, shall be available for use by the public. (Ord 2229, 11-05-2009)
- (g) Consistent with the City's Comprehensive Plan, subdividers shall dedicate to the City developed park land based upon a formula of seven (7) 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. (Ord 2229, 11-05-2009)

(h) Sidewalks and recreation trails shall be integrated with existing and planned sidewalks and recreation trails in accordance with the City's Parks, Trails and Open Space Plan or Comprehensive Plan. The owner of each project shall dedicate the appropriate easements consistent with said Plans. (Ord 2229, 11-05-2009)

(i) Unless otherwise authorized, all sidewalk and recreation trails shall be available for use by the public and shall be dedicated to the City. (Ord 2229, 11-05-2009)

(j) Natural watercourses may 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. (Ord 2229, 11-05-2009)

(k) (Rep. by Ord. 2229, 11-05-2009)

(l) (Rep. by Ord. 2229, 11-05-2009)

(5) Public utilities:

(a) All utilities shall be installed underground unless the City Engineer determines that soil or topographic conditions make that impracticable.

(b) 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.

(c) 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. Multiple buildings within a single lot shall each require a singular water and sewer lateral connection to a main line.

- (d) The City may elect to require over-sizing of the extended utility and pay for the cost of such materials accordingly.
- (e) City water and sewer systems shall be provided except where the City has required an alternative supplier by service area agreement with such alternative provider. In cases where alternative utilities are provided on a temporary basis, connection to City services shall be required at such time they are made available to the subject property.
- (f) In the event that City sewer service will not be available within a reasonable time period following final plat approval, engineered individual sewage disposal systems may be authorized by the City for those subdivisions occurring within the residential "rural living" zoning districts with lot sizes of five (5) acres or greater. Advance City approval shall be required in each case.
- (g) All extension of City utilities shall require City approval and proper execution of City utility extension agreements. The extension of utilities shall be at the sole expense of the subdivider.
- (h) 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.
- (i) All utility extensions shall be subject to City inspection and approval. The City may elect to contract inspection services at the subdivider's expense.

- (j) 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.
- (k) Following the completion of any utility extension and submission of the as-built plans, the City Engineer 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, shall issue a Preliminary Letter of Infrastructure Completion. (Ord. 2173, 11-15-2007)
 - (i) For a period of two (2) calendar years thereafter, the subdivider shall be responsible for correcting all defects or failures that appear in such improvements.
 - (ii) At the completion of this two (2) calendar year Construction Warranty period, upon written request from the subdivider, all public and necessary on and off-site improvements shall again be inspected by the City Engineer, and upon final approval, may be accepted by the City, as evidenced by issuance of a Letter of Infrastructure Completion and Acceptance. The provisions set forth in Section 4-7-6 (D) of the Municipal Code shall apply to improvements and construction covered by this Section.

(6) Piped drainage facilities and waterways.

- (a) Stormwater discharge improvements shall be engineered and approved in accordance with City specifications. Stormwater retention on site shall be discouraged. When feasible to do so, all ditches shall be piped and subject to platted easements to be dedicated either to the City or to the applicable owner of the ditch facilities. The City may elect to allow the location of piped ditch facilities within its rights-of-way at its discretion. Perpetual maintenance shall be provided pursuant to plat notes and/or City approved covenants.
- (b) Permission shall be acquired, in writing, from all applicable owners of ditch facilities prior to improvements thereto.

- (c) No discharges of urban stormwater into any irrigation ditch facilities shall be allowed. No discharges of urban stormwater into agricultural drainage ditch facilities shall be allowed, unless otherwise approved by the owning interest in said drainage facilities.

(7) School Land Dedication

- (a) The subdivider shall dedicate to the City land for development of school based upon the below formula of 17.83 acres of vacant land per density of one thousand units or lots, calculated at build-out of the proposed subdivision. This is based upon an average of 0.64 students per residential unit.
- (b) All of the dedicated shall be of a singular parcel, shall meet the minimum size requirements for the intended use, and shall be suitable for construction of school facilities. The RE-1J School District shall review the subdivider's request to dedicate land or pay cash-in-lieu of land dedication, and shall provide its recommendation to the City Land Use Staff accordingly.

Elementary school = 15 acres

Middle school = 30 acres

High school = 55 acres

- (c) For those subdivisions where the dedication of school land is not practicable, such as subdivisions involving small land area, or where the area of the land is not suitable or sufficient for purposed construction of school facilities, the City shall require a money-in-lieu-of payment equal to the value of the property otherwise developed and dedicated in accordance with these provisions. The value of the property shall be based upon Montrose County Land Values, as adjusted from time to time, and calculated as follows:

School	Student per Lot	Acres per Student	Dollars per Acre	In-Lieu Fees
Elementary	.294	.033	\$25,000	\$243
Middle	.154	.067	\$25,000	\$258
High	.192	.037	\$25,000	\$178
TOTAL				\$679

(Ord. 2188, 04-03-2008)

- (d) Moneys collected in lieu of school land dedication shall be collected at time of issuance of building permit (or certificate of occupancy for those buildings commenced prior to final plat approval) and placed into a school land fund to be disbursed to the RE-1J School District on a quarterly basis. No security as set forth in Section 4-7-8 shall be required.
- (e) When possible, the requirement for money in lieu of dedication shall be noted as a plat note on the final plat of the subdivision, or within the recorded declaration of covenants for residential development not requiring subdivision, such as mobile home parks.
- (f) The following shall be exempted from school land dedication requirements or payment-in-lieu-of fees:
- (i) Nursing homes as defined in the City Code;
 - (ii) City approved subdivisions that are subject to recorded covenants restricting the age of the residents of said dwelling units such that the dwelling may be classified as “housing for older persons” pursuant to the Federal Fair Housing Amendments Act of 1988.

- (iii) Residential zoning uses that do not accommodate permanent residential housing. Said developments shall be required to record a covenant running with the land, prohibiting permanent residential housing therein, in a form acceptable to the City, if a waiver of the fee in lieu of school land dedication is requested. (Ord. 2188, 04-03-2008)

- (8) Monuments: Monuments shall be set in concrete and placed at all corners of all street intersections, at the intersections of the boundary of the subdivision with street right-of-way lines, at angle points and points of curve in each street and at points of change in direction of the exterior boundaries of the subdivision. The top of the monument shall have a metal cap set flush to identify the location. All lot corners shall be monumented with a minimum of a #5 rebar 18” in length and metal cap.

- (9) Berms, screening and buffers: Buffers and/or screening shall be provided between incompatible uses both within the subdivision and adjoining the subdivision in accordance with City design standards and specifications.

- (10) Street Lights
 - (a) In all subdivisions, except for residential zoned “rural living” and "estate” subdivisions, streetlights shall be provided at all intersections and at intervals between intersections in accordance with City specifications.

 - (b) In residential “rural living” zoning districts and "estate” subdivisions, street lights shall only be required at street intersections, with no interval requirements.

 - (c) All streetlights shall conform to City standards and specifications, and with Chapter 4-13. (Ord. 1924, 12-05-2002)

- (11) Outdoor Lighting: All outdoor and exterior lighting shall conform with Chapter 4-13. (Ord. 1924, 12-05-2002)

4-7-8: SECURITY FOR COMPLETION OF IMPROVEMENTS

(A) If the subdivider wishes to have the Final Plat approved prior to the installation, inspection and approval of all required improvements, the subdivider must provide security incorporated into a Subdivision Improvement Agreement to guarantee the completion of all improvements within two (2) calendar years after approval of the Final Plat in accordance with this Section. (Ord. 2173, 11-15-2007)

(1) Said security shall be in the form of:

(a) a subdivision lien agreement placing an adequate lien upon the lots of the subdivision, with an escrow account with the City into which the subdivider shall pay, prior to the sale of any lot within the subdivision, an amount to be verified by the City Engineer equal to one hundred and fifty percent (150%) of the pro rata cost to complete the subdivision improvements necessary to serve that lot; or;

(b) a cash escrow deposited with the City or a clear irrevocable letter of credit in an amount to be verified by the City Engineer equal to one hundred and fifty percent (150%) of the pro rata cost to complete the subdivision improvements necessary to serve that lot.

(2) Funds in any escrow account shall be returned to the subdivider upon the issuance of either a Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion, depending on the circumstances. (Ord. 2173, 11-15-2007)

(3) Security shall not be required for money in lieu of payments relative to park land and school land dedications provided in Section 4-7-7, as such money payments shall be collected upon issuance of building permits relative to subdivided lots or units.

(4) Even though a Final Plat will have been recorded, when a subdivider chooses to secure public and necessary on and off-site improvements with a Subdivision Improvement Agreement, the subdivider shall agree not to sell, transfer, offer for sale or otherwise convey any portion of the property, including lot(s), unit(s) or outlot(s), prior to the issuance of a Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion, depending on the circumstances. A sale or other transfer of the entire subdivision will be possible once the purchaser has provided the necessary security. (Ord. 2173, 11-15-2007)

(B) The subdivider shall complete all necessary on and off-site improvements within two (2) calendar years of the approval of the Final Plat by the Council. In the event that all necessary on and off-site improvements are not completed, inspected and approved within two (2) calendar years of the date of the approval of the Final plat by the Council, no further building permits, occupancy permits, water taps or sewer taps shall be allowed by the City in such subdivision until such improvements are completed. It shall then be unlawful to sell any further lots in the subdivision until all necessary on and off-site improvements are completed. (Ord. 2173, 11-15-2007)

(C) The City Council may authorize extensions of time to complete all improvements beyond the two (2) year limitation as set forth herein.

4-7-9: MINOR SUBDIVISIONS

(A) Subdivisions which meet all of the following criteria do not require a sketch plan or preliminary plat to be submitted, and may be approved administratively without notice and hearing.

(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 and accepted public street.

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

- (4) The improvements required by these regulations are already in existence and available to serve each lot, or secured.
- (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 part of the subdivision has been approved as part of a minor subdivision within three (3) years prior to the date of submission of the minor subdivision plat.
- (7) No material changes to prior plat notes, restrictions or easements are proposed.

(B) Submittals of sketch plans and preliminary plats are not required. Five (5) copies of the minor subdivision plat shall be filed with the City. All fees related to this Section shall be as set forth in Chapter 3-1 of the City of Montrose Regulations Manual, which fees shall cover all administrative costs. (Ord. 2005, 05-20-2004)

(C) 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, said information to be included within a title box located on the lower right corner of the plat.
- (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, the date of the plat, said information to be included within a title box located on the lower right corner of the plat.
- (4) A certificate of an attorney that title to the property is in the name of those parties.
- (5) A certificate of recording to be executed by the County Clerk and Recorder.

- (D) The City Land Use Staff may either approve, disapprove or conditionally approve 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) Upon approval by the City Land Use Staff, the plat of the minor subdivision shall be submitted in final form on two (2) reproducible mylars, with all requisite signatures, and also on diskette in a digital format acceptable to the City, and compatible with City computer systems.

4-7-10: AMENDED PLATS

- (A) Amended Plats may be submitted without a sketch plan or preliminary plat if they meet the below requirements. Five (5) copies of the amended plat shall be filed with the City. All fees related to this Section shall be as set forth in Chapter 3-1 of the City of Montrose Regulations Manual, which fees shall cover all administrative costs. (Ord. 2005, 05-20-2004)
 - (1) The plat, as amended, reduces the number of lots within the subdivision; or the nature of the amendment is *de minimus*.
 - (2) All lots or tracts are adjacent to a dedicated public street.
 - (3) The lots are part of a subdivision plat which has been approved and/or accepted by the City and recorded in the Montrose County Records.
 - (4) The improvements required by these regulations are already in existence and available to serve each lot, or secured.
 - (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. No material changes to prior plat notes, restrictions or easements are proposed.

- (B)** Submittals of sketch plans and preliminary plats are not required. The City Land Use Staff may either approve, disapprove or conditionally approve 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.
- (C)** 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, said information to be included within a title box located on the lower right corner of the plat.
 - (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, the date of the plat, said information to be included within a title box located on the lower right corner of the plat.
 - (4) A certificate of an attorney that title to the property is in the name of those parties.
 - (5) A certificate of recording to be executed by the County Clerk and Recorder.
- (D)** The City Land Use Staff may either approve, disapprove or conditionally approve 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)** Upon approval by the City Land Use Staff, the amended plat shall be submitted in final form on two (2) reproducible mylars, with all requisite signatures, and also on diskette in a digital format acceptable to the City, and compatible with City computer systems.

4-7-11: ADMINISTRATIVE REVIEW HEARING

- (A)** Upon City Council final action concerning either preliminary plat or final plat, the subdivider may request, in writing and submitted to the City within 30 days of said final action, with appropriate fees paid as set forth in Section 3-1 of the City of Montrose Regulations Manual, an administrative review hearing before the City Council. (Ord. 1999, 04-15-2004)
- (B)** The administrative review hearing shall be limited to review of:

 - (1) denial of the plat;
 - (2) minimum standards and/or conditions imposed as a requirement of approval of the plat.
- (C)** The hearing shall be conducted on record, and the Council shall prepare and submit to the subdivider a written summary of its findings and decision in the matter.