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## 4.1 General Provisions

- A. Title – These regulations shall be known as the "Subdivision and Development Regulations" of the City of Cañon City, Colorado.
- B. Except as provided in paragraph 4.1C, any reference in the charter, ordinances and other regulations of the City of Cañon City to the "subdivision regulations" shall be a reference to these Subdivision and Development Regulations, which shall apply as to all applications filed on or after the effective date of these regulations.
- C. References in the charter, ordinances and other regulations of the City to the "subdivision regulations" made in connection with any currently pending land use application that was filed prior to the effective date of these regulations shall be a reference to the subdivision regulations that were in effect at the time such application was filed, unless the City and the applicant agree that these regulations shall apply to the subject matter of such application.
- D. The provisions of these regulations, in conjunction with the City's Zoning Ordinance ("Zoning Ordinance"), shall apply to any and all development of land within the municipal boundaries of the City, unless expressly and specifically exempted or provided otherwise in these regulations. No development shall be undertaken without prior and proper approval or authorization pursuant to the terms of these regulations and applicable provisions of the Zoning Ordinance. All development shall comply with the applicable terms, conditions, requirements, standards and procedures established in these regulations and the Zoning Ordinance.
- E. Except as herein provided, no building, structure or land shall be used and no building or structure or part thereof shall be erected, constructed, reconstructed, altered, repaired, moved or structurally altered except in conformance with applicable provisions of these regulations. No required permit or water tap shall be issued by the City for any such building unless the owner or developer of such building complies with the provisions of these regulations and the applicable provisions of the City's ordinances, primary and secondary codes and other regulations.
- F. These regulations, in conjunction with the Zoning Ordinance, establish procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications will be reviewed for compliance with the City's Comprehensive Plan and applicable City ordinances, regulations, codes, policies and published standards.

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## 4.2 Intent

- A. This Article is designed and enacted for the purpose of promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the City by:
1. Establishing standards of subdivision design that will ensure the development of sound, economical, and stable neighborhoods, and establishing a living environment that adapts to the needs of the community.
  2. Encouraging new subdivision developments to relate to City's historic development pattern.
  3. Promoting compact, well-defined, sustainable neighborhoods that enhance City's character.
  4. Creating livable neighborhoods that foster a sense of community and reduce dependency on private vehicles.
  5. Encouraging the proper arrangement of streets in relation to existing or planned streets and ensuring streets facilitate safe, efficient and pleasant walking, biking and driving.
  6. Providing a variety of lot sizes and housing types in every neighborhood.
  7. Protecting sensitive natural and historic areas and City's environmental quality.
  8. Providing for adequate and convenient open spaces for traffic, utilities, access of fire apparatus, recreation, light and air and for the avoidance of congestion of population.
  9. Providing open spaces and facilities for adequate stormwater management.
  10. Providing adequate spaces for educational facilities.
  11. Providing protection from geologic hazards and flood prone areas.
  12. Ensuring compliance with the Zoning Ordinance, the City's Comprehensive Plan and the Community Design Principles and Development Standards (Article 2 of this Code).
  13. Regulating such other matters as the City Council may deem necessary in order to protect the best interest of the public.

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## 4.3 Administration

### **Authority.**

The Planning Commission of the City of Cañon City, Colorado (hereinafter referred to as Planning Commission) has adopted these Subdivision and Development Regulations pursuant to the authority set forth in Section 14 of Article XV of the Charter of the City of Cañon City, Colorado (hereinafter referred to as City), and Article 23 of Title 31, Colorado Revised Statutes.

### **Jurisdiction.**

Territorial jurisdiction. These Regulations shall be applicable to all land located within the corporate limits of the City. The major street plan (adopted as the Major Thoroughfare Plan) of the City shall be applicable to all land lying within three miles of the boundaries of the municipality not located in any other municipality; except that in the case of any such land lying within five miles of more than one municipality, the jurisdiction of each commission shall terminate at a boundary line equidistant from the respective municipal limits of such municipalities, as provided in Section 31-23-212 CRS.

Contractual Jurisdiction. These Regulations may be applicable to subdivisions outside the corporate limits of the City, by agreements between the City and the County of Fremont or through agreements with the City for provision of water service.

### **Dedications for public use.**

All plans of streets or highways for public use, and all plans, plats, plots and replats of land laid out in subdivision or building lots, and the streets, highways, alleys or other portions of the same intended to be dedicated to a public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto, shall be submitted to the City Council for review and subsequent approval, conditional approval or disapproval. Acceptance of proposed dedications for public use shall be given by separate action of the City Council.

### **Divisions of land – Recordation.**

All divisions of lots, tracts or parcels of land into two or more lots or parcels, or the plat of any subdivision of land within the city, shall be filed and recorded in the office of the Fremont County Clerk and Recorder only after having been approved in accordance with the Subdivision and Development Regulations of the city. No plat shall be recorded in any public office unless the same shall bear thereon, by endorsement or otherwise, the approval of the City Council. (Prior code § 16.08.010)

### **Vesting of property rights.**

No property rights as defined in Section 24-68-101, Colorado Revised Statutes, et seq., shall occur in the subdividing process until such time as the City Council has given approval of the final plat presented by the subdivider, after notice and public hearing and recordation of such plat with the Fremont County Clerk and Recorder, unless the subdivider and the City have reached a written agreement providing for the vesting of real property rights at a different time.

**Responsibilities.**

Developer The property owner or his authorized agent shall prepare the plats and drawings for all aspects of the subdivisions, showing utilities and improvements in accordance with the rules and guidelines set forth in these Regulations. The owner or his duly authorized agent shall attend all hearings at which the plat is considered.

City Planner The Planner shall review all subdivision plats, site plans, and other required documents. The Planner shall report to the Planning Commission and City Council as to whether the proposed subdivision is consistent with the regulations, ordinances and resolutions of the City.

City Engineer The Engineer shall review the improvement plans, drainage plans, closure sheets, and site plans, cause developers to enter into Development Agreements for new subdivisions, and approve Improvement Guarantees, as set forth in these regulations.

**Public Notice.**

Published Notice. Where it is required that the City Planner publish a notice prior to any public hearing, that notice shall be published in a newspaper of general circulation within the city, and shall state the subject matter of the action, the body conducting the hearing (Planning Commission or City Council), the legal description and address of the property, and the time, date and location of the hearing. Said notice shall be published no less than fifteen (15) days prior to the date of the public hearing.

Posted Notice. Where it is required that the City Planner cause a sign of Notice to be posted on any property prior to any public hearing, that sign shall clearly state the subject matter of the action, the body conducting the hearing (Planning Commission or City Council), the legal description and address of the property, and the time, date and location of the hearing. Said sign shall be prepared by the City Planner and posted on the property by the applicant, no less than fifteen (15) days prior to the public hearing. Where the subject property abuts on more than one street frontage, or is larger than five (5) acres in area, the City Planner may require more than one sign of Notice.

**Process Vesting.**

Once an application for approval of any process contained within these Subdivision and Development Regulations has been certified to be complete, it shall be reviewed according to the process, procedures, standards and fees contained in these regulations at the time of certification of completeness, provided that such application has not been abandoned. Any application that remains pending for a period longer than twelve (12) months following the submittal of a complete application shall be presumed abandoned unless the City and the applicant agree in writing that such application has not been abandoned or a hearing on such application has been scheduled prior to the expiration of such twelve (12) month period. Any subsequent amendments to these regulations adopted by the City that become effective after the date of the certification of completeness shall not apply to applications pending approval at the time of the adoption of the changes, unless the City and the applicant agree in writing to follow the revised process or the application has been abandoned.

## 4.4 Definitions

- A. Terms used in the Subdivision and Development Regulations are defined as follows. In addition, the definitions in Chapter 17.08, Cañon City Zoning Ordinance, shall apply to these Regulations.
1. Alley means a minor or secondary right-of-way, either public or private, which is used primarily for vehicular service access to the back or side of properties otherwise abutting a street and which may be used for public utility purposes.
  2. Applicant means the owner of land, the owner's duly authorized representative, or the optionee of the land, as well as mineral owners and lessees, in a land use application.
  3. Area of lot means the total horizontal area within the lot lines of a lot.
  4. Arterial street means any street serving major traffic movements which is designed primarily as a traffic carrier between cities or between various sections of the city, which forms part of a network of through streets, and which provides service and access to abutting properties only as a secondary function.
  5. As-Built Drawings means a drawing, or series of drawings, that depict improvements as they were actually constructed, and that are drawn to the same scale, with the same detail, accuracy, format and form as the drawings that were submitted for original approval. All drawings shall be signed and stamped by a qualified Professional Engineer licensed in the State of Colorado.
  6. Association means a unit owners' association organized under Section 38-33.3-301, C.R.S., or any other applicable state statute, and may include an organization established to own and maintain common open space in a planned unit development.
  7. Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, general good housekeeping pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
  8. Block means a unit of land, or a group of lots, bounded by streets or by a combination of streets and public lands, or other rights-of-way other than an alley, waterways or any barrier to the continuity of development, or land which is designated as a block on any recorded subdivision plat.



9. Building means any roofed structure built for the shelter or enclosure of persons, animals, chattels or property of any kind.
10. Building code means the currently adopted set of standards that must be followed in the construction, remodeling and maintenance of buildings and structures.
11. Common elements means: (a) In a condominium or cooperative, all portions of the condominium or cooperative other than the units; and (b) In a planned community, any real estate within a planned community owned or leased by the association, other than a unit. [See § 38-33.3-103(5), C.R.S.]
12. Common element, limited means common elements, as defined above, but reserved for the exclusive use of fewer than all owners. [See § 38-33.3-103(1a), C.R.S.]
13. Common Interest Community means real estate described in a declaration with respect to which a person, by virtue of such person's ownership of a unit, is obligated to pay for real estate taxes, insurance premiums, maintenance, or improvement of other real estate described in a declaration. Ownership of a unit does not include holding a leasehold interest in a unit of less than forty years, including renewal options. The period of the leasehold interest, including renewal options, is measured from the date the initial term commences. [See § 38-33.3-103(8), C.R.S.]
14. Common open space means a parcel of land, an area of water, or a combination of land and water within the site designated for a planned unit development (PUD) or subdivision, designed and intended primarily for the use or enjoyment of residents, occupants and owners of the PUD or subdivision. [See § 24-67-103(1), C.R.S.]
15. Community Design Principles and Development Standards means and includes the City of Canon City Standard Construction Specifications and the City's most recently adopted Major Thoroughfare Plan, together with such other standards and policies as have been adopted for use in the City, until such time as the City has adopted as a part of its Land Use Code a separate Article entitled "Community Design Principles and Development Standards."
16. Comprehensive Plan means the master plan for the City which has been officially adopted to provide long range development policies for the City and which includes, among other things, the plan for land use, public facilities, and transportation.
17. Condominium means a common interest community in which portions of the real estate are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate ownership portions. A Common interest community is not a condominium unless the

undivided interests in the common elements are vested in the unit owners. [See § 38-33.3-103(9), C.R.S.]

18. Condominium map means that part of a declaration that depicts all or any portion of a common interest community in three dimensions, is executed by a person that is authorized by Title 38, C.R.S. to execute a declaration relating to the common interest community, and is recorded in the real estate records in every county in which any portion of the common interest community is located. A map is required for a common interest community with units having a horizontal boundary. A map and a plat may be combined in one instrument. [See § 38-33.3-103(19.5), C.R.S.]
19. Condominium plat means that part of a declaration that is a land survey plat as set forth in § 38-51-106, C.R.S. which: depicts all or any portion of a common interest community in two dimensions; is executed by a person that is authorized by this title to execute a declaration relating to the common interest community; and is recorded in the real estate records in every county in which any portion of the common interest community is located. A condominium plat and a condominium map may be combined in one instrument. [See § 38-33.3-103(22.5), C.R.S.]
20. Condominium unit means a unit within a condominium. [See also paragraph 86 of this subsection A.]
21. Conservation easement means a right of the owner of the easement to prohibit certain acts with respect to the property in order to maintain the property in a manner that will preserve its value for recreation, education, habitat, open space, or historical importance. [See also §38-30.5-102, C.R.S.]
22. Cooperative means a common interest community in which the real property is owned by an association, each member of which is entitled by virtue of such member's ownership interest in the association to exclusive possession of a unit. [See § 38-33.3-103(10), C.R.S.]
23. Correction plat means a plat used to correct minor errors in bearings, spelling, dimensions, or graphics on a previously recorded subdivision or planned unit development plat.
24. Covenants, protective means a private written agreement outlining regulations specific to a development regulating the manner in which land may be used, with a view towards protecting and preserving the physical and economic integrity of an area. Protective covenants normally run with the land, and are not enforced by the City. In the event of conflict between the covenants and these Regulations, these Regulations control.
25. Cul-de-sac means a street open at one end only, with a radius bulb for the turning around of vehicular traffic on the other end. The construction of the turn-around

radius must be as described in the Standard Construction Specifications, with no exceptions.

26. Declaration means any recorded instruments, however denominated, that create a common interest community, including any amendments to those instruments and also including, but not limited to, plats and maps. [See § 38-33.3-103(12), C.R.S.]
27. Dedication means any grant by the owner of a right to use land for the public in general, for streets and roads, utility and drainage facilities, parks, open space or other public use, involving a transfer of property rights, and an acceptance of the dedicated property by the City or other appropriate public agency.
28. Density means the overall average number of dwelling units located on the gross or net residential acreage (as applicable) contained within the development and calculated on a per-acre basis. Gross density is calculated by dividing the total number of units by the total acreage. Net density is calculated by dividing the total number of units by the total acreage minus all streets.
29. Design standards mean the standards that set forth specific improvements requirements.
30. Detention basin means a man-made or natural water collector facility designed to collect surface and sub-surface water in order to temporarily retard excess peak storm runoff, and to release the same gradually at a rate not greater than the rate prior to the development of property, into natural or manmade outlets.
31. Developer means any person, partnership, joint venture, limited liability company, association or corporation who participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development.
32. Development means any man-made change to improved or unimproved real estate, including but not limited to the alteration, construction, reconstruction, conversion, or enlargement of any structure; and change in use of a property, building, or structure; and any mining, dredging, filling, grading, paving excavation or drilling operation. The term "development" shall include the act of subdivision, unless otherwise expressly excluded.
33. Development Agreement means an agreement contemplated in Section 4.18 of this Code between the City and a developer of real property in the City which, at a minimum, identifies or describes infrastructure improvements, which may be on-site or off-site or both on-site and off-site, that the developer is obligated to design, install and construct in accordance with applicable City standards and to guarantee for a designated warranty period. Development Agreements generally will cover infrastructure improvements required by City Council or other decision-making bodies of the City in connection with subdivision approvals, to

the extent such improvements are incomplete at the time the Development Agreement is executed. The developer's performance under a Development Agreement must be secured by cash, certified funds, a letter of credit issued by a local financial institution or by another form of improvements guarantee approved by the City Engineer.

34. Development Plan means the written and graphic documents that detail the standards for development of a PUD or PDD or any portion thereof. These standards may include, and need not be limited to: easements, covenants and restrictions relating to use; location and bulk of buildings and other structures, including maximum building envelopes; intensity of use or density of development; utilities, private and public streets, ways, roads, pedestrian areas, and parking facilities; common open space; landscaping, and other public facilities.
35. Easement means an interest in real property that established the right to use the property for certain purposes, such as utilities installation, access, drainage, and maintenance. Ownership of the underlying land remains with the property owner, not the easement holder.
36. FEMA means Federal Emergency Management Agency.
37. Floodplain or flood hazard area means an area that has been designated by the City Council, the Colorado Water Conservation Board, or FEMA as susceptible to flooding.
38. Flood prone area means an area susceptible to flooding that has not been designated by the City Council, the Colorado Water Conservation Board, or FEMA.
39. Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
40. Floor area, also called gross floor area, means the total square footage of the building measured along the outside walls of the building and including each floor level, but not including open balconies, vent shafts, courts, or uninhabitable areas below ground level or in attics.
41. Floor Area Ratio (FAR) means the amount of gross floor area of all principal buildings on a lot or block, as the case may be, divided by the total area of such lot, or the block size, respectively, on which such buildings are located. For mixed-use blocks, the residential square footage shall be added to the commercial development for a total block FAR.

42. Footprint, also called ground level footprint, means the outline of the total area covered by a building's perimeter at ground level, including residences, garages, covered carports and porches, and accessory structures.
43. Future Improvements Agreement (FIA) means a written and recorded agreement between the City and landowner under which the landowner agrees to install specific infrastructure improvements (such as curbs, gutters, streets and sidewalks) upon receipt of the City's later request. Landowner obligations provided for in such agreements run with the land and are binding upon successors in interest.
44. Geologic hazards mean unstable or potentially unstable slopes, undermining, faulting, landslides, rockfalls, flood, wildfire or similar naturally occurring dangerous features or soil conditions or natural features unfavorable to development.
45. Grade means:
  - a. The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, or, where the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.
  - b. The degree of rise or descent of a sloping surface
46. Grade, finished means the final elevation of the ground surface after development.
47. Grade, natural means the elevation of the ground surface in its natural state, before man-made alterations.
48. Historic site means a structure or place of historical significance. Such structure or place may be designated a historic site by local, state, or federal government and given official status and protection.
49. Homeowners association, when used with respect to a common interest community that is subject to some or all of the provisions of Article 33.3 of Title 38, C.R.S., shall mean a unit owner's association organized under Section 38-33.3-301, C.R.S., and when used with respect to a planned unit development that is not a common interest community, shall mean an association formed by or for the benefit of landowners in the planned unit development for the ownership and maintenance of common open space.
50. Horizontal boundary means a plane of elevation relative to a described bench mark that defines either a lower or an upper dimension of a unit such that the real estate respectively below or above the defined plane is not a part of the unit. [See § 38-33.3-103(16.5), C.R.S.]

51. Improvement Guarantee shall mean a letter of credit issued by a local bank to secure performance of a developer's promise to construct or install specific infrastructure improvements enumerated or otherwise specified in a written development agreement between the developer and the City. The City Engineer shall have the authority, but not the obligation, to accept an alternative form of improvement guarantee, such as cash or certified funds payable to the City to secure performance of development agreements. Bonds (or other forms of insurance) securing the performance of construction contracts will not be acceptable as an improvement guarantee securing performance of a development agreement.
52. Infrastructure means those man-made structures which serve the common needs of the population, such as: potable water systems; wastewater disposal systems; solid waste disposal sites or retention areas; storm drainage systems; electric, gas or other utilities; bridges; roadways; bicycle paths or trails; pedestrian sidewalks, paths or trails; and transit stops.
53. Landscaping means any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features, sometimes called "hardscaping," such as walkways, fences, benches, works of art, ponds, fountains or the like. Landscaping shall also include irrigation systems, mulches, topsoil use, soil preparation, revegetation or the preservation, protection and replacement of existing trees.
54. Lot means a parcel of land shown as a lot on a recorded plat, a parcel of land described by metes and bounds on a recorded deed or a tract of land made up of two or more such parcels which are contiguous and under common ownership and which alone do not meet the minimum designated lot area requirements for the zone district in which said contiguous parcels are located, as set forth in the city's Zoning Ordinance.
55. Major Thoroughfare Plan means an element of the City's Comprehensive Plan, as amended, showing locations and designated right-of-way widths and design standards for principal trafficways.
56. Mineral deposits, commercial means oil, gas, gravel, metals, and other natural deposits that may be extracted from a property for economic benefit.
57. Mixed-use development means a concept that allows commercial, office, employment center, residential development, and, in some cases, industrial uses to occur independently on separate parcels or to coexist jointly under a unified business development plan; all of which occur within a specifically designated zoning district (i.e., TMU overlay zone) with the desired outcome producing different types of land uses in close proximity, planned as a unified

complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

58. Mixed-use building means a building designed, planned, approved, and constructed as a unit, used partly for residential use and partly for commercial and/or industrial uses, in a mixed-use development.
59. Mobile home subdivision means a residential development primarily for manufactured homes, modular homes and mobile homes, wherein individual lots are under separate ownership and any common areas are owned by a homeowners association or other entity, or by the individual lot owners in undivided interests.
60. Open space, functional also called usable open space means any land or water area with its surface open to the sky, which serves specific uses of: providing park and recreation opportunities; conserving natural areas and environmental resources; structuring urban development form; and protecting areas of agricultural, archeological, or historical significance. Functional open space shall not be considered synonymous with vacant or unused land but serves important urban functions. Functional open space shall exclude areas used for off-street parking, off-street loading, service driveways and setbacks from oil and gas wells and their appurtenances, or other hazards to the public.
61. Outlot means a measured piece of land contained within a subdivision that is not a building lot. An outlot may be conveyed to a public entity for use as open space or other public purposes, be retained by the developer for later subdivision, or be conveyed to an owners association. An outlot is not necessarily required to front on a public street, but in the case where it does not, it must be accessible by way of an adequate easement.
62. Owner, property means the owner or titleholder of any fee, leasehold, or possessory interest in property subject to the requirements of the Development Code, and shall include any agent, representative, person, or entity duly authorized by the owner to act on the owner's behalf.
63. Parcel means a tract or plot of land of any size that may or may not be subdivided or improved.
64. Phase means a stage of development that includes platting of lots, engineering, and development of infrastructure for a portion of a larger development.
65. Pin or Monument means a monumental steel pin established by survey to provide for the accurate location of property lines, whether or not platted.
66. Plan, when used in the context of a planned unit development, means the provisions for development of a planned unit 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. "Provisions of the plan" means the written and graphic materials referred to in this definition. [See § 24-67-103(2), C.R.S.]

67. Planned community means a common interest community that is not a condominium or cooperative. A condominium or cooperative may be part of a planned community. [See § 38-33.3-103(22), C.R.S.]
68. Planned Unit Development (PUD) means a specialized type of subdivision approval that provides greater design flexibility by allowing deviations from the typical development standards required by the Zoning Code, including setbacks, lot area, lot width, lot coverage, and off-street parking requirements, with the intention of encouraging better designed projects than can sometimes be accomplished through compliance with all development requirements, in exchange for providing greater benefits to the community.
69. Plat means a subdivision map prepared in accordance with the requirements of these Regulations and C.R.S. § 38-51-106 which establishes blocks, lots, streets, easements and other necessary parcels of land, and/or individual air space boundaries and building locations where applicable, in order to easily identify ownership and restrict development to a specific approved plan, and is an instrument for recording of real estate interests with the Fremont County Clerk and Recorder.
70. Private property rights means the rights of a property owner within the City to use his/her property within the legal parameters set forth in these Regulations, and subject to applicable local, state, federal, and constitutional law. Nothing herein guarantees any private property rights to develop in a particular manner except pursuant to a valid vested right.
71. Proof of ownership means a current title insurance commitment or policy, or certification of title, issued by a title insurance company licensed by the State of Colorado, which gives proof of the legal ownership of a parcel of land.
72. Property means all real property subject to land use regulation by the City.
73. Property line means the boundary of any lot, parcel or tract as the same is platted or described in the conveyance of such property to the owner; and does not include the streets or alleys upon which the said lot, parcel or tract abuts.
74. Public hearing means a meeting called by a public body for which public notice has been given and which is held in a place at which the general public may attend to hear issues and to express their opinions.



75. Public improvement means any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree lawn, landscaped open space, off-street parking area, lot improvement or other facility that benefits the public.
76. Real estate means any leasehold or other estate or interest in, over, or under land, including structures, fixtures, and other improvements and interests that, by custom, usage, or law, pass with a conveyance of land though not described in the contract of sale or instrument of conveyance. "Real estate" includes parcels with or without horizontal boundaries and spaces that may be filled with air or water. [See § 38-33.3-103(25), C.R.S.]
77. Resubdivision means the changing of any existing lot or lots, street rights-of-way or easements of a subdivision plat previously recorded with the Fremont County Clerk and Recorder.
78. Retention basin means a natural or man-made pond, pool or basin used for permanent storage of stormwater.
79. Right-of-way (ROW) means an area of land not on a lot that is dedicated for public or private use to accommodate a transportation system and necessary public utility infrastructure (including, but not limited to, water lines, sewer lines, power lines, and gas lines.) In no case shall a right-of-way be construed to mean an easement.
80. Site-specific development plan means the final plat of a subdivision or Final Development Plan of a PUD (Planned Unit Development) when, and as, approved by the City Council.
81. Street means the entire width between the boundary lines of every way provided for public use, for the purpose of vehicular and pedestrian traffic and placement of utilities, including the term "highway," "road," "lane," "avenue," "drive," "alley," or other similar designation.
82. Structure means anything erected or constructed with a fixed location from the ground above grade but not including poles, lines, cables, or other transmission or distribution facilities of public utilities.
83. Subdivider means any person, firm, partnership, joint venture, association or corporation participating in the subdivision of any parcel or increasing or decreasing the number of individual owners of any improvement(s) thereon.
84. Subdivision means the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, lease for more than 25 years, or of building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided, or any parcel of land which is

to be used for condominiums, apartments, or single family or multiple-dwelling units, commercial or industrial development, unless such land was previously subdivided and the filing accompanying such subdivision complied with municipal regulations and ordinances applicable to subdivisions at that time.

85. Subdivision plat means the official drawing and accompanying documents showing the approved subdivision of land, and recorded in the office of the Fremont County Clerk and Recorder.
86. Title commitment means formal documentation from a title company listing the name of the owner of the property under consideration, the legal description of the property and any legal holdings on the property such as easements, rights-of-way, or liens.
87. Townhouse means a one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation.
88. Townhouse plat means the official drawings and supporting documents establishing a residential subdivision that divides land and structure(s) into two (2) or more individual ownerships and, where applicable, undivided interests in any common elements.
89. Unit means a physical portion of the common interest community that is designated for separate ownership or occupancy and the boundaries of which are described in or determined from the declaration. If a unit in a cooperative is owned by a unit owner or is sold, conveyed, voluntarily or involuntarily encumbered, or otherwise transferred by a unit owner, the interest in that unit which is owned, sold, conveyed, encumbered, or otherwise transferred is the right to possession of that unit under a proprietary lease, coupled with the allocated interests of that unit, and the association's interest in that unit is not thereby affected. [See § 38-33.3-103(30), C.R.S.]
90. Unit owner means the declarant or other person who owns a unit, or a lessee of a unit in a leasehold common interest community whose lease expires simultaneously with any lease, the expiration or termination of which will remove the unit from the common interest community but does not include a person having an interest in a unit solely as security for an obligation. In a condominium or planned community, the declarant is the owner of any unit created by the declaration until that unit is conveyed to another person; in a cooperative, the declarant is treated as the owner of any unit to which allocated interests have been allocated pursuant to section 38-33.3-207 until that unit has been conveyed to another person, who may or may not be a declarant under this article. [See § 8-33.3-103(31), C.R.S.]

91. USGS means United States Geological Survey.
92. Vertical boundary means the defined limit of a unit that is not a horizontal boundary of that unit. [See § 38-33.3-103(32), C.R.S.]
93. Vested property right means the right to undertake and complete the development and use of property under the terms and conditions of a site-specific development plan, pursuant to Section 17.04.070 of this Code and other law applicable in the City.

## 4.5 Subdivision Processes

### A. Major Subdivisions.

1. Definition. A major subdivision is a subdivision in which any one or more of the following conditions exist:
  - a. Dedication of public right-of-way or other public tracts; or
  - b. The entire tract to be subdivided is greater than ten (10) acres; or
  - c. The resultant subdivision will produce more than five (5) lots.
  
2. Major Subdivision Process. The major subdivision process is as follows (for more details refer to Sections 4.6 – 4.8):
  - a. Sketch Plan (Optional).
    - i. Pre-Application Conference.
    - ii. Application Submittal.
    - iii. Staff Certifies Application is Complete.
    - iv. Planning Commission Review and Action.
    - v. City Council Review (Optional).
  
  - b. Preliminary Plat.
    - i. Pre-Application Conference.
    - ii. Application Submittal.
    - iii. Staff Certifies Application is Complete.
    - iv. Staff Refers Application to Parties of Interest.
    - v. City Schedules Public Hearing and Completes Public Notification Process.
    - vi. Letters of Support and Commitment to Serve.
    - vii. Staff Reviews Application and Prepares Comments.
    - viii. Applicant Addresses Staff Comments.
    - ix. Final Staff Review and Report to Planning Commission.
    - x. Planning Commission Public Hearing and Recommendation.
    - xi. Applicant Addresses Conditions of Approval (Optional).
    - xii. City Council Action.
  
  - c. Final Plat.
    - i. Application Submittal.
    - ii. Staff Certifies Application is Complete.

- iii. Staff Refers Application to Parties of Interest.
- iv. City Schedules Public Hearing and Completes Public Notification Process.
- v. Staff Reviews Application and Prepares Comments.
- vi. Applicant Addresses Staff Comments.
- vii. Schedule Meeting and Public Agenda.
- viii. Final Staff Review and Report to Planning Commission.
- ix. Planning Commission Meeting and Recommendation.
- x. Applicant Addresses Planning Commission Conditions (Optional).
- xi. City Council Public Hearing and Action.
- xii. Post Approval Actions.
- xiii. Record Final Plat.

## **B. Conservation Subdivision.**

1. Definition. A conservation subdivision is permitted when the property to be subdivided is located on property designated in the Residential Estate (R-E) or Rural Living (RL) zoning districts.
2. Process. The conservation subdivision process is the same as that for the major subdivision plat process (refer to 4.5.A.2 above), with the exception that the sketch plan is required, not optional.

## **C. Minor Subdivisions.**

1. Definition. A minor subdivision is a subdivision in which all of the following conditions exist:

### Option 1

- a. The property has previously been platted within the City;
- b. There is no public right-of-way dedication;
- c. The entire tract to be subdivided is ten (10) acres or less in size; and/or
- d. The resulting subdivision will create five (5) or fewer lots; and
- e. There will be no exceptions to the Subdivision Design Standards.

Or:

### Option 2

- a. The property to be subdivided does not meet the specific purpose or criteria for subdivision exemption or major subdivision of these regulations; and
- b. There is no public right-of-way dedication.

2. Process. The minor subdivision process is as follows (for more details refer to Section 4.10):
  - a. Pre-Application Conference.
  - b. Application Submittal.
  - c. Staff Certifies Application is Complete.
  - d. Staff Refers Application to Parties of Interest.
  - e. City Schedules Public Hearing and Completes Public Notification Process.
  - f. Letters of Support and Commitment to Serve.
  - g. Staff Reviews Application and Prepares Comments.
  - h. Applicant Responds to Staff Comments.
  - i. Planning Commission Public Hearing and Recommendation.
  - j. Applicant Responds to Planning Commission Conditions of Approval (Optional).
  - k. City Council Action.
  - l. Post-approval actions.
  - m. Record Minor Subdivision Plat.

**D. Subdivision Exemption.**

1. Definition. A subdivision exemption is a subdivision in which any one or more of the following conditions exist:
  - a. Lot line adjustments involving two or more lots or parcels, for the purpose of accommodating a transfer of land between adjacent lots or parcels, to resolve property line disputes or remedy setback encroachments.
  - b. To consolidate two or more nonconforming lots to create one or more conforming lots, create better lot design, improve access, or for similar purposes.

- c. To facilitate the division of one or more lots or parcels as allowed by these regulations where no more than one (1) additional conforming lot is created.
  - d. To facilitate the conveyance of title to parcels of land pursuant to a valid court order or in connection with the provisions of the Colorado Probate Code when no more than two conforming lots will be created.
  - e. To facilitate the conveyance of condominium units pursuant to the Colorado Common Interest Ownership Act.
  - f. To facilitate the conveyance of land for public purposes, such as rights-of-way for new streets and alleys, stormwater management facilities, public utilities, or public parks and/or playgrounds.
  - g. To facilitate the conveyance of a Planning Area within an approved Planned Development District, in conformance with an approved Planned Development District Plan. (See Chapter 17.17, Planned Development Districts, of the Municipal Code.)
2. Process. The subdivision exemption process is as follows (for more details refer to Section 4.19):
- a. Pre-Application Conference.
  - b. Application Submittal.
  - c. Staff Certifies Application is Complete.
  - d. Staff Refers Application to Parties of Interest, if required.
  - e. Staff Reviews Application and Prepares Comments.
  - f. Applicant Responds to Staff Comments.
  - g. Post-approval actions.
  - h. Record Subdivision Exemption Plat.

## 4.6 Sketch Plan

- A. Sketch Plan Purpose.** An applicant for a major subdivision may choose to submit a sketch plan application. The purpose of the sketch plan is two-fold. First, it provides the City the opportunity to describe the community's vision to the applicant. Second, it gives the applicant an opportunity to discuss the applicant's development plans, explain how the plans will further the community's vision and obtain input and direction from the Planning Commission and, optionally, the City Council early in the process. The ultimate goal of this process is to help the applicant develop a plan that fosters the community's vision, while minimizing the cost to the applicant.
- B. Sketch Plan Application Process.**
1. Pre-Application Conference. A pre-application conference with the City Planner and City Engineer is required before the applicant may submit a sketch plan application. Topics to be discussed will include:
    - a. Applicant's goals for the property.
    - b. City vision and expectations regarding the character and quality of development
    - c. Infrastructure requirements.
    - d. Community Design Principles and Development Standards.
    - e. City regulations and standards.
    - f. The application and review process.
    - g. Submittal requirements.
    - h. Applicable fees and costs.
    - i. Scheduling issues.
  2. Sketch Plan Application Submittal. The applicant shall submit two (2) copies of the complete sketch plan application package to the City Planner and shall request that the Planning Commission review the application. The application must be submitted a minimum of thirty (30) days prior to the Planning Commission meeting at which the application will be reviewed. The sketch plan application package shall include the following items:
    - a. Land Use Application Form.



- b. Sketch Plan - Technical Criteria Form (see Workbook).
- c. Application Fee. A non-refundable fee is collected to cover the cost of review by the Staff.
- d. Ownership and Encumbrance Report. The report must be dated no more than thirty (30) days prior to the date of sketch plan application submittal. A current title commitment may be substituted for the Ownership and Encumbrance Report.
- e. Sketch Plan. The sketch plan shall be twenty-four (24) inches high by thirty-six (36) inches wide in a legible medium. In addition, the applicant shall provide a reduced size (11" x 17") print of the sketch plan and an electronic file containing the sketch plan. The sketch plan must clearly show:
  - i. Title of project.
  - ii. North arrow, scale (not greater than 1" = 200') and date of preparation.
  - iii. Vicinity map.
  - iv. Legal description.
  - v. Acreage of property.
  - vi. USGS topographic contours.
  - vii. Location and approximate acreage of proposed land uses.
  - viii. Conceptual lot layout.
  - ix. Existing easements on or adjacent to the property.
  - x. Existing streets on or adjacent to the property (show and label street names and identify collector and arterial streets).
  - xi. General locations of existing utilities on or adjacent to the property.
  - xii. Graphic and/or written explanation of how the property will be served with utilities and the location of any proposed sewer lift stations.
  - xiii. Trails - show how the development will tie into the regional trails network, if adjacent.
  - xiv. Floodplain boundary with a note regarding the source of information (if a floodplain does not exist on the property, please state this on the plan).
  - xv. Describe and note any known mining activities, unstable slopes, rock fall areas, expansive soils, or other geologic concerns.
  - xvi. Existing and proposed zoning on and adjacent to the property.
  - xvii. Existing landscape and vegetation areas on the property (including wildlife habitat, wetlands and drainageways, as appropriate) and proposed landscaping and/or open space locations, such as proposed buffer areas, pocket parks, trails, natural areas, etc.

- f. General Development Information. Provide a written description of the existing conditions on the site and the proposed development, including the following items:
- i. Design rationale – discuss the intent for the project and how the development is connected to/integrated with surrounding area and how it responds to site features and constraints.
  - ii. A table providing the following information for each proposed land use area: total acreage; proposed density or floor area ratio; proposed number of dwelling units; and approximate size of proposed residential lots.
  - iii. General description of plan for drainage and stormwater management.
  - iv. Water supply information and the source of the water.
  - v. Statement indicating whether or not any commercial mineral deposits are located on the site.
  - vi. Description of any floodplain hazards on the site (only if additional information is needed other than what is shown on the sketch plan map).
  - vii. Explain how the proposed development complies with the City's Comprehensive Plan.
- g. Soils Information. Provide soils information, to include existing conditions and any potential constraints/hazards (from the USDA Natural Resources Conservation Service soils survey), and address any known groundwater issues.
3. Application Certification of Completion. Within a reasonable period of time, the City Planner shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the Sketch Plan *Technical Criteria* form) to the City Planner at least thirty (30) days prior to the Planning Commission meeting. The original application and all documents requiring a signature shall be signed in blue ink. No application shall be allowed to proceed until it has been deemed to be complete.
4. Planning Commission Review. The Planning Commission shall review the sketch plan application and provide comments/direction on the proposed project to the applicant, based on how well the application addresses the sketch plan review criteria.

5. City Council Review (Optional). At the request of the applicant, following the Planning Commission review, the City Council shall review the sketch plan and provide feedback on the project to the applicant.

**C. Sketch Plan Review Criteria.** The City shall use the following criteria to evaluate the applicant's sketch plan application:

1. The land use mix within the project conforms to, and furthers the goals and objectives of, the City's Comprehensive Plan, as applicable:
  - a. The proposed development promotes the City's unique character and traditional town form;
  - b. Proposed residential development takes into account the City's need for a diversity of housing opportunities;
  - c. Proposed commercial development will benefit the City's economic base and is compatible with the community's quality of life;
  - d. Parks and open space, trails, schools, public facilities, etc., are incorporated into the site design;
  - e. The development promotes a multi-modal transportation network;
  - f. The proposed project protects the City's environmental quality; and
  - g. The development enhances cultural, historical, educational and/or human service opportunities.
2. The sketch plan represents a functional system of land use consistent with the purpose set forth in the City's zoning ordinance, and with the City's zoning map.
3. The utility and transportation design is adequate, given existing and planned capacities of those systems.
4. Negative impacts on adjacent land uses have been identified and mitigation techniques have been defined with respect to each such negative impact.
5. There is a need or desire within the community for the applicant's development, and the development will help achieve a balance of land use and/or housing types within the City, according to the goals and objectives in the City's Comprehensive Plan.

## 4.7 Preliminary Plat

**A. Preliminary Plat Purpose.** The purpose of the preliminary plat is to provide the City with an overall plan for the proposed development.

**B. Preliminary Plat Application Process.**

1. Pre-Application Conference. A pre-application conference with representatives from the City, including, but not limited to, the City Planner and City Engineer, is required before the applicant may submit a preliminary plat application. Topics to be discussed will include:
  - a. City regulations and standards;
  - b. Infrastructure requirements;
  - c. The application and review process;
  - d. Submittal requirements;
  - e. Applicable fees and costs; and
  - f. Scheduling issues.
  
2. Preliminary Plat Application Submittal. The applicant shall submit two (2) copies of the complete preliminary plat application to the City Planner. The application must be submitted a minimum of forty-five (45) days prior to the Planning Commission meeting at which the application will be reviewed. The application must be submitted not more than twelve (12) months after approval of the sketch plan, if applicable. The preliminary plat application package shall include the following items:
  - a. Land Use Application Form.
  - b. Subdivisions - Technical Criteria Form (from Workbook).
  - c. Application Fee. A non-refundable fee is collected to cover the cost of review by the Staff. Publication costs may be billed separately.
  - d. Title Commitment. The title commitment must be dated no more than thirty (30) days prior to the date of preliminary plat application submittal.
  - e. Surrounding and Interested Property Ownership Report. Provide the City Planner with a current list (not more than thirty [30] days old) and mailing labels of the names, property addresses, and mailing addresses of all

owners of land lying in whole or in part within three hundred (300) feet of the property, mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant or title insurance company shall certify that the report is complete and accurate.

- f. Preliminary Plat. The preliminary plat shall be twenty-four (24) inches high by thirty-six (36) inches wide. In addition, the applicant shall provide a reduced size (11" x 17") print of the preliminary plat and an electronic file in either DWG or DXF file format containing the preliminary plat georeferenced to the State Plane Coordinate System. The preliminary plat must clearly show:
- i. Title of project.
  - ii. North arrow, scale (not greater than 1" = 100') and date of preparation.
  - iii. Vicinity map.
  - iv. Names and addresses of owners, applicant, designers, engineers and surveyors.
  - v. Legal description.
  - vi. Total acreage of property.
  - vii. Existing contours at two (2) foot intervals (contours shall be based on NAVD88 datum).
  - viii. Name and location of abutting subdivisions or owners of abutting property (if land is not platted).
  - ix. Lots, blocks, and street layout with approximate dimensions and square footage for each lot.
  - x. Consecutive numbering of all lots and blocks.
  - xi. Existing and proposed rights-of-way and easements on and adjacent to the property.
  - xii. Existing and proposed street names for all streets on and adjacent to the property. (New street names shall not be the same or very similar to existing street names in the Cañon City area, whether within the city limits or not.) Identify collector and arterial streets.
  - xiii. Existing and proposed zoning on and adjacent to property.
  - xiv. Location and size of existing and proposed sewer lines, water lines and fire hydrants. (Note: Applicant must consult with the appropriate utility service providers regarding the design of all utilities throughout the subdivision.)
  - xv. Existing and proposed curb cuts, sidewalks and handicap ramps on and adjacent to subject property, as applicable.
  - xvi. Location by field survey or aerial photography of existing and proposed watercourses and bodies of water such as irrigation ditches and lakes. Watercourses shall include direction of flow.

- xvii. Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plan).
  - xviii. General location of existing surface improvements such as buildings, fences or other structures that will remain on the property following approval of the subdivision.
  - xix. Location and acreage of sites, if any, to be dedicated for parks, playgrounds, schools or other public uses.
  - xx. Location, function, ownership and manner of maintenance of any common open space.
  - xxi. Land use table - the table shall include: land uses, approximate acreage of each land use, and percentage of each land use.
  - xxii. Total number of lots.
  - xxiii. Number of each type of dwelling unit proposed, as applicable.
- g. General Development Information. Provide a written description of the existing conditions on the site and the proposed development. Include the following items:
- i. If applicable, an explanation of how the preliminary plat is consistent with the sketch plan, or, if there are any differences, what they are and how the plan is still consistent with the community's vision.
  - ii. If applicable, an explanation of how the items of concern expressed by the Planning Commission and City Council at the time of sketch plan review have been addressed.
  - iii. Explanation of how the plan is consistent with the City's Zoning Ordinance and Comprehensive Plan.
- h. Preliminary Grading and Drainage Plan and Report. This plan and report must be designed and certified by a qualified Colorado registered professional engineer, including stormwater drainage concepts such as locations for on-site detention, downstream structural improvements, soil erosion and sedimentation control plans and specifications, and post construction BMPs.
- i. Drainage facilities shall be provided within and outside the development for the drainage and control of spring, surface, or stormwater affected by the development. There must be adequate provisions for storm or floodwater runoff channels or basins.
    - a) The stormwater drainage system shall be separate and independent of any sanitary sewer system.
    - b) Surface water drainage patterns shall be shown for each and every lot and block, and for affected areas outside the development.
    - c) The developer may be required by the City to carry away by pipe or open ditch or to detain any spring, surface or

stormwater that may exist either previously or as a result of the development. With the exception of detention facilities or structural BMPs, such drainage facilities shall be located in the road right-of-way, where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the City's Standard Construction Specifications.

- d) Where no public storm sewer is available, the applicant shall install storm sewer facilities or if no outlets are within a reasonable distance, adequate provisions shall be made for the disposal of stormwater, subject to the specifications of the City.
  - e) A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The facilities shall be sized for the conditions of maximum potential watershed development both on or offsite.
  - f) The developer's engineer shall study the effect of the development on existing downstream drainage facilities offsite. Local government studies together with such other studies as shall be appropriate shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff of the development will negatively impact the downstream drainage facility, the City may withhold approval of the development until provision has been made for the improvement of said potential condition in such sum as the City shall determine.
- ii. Any development in the floodplain shall meet the requirements of the City's Floodplain Regulations. The study must discuss the impacts on and to any existing floodways and/or floodplains on and adjacent to the site as well as any FEMA applications required
  - iii. Where a development is traversed by a watercourse, drainageway, channel, irrigation ditch, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.
  - iv. The Urban Drainage Criteria Manual and the City's Standard Construction Specifications shall be used for the design of all drainage facilities and BMPs.
  - v. As determined by the City, a stormwater impact fee will be required in addition to any necessary and required stormwater improvements on and/or off site. This impact fee is a stormwater

system investment fee for the initial privilege of discharging stormwater to the existing system and will be used to maintain and upgrade improvements system wide. This fee may be waived if it is determined that a significant and necessary downstream improvement is made by the Developer to the existing system that goes above and beyond what is required to discharge stormwater flows from the development, as determined by the City.

- i. Master Utility Plan. This plan shall be prepared by a qualified Colorado registered professional engineer. It is necessary that the engineer consult with the appropriate utility service providers regarding the design of all utilities throughout the subdivision.
- j. Preliminary Geotechnical Study and Report. This report must be performed and certified by a qualified Colorado registered professional engineer and should include: existing conditions and analysis based on final grading plans; soils information to include potential constraints/hazards (from the USDA Natural Resources Conservation Service soil survey); and any known groundwater issues.
- k. Preliminary Landscape Plan. Refer to the City's land use code for the preliminary landscape plan requirements.
- l. Preliminary Site Features Preservation Plan. The City encourages the preservation of any existing features which would add value to a residential development or to the City of Cañon City as a whole, such as trees, watercourses and falls, National Historic sites, views and similar irreplaceable assets. The preliminary plat should show the number and location of existing trees and other natural features and further indicate the effect that the development will have on those amenities (this may be included as part of the preliminary landscape plan). The subdivider is requested to refrain from causing any change of grade (See Chapter 70 of the Uniform Building Code) or destruction or removal of any trees within the development area until approval of the preliminary plat has been granted.
- m. Traffic Study. This study must be prepared by a professional traffic engineer. The need to submit a traffic study is determined at the time of the pre-application conference based on the City Engineer's input and expected amount of traffic to be generated by the particular development. The study shall include the development's potential impact or effects on the surrounding community, address alternative modes of transportation including pedestrian and bicycle pathways, calculate the development's percentage of impact to the roadways identified in the Major Thoroughfare Plan, and other areas or topics specifically required by the City Engineer. As determined by the City, a transportation impact fee and/or offsite



improvements may be required to secure the right to access the existing transportation system, regardless of onsite improvements. This fee or requirement will be determined by calculating the development's percentage of impact to the existing conditions and applying that impact to the necessary improvements.

- n. Draft of Proposed Covenants and Architectural Design Guidelines. If a homeowners or business owners association is proposed for maintenance of common private open space or other common elements, a draft of the proposed covenants and architectural design guidelines governing the use, ownership, design, construction, and maintenance of such areas shall accompany the application.
- o. Mineral, Oil and Gas Rights Documentation. Evidence that the surface owner has contacted all lessees of mineral, oil and gas rights associated with the site and is working towards resolution. Included in the evidence must be the name of the current contact person, their phone number, and mailing address.
- p. Soils Information. Provide USDA Natural Resources Conservation Service information (from the soil survey) and discuss the existing conditions and any potential constraints/hazards. The information shall also address any known groundwater issues.
- q. Colorado Historical Society Records Search. At the discretion of the City Staff or City Council, an applicant may be required to provide the City with a Colorado Historical Society records listing of historically or archaeologically significant findings on the property being subdivided. If a listing shows a significant finding, a site-specific historic survey is required. If, in coordination with the applicant, the City Council decides to protect an historic resource, a protection plan must be devised. The survey shall provide the following information:
  - i. Site identification:
    - a) State site number;
    - b) Site address;
    - c) Site location/access;
    - d) Type and description of finding (what is historic); and
    - e) Owner's name and address.
  - ii. Eligibility assessment for historic designation.
  - iii. Statement of significance.
  - iv. Management and administrative data:
    - a) References;
    - b) Photographs of the site;
    - c) Maps of the site;

- e) Name, address, phone number and qualifications of person completing survey; and
  - f) Date of completion of survey.
3. Application Certification of Completion. Within a reasonable period of time, the City Planner shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the Preliminary Plat *Technical Criteria* form) to the City Planner at least thirty (30) days prior to the Planning Commission hearing. The original application and all documents requiring a signature shall be signed in blue ink. No application shall be allowed to proceed until it has been deemed to be complete.
  4. Refer Application To Parties of Interest. Not less than twenty-five (25) days before the date scheduled for the public hearing, the City Planner shall send information about the application to surrounding property owners within three hundred (300) feet, utility companies and ditch companies. At the City Planner's discretion, other parties of interest, such as mineral interest owners of record, mineral and oil and gas lessees of the property, adjacent municipalities, and Fremont County, may be notified. The referral information shall include the time and place of the public hearing, the nature of the request, the location of the subject property, and the applicant's name.
  5. Schedule Preliminary Plat Public Hearing and Complete Public Notification Process. The City Planner shall schedule a public hearing before the Planning Commission for the purpose of taking action on the preliminary plat. The City Planner shall publish notice of the hearing in a newspaper of general circulation. The hearing may be held no less than twenty (20) days from the date of advertising.
  6. Letters of Support and Commitment to Serve. Within fifteen (15) days from the date the application is deemed complete, the applicant shall provide the City with letters of support and commitments to serve from all agencies identified at the pre-application conference (refer to the Letters of Support and Commitment to Serve table in the *Workbook*).
  7. Staff Reviews Application and Prepares Comments. Staff will complete a review of the preliminary plat based on the preliminary plat review criteria and referral comments received. The City Planner will then prepare a report identifying issues of concern for the applicant to address and forward this report to the applicant.
  8. Applicant Addresses Staff Comments. The applicant shall submit a letter explaining how all of the comments have been addressed and revised maps and other documents to the City Planner.

9. Final Staff Review and Report to Planning Commission. Staff will complete a final review of the resubmitted materials and then prepare a report to the Planning Commission explaining how the application is or is not consistent with the preliminary plat review criteria.
10. Planning Commission Public Hearing and Recommendation. The Planning Commission shall hold a public hearing on the date set to review the application based on the preliminary plat review criteria. The Planning Commission shall then make a recommendation to the City Council to approve, conditionally approve, or deny the application.
11. Applicant Addresses Planning Commission Conditions (Optional). The applicant may revise the preliminary plat based on the Planning Commission's conditions of approval and submit it to the City prior to the City Council's consideration of the subdivision.
12. City Council Action. The preliminary plat shall be presented to the City Council for its review and action at the next available meeting at least fifteen (15) days after the Planning Commission hearing, unless the City and Applicant agree mutually otherwise. The City Council may approve, conditionally approve or deny the preliminary plat based on the preliminary plat review criteria.
  - a. Preliminary plat approval shall be effective for no more than twelve (12) months from the date of approval of the Council, unless, upon application from the subdivider, the Planning Commission, with Council approval, grants an extension of time for a period not to exceed one (1) year. No more than one (1) additional one (1) year extension may be granted in accordance with these procedures.
  - b. If a final plat has not been approved and recorded as required by the provisions of these Regulations within said twelve (12) month period or extension granted thereto, the preliminary plat is void and must be resubmitted to the Planning Commission and to the Council as if such plat had never been approved.

**C. Preliminary Plat Review Criteria.** The City shall use the following criteria to evaluate the applicant's request:

1. The preliminary plat represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code and the City's Comprehensive Plan.
2. The application is consistent with the approved sketch plan, if applicable, and incorporates the Planning Commission's recommendations and conditions of approval.

3. The land use mix within the project conforms to, and furthers the goals and policies of, the City's Comprehensive Plan, as applicable:
  - a. The proposed development promotes the City's unique character and traditional town form;
  - b. Proposed residential development takes into account the City's need for a diversity of housing opportunities;
  - c. Proposed commercial development will benefit the City's economic base and is compatible with the community's quality of life;
  - d. Parks and open space are incorporated into the site design;
  - e. The development promotes a multi-modal transportation network;
  - f. The proposed project protects the City's environmental quality; and
  - g. The development enhances cultural, historical, educational and/or human service opportunities.
4. The utility and transportation design is adequate, given existing and planned capacities of those systems.
5. Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.
6. There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types within the City, according to the City's goals.
7. The subdivision is consistent with any previously approved rezoning concept plan or PUD development plan.
8. The subdivision is consistent with and implements the intent of the specific zoning district in which it is located.
9. The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within the proposed subdivision shall be designed in a way that minimizes the amount of land disturbance, maximizes the amount of open space in the development, preserves existing trees/vegetation and riparian areas, protects important wildlife habitat, and otherwise accomplishes the purposes and intent of this Development Code. Applicants shall refer to the development standards of this Development Code and shall consider them in the layout of the subdivision in

order to avoid creating lots or patterns of lots that will make compliance with such development standards difficult or infeasible.

10. The subdivision complies with all other applicable subdivision and development regulations, standards, requirements, and plans. For residential developments, the subdivision shall not exceed the density limit of the zoning district, including any subsequent re-subdivisions.
11. The subdivision shall be integrated and connected, where appropriate, with adjacent development through street connections, sidewalks, trails, and similar features.
12. The subdivision's general layout and design are compatible with any adjacent established residential neighborhoods and existing land uses, or conditions or other measures will be imposed to substantially mitigate any incompatibility or potential adverse impact.
13. The subdivision will not result in significant adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated.
14. The City and other service providers will be able to provide adequate public facilities and services, including schools, police and fire protection, transportation, recreational facilities and parks, to the subdivision when development is complete, while maintaining adequate levels of service to existing development.
15. The subdivision shall have access to adequate and available utility services.

## 4.8 Final Plat

- A. Final Plat Purpose.** The purpose of the final plat is to complete the subdivision of land consistent with the technical standards.
- B. Final Plat Application Process.**
1. Final Plat Application Submittal. The final plat application shall conform to the preliminary plat as approved at the public hearing and shall address all conditions of approval required by the City Council. The final plat application for the first phase of development must be submitted not more than twelve (12) months after approval of the preliminary plat unless otherwise approved by the City Council. The application shall be submitted a minimum of thirty (30) days prior to the Planning Commission meeting at which the application will be reviewed. The applicant shall submit two (2) copies of the complete final plat application package to the City Planner and shall request that the application be reviewed by the Planning Commission and City Council. The final plat application shall include:
    - a. Land Use Application Form.
    - b. Subdivisions - Technical Criteria Form (from Workbook).
    - c. Application Fee. A non-refundable fee is collected to cover the cost of review by the Staff. Publication costs may be billed separately.
    - d. Title Commitment. The title commitment must be dated no more than thirty (30) days prior to the date of final plat application submittal.
    - e. Surrounding and Interested Property Ownership Report. Provide the City Planner with a current list (not more than thirty [30] days old) and mailing labels of the names, property addresses, and mailing addresses of all owners of land lying in whole or in part within three hundred (300) feet of the property, mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant or title insurance company shall certify that the report is complete and accurate.
    - f. Final Plat. The final plat drawing shall comply with the following standards:
      - i. The plat shall be prepared by or under the direct supervision of a registered land surveyor and meet applicable State of Colorado requirements.

- ii. Parcels not contiguous shall not be included in one (1) plat, nor shall more than one (1) plat be made on the same sheet. Contiguous parcels owned by different parties may be included on one (1) plat, provided that all owners join in the dedication and acknowledgment.
- iii. Lengths shall be shown to the nearest hundredth of a foot and bearings shall be shown in degrees, minutes and seconds.
- iv. The perimeter survey description of the proposed subdivision shall include at least one (1) tie to an existing section monument of record and a description of monuments. The survey shown shall not have an error greater than one (1) part in ten thousand (10,000).
- v. Bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside, with the lot dimensions.
- vi. All signatures shall be made in black or blue drawing ink.
- vii. The final plat shall be twenty-four (24) inches high by thirty-six (36) inches wide, including a one-half inch ( $\frac{1}{2}$ " ) border. In addition, the applicant shall provide a reduced size (11" x 17") print of the final plat and an electronic file, in either DWG or DXF file format, containing the final plat georeferenced to the State Plane Coordinate System. If more than one sheet is used, match lines and references shall be used. The final plat shall provide the following information:
  - a) Title of project. (If the subdivision is a replat or further subdivision of lots, blocks, or parcels of an existing plat, or plats, state old description for clarity.)
  - b) North arrow, scale (not greater than 1"=100', unless a larger scale is deemed necessary by the City Engineer) and date of preparation.
  - c) Vicinity map.
  - d) Names and addresses of owners, applicant, designers, engineers and surveyors.
  - e) Legal description.
  - f) Total acreage of subdivision.
  - g) Basis for establishing bearing.
  - h) Bearings, distances, chords, radii, central angles and tangent links for the perimeter and all lots, blocks, rights-of-way and easements.
  - i) Lot and block numbers, numbered in consecutive order, and square footage of each lot or tract. (Where existing platting is being further subdivided, letters or Roman numerals shall be used to indicate internal division of Arabic lot numbers to avoid confusion.)
  - j) Areas outside the boundary of the subdivision shall be noted as "not a part of this subdivision," delineated by

- dashed lines, and the boundary completely indicated by bearings and distances.
- k) Existing and proposed rights-of-way and easements on and adjacent to subject property (labeled and dimensioned).
  - l) Existing and proposed street names for all streets on and adjacent to the property. (New street names shall not be the same or very similar to existing street names in the Cañon City area, whether within the city limits or not.)
  - m) Location and description of monuments.
  - n) Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plat).
  - o) Signature block for registered land surveyor certifying to accuracy of boundary survey and plat (see *Workbook* for sample).
  - p) Signature block for the Planning Commission chair (see *Workbook* for sample).
  - q) Signature block for certification of approval by the City Council with a signature for the Mayor, attested by City Clerk (see *Workbook* for sample).
  - r) Signature blocks for utility providers and lien holders, as applicable (see *Workbook* for sample).
  - s) Certification of ownership and dedication of streets, rights-of-way, easements and public sites (see *Workbook* for sample).
- g. General Development Information. Provide a written description confirming that the final plat conforms to the preliminary plat. In addition, the description shall address how the proposed development conforms to the Community Design Principles and Development Standards of the City's Land Use Code.
- h. Final Grading and Drainage Plan and Report. This plan and report must be designed and certified by a qualified Colorado registered professional engineer, including stormwater drainage concepts such as locations for on-site detention, downstream structural improvements, soil erosion and sedimentation control plans and specifications, and post construction BMPs.
- i. Drainage facilities shall be provided within and outside the development for the drainage and control of spring, surface, or stormwater affected by the development. There must be adequate provisions for storm or floodwater runoff channels or basins.
    - a) The stormwater drainage system shall be separate and independent of any sanitary sewer system.



- b) Surface water drainage patterns shall be shown for each and every lot and block, and for affected areas outside the development.
  - c) The developer may be required by the City to carry away by pipe or open ditch or to detain any spring, surface or stormwater that may exist either previously or as a result of the development. With the exception of detention facilities or structural BMPs, such drainage facilities shall be located in the road right-of-way, where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the City's Standard Construction Specifications.
  - d) Where no public storm sewer is available, the applicant shall install storm sewer facilities or if no outlets are within a reasonable distance, adequate provisions shall be made for the disposal of stormwater, subject to the specifications of the City.
  - e) A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The facilities shall be sized for the conditions of maximum potential watershed development both on or offsite.
  - f) The developer's engineer shall study the effect of the development on existing downstream drainage facilities offsite. Local government studies together with such other studies as shall be appropriate shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff of the development will negatively impact the downstream drainage facility, the City may withhold approval of the development until provision has been made for the improvement of said potential condition in such sum as the City shall determine.
- ii. Any development in the floodplain shall meet the requirements of the City's Floodplain Regulations. The study must discuss the impacts on and to any existing floodways and/or floodplains on and adjacent to the site as well as any FEMA applications required
  - iii. Where a development is traversed by a watercourse, drainageway, channel, irrigation ditch, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse, an of such width and construction as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

- iv. The Urban Drainage Criteria Manual and the City's Standard Construction Specifications shall be used for the design of all drainage facilities and BMPs.
  - v. As determined by the City, a stormwater impact fee will be required in addition to any necessary and required stormwater improvements on and/or off site. This impact fee is a stormwater system investment fee for the initial privilege of discharging stormwater to the existing system and will be used to maintain and upgrade improvements system wide. This fee may be waived if it is determined that a significant and necessary downstream improvement is made by the Developer to the existing system that goes above and beyond what is required to discharge stormwater flows from the development, as determined by the City.
- 
- i. Final Traffic Study. This study must be prepared by a professional traffic engineer. The need to submit a traffic study is determined at the time of the pre-application conference based on City Engineer's input and expected amount of traffic to be generated by the particular development. The study shall include the development's potential impact or effects on the surrounding community, address alternative modes of transportation including pedestrian and bicycle pathways, calculate the development's percentage of impact to the roadways identified in the Major Thoroughfare Plan, and other areas or topics specifically required by the City Engineer. As determined by the City, a transportation impact fee and/or offsite improvements may be required to secure the right to access the existing transportation system, regardless of onsite improvements. This fee or requirement will be determined by calculating the development's percentage of impact to the existing conditions and applying that impact to the necessary improvements.
  - j. Final Landscape Plan. Refer to the City's Land Use Code for the final landscape plan requirements.
  - k. Final Geotechnical Study and Report. This report must be performed and certified by a qualified Colorado registered professional engineer and should include: existing conditions and analysis based on final grading plans; design and specifications for street cross sections; design and specifications for utility trenches; soil testing and foundation recommendations on a lot-by-lot basis; soils information to include potential constraints/hazards (from the USDA Natural Resources Conservation Service soil survey); and any known groundwater issues.
  - l. Final Site Features Preservation Plan. Refer to the preliminary plat submission materials for plan requirements.

- m. Special Documents. Supplementary material to be submitted with the final plat, if applicable to the type of ownership and development proposed, as determined by the City Planner and/or the City Engineer:
- i. Special Improvement District documents.
  - ii. Maintenance bonds.
  - iii. Special agreements (as may be required by the City).
  - iv. Work in Right-of-Way Permit (from City).
  - v. Floodplain Development Permit (from City).
  - vi. Stormwater/Erosion Control/Grading Permit (from City).
  - vii. State Highway Utility Permit (from Colorado Department of Transportation).
  - viii. State Highway Access Permit (from Colorado Department of Transportation).
  - ix. Construction Dewatering Permit (from Colorado Department of Public Health and Environment).
  - x. 404 Permit (from Army Corps of Engineers).
  - xi. Air Pollution Emission Notice (APEN) (from Colorado Department of Public Health and Environment).
  - xii. Work in Ditch Right-of-Way Permit (from individual ditch companies).
  - xiii. Rare Species Occurrence Survey (from U.S. Fish and Wildlife Service).
  - xiv. Development Agreement. This agreement assures construction of the required improvements. This document shall be signed by the developer and the City, the signatures shall be notarized, and the document may be recorded by the City Clerk with the Fremont County Clerk and Recorder.
  - xv. General Warranty Deed. This deed conveys to the City all public lands other than streets shown on the plat.
  - xvi. Improvements Guarantee. Cash, certified check, or a letter of credit from a bank in Colorado or other acceptable collateral according to the City Engineer in the amount stipulated to in the Development Agreement or other agreements or contracts, posted in favor of the City in an amount sufficient to ensure construction of public improvements for either part or all of the plat, as the City Council shall determine. The amount of the guarantee, determined by the developer's engineer and approved by the City Engineer, will include all the labor, equipment, work, materials, appurtenances, administration, engineering, and surveying to complete the public improvements and shall be listed in a breakdown by improvement item.
  - xvii. Protective Covenants, Homeowners Association (HOA) Documents, Articles of Incorporation for HOA, and Architectural Design Guidelines finalized and in a form for recording. If there are open space areas to remain in private ownership within the

- subdivision, the HOA documents must have in place a mechanism that will assure maintenance will be funded in perpetuity.
- xviii. FEMA approved applications (i.e., Conditional Letter of Map Revisions [CLOMR] or Letter of Map Revisions [LOMR]).
  - xix. Documentation showing who will own and maintain the open space.
  - xx. Documentation for dedication of public sites for open space or other civic purposes.
  - xxi. Three (3) copies of the plans and specifications submitted for the public improvements. See Item “k” below.
  - xxii. One (1) copy of the survey closing statement for the platted area.
  - xxiii. Two (2) copies of the drainage plan for the platted area, prepared by a registered professional engineer, said plan to include all required drainage facilities and estimates of cost.
  - xxiv. Where utility services other than those under City jurisdiction use a public right-of-way or easement, irrespective of use under, on or above said land, a release from each and every concerned utility shall be obtained prior to vacation or relocation of these dedicated easements.
- n. Address Plat. To include the following:
- i. Title of project.
  - ii. North arrow, scale (not greater than 1"=100') and date of preparation.
  - iii. Vicinity map.
  - iv. Lot and block numbers, numbered in consecutive order.
  - v. Rights-of-way and street names.
  - vi. Property boundary.
  - vii. Blank text block or line on each lot, large enough to accommodate the entering of an address number. Lots on corners shall include one block or line for each street frontage.
  - viii. Paper size shall be 11" by 17".
- o. Public Improvements Plans. Improvements required for subdivisions include, but are not limited to: utilities (water, gas, sewer, electric, communications [optional]); paving with curb and gutter, sidewalks and curb ramps; storm drainage; fire protection capabilities; street name; traffic signage; and streetlights. Improvements are to be made in accordance with the Regulations of the City, including the following:
- i. "Major Thoroughfare Plan & Street Standards."
  - ii. "Standard Construction Specifications."
  - iii. "Floodplain Regulations."
  - iv. Titles 8, 12, 15 and 17 of the Municipal Code.
  - v. Utility company approval, where appropriate.

- vi. The most current edition of the International Building Code as adopted by the City.
2. Application Certification of Completion. Within a reasonable period of time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the Final Plat *Technical Criteria* form) to the City Planner at least thirty (30) days prior to the Planning Commission meeting. The original application and all documents requiring a signature shall be signed in blue ink. No application shall be allowed to proceed until it has been deemed to be complete.
3. Refer Application to Parties of Interest. Not less than twenty-five (25) days before the date scheduled for the Planning Commission meeting, the City Planner shall send information about the application to surrounding property owners within three hundred (300) feet, utility companies and ditch companies. At the City Planner's discretion other parties of interest, such as mineral interest owners of record, mineral and oil and gas lessees for the property, adjacent municipalities, and Fremont County, may be notified. The referral information shall include the time and place of the meeting, the nature of the request, the location of the subject property, and the applicant's name.
4. Staff Reviews Application and Prepares Comments. Staff will complete a technical review of the final plat based on the City's final plat review criteria and referral comments received. Staff will then prepare a report identifying any issues of concern that the applicant will need to address and forward this report and/or written staff comments to the applicant.
5. Applicant Addresses Staff Comments. The applicant shall submit a letter explaining how all of the comments have been addressed and revised maps and other documents to the City Planner.
6. Schedule Final Plat Meeting and Publish Agenda. The Planning Commission shall schedule a meeting for the purpose of taking action on the final plat. The City Planner shall publish the meeting agenda.
7. Final Staff Review and Report to Planning Commission. Staff will complete a final review of the resubmitted materials and then prepare a report to the Planning Commission explaining how the application is or is not consistent with the final plat review criteria.
8. Planning Commission Meeting and Recommendation. The Planning Commission shall hold a meeting to review the final plat based on the City's final plat review

criteria. It shall then make a recommendation to the City Council to approve, conditionally approve, or deny the final plat application.

9. Applicant Addresses Planning Commission Conditions (optional). The applicant may revise the final plat based on the Planning Commission's conditions of approval and submit it to the City.
10. Schedule Final Plat Public Hearing and Complete Public Notification Process. The City Planner shall direct the City Clerk to schedule a public hearing before the City Council for the purpose of taking action on the final plat. The City Planner shall publish notice in a newspaper of general circulation and post notice on the property. The hearing may be held no less than fifteen (15) days from the date of advertising and property posting.
11. City Council Public Hearing and Action. The finalized final plat shall be presented to the City Council for its review and action at a public hearing. The City Council shall review the final plat based on the final plat review criteria. If approved, the City Council shall adopt the plat by resolution and the City Planner shall request three (3) original mylars of the final plat ready for the Mayor and Clerk to sign and then record.
12. Post Approval Actions. The subdivider must comply with the requirements of the Council and these Regulations within one hundred eighty (180) calendar days of Council approval, or the final plat shall be void and must be resubmitted for the Planning Commission and City Council approval. The applicant shall submit the following items to the City Planner:
  - a. Proof of Insurance. Proof of workmen's compensation insurance and liability insurance for each contractor.
  - b. Open Space Deed Restriction. Areas designated as open space shall be protected by a deed restriction or other appropriate method to ensure that they cannot be subdivided or developed in the future and will remain as open space in perpetuity.
  - c. Other Certificates, Affidavits, Enforcements or Deductions. As required by the Planning Commission or City Council.
  - d. Electronic File. An electronic (digital) version of the final subdivision plat in a format acceptable to the City Engineer, with survey data referenced to the State Plane Coordinates.
  - e. A guarantee for installation of improvements, including appropriate securities, to be approved by the City Engineer, which may include binding agreement to develop the open space or common amenities. The

City will provide the finalized Development Agreement for the applicant to sign.

- f. A title insurance commitment or policy issued by a title insurance company, certified to date of final Council approval of the final plat, showing the name of the owner of the land and all other persons who have an interest in, or an encumbrance on the property described on the final plat. The subdivider shall cause to be joined on said filing plat those parties necessary to give unencumbered fee simple title to all public rights-of-way contained therein.
  - g. Provide three (3) copies of as-built drawings for all improvements within 60 days of the final walk-through inspection.
13. Record Final Plat. Prior to recording of the final plat, the applicant shall supply the City Planner with one (1) print of each page of the final plat, measuring twenty-four (24) inches high by thirty-six (36) inches wide, on bond paper, for purposes of final redline review and revisions. Once the final revisions have been made, the applicant shall supply three (3) original mylar versions of the final plat, each containing the signatures of the property owner(s), the notary acknowledgment of their signatures, and an original signature and seal of the surveyor who prepared the plat. Following receipt of the mylars, the City Planner shall cause the signatures of the Planning Commission Chair, the Mayor, and the City Clerk to be affixed to the mylars. One (1) original mylar of the final plat shall be recorded by the City Clerk in the office of the Fremont County Clerk and Recorder. The recording fee for the approved plat and supplementary documents as required shall be paid by the developer.

**C. Final Plat Review Criteria.** The City Council shall use the following criteria to evaluate the applicant's request:

- 1. The final plat conforms to the approved preliminary plat and incorporates recommended changes, modifications and conditions attached to the approval of the preliminary plat unless otherwise approved by the City Council.
- 2. The development will substantially comply with the Community Design Principles and Development Standards as set forth in this Code.
- 3. All applicable technical standards have been met.
- 4. The final plat is consistent with the City's Comprehensive Plan.

## 4.9 Conservation Subdivision

### A. Conservation Subdivision Purpose.

1. To preserve open areas within the City's Urban Growth Boundary Area and promote the goal of contiguous open space and agricultural preservation.
2. To provide flexible land use regulations that encourage innovative site design techniques and improve the character and quality of new development.
3. To further the goals and policies set forth in the City's Comprehensive Plan.
4. To encourage development patterns that promote more efficient use of land to protect and enhance environmentally sensitive areas and the unique features of a property.
5. To promote creative and economical residential layout and street design that provide a more efficient and aesthetic use of open space and reduces infrastructure cost.
6. To recognize and respect both individual rights and community interests and values when development is proposed.

### B. Conservation Subdivision General Policies and Guidelines.

1. Area Where Conservation Subdivisions are Permitted. Conservation subdivisions are permitted in all areas designated as Residential Estate (R-E) or Rural Living (R-L) zoning districts.
2. Open Space. In conservation subdivisions at least seventy-five (75) percent of the property must be preserved as open space in a designated conservation area. All land within the conservation area shall be protected by a permanent conservation easement or other legal instrument. Areas that may be included within the conservation area include land within the 100-year floodplain (as defined by the City Council, the Colorado Water Conservation Board or FEMA), wetlands or valuable habitat areas, archaeological/historic areas, or other resources.
  - a. Location of Open Space
    - i. To the maximum extent possible, the conservation area shall include one hundred (100) foot buffers around natural areas and floodplains and all or part of the following: aquifer recharge areas; significant wildlife habitat and migration corridors; unique vegetation and critical plant communities; prime farmland,



historic, archaeological or cultural features; and ridgelines and scenic view corridors.

- ii. The conservation area shall be designated as a single outlot unless an existing ditch, physical feature or road separates the preserved area in such a way as to make creating a single outlot infeasible. The existence of an historic site, wildlife habitat or other resource would also allow for the platting of separate outlots.
  - iii. Areas set aside for trail easements and peripheral roads may be considered part of the outlot.
  - iv. To the maximum extent feasible, the conservation area shall be connected with other conservation areas or open space parcels on adjacent land.
3. Development Area. In conservation subdivisions up to twenty-five (25) percent of the property may be developed.
4. Location of Building Lots.
- a. The building lots shall be located to minimize the impact on any environmental or open space resource area on the property. They shall be sited in areas that are compatible with the special characteristics of the parcel and the surrounding area.
  - b. The lots shall be clustered to make efficient use of land resources and infrastructure. The lots shall also be clustered with respect to dwellings on surrounding properties. However, if clustering detracts from the natural characteristics of the parcel, the lots may be dispersed if approved by the City Council.
  - c. The lots shall be located nearest to utilities and roads to minimize the amount of construction unless this directly conflicts with other preservation goals.
  - d. Lot sizes and spacing will depend on the specific site and technical and environmental factors.
  - e. Additional factors which shall be considered in siting the building lots include:
    - i. Type of development in the surrounding area;
    - ii. Amount of land being preserved;
    - iii. Owner's desires for utilization of the land;
    - iv. Impact on infrastructure;
    - v. Internal road impacts and vehicular and pedestrian circulation, including connections to existing and planned roads and trails;
    - vi. Surface and ground water quality;

- vii. View corridors from and into the development; and
  - viii. Proximity to existing utilities.
- 5. Determining Density. The maximum net density in a conservation subdivision is one (1) unit per five (5) acres.
- 6. Determining Lot Sizes. The minimum lot size allowed in a conservation subdivision is determined by whether the property will use septic systems or tie into a sanitary sewer system.
  - a. Septic System Developments.
    - i. One (1) acre minimum lot size or the Fremont County Department of Public Health and the Environment standard (whichever is greater).
  - b. Public Sewer System Developments.
    - i. Ten thousand (10,000) square foot minimum lot size for units not adjacent to open space.
    - ii. Eight thousand (8,000) square foot minimum lot size for units adjacent to open space.
- 7. Septic System Requirements.
  - a. A development exceeding fifty (50) units must be served by public sewer.
  - b. The type of septic systems allowed shall utilize the most environmentally sensitive technology available at the time of installation.
  - c. The developer must require the homeowners association or another City-approved group to ensure all of the septic systems are inspected and maintained on an annual basis. The homeowners association or other City-approved group must keep records of when and who completes the inspections and maintenance.

**C. Conservation Subdivision Incentives and Benefits.**

- 1. Landowner Incentives for Developing Conservation Subdivisions:
  - a. Possible increase in land value by creating open space.
  - b. Flexibility in site design.
- 2. Community and Landowner Benefits:

- a. Preserves Cañon City's agricultural lands, rural character and view corridors.
- b. Maintains wetlands, wildlife habitat and other environmental resources.
- c. Maintains land contiguous with adjacent open space.
- d. May allow public access to open space.

**D. Conservation Subdivisions Open Space Ownership Standards.** Common open space within a development shall be owned, administered and maintained by any of the following methods, either individually or in combination, subject to approval by the City Council.

1. Common Areas. Ownership and maintenance of common areas designated for the enjoyment of residents of the conservation subdivision shall be the responsibility of a homeowners association, unless a different binding arrangement is determined to be adequate by City Council. Membership in the association shall be automatic for all purchasers of lots therein and their successors. The association members shall share equitably in the costs of maintaining the open space. However, the City Council may agree to accept and maintain the common areas for the enjoyment of residents of the City.
2. Dedication of Easements. The City may, but shall not be required to, accept easements for public use of any portion or portions of undivided open space land provided the following requirements are met:
  - a. The title shall remain in ownership by the homeowners association unless otherwise approved by the City Council;
  - b. The land is accessible to the public;
  - c. There is no acquisition cost other than any costs incidental to the transfer of ownership, such as title insurance; and
  - d. A satisfactory maintenance agreement is reached between the developer, homeowners association and the City.
3. Management Plan. In all cases, a management plan that defines the roles and responsibilities for managing open space shall accompany and be approved as part of the final plat.
4. Failure to Properly Maintain Open Space. Failure to adequately maintain the open space in reasonable condition constitutes a violation of this code. The City of Cañon City is hereby authorized to give notice, by personal service or by

United States mail, to the owner or occupant, of any violation, directing the owner to remedy the violation within twenty (20) days.

**E. Application Processes for Conservation Subdivisions.**

Please refer to the Application Processes for Sketch Plan (4.6.B.), Preliminary Plat (4.7.B.) and Final Plat (4.8.B.) that apply to Major Subdivisions. The sketch plan review process is mandatory for a conservation subdivision.

**F. Review Criteria for a Conservation Subdivision.** The City shall use the following criteria to evaluate the applicant's request:

1. The land use mix within the project conforms to, and furthers the goals and objectives of, the City's Comprehensive Plan, as applicable:
  - a. The proposed development will preserve open space, environmental resources and/or agricultural land.
  - b. The proposed development promotes Canon City's unique character.
  - c. The proposed residential development takes into account the City's need for a diversity of housing opportunities.
  - d. Parks, open space and trails are incorporated into the site design.
  - e. The proposed project protects Canon City's environmental quality.
  - f. The development enhances cultural, historical, educational and/or human service opportunities.
2. The subdivision represents a functional system of land use consistent with the purpose set forth in the City's zoning ordinance, and with the City's Comprehensive Plan.
3. The utility and transportation design is appropriate, given existing and planned capacities of those systems.
4. Negative impacts on adjacent land uses have been identified and mitigation techniques have been defined with respect to each such negative impact.
5. There is a need or desire within the community for the applicant's development, and the development will help achieve a balance of land use and/or housing types within City, according to the goals and objectives in the City's Comprehensive Plan.

6. The conservation subdivision, compared with more conventional site development plans, better attains the policies of the City's land use code and the City's Comprehensive Plan, such as providing more open areas, preserving existing trees and vegetation, protecting wildlife habitats and preserving sensitive environmental areas such as riparian corridors, hazard areas, wetlands and floodplains.
7. The proposed conservation subdivision will have no significant adverse impacts on adjacent properties, or the applicant has agreed to appropriate mitigation measures such as landscaping, screening, illumination controls and other design features as recommended by the City to buffer and protect adjacent properties from the proposed development.
8. The architecture, height, building materials, building colors and other design features of the conservation subdivision are compatible with adjacent properties and existing development and blend with the natural landscape.

## 4.10 Minor Subdivision Plat

### A. Minor Subdivision Plat Purpose.

1. The purpose of the minor subdivision plat is to complete the subdivision of land consistent with the technical standards when the following conditions exist:
  - a. The property has previously been platted within the City of Cañon City;
  - b. There is no public right-of-way dedication;
  - c. The entire tract to be subdivided is ten (10) acres or less in size; and/or
  - d. The resulting subdivision will produce five (5) or fewer lots; and
  - e. There will be no exceptions to the Subdivision Design Standards.
  - f. The property to be subdivided does not meet the specific purpose and criteria for subdivision exemption or major subdivision of these regulations.

### B. Minor Subdivision Plat Application Process.

1. Pre-Application Conference. A pre-application conference with representatives from the City, including, but not limited to, the City Planner and City Engineer, is required before the applicant may submit a minor subdivision plat application. Topics to be discussed will include:
  - a. City regulations and standards;
  - b. Infrastructure requirements;
  - c. The application and review process;
  - d. Submittal requirements;
  - e. Applicable fees and costs; and
  - f. Scheduling issues.
2. Minor Subdivision Plat Application Submittal. The applicant shall submit two (2) copies of the complete minor subdivision plat application to the City Planner. The application must be submitted a minimum of forty-five (45) days prior to the Planning Commission meeting at which the application will be reviewed. The

minor subdivision plat application shall include:

- a. Land Use Application Form.
- b. Subdivisions - Technical Criteria Form (from Workbook).
- c. Application Fee. A non-refundable fee is collected to cover the cost of review by the Staff. Publication costs may be billed separately.
- d. Title Commitment. The title commitment must be dated no more than thirty (30) days from the date of minor subdivision plat application submittal.
- e. Surrounding and Interested Property Ownership Report. Provide the City Planner with a current list (not more than thirty [30] days old) and mailing labels of the names, property addresses, and mailing addresses of all owners of land lying in whole or in part within three hundred (300) feet of the property, mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant or title insurance company shall certify that the report is complete and accurate.
- f. Minor Subdivision Plat. The minor subdivision plat drawing shall comply with the following standards:
  - i. The plat shall be prepared by or under the direct supervision of a registered land surveyor and meet applicable State of Colorado requirements.
  - ii. Parcels not contiguous shall not be included in one (1) plat, nor shall more than one (1) plat be made on the same sheet. Contiguous parcels owned by different parties may be included on one (1) plat, provided that all owners join in the dedication and acknowledgment.
  - iii. Lengths shall be shown to the nearest hundredth of a foot and bearings shall be shown in degrees, minutes and seconds.
  - iv. The perimeter survey description of the proposed subdivision shall include at least one (1) tie to an existing section monument of record and a description of monuments. The survey shown shall not have an error greater than one (1) part in ten thousand (10,000).
  - v. Bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside with the lot dimensions.
  - vi. All signatures shall be made in black drawing ink.
  - vii. The minor subdivision plat shall be twenty-four (24) inches high by thirty-six (36) inches wide, including a one-half inch (½") border. In addition, the applicant shall provide a reduced size (11"

x 17") print of the minor subdivision plat and an electronic file in either DWG or DXF file format containing the minor subdivision plat georeferenced to the State Plane Coordinate System. If more than one sheet is used, match lines and references shall be used. The minor subdivision plat shall provide the following information:

- a) Title of project. (If the subdivision is a replat or further subdivision of lots, blocks, or parcels of an existing plat, or plats, state old description for clarity.)
- b) North arrow, scale (not greater than 1"=100', unless a larger scale is deemed necessary by the City Engineer) and date of preparation.
- c) Vicinity map.
- d) Names and addresses of owners, applicant, designers, engineers and surveyors.
- e) Legal description.
- f) Total acreage of subdivision.
- g) Basis for establishing bearing.
- h) Bearings, distances, chords, radii, central angles and tangent links for the perimeter and all lots, blocks, rights-of-way and easements.
- i) Lot and block numbers, numbered in consecutive order, and square footage of each lot or tract. (Where existing platting is being further subdivided, letters or Roman numerals shall be used to indicate internal division of Arabic lot numbers to avoid confusion.)
- j) Areas outside the boundary of the subdivision shall be noted as "not a part of this subdivision," delineated by dashed lines, and the boundary completely indicated by bearings and distances.
- k) Existing rights-of-way and easements on and adjacent to subject property (labeled and dimensioned).
- l) Existing street names for all streets on and adjacent to the property.
- m) Location and description of monuments.
- n) Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plat).
- o) Signature block for registered land surveyor certifying to accuracy of boundary survey and plat (see *Workbook* for sample).
- p) Signature block for the Planning Commission chair (see *Workbook* for sample).
- q) Signature block for certification of approval by the City Council with a signature for the Mayor, attested by City



- Clerk (see *Workbook* for sample).
  - r) Signature blocks for utility providers and lien holders, as applicable (see *Workbook* for sample).
  - s) Certification of ownership and dedication of easements and public sites, as applicable (see *Workbook* for sample).
- g. General Development Information. Provide a written description addressing how the proposed development conforms to the Community Design Principles and Development Standards.
- h. Final Grading and Drainage Plan and Report. This plan and report must be designed and certified by a qualified Colorado registered professional engineer, including stormwater drainage concepts such as locations for on-site detention, downstream structural improvements, soil erosion and sedimentation control plans and specifications, and post construction BMPs.
  - i. Drainage facilities shall be provided within and outside the development for the drainage and control of spring, surface, or stormwater affected by the development. There must be adequate provisions for storm or floodwater runoff channels or basins.
    - a) The stormwater drainage system shall be separate and independent of any sanitary sewer system.
    - b) Surface water drainage patterns shall be shown for each and every lot and block, and for affected areas outside the development.
    - c) The developer may be required by the City to carry away by pipe or open ditch or to detain any spring, surface or stormwater that may exist either previously or as a result of the development. With the exception of detention facilities or structural BMPs, such drainage facilities shall be located in the road right-of-way, where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the City's Standard Construction Specifications.
    - d) Where no public storm sewer is available, the applicant shall install storm sewer facilities or if no outlets are within a reasonable distance, adequate provisions shall be made for the disposal of stormwater, subject to the specifications of the City.
    - e) A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The facilities shall be sized for the conditions of maximum potential watershed development both on or offsite.

- f) The developer's engineer shall study the effect of the development on existing downstream drainage facilities offsite. Local government studies together with such other studies as shall be appropriate shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff of the development will negatively impact the downstream drainage facility, the City may withhold approval of the development until provision has been made for the improvement of said potential condition in such sum as the City shall determine.
  - ii. Any development in the floodplain shall meet the requirements of the City's Floodplain Regulations. The study must discuss the impacts on and to any existing floodways and/or floodplains on and adjacent to the site as well as any FEMA applications required
  - iii. Where a development is traversed by a watercourse, drainageway, channel, irrigation ditch, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse, an of such width and construction as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.
  - iv. The Urban Drainage Criteria Manual and the City's Standard Construction Specifications shall be used for the design of all drainage facilities and BMPs.
  - v. As determined by the City, a stormwater impact fee will be required in addition to any necessary and required stormwater improvements on and/or off site. This impact fee is a stormwater system investment fee for the initial privilege of discharging stormwater to the existing system and will be used to maintain and upgrade improvements system wide. This fee may be waived if it is determined that a significant and necessary downstream improvement is made by the Developer to the existing system that goes above and beyond what is required to discharge stormwater flows from the development, as determined by the City.
- i. Final Traffic Study. This study must be prepared by a professional traffic engineer. The need to submit a traffic study is determined at the time of the pre-application conference based on City Engineer's input and expected amount of traffic to be generated by the particular development. The study shall include the development's potential impact or effects on the surrounding community, address alternative modes of transportation including pedestrian and bicycle pathways, calculate the development's percentage of impact to the roadways identified in the Major Thoroughfare Plan, and other areas or topics specifically required by the City Engineer. As determined by the City, a transportation impact fee and/or offsite

improvements may be required to secure the right to access the existing transportation system, regardless of onsite improvements. This fee or requirement will be determined by calculating the development's percent of impact to the existing conditions and applying that impact to the necessary improvements.

- j. Final Geotechnical Study and Report. This report must be performed and certified by a qualified Colorado registered professional engineer and should include: existing conditions and analysis based on final grading plans; design and specifications for street cross sections; design and specifications for utility trenches; soil testing and foundation recommendations on a lot-by-lot basis; soils information to include potential constraints/hazards (from the USDA Natural Resources Conservation Service soil survey); and any known groundwater issues.
- k. Landscape Plan. Refer to the City's land use code for the landscape plan requirements.
- l. Site Features Preservation Plan. Refer to the submission materials for plan requirements.
- m. Special Documents. Supplementary material to be submitted with the minor subdivision plat, if applicable to the type of ownership and development proposed, as determined by the City Planner and/or the City Engineer:
  - i. Special Improvement District documents.
  - ii. Maintenance bonds.
  - iii. Special agreements (as may be required by the City).
  - iv. Work in Right-of-Way Permit (from City).
  - v. Floodplain Development Permit (from City).
  - vi. Stormwater/Erosion Control/Grading Permit (from City).
  - vii. State Highway Utility Permit (from Colorado Department of Transportation).
  - viii. State Highway Access Permit (from Colorado Department of Transportation).
  - ix. Construction Dewatering Permit (from Colorado Department of Public Health and Environment).
  - x. 404 Permit (from Army Corps of Engineers).
  - xi. Air Pollution Emission Notice (APEN) (from Colorado Department of Public Health and Environment).
  - xii. Work in Ditch Right-of-Way Permit (from individual ditch companies).
  - xiii. Rare Species Occurrence Survey (from U.S. Fish and Wildlife Service).

- xiv. Development Agreement. This agreement assures construction of the required improvements. This document shall be signed by the developer and the City, the signatures shall be notarized, and the document may be recorded in the Office of the Fremont County Clerk and Recorder.
  - xv. General Warranty Deed. This deed conveys to the City all public lands other than streets shown on the plat or, in lieu of a deed, a check in an amount to be determined by the City.
  - xvi. Improvements Guarantee. Cash, certified check, or a letter of credit from a bank in Colorado or other acceptable collateral according to the City Engineer in the amount stipulated to in the Development Agreement or other agreements or contracts, posted in favor of the City in an amount sufficient to ensure construction of public improvements for either part or all of the plat, as the City Council shall determine. The amount of the guarantee, determined by the developer's engineer and approved by the City Engineer, will include all the labor, equipment, work, materials, appurtenances, administration, engineering, and surveying to complete the public improvements and shall be listed in a breakdown by improvement item.
  - xvii. Protective Covenants, Homeowners Association (HOA) Documents, Articles of Incorporation for HOA, and Architectural Design Guidelines finalized and in a form ready for recording. If there are open space areas to remain in private ownership within the subdivision, the HOA documents must have in place a mechanism that will assure maintenance will be funded in perpetuity.
  - xviii. FEMA approved applications (i.e., Conditional Letter of Map Revisions [CLOMR] or Letter of Map Revisions [LOMR]).
  - xix. Documentation showing who will own and maintain the open space.
  - xx. Documentation for dedication of public sites for open space or other civic purposes.
  - xxi. Four (4) copies of the plans and specifications submitted for the public improvements. See Item "p" below.
  - xxii. One (1) copy of the survey closing statement for the platted area.
  - xxiii. Two (2) copies of the drainage plan for the platted area, prepared by a registered professional engineer, said plan to include all required drainage facilities and estimates of cost.
  - xxiv. Where utility services other than those under City jurisdiction use a public right-of-way or easement, irrespective of use under, on or above said land, a release from each and every concerned utility shall be obtained prior to vacation or relocation of these dedicated easements.
- n. Address Plat, to include the following:

- i. Title of project.
  - ii. North arrow, scale (not greater than 1"=100') and date of preparation.
  - iii. Vicinity map.
  - iv. Lot and block numbers, numbered in consecutive order.
  - v. Rights-of-way and street names.
  - vi. Property boundary.
  - vii. Blank text block or line on each lot, large enough to accommodate the entering of an address number. Lots on corners shall include one block or line for each street frontage.
  - viii. Paper size shall be 11" by 17".
- o. Public Improvements Plans. Improvements required for subdivisions include, but are not limited to: utilities (water, gas, sanitary sewer, electric, communications [optional]); paving with curb and gutter, sidewalks and curb ramps; storm drainage; fire protection capabilities; street name signs; traffic signage; and streetlights. Improvements are to be made in accordance with the Regulations of the City, including the following:
- i. "Major Thoroughfare Plan & Street Standards."
  - ii. "Standard Construction Specifications."
  - iii. "Floodplain Regulations."
  - iv. Titles 8, 12, 15 and 17 of the Municipal Code.
  - v. Utility company approval, where appropriate.
  - vi. The most current edition of the International Building Code as adopted by the City.
3. Application Certification of Completion. Within a reasonable period to time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the Minor Subdivision Plat *Technical Criteria* form) to the City Planner at least thirty (30) days prior to the Planning Commission meeting. The original application and all documents requiring a signature shall be signed in blue ink. No application shall be allowed to proceed until it has been deemed complete.
4. Refer Application To Parties of Interest. Not less than twenty-five (25) days before the date scheduled for the Planning Commission meeting, the City Planner shall send information about the application to surrounding property owners within three hundred (300) feet, utility companies and ditch companies. At the City Planner's discretion other parties of interest, such as mineral interest owners of record, mineral and oil and gas lessees for the property, adjacent municipalities, and Fremont County, may be notified. The referral information shall include the time and place of the public hearing, the nature of the hearing,

the location of the subject property, and the applicant's name.

5. Staff Reviews Application and Prepares Comments. Staff will complete a technical review of the minor subdivision plat based on the City's minor subdivision plat review criteria and referral comments received. Staff will then prepare a report identifying any issues of concern that the applicant will need to address and forward this report and/or written staff comments to the applicant.
6. Applicant Addresses Staff Comments. The applicant shall submit a letter explaining how all of the comments have been addressed and revised maps and other documents to the City Planner.
7. Planner Schedules Planning Commission Public Hearing and Completes Public Notification Process. The City Planner shall schedule a public hearing before the Planning Commission for the purpose of taking action on the minor subdivision plat. The City Planner shall publish notice of the hearing in a newspaper of general circulation. The hearing may be held no less than thirty (30) days from the date of advertising.
8. Final Staff Review and Report to Planning Commission. Staff will complete a final review of the resubmitted materials and then prepare a report to the Planning Commission explaining how the application is or is not consistent with the minor subdivision plat review criteria.
9. Planning Commission Meeting and Recommendation. The Planning Commission shall hold a public hearing to review the minor subdivision plat based on the City's minor subdivision plat review criteria. It shall then make a recommendation to the City Council to approve, conditionally approve, or deny the minor subdivision plat application.
10. Applicant Addresses Planning Commission Conditions (Optional). The applicant may revise the minor subdivision plat based on Planning Commission's conditions of approval and submit it to the City.
11. Schedule City Council Public Hearing and Complete Public Notification Process. The City Planner shall direct the City Clerk to schedule a public hearing before the City Council for the purpose of taking action on the minor subdivision plat. The City Planner shall publish notice in a newspaper of general circulation and post notice on the property. The hearing may be held no less than fifteen (15) days from the date of advertising and property posting.
12. City Council Public Hearing and Action. The finalized minor subdivision plat shall be presented to the City Council for its review and action at a public hearing. The City Council shall review the minor subdivision plat based on the minor subdivision plat review criteria. If approved, the City Council shall adopt the plat

by resolution and the City Planner shall request three (3) original mylars of the minor subdivision plat ready for the Mayor and Clerk to sign and then record.

13. Post Approval Actions. The subdivider must comply with the requirements of the Council and these Regulations within one hundred and eighty (180) calendar days of Council approval, with no extensions, or the minor subdivision plat shall be void and must be resubmitted for the Planning Commission and City Council approval. The applicant shall submit the following items to the City Planner:
  - a. Proof of Insurance. Proof of workmen's compensation insurance and liability insurance for each contractor.
  - b. Open Space Deed Restriction. Areas designated as open space shall be protected by a deed restriction or other appropriate method to ensure that they cannot be subdivided or developed in the future and will remain as open space in perpetuity.
  - c. Other Certificates, Affidavits, Enforcements or Deductions. As required by the Planning Commission or City Council.
  - d. Electronic File. An electronic (digital) version of the minor subdivision plat in a format acceptable to the City Engineer, with survey data referenced to the State Plane Coordinate System.
  - e. A guarantee for installation of improvements, including appropriate securities, to be approved by the City Engineer, which may include binding agreement to develop the open space or common amenities. The City will provide the finalized Development Agreement for the applicant to sign.
  - f. A title insurance commitment or policy issued by a title insurance company, certified to date of final Council approval of the minor subdivision plat, showing the name of the owner of the land and all other persons who have an interest in, or an encumbrance on the property described on the minor subdivision plat. The subdivider shall cause to be joined on said filing of the plat those parties necessary to give unencumbered fee simple title to all public rights-of-way contained therein.
  - g. Provide three (3) copies of as-built drawings for all improvements within 60 days of the final walk-through inspection.
14. Record Minor Subdivision Plat. Prior to recording of the minor subdivision plat, the applicant shall supply the City Planner with one (1) print of each page of the plat, measuring twenty-four (24) inches high by thirty-six (36) inches wide, on bond paper, for purposes of final redline review and revisions. Once the final

revisions have been made, the applicant shall supply three (3) original mylar versions of the minor subdivision plat, each containing the signatures of the property owner(s), the notary acknowledgment of their signatures, and an original signature and seal of the surveyor who prepared the plat. Following receipt of the mylars, the City Planner shall cause the signature of the Planning Commission Chair, the Mayor, and the City Clerk to be affixed to the mylars. One (1) original mylar of the minor subdivision plat shall be recorded by the City Clerk in the Office of the Fremont County Clerk and Recorder. The recording fee for the approved plat and supplementary documents as required shall be paid by the developer.

**C. Minor Subdivision Plat Review Criteria.**

1. The City shall use the following criteria to evaluate the applicant's request:
  - a. The minor subdivision plat is in compliance with the City's land use code and is consistent with the City's Comprehensive Plan.
  - b. The development will substantially comply with the Community Design Principles and Development Standards as set forth in the City's development code.
  - c. The subdivision is consistent with any previously approved rezoning concept plan or PUD development plan.
  - d. The subdivision is consistent with and implements the intent of the specific zoning district in which it is located.
  - e. The subdivision will not result in significant adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated.
  - f. The subdivision shall have access to adequate and available public facilities and services and utility services.



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## 4.12 Site Plan

### A. Site Plan.

#### Overview – Goal Statement

The City welcomes new businesses and developments to the Canon City Community and stands willing to work in good faith with all applicants. The City will put forth the effort and spirit of cooperation necessary to efficiently achieve successful implementation of new business and development plans.

1. Purpose. The purpose of the site plan review process is to ensure compliance with the standards and provisions of these regulations, while encouraging quality development in the City that is reflective of the goals, policies, and strategies found in the Cañon City Comprehensive Plan. The site plan depicts how a lot or parcel will be developed so that the City may ensure that site design will be in compliance with all applicable City regulations.
2. Reviewing Authority. The Reviewing Authority with respect to site plans required under this section shall be the City Planner and City Engineer, together with such other persons who might, from time to time, be designated by the City's Zoning Administrator, hereinafter collectively referred to as "Staff." Procedures for appeal of Staff decisions and review by the Planning Commission or City Council are provided for in Subsection C, of this Section 4.12.
3. Preapplication Conference and Process Summary. The initial review step for Site Plan Review is a preapplication conference between the Applicant and Staff. Based on the determinations made at the preapplication conference, and pursuant to the code provisions outlined herein, an Applicant may have the options of requesting a Site Plan Exemption or Waiver, initiating a Sketch Review, Minor Site Plan Review or a Standard Site Plan Review process. Outlined below is a summary of the Site Plan Review process.
  - Step 1. Preapplication Conference – determination of preferred review type, initial discussion of submittals, initial consideration of exemption and waiver requests, outline of future review steps, and initial feedback on technical issues.
  - Step 2. Approval of exemption or waiver request, as applicable.
  - Step 3. Option of non-binding Sketch Review available to applicant.
  - Step 4. Application submittal and completeness review.

Step 5. Referrals and/or initial routing (reduced process for Sketch Review and Minor Site Plan Review).

Step 6. Staff meeting with the applicant (Site Plan Review meeting may include referral entities as appropriate, such as the Fire District, Sanitation District, and Colorado Department of Transportation).

Step 7. Preparation of Memorandum of Decision (Approval, Approval with Conditions, Denial, Continuation, Request for Additional Information, documentation of future conditions and deferrals to building permit review).

Step 8. Submittal of Site Plan Map for signatures and any other required documents.

#### 4. Applicability.

- a. General Rule. Unless a development (or activity) is exempt under subparagraph 4.b of this subsection, or a waiver is issued pursuant to subparagraph 4.c of this subsection, site plan review and approval will be required before a building permit may be issued with respect to new developments, redevelopments, changes in use, enlargements, or expansions.
- b. Exemptions. Developments (and activities) that will be exempt from the site plan review process shall include the following:
  - i. Development of single-family detached dwelling units, accessory dwelling units, duplexes and triplexes, and their accessory structures on individual lots;
  - ii. Developments included within an approved final PUD development plan, Final Planned Development Plan (FPDP), or another City approval process where said approvals addressed site specific site plan review issues;
  - iii. Changes made to the interior of a structure where the work does not result in changes to the exterior of the structure and does not result in a significant increase in the parking requirements (no more than 6 spaces or 20%, whichever is greater);
  - iv. Routine repairs, maintenance, and remodeling of an existing building or structure;

- v. Additions which do not increase an existing building floor area by more than twenty percent (20%) and can meet the change in use criteria contained in item vii below;
- vi. Signs, fencing, and temporary structures used for outdoor retail sales on approved sites; and
- vii. Development or redevelopment that meets criteria iii, iv, or v and results in a change in use where the proposed use is similar in character, consistent with surrounding uses, a use permitted by right pursuant to zoning, and will have the same or similar off-site impacts on adjoining uses, including but not limited to traffic, parking, lighting, and noise.

Modifications to preexisting uses shall be evaluated based on the additional incremental impact associated with the current proposal and not the historic use. Upon a finding by Staff that the exemption criteria are met, the applicant can proceed with a building permit application. Review for compliance with zoning and other applicable regulations will be part of the building permit process. Exempt activities shall be subject to standard fees and requirements associated with building permit review and shall not be subject to additional off-site requirements and exactions.

- c. Waivers. For developments that do not qualify for the exemption, the applicant may request a waiver of site plan review by submitting a written request to the City's Zoning Administrator. The Zoning Administrator, after conferring with the Staff, may waive, or waive with conditions, site plan review but only when the applicant demonstrates that the proposed project will satisfy each of the following criteria:
  - i. The construction, site change, or change in use will not adversely affect on-site or off-site traffic circulation or parking areas;
  - ii. The construction, site change, or change in use will not affect public utilities or services (including fire suppression/flow requirements) or significantly alter the on-site or off-site stormwater drainage system (requiring significant additional capacity or major relocation of facilities);
  - iii. The construction, site change, or change in use is consistent with and permitted by right under the existing zoning and will not cause adverse impacts on surrounding properties, neighborhoods or the environment without mitigating those impacts; and

- iv. The construction, site change, or change in use will not create or otherwise result in any safety problems or hazards.
- d. Appeal of Decision of Zoning Administrator. An applicant may appeal the Zoning Administrator's denial of a site plan waiver requested in accordance with subparagraph 4.c of this subsection, pursuant to Subsection C of this Section 4.12.
- e. Site Plan Required Prior to Land-Disturbing Activity. An approved site plan shall be required prior to issuance of a building or grading permit for any development subject to these provisions.

Submittal Summary	Preapplication Meeting	Sketch Review	Minor Site Plan	Standard Site Plan
Description of Use	Required	Required	Required	Required
Description of Property	General Description including address	General Description including address	Required (including legal description)	Required
Site Plan Map	Not Required	Sketch Layout of the Site	Required	Required
Technical Reports - grading & drainage - traffic - geo-technical	Not Required	General Description, selected topics may require additional information.	Requirements for Technical Letters, may be waived or modified by the Staff	Requirements for Studies and/or Reports may be waived or modified by the Staff
Infrastructure Plans - water & sewer - access, parking and street - stormwater - other utilities	Not Required	General Description, selected topics may require additional information.	Requirements for Technical Letters, may be waived or modified by the Staff	Requirements for Studies and/or Reports may be waived or modified by the Staff
Referrals and Other Agency Reviews	Not Required	Generally not required, selected agencies may be contacted	Required	Required
Historic and Change in Use Information	Required	Required	Required	Required
Application Fees	Not Required	Not Required	Required	Required

## 5. Sketch Review and Minor Site Plan Review.

- a. Sketch Review. After the initial preapplication conference the Applicant may choose a sketch review, which is an abbreviated review process requiring only a conceptual layout, preliminary information and selected detailed information, agreed to by the Applicant. The Sketch Review results in non-binding feedback to the Applicant, more detailed responses on selected key issues and the opportunity for preliminary cost estimates

prior to proceeding with a standard Site Plan Review. It is a courtesy review designed to meet the Applicant's need for more information and direction.

- b. Minor Site Plan Review. Where an Application meets the criteria outlined in Table 2 below, the submittal can be processed as a Minor Site Plan Review. By qualifying, the Application is recognized as not requiring as extensive submittal requirements, technical reports, and plans. The Application also benefits by simplified referral and routing procedures. Some technical details can be deferred to building permit review subject to approval by the Staff.

Criteria	Minor Site Plan Review	Submittal & Procedural Incentives
Area and Size	Conforming with underlying zoning	<ol style="list-style-type: none"> <li>1. 50% reduction in application fee</li> <li>2. Street improvements limited to curb, gutter, and sidewalk, and ancillary improvements necessary for installation shall be required along the boundaries of the property abutting public right-of-way where adjacent properties have such improvements. In lieu of the above requirement, comparable improvements or a Future Improvements Agreement may be required by Staff. Where the above street improvements do not exist on adjacent properties a Future Improvements Agreement may be required.</li> <li>3. If available, use of standard City approved template for stormwater Best Management Practices – no study required (at the applicant's discretion)</li> <li>4. Deferral of geo-technical study to time of building permit (at the applicant's discretion) except as necessary to comply with other conditions</li> <li>5. Expedited single step routing sheet processing and priority review scheduling</li> </ol>
Number of Residential Units	Less than 10 units	
Parking and Traffic	Commercial uses that generate requirement for $\leq 20$ off-street parking spaces and Industrial uses that generate requirement for $\leq 10$ off-street parking spaces	
Zoning Use	Use permitted by right	
Zoning Standards	Code compliant	
Existing or Historic Building	Proposal for existing buildings that do not increase the square footage on the site by more than 30% or 5,000 square feet, whichever is lower, or a building with local, state, or national Historic Designation	

- c. Planning Commission Appeal. At the Applicant's discretion, appeal of a decision of Staff in regard to the applicability of Minor Site Plan review, submittal requirements, options for deferral of submittals, or other technical matters related to application processing may be heard by the Planning Commission in accordance with Subsection C of this Section 4.12.

**B. Site Plan Process.**

1. Submit Site Plan Application.
  - a. Land Use Application Form.
  - b. Site Plan - Technical Criteria Checklist.
  - c. Application Fee. A non-refundable fee is collected to cover a portion of the cost of review by the Staff.
  - d. Site Plan Map. The site plan map shall be provided in a legible format and shall provide each of the following information, unless deemed to be not applicable by the Staff:
    - i. Title of project.
    - ii. North arrow, scale (no greater than 1"=50') and date of preparation.
    - iii. Vicinity map.
    - iv. Address of project.
    - v. Legal description of property.
    - vi. Name, address and phone number of property owner.
    - vii. Name, address and phone number of person or firm responsible for plan.
    - viii. Lot size (square footage).
    - ix. Bearings and distances of all lot lines.
    - x. Existing and proposed easements and rights-of-way.
    - xi. Existing and proposed paved areas and sidewalks on the site and in the adjacent rights-of-way, all dimensioned.
    - xii. Existing and proposed curb cuts on the site and in the adjacent rights-of-way.
    - xiii. Existing and proposed topography with two (2) -foot contours, unless modified by the Staff.
    - xiv. Existing irrigation ditches, laterals or other waterways on or adjacent to the site.
    - xv. Existing and proposed structures and their use, showing dimensions with respect to property lines
    - xvi. Proposed structure height.
    - xvii. For commercial and industrial uses, the type of activity and estimated number of employees.
    - xviii. For multi-family residential, estimated number of residential units and bedrooms per unit.
    - xix. Locations and specifications for the signs and lighting, including type, height. For commercial and industrial uses, a photometric plan may be required to address off-site lighting impacts.
    - xx. Proposed traffic controls and striping for parking areas

- (dimensions must be shown for all drive aisles, parking spaces and maneuvering areas).
- xxi. Trash disposal areas and enclosures.
  - xxii. Location and size of existing and proposed utilities including water, sewer, electrical, cable, and gas.
  - xxiii. As deemed necessary by the Staff, the location and size of existing and proposed utility features such as water meter(s), backflow prevention devices, and fire hydrants.
  - xxiv. Location of detention areas, storm sewer infrastructure, and post-construction Best Management Practices with the required drainage easements.
  - xxv. Certificate blocks for signatures of owner, surveyor, utility providers, and City approval, as applicable.
- e. Grading and Drainage. A plan and report must be designed and certified by a qualified Colorado registered professional engineer, including stormwater drainage concepts such as locations for on-site detention, downstream structural improvements, soil erosion and sedimentation control plans and specifications, and post construction Best Management Practices. The Plan shall comply with the drainage standards and provisions contained in the Municipal Code including, but not limited to, Chapter 8.70, Stormwater Illicit Discharges and Permit Requirements and Section 4.7 (B)(2)(h) “Preliminary Grading and Drainage Plan and Report” of Article 4, Subdivision and Development Regulations. The Staff can waive submittal requirements and this requirement entirely or, in lieu of a report, accept the installation of City-approved standard improvements that meet the intent of the code and engineering criteria.
- i. Any development in the floodplain shall meet the requirements of the City’s Floodplain Regulations contained in Chapter 8.80 of the Cañon City Municipal Code. The study must discuss the impacts on and to any existing floodways and/or floodplains on and adjacent to the site as well as any FEMA applications required.
  - ii. The Urban Storm Drainage Criteria Manual, by Urban Drainage and Flood Control District, as amended, and the City’s Standard Construction Specifications shall be used for the design of all drainage facilities and Best Management Practices and may be utilized in lieu of additional reports subject to approval by the Staff.
  - iii. As determined by the City, a stormwater impact fee will be required in addition to any necessary and required stormwater improvements on and/or off site. This fee may be waived if it is determined that on-site or off-site improvements are being made



by the Applicant which the Staff determines will provide significant public benefit.

- f. Traffic. A traffic study or opinion letter must be prepared by a professional traffic engineer unless waived or modified as determined at the time of the pre-application conference based on Staff's input and expected amount of traffic to be generated by the particular development. The analysis shall include the development's potential impact or effects on the surrounding community, address alternative modes of transportation including pedestrian and bicycle pathways, relationship to the Major Thoroughfare Plan, and other information as may be required by the Staff. If required by the Colorado Department of Transportation per the State Highway Access Code, the applicant shall obtain a State Highway Access Permit prior to final site plan approval. As determined by the City, a transportation impact fee and/or off-site improvements may be required to secure the right to access the existing transportation system, regardless of on-site improvement. This fee or requirement will be determined by calculating the development's percentage of impact to the existing conditions and applying that impact to the necessary improvements. This fee may be waived if it is determined that on-site or off-site improvements are being made by the Applicant that the Staff determines will provide significant public benefit.
  - g. Geotechnical. A study and report must be performed and certified by a qualified Colorado registered professional engineer and should include: existing conditions and analysis based on final grading plans; design recommendations; soils information to include potential constraints/hazards (from the USDA Natural Resources Conservation Service soil survey); any known groundwater issues, and additional information as may be required by the Staff. The requirements of this study can be waived, modified, or deferred to the time of building permit as a condition of a site plan approval.
  - h. Site Features Preservation. The City encourages the preservation of any existing features which would add value to a residential development or to the City of Cañon City as a whole, such as trees, water courses and falls, National Historic sites, views and similar irreplaceable assets. The site plan should include existing features and demonstrate consistency with the intent of this standard.
2. Application Certification of Completion. Within 15 days, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application as determined by the

Staff. No application shall be allowed to proceed until it has been deemed to be complete.

3. Staff Refers Application To Other Agencies. Staff may refer the site plan materials to other agencies and service providers for comments. Staff shall provide the Applicant with a list of anticipated referral agencies prior to finalizing the submittals. The referral period shall be fifteen (15) days, but such period may be reduced or extended by Staff. Staff shall notify the applicant of any adjustment to the referral period. Referral agency and utility provider's approval of the site plan shall be deemed sufficient for building permit review so long as the building permit submittals are fully compliant with the site plan approval.
4. "Will Serve" Letters. The City may require as a condition of site plan approval "will serve" letters from utility providers who have not already approved the site plan, which letters if required shall be provided prior to issuance of a building permit.
5. Staff Reviews Application and Prepares Comments. Staff will review the site plan map and application to ensure it is consistent with the site plan review criteria. Staff may consider comments received during the referral period in its review of the site plan. Following the review, Staff will prepare a written report outlining any changes that the applicant must make before the site plan can be approved. This report will be forwarded to the applicant within 30 days of certification of a complete application, unless the time limit is extended or waived by mutual agreement of Staff and the applicant.
6. Applicant Addresses Staff Comments. Applicant makes all necessary changes to the site plan and resubmits a revised copy to the City.
7. Development Agreement & Improvements Guarantee. Staff may require that the applicant execute a development agreement to assure the construction of on-site and off-site improvements as a condition of approval of the site plan. Guarantees in the development agreement may be secured by an improvements guarantee in the form acceptable to the Staff. The amount of the guarantee shall be approved by the Staff. The Staff may accept future improvements agreements in lieu of certain improvements and may reduce the amount of the required security by up to 50% of the cost of the secured improvements.
8. Staff Action. The Staff may approve, conditionally approve or deny the site plan based on the site plan review criteria. Any action taken by the Staff shall become final unless appealed and shall be documented in a memorandum of decision. Any aggrieved party who wishes to appeal the action shall file a written appeal in accordance with the appeal provisions contained in Subsection C, stating the reasons why the Staff action is incorrect. The applicant shall file the appeal with the City Clerk within thirty (30) days of the meeting at which such action was

taken.

9. Site Plan Review Criteria. The Staff shall use the following criteria to evaluate the applicant's request.
  - a. All of the information required on a site plan is shown.
  - b. The lot size and lot dimensions are consistent with what is shown on the approved final plat or legal description of the property.
  - c. No buildings or structures infringe on any easements.
  - d. The proposed site grading is consistent with the requirements of the City's stormwater regulations.
  - e. The density and dimensions shown conform to the City zoning code or the approved PUD requirements.
  - f. The applicable Development Standards have been adequately addressed and the proposed improvements conform to said principles and standards.
  
10. Post Approval Actions.
  - a. Building Permit. A building permit shall be issued only when a site plan has been approved. However, with the approval of the Staff, an applicant may submit a building permit application concurrent with the site plan application. Building permits shall not be issued for any development that is not in conformance with the approved site plan.
  - b. Certificate of Occupancy. When building construction and site development are completed in accordance with the approved site plan and building permit(s), a Certificate of Occupancy may be issued.
  - c. Expiration of Approval. The site plan shall be effective for a period of three (3) years from the date of approval, unless stated otherwise in the written site plan approval. Building permits shall not be issued based on site plans that have an approval date that is more than three (3) years old.
  - d. As-built drawings. The developer shall provide three (3) copies of as-built drawings for all public improvements and required private site improvements within 60 days of the final walk-through inspection.

**C. Appeals.**1. Appeals to City Council.

- a. An applicant may appeal any matter listed in subparagraph 1.b, in accordance with the provisions of this paragraph and Chapter 2.52 of the Cañon City Municipal Code pertaining to the appeal of an administrative decision. The City Council shall consider any appeal within thirty (30) days of the filing of a notice of appeal, except an appeal associated with a concurrent development application requiring Council review or approval, which the Council shall consider with final action on the concurrent development application. The City Council shall apply the site plan review criteria set forth in paragraph 9 of Subsection B to uphold, modify or reverse any challenged requirement imposed by Staff as a condition of site plan approval.
- b. Matters that may be appealed pursuant to this paragraph 1 shall be limited to the following:
  - i. The question of whether the development (or activity) qualifies for an exemption pursuant to the provisions of subparagraph 4.b of Subsection 4.12.A;
  - ii. The question of whether the development (or activity) qualifies for a waiver under the criteria set forth at subparagraph 4.c of Subsection 4.12.A;
  - iii. The question of whether the development (or activity) qualifies for review as a Minor Site Plan, and the submittal standards required for said review;
  - iv. The question of whether the applicant has filed a complete application, including whether certain technical studies/analyses can be waived, deferred, or met by standardized improvements;
  - v. The question of whether Staff properly imposed requirements as conditions of site plan approval, in accordance with the provisions of Section 4.12 and other applicable sections of the Municipal Code. Any requirement challenged by an applicant must be stated in the applicant's notice of appeal, together with the applicant's proposed remedy with respect to the challenged requirement.
  - vi. The question of whether Staff properly imposed requirements for development agreements and improvement guarantees, including the terms of the agreement and the amount and type of security

required, pursuant to the provisions of Section 4.12 and other applicable sections of the Municipal Code.

2. Appeals – Planning Commission Option.

- a. At the applicant's option, the appeal of any matter that may be appealed to City Council may be presented to and argued before the Planning Commission using the same process and documents required under paragraph 1 of this Subsection 4.12.C.
- b. Following Planning Commission's hearing of any such appeal, Planning Commission will issue written recommendations supported by findings deemed appropriate by the Planning Commission. If the applicant and staff both agree with Planning Commission's recommendations, such recommendations shall be treated as a final decision and the parties shall proceed in a manner consistent with such recommendations. If either the staff or the applicant disagrees with any of the Planning Commission's recommendations, the appeal shall be forwarded to City Council, which shall hear and decide the appeal. In such event, the Planning Commission's findings and recommendation shall be a part of the evidence to be considered by City Council.
- c. In order to exercise the option provided for in this subsection, the applicant must state in its notice of appeal the applicant's understanding that City Council will not be obligated to hear any appeal sooner than thirty (30) days following the issuance of Planning Commission's written findings and recommendations. If either staff or the applicant fails to accept Planning Commission's recommendations in writing within ten (10) days following their issuance, the Planning Commission's recommendations shall be deemed rejected and the appeal shall proceed to City Council for hearing on the issue or issues raised in the applicant's appeal to the Planning Commission.

**D. Amendments to Approved Site Plans.**

1. Minor variations in the location of structures, improvements, or open space areas necessitated by engineering or other unforeseen difficulties may be reviewed and approved by the City Staff. Such changes shall not exceed any measurable standard by more than ten (10) percent, or modify the use, character, or density of an approved site plan. All plans so amended shall be revised to show the authorized changes and shall become a part of the permanent records of the City.
2. Changes to approved site plans that exceed the ten (10) percent threshold, or other major modifications (such as changes in building size or footprint, relocation of access points, changes to required parking, etc.), shall be considered as a new site

plan application. A complete site plan application shall be prepared and submitted in compliance with the requirements set forth in this Section.

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## **4.13 Amendments to Recorded Plats**

### **A. Amendments to Recorded Plat Process.**

1. Minor amendments which are filed with the Fremont County Clerk and Recorder to correct minor survey or drafting errors on a recorded plat shall be prepared in the form of an affidavit or, where deemed necessary for clarity, a revised plat certified by a land surveyor licensed with the State of Colorado. All affidavits or corrected plats shall be reviewed and may be approved by the City Staff. Notice of the minor amendment shall be given to the City Council.



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## **4.14 Resubdivision**

The resubdivision of any lots, tracts or parcels, or the relocation or addition of streets within a subdivision, shall be considered a resubdivision (also known as a “replat”) and shall be prepared and submitted in compliance with the requirements for subdivision as set forth in this Article. In the event that any dedicated streets are relocated or eliminated as a result of a resubdivision, the effect of the approval by the City Council of said resubdivision plat shall be to vacate the original right-of-way of the dedicated street. Language to that effect shall be included on the plat of the resubdivision. In the case where a public street is vacated by approval of a resubdivision plat, it shall not be necessary to also comply with the process set forth for the vacation of right-of-way in Section 4.16 of these regulations.

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## 4.15 Exceptions to the Community Design Principles and Development Standards

- A. **Exception Purpose.** An applicant may apply for an exception to the minimum Community Design Principles and Development Standards in the City's Land Use Code, when adopted, except for those standards that are not open to modification (see Section 4.15.D below). The applicant shall submit an application for exception specifying the basis for the exception requested. The burden of demonstrating that an exception is justified falls solely on the applicant. An exception, as opposed to a variance, is not a request for relief from the strict application of the Zoning Code, but rather a request to modify a design principle or standard based on the specific conditions, circumstances or design context of a development proposal.
- B. **Exception Application Process.** The applicant shall submit a letter to the City Planner requesting an exception and providing justification thereof. The City shall review the exemption application concurrently with a preliminary or final plat or planned unit development (PUD) application. The Planning Commission shall review and make a recommendation of approval, approval with conditions or denial of an exception request at a regular meeting of the Commission and forward such recommendation to the City Council as part of its review of the preliminary or final plat and/or preliminary or final PUD. Final action on the exception request shall be made by the City Council.
- C. **Exception Review Criteria.** The Planning Commission and City Council shall use the following criteria to evaluate the applicant's exemption application.
1. Special circumstances or conditions exist that limit the ability of the property to meet the Community Design Principles and Development Standards. Special circumstances or conditions include narrowness, unusual shape, exceptional topographic conditions or other extraordinary situations. Financial difficulties, loss of prospective profits and previously approved exceptions in other subdivisions shall not be considered as special circumstances or conditions; or
  2. An alternative design exists that will meet the intent of the standards and requirements set forth in the Community Design Principles and Development Standards and these Subdivision and Development Regulations, by providing for the orderly subdivision of land and providing public facilities. The exception shall:
    - a. Provide for the orderly subdivision of land. The City may require the development to be processed as a planned unit development or as a Mixed Use or Commercial Zone District site plan, if the complexity and interrelated design of the development more appropriately meet the intent of the PUD or Transitional Mixed Use (TMU) zoning district processes. The PUD/TMU process shall provide flexibility to review the exception as

part of a creative and imaginative development design tailored to each unique site and the surrounding area;

- b. Provide public facilities that will benefit the public without detriment to surrounding property owners or the City's ability to provide services and maintain public facilities;
- c. Provide amenity to the development through design that could not be provided through the adopted standards;
- d. Not be detrimental to the public interest or other property nor be in conflict with the comprehensive plan or other applicable provisions of the Code unless corresponding exceptions or variances are approved.
- e. Not endanger public safety.

**D. Standards Not Open to Modification.** The following Community Design Principles and Development Standards are considered absolute minimum standards and are not open to modification through an exception process:

- 1. Road design standard (cross section) for local street with attached sidewalk;
- 2. Dedication of the full width of right-of-way for all platted streets as set forth in the City's Major Thoroughfare Plan;
- 3. Drainage improvements with regard to developed runoff and water quality;
- 4. Any provision of the City's Standard Construction Specifications;
- 5. Requirement of one (1) street tree of two (2) inch caliper for each forty (40) feet of frontage on both sides of the street (except for rural roads and alleys); and
- 6. Provision of handicap parking spaces.

**E. Restrictions on Requesting Exceptions.** If an applicant requests an exception under this Section, the preliminary plat or preliminary PUD development plan shall, whenever possible, indicate the exceptions outlined in the application. Exception requests can be processed concurrently with planned unit development applications.

## 4.16 Vacation of Right-of-Way or Easement

- A. Vacation of Right-of-Way/Easement Purpose.** The vacation of right-of-way or easement application process is used to vacate unnecessary rights-of-way and easements. The vacation of a roadway shall also be in accordance with C.R.S. § 43-2-301, *et seq.*
- B. Vacation of Right-of-Way/Easement Application Process.**
1. Pre-Application Conference. A pre-application conference with the City Planner is required before the applicant may submit a vacation of right-of-way/easement application. Topics to be discussed will include:
    - a. City regulations and standards.
    - b. The application and review process.
    - c. Submittal requirements.
    - d. Schedule.
  2. Vacation of Right-of-Way/Easement Application Submittal. The applicant shall submit one (1) complete copy of the vacation of right-of-way/easement application package to the City Planner and shall request that the application be reviewed by the City Council. The application must be submitted a minimum of thirty (30) days prior to the City Council meeting at which the application will be reviewed. The vacation of right-of-way/easement application shall include:
    - a. Land Use Application Form.
    - b. Vacation - Technical Criteria Form (from Workbook).
    - c. Application Fee. A non-refundable fee is collected to cover the cost of review by the Staff. Publication costs may be billed separately.
    - d. Petition for Vacation of Right-of-Way/Easement. A blank petition for vacation of right-of-way and a blank petition for vacation of easement are in the *Workbook*.
    - e. Surrounding and Interested Property Ownership Report. For vacation of right-of-way and easement applications, provide the City Planner with a current (not more than thirty [30] days old) list of the names and addresses of the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record and oil and gas lessees for the

property. The applicant shall certify that the report is complete and accurate.

- f. Vacation of Right-of-Way/Easement Map. The vacation of right-of-way/easement map shall be a minimum of eight and one-half (8½) inches by eleven (11) inches and provide the following information:
    - i. Title of map.
    - ii. North arrow, scale (whatever is appropriate) and date of preparation.
    - iii. Vicinity map.
    - iv. Legal description of right-of-way/easement to be vacated.
    - v. Graphic representation of property to be vacated.
    - vi. Acreage of property to be vacated.
    - vii. Names and boundaries of adjacent subdivisions and streets.
    - viii. Lot and block numbers of adjacent lots and blocks.
    - ix. Existing and proposed rights-of-way in and adjacent to subject property.
    - x. Existing and proposed easements in and adjacent to subject property.
    - xi. Existing and proposed utility lines and/or facilities in and adjacent to subject property.
    - xii. All waterways and ditches in and adjacent to subject property.
    - xiii. Type and location of existing structures and paved areas on the subject property.
  
  - g. Vacation of Right-of-Way/Easement Review Criteria Statement. Provide a written description of how the vacation request addresses the vacation of right-of-way/easement review criteria.
  
  - h. Letters of Support from Utility Providers and Other Affected Agencies. The applicant shall provide to the City letters from all utility providers or other agencies affected by the vacation, expressing their support of the vacation request.
3. Application Certification of Completion. Within a reasonable period of time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the Vacation of Right-of-Way / Easement *Technical Criteria* form) to the City Planner at least thirty (30) days prior to the City Council meeting. The original application and all documents requiring a signature shall be signed in blue ink. No application shall be allowed to proceed until it has been deemed to be complete.

4. Refer Application to Parties of Interest. Not less than fifteen (15) days before the date scheduled for the public hearing before the City Council, the City Planner shall send information about the application to surrounding property owners within three hundred (300) feet. At the City Planner's discretion, other parties of interest, such as mineral interest owners of record, mineral and oil and gas lessees for the property, adjacent municipalities, and Fremont County, may be notified. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property, and the applicant's name.
5. Staff Reviews Application and Prepares Comments. Staff will complete a review of the vacation of right-of-way/easement based on the vacation of right-of-way/easement review criteria. Staff will then prepare a report identifying any issues of concern that the applicant will need to address and forward this report and/or written staff comments to the applicant.
6. Applicant Addresses Staff Comments. The applicant shall address City Staff's comments then submit a letter explaining how all of the comments have been addressed and revised maps and other documents to the City Planner.
7. Final Staff Review and Report to the City Council. Staff shall complete a final review of the resubmitted materials and prepare a report to the City Council explaining how the application is or is not consistent with the vacation of right-of-way/easement review criteria.
8. Schedule Vacation of Right-of-Way/Easement Public Hearing and Complete Public Notification. The City Council shall schedule a public hearing for the purpose of taking action on an ordinance approving the vacation of right-of-way or easement. The City Planner shall publish notice in a newspaper of general circulation no less than fifteen (15) days prior to the date of the hearing.
9. City Council Action. Following a public hearing, the City Council may approve, conditionally approve or deny the vacation of right-of-way or easement ordinance, based on the vacation of right-of-way/easement review criteria. All approved ordinances must be recorded with the Fremont County Clerk and Recorder. If the ordinance is conditionally approved, all conditions of approval must be satisfied by the applicant and certified by the City Clerk within a time specified by the City Council before the ordinance can be recorded.
10. Exceptions to Requirement for Public Hearings. Requests to vacate a right-of-way or easement that are incorporated into the application for subdivision or planned unit development of any property do not require a public hearing separate from that required for the subdivision or planned unit development. In reviewing a request to vacate a right-of-way or easement that is incorporated into a subdivision or planned unit development submittal, the City Council shall use the



criteria established in Section C, Vacation of Right-of-Way/Easement Review Criteria, of this Chapter.

**C. Vacation of Right-of-Way/Easement Review Criteria.** No vacation shall be permitted unless each of the following requirements has been satisfied:

1. The vacation of the right-of-way or easement must be in the public interest.
2. The vacation of the right-of-way must not leave any lot or parcel without access to an established public road.
3. The right-of-way or easement proposed for vacation must not be needed for any public purpose in the short term or in the long term.
4. If there is a need to relocate the facilities of any utility serving the public within the right-of-way or easement proposed for vacation, adequate arrangements must be made for the relocation of such facilities and the payment of all costs associated therewith.
5. Abutting and surrounding properties must not be adversely affected by the proposed vacation.

## 4.17 Vacation of Obsolete Subdivision

- A. Vacation of Obsolete Subdivision Purpose.** An obsolete subdivision is one in which lots have not been developed and do not meet current subdivision requirements, including lot size, environmental conditions, and the provision of adequate infrastructure. Obsolete subdivisions may interfere with the orderly development of land within the City, perpetuate obsolete development standards and guidelines, threaten to impose substantial financial burdens on the City, create serious environmental problems, and reduce the quality of life for persons who live in or near such subdivisions. This section of the Code sets forth a process by which an obsolete subdivision may be vacated.
- B. Vacation Process.** Subject to the procedure set forth in this section, the City Council may vacate all or a portion or portions of the final subdivision plat of any obsolete subdivision within the City upon the request of a property owner within the subdivision or the City Planner. The City Council may vacate only the final subdivision plat for that portion of an obsolete subdivision consisting of multiple, contiguous lots that are undeveloped and in common ownership. The City Council may vacate a final subdivision plat only after conducting a public hearing to consider evidence to determine whether the findings can be made that are necessary to determine if all or a part of the subdivision is obsolete within the meaning of this section, and to consider evidence to determine whether the finding can be made that is necessary to adopt an ordinance to vacate.
1. Resolution of Intent to Vacate. Prior to vacating all or a part of the final subdivision plat of any obsolete subdivision, the City Council shall adopt a resolution of intent to vacate. The resolution shall set forth the reasons the City Council desires to vacate the final subdivision plat and shall establish the date, time, and place of a public hearing on the proposed vacation. At least thirty (30) days prior to City Council consideration of the resolution of intent to vacate, the City Planner shall provide written notice that vacation of the subdivision is being considered to all record surface owners and lienholders of all lots within the subdivision. Once a resolution of intent to vacate has been adopted by the City Council, no development plan may be submitted, or building permit issued, until the matter has been finally decided by the City Council.
  2. Schedule Vacation of Obsolete Subdivision Public Hearing and Complete Public and Property Owner Notification. The City Council shall schedule a public hearing for the purpose of taking action on an ordinance approving the vacation of the obsolete subdivision. The City Planner shall publish a copy of the resolution notice in a newspaper of general circulation at least fifteen (15) days prior to the City Council public hearing. In addition, a copy of the resolution shall be mailed to the last known address of the record surface owner or owners of each lot within the subdivision and to any lienholders of record, at least fifteen (15) days before the public hearing.

3. City Council Action. At the public hearing on the determination of obsolescence and proposed plat vacation, the City Council shall receive a report from the City Planner regarding the proposed vacation and shall hear from all interested persons. At the close of the public hearing, the City Council may, by ordinance, vacate all or a part of the final subdivision plat for the obsolete subdivision if it makes the following findings:
    - a. That the subdivision is an obsolete subdivision within the meaning of this section; and
    - b. Vacation of all or a part of the final subdivision plat for the obsolete subdivision will promote the health, safety and general welfare of the community. The ordinance shall describe the property that is subject to vacation by making reference to the subdivision name and the final plat on record with the Fremont County Clerk and Recorder.
  4. Record Vacation Ordinance. If the City Council vacates all or a part of the final subdivision plat of any obsolete subdivision, it shall record a copy of the ordinance of vacation with the Fremont County Clerk and Recorder. The City shall also record a copy of the final subdivision plat as it was approved by the City with a prominent notation on the plat showing that it was vacated in whole or in part by decision of the City Council and the date of such decision.
- C. Effect of Vacation.** After all or a part of the final subdivision plat for any obsolete subdivision has been vacated pursuant to this section, the land within such vacated subdivision or portion thereof may not be subdivided without first complying with the then applicable state and local subdivision and development regulations, and it shall be unlawful to sell the land or any portion thereof with reference to the plat or develop any property within the vacated subdivision or portion thereof without first complying with the then applicable state and local subdivision and development regulations. The vacation of all or a part of the final subdivision plat for any obsolete subdivision shall have the effect of vacating all public easements and rights-of-way within the vacated subdivision or portion unless the ordinance of vacation expressly provides that any public right-of-way has not been vacated. The vacation of an obsolete subdivision or portion thereof shall not have the effect of interfering with any privately owned easements dedicated for utility, access, or other similar purposes shown on the final subdivision plat that was vacated unless the City has obtained a release from the owner of the privately-owned easement authorizing the vacation of such easement.
- D. Vested Rights.** Nothing in this section is intended to authorize the City to interfere with any lawfully established vested rights.

## 4.18 Subdivision Improvements and Development Agreements

- A. Development Agreements and Improvements.** A Development Agreement, stating the developer agrees to construct any required infrastructure improvements shown in the final plat documents, including any required PUD or other final development plan approved by the City, together with collateral which is sufficient, in the judgment of the City Engineer as provided in subsection B, to make reasonable provision for the completion of said improvements by the City in accordance with design and time specifications, will be required. No subdivision plat shall be signed by the City or recorded at the Office of the Fremont County Clerk and Recorder, and no building permit shall be issued for development until a Development Agreement between the City and the developer has been executed unless all infrastructure improvements required for the subdivision, PUD or other approved project have been designed, installed, inspected and approved by the City and a sufficient guarantee securing the developer's warranty of such improvements has been delivered to the City. Such agreement shall include a list of all improvements required by City Council in its approval of the subdivision, PUD or other project, an estimate of the cost of such improvements, the required collateral and any other provisions or conditions deemed necessary by the City Engineer to ensure that all improvements will be completed in a timely, quality and cost-effective manner. A Development Agreement shall run with, and be a burden upon, the land described in the agreement.
- B. Form of Collateral.** The collateral required to secure a developer's performance of a development agreement shall be a letter of credit issued by a local bank approved by the City in an amount equal to the estimated cost of all work and improvements covered in the development agreement, plus 15% to cover design, engineering and administrative costs. The City Engineer, in his/her sole discretion, may accept cash or certified funds payable to the City as collateral to secure the developer's performance as an alternative to a letter of credit.
- C. Release of Collateral.** All improvements required by the City Council shall be constructed by the developer. As improvements are completed, the developer shall apply to the City Engineer for inspection of improvements. Upon inspection and approval of all required improvements, the City Engineer shall notify the developer in writing that the warranty period has begun. If the City Engineer determines that any of the required improvements are not constructed in compliance with applicable specifications and standards, he/she shall furnish the developer a list of specific deficiencies and shall be entitled to withhold collateral sufficient to ensure such compliance. If the City Engineer determines that the developer will not construct any or all of the improvements or remedy the deficiencies in accordance with all the specifications and standards, the City Engineer may withdraw and employ from the available collateral such funds as may be necessary to construct the improvements or remedy deficiencies in accordance with the applicable specifications and standards.

- D. Identification of Required Improvements.** All improvements required by the City Council in its approval of the subdivision, PUD or other project shall be constructed by the developer and shall be itemized or otherwise mentioned in the development agreement, unless installed by the developer and approved by the City prior to the execution of the development agreement.
- E. Time for Completion.** The required time for the completion of all required improvements shall be two (2) years from the recording date of the final map or plat. However, the City Council may extend such time for completion upon request from the developer. Upon completion of such improvements within the required time and approval thereof by the City Engineer, the City shall cause the collateral, minus any amount to be held as a guarantee during the applicable warranty period (pursuant to subsection F) below, to be released within thirty (30) days of the City's acceptance of such improvements and receipt of the required as-built drawings. When such improvements are not completed within the required time or as-built drawings are not received, the City may cause the proceeds of the collateral to be used to complete the required improvements and/or as-built drawings.
- F. Warranty and Guarantee.** All workmanship and materials for all improvements and infrastructure required by City Council in its final subdivision or PUD approval or other final development plan approval shall be guaranteed by the developer for a period of two (2) years following acceptance or approval by the City Engineer and the developer's submission of as-built drawings, without regard to whether such improvements were covered by a Development Agreement. During such warranty period, the City Engineer may require a warranty guarantee, in the form of cash or a letter or credit, in an amount equal to ten (10) percent of the value of such improvements to secure the developer's performance of its warranty with respect to public infrastructure dedicated, or to be dedicated, to the City. The City's acceptance of such public infrastructure shall not be final until the warranty period has ended. The City shall not release the warranty guarantee until the City has granted final acceptance of the improvements. Neither the inspection, nor the acceptance, of any required improvement by the City shall relieve the developer of its warranty obligations.

## 4.19 Subdivision Exemption

- A. Subdivision Exemption Purpose.** The Zoning Administrator shall have the authority to review and approve exemptions from the subdivision regulations for the following described actions:
- 1. Lot Line Adjustments.** Lot line adjustments involving two or more lots or parcels, for the purpose of accommodating a transfer of land between adjacent lots or parcels, to resolve property line disputes or remedy setback encroachments.
  - 2. Lot combinations.** To consolidate two or more nonconforming lots to create one or more conforming lots, create better lot design, improve access, or for similar purposes.
  - 3. Creation of not more than one (1) additional lot.** To facilitate the division of one or more lots or parcels as allowed by these regulations where no more than one (1) additional conforming lot is created.
  - 4. Pursuant to Court Order.** To facilitate the conveyance of title to parcels of land pursuant to a valid court order or in connection with the provisions of the Colorado Probate Code when no more than two conforming lots will be created.
  - 5. Condominiumization.** To facilitate the conveyance of condominium units pursuant to the Colorado Common Interest Ownership Act.
  - 6. Conveyance of parcels of land for public purposes.** To facilitate the conveyance of land for public purposes, such as rights-of-way for new streets and alleys, stormwater management facilities, public utilities, or public parks and/or playgrounds.
  - 7. Conveyance of a Planning Area within an approved Planned Development District.** To facilitate the conveyance of a Planning Area within an approved Planned Development District, in conformance with an approved Planned Development District Plan. (See Chapter 17.17, Planned Development Districts, of the Municipal Code.)
- B. Subdivision Exemption Application and Review Process.**
- 1. Pre-Application Conference.** A pre-application conference with the City Planner and City Engineer is required before the applicant may submit a Subdivision Exemption application. Topics to be discussed will include:
    - a. The purpose in seeking the Subdivision Exemption.

- b. Public infrastructure improvements adjacent to the property.
- c. Submittal requirements.
- d. Applicable fees and costs.
- e. Scheduling issues.

**2. Subdivision Exemption Application Submittal.** The applicant shall submit two (2) copies of the subdivision exemption application to the City Planner. The subdivision exemption application shall include:

- a. Land Use Application Form.
- b. Application Fee. A non-refundable fee is collected to cover the cost of review by the Staff.
- c. Proof of ownership in the form of a title commitment or title policy, dated no earlier than thirty (30) days prior to the date of submittal, to include ownership of any mineral, gravel and oil and gas leases, reservations, or any other severed ownerships, and holders of mortgages, judgments, liens, contracts, easements or agreements of record.
- d. A statement explaining how the subdivision exemption meets the purposes of this title.
- e. A statement of the intended uses for each of the parcels upon subdivision, together with a description of the proposed densities for each subdivided parcel.
- f. Subdivision Exemption Plat. Two full-sized (24" x 36") copies and one reproducible (11" x 17") copy of a subdivision exemption plat containing the following information:
  - i. The proposed name of the land division under which it is to be recorded;
  - ii. A scaled drawing showing the existing and proposed lot configurations, , adjoining public rights-of-way and dedicated public access, easements, and floodplain boundaries, , with bearings and distances of all lot lines and square footage for each lot;
  - iii. A vicinity map;

- iv. Names and addresses of owners, applicant, and surveyor (who shall be a registered land surveyor in the State of Colorado);
  - v. Surveyor's statement, signature and seal;
  - vi. Date of preparation, scale and north arrow;
  - vii. Legal description and area expressed in acres or square feet;
  - viii. Certificates of Ownership, Approval and Filing (see *Workbook*).
  - ix. A Ratification and Consent form for each lender shall be provided to staff before the plat is recorded. (See Section 4.19.B.5.b)
  - x. A purpose statement as such purpose conforms to Section A of this title.
- g. A Review Document of current property conditions. Two full-sized (24" x 36") copies and one reproducible (11" x 17") copy of the review document shall contain the following information, as it is pertinent to the property or properties:
- i. Existing and proposed structures with surveyed distances from existing and proposed new lot lines;
  - ii. Existing contours shown at two (2) foot intervals (contours shall be based on NAVD88 datum)
  - iii. Drainage channels, fences, ditches;
  - iv. Location and size of utilities;
  - v. Building coverage calculations;
  - vi. Current zoning;
  - vii. Legal access, if not apparent on plat, and how lots are served by water, sewer, and storm drainage;
  - viii. Names and locations of abutting subdivisions or owners of abutting property (if land is not platted).



- g. Planned Development Districts (PDDs). If property to be conveyed is part of an approved Planned Development District, in addition to the above required documentation, the applicant shall provide a copy of the overall Master Plan map for the PDD, indicating the Planning Area proposed to be conveyed, along with a description of that Planning Area's intended land uses, densities, and other related development standards. (The new owner of the planning area must comply with the Subdivision Regulations and the process for FPDP approval as set forth at Section 17.17.012 of the Cañon City Municipal Code prior to issuance of any building permit.) In addition to the requirements for a Subdivision Exemption Plat set forth above, the plat shall contain a statement for the signature of the Zoning Administrator as follows: "CITY OF CAÑON CITY, COLORADO – Subdivision Exemption Plat granted in accordance with Chapter 4.19, Subdivision Exemption, of the City's Subdivision and Development Regulations, adopted by the Cañon City Council on August 6, 2012, by Resolution No. 16, Series of 2012."
- h. Condominiumization documents. For an application for condominiumization, the applicant shall also submit proposed condominium documents, including condominium declarations, articles of condominium association, bylaws, maps and all other applicable information, including the Secretary of State disclosure statement, as required by the Colorado Common Interest Ownership Act, Section 38-33.3-101 *et.seq.*, CRS.

### **3. Subdivision Exemption Review Process.**

- a. Planning staff will review the subdivision exemption application to make sure it is complete and consistent with the City's subdivision and development regulations, zoning code, and the subdivision exemption review criteria. Planning staff shall notify the applicant of any deficiencies.
- b. With the exception of applications to adjust the lots lines of no more than five (5) lots or parcels for which there will be no requirement for mailed notice, upon receipt of a complete subdivision exemption application, planning staff shall send notice by first class mail to all owners of real property directly abutting the properties (not including streets), known mineral estate owners, mortgagees and lienholders of record, utility companies, easement holders and other reviewing agencies as deemed appropriate, outlining the nature of the application and including a reduced (11" x 17") copy of the proposed subdivision exemption plat.

- c. Following the review, staff will prepare written reports outlining all changes, if any, that must be made before the subdivision exemption plat will be approved. The reports will identify all items required as conditions for approval of the subdivision exemption application, which may include:
  - i. On- and off-site infrastructure improvements, such as streets, curbs, gutters and/or sidewalks, stormwater drainage facilities, or water main improvements, or, in lieu of the actual construction of such improvements, the execution of a Future Improvements Agreement that includes those improvements to be deferred;
  - ii. Conveyances of rights-of-way and/or easements needed for streets, utilities and/or drainage of groundwater or stormwater; and
  - iii. Payment of applicable impact fees.
- d. The applicant shall make all required changes to the subdivision exemption plat and resubmit two (2) revised copies to the City Planner.

**4. Subdivision Exemption Review Criteria.** The Zoning Administrator shall determine and certify that the subdivision exemption application satisfies each of the following requirements:

- a. Granting of the subdivision exemption shall not create more than one new buildable lot;
- b. Every lot created by the subdivision exemption plat shall comply with the standards of the zoning district in which the property is located and with all other requirements of these regulations and all other pertinent regulations and requirements, as they may apply; and
- c. All conditions of approval as identified in 3.c. above have been satisfactorily met; and
- d. All legitimate concerns of the neighboring land owners, utility and easement holders that were raised in response to the written notice required in 3.b. above have been satisfactorily addressed. In the case of lot line adjustments, the adjustment shall not affect a recorded easement without prior approval of the easement holder;

- e. No changes to City rights-of-way may occur other than as described in Post Approval Actions, item 5.b.
- f. No more than one subdivision exemption plat that creates an additional lot may be approved for the same property or properties, or portions thereof, within five (5) years of the approval of the current application.
- g. If a subdivision exemption plat is approved for the purpose of adjusting lot lines and/or to create an additional conforming lot, such plat shall not affect more than five (5) adjacent lots or parcels, or if more than five (5) adjacent lots or parcels, shall not be owned by more than two (2) separate owners.

**5. Post Approval Actions/Record Subdivision Exemption Plat.**

- a. Three original mylars of the Subdivision Exemption Plat shall be delivered to the Zoning Administrator. Mylars shall contain all of the required signatures except for the signature of the Canon City Zoning Administrator. Once signed by the Zoning Administrator, one such signed mylar shall be recorded in the Office of the Fremont County Clerk and Recorder at the applicant's expense.
- b. Any deeds conveying any required additional right-of-way or easement to the City, or any ratification and consent to the Subdivision Exemption required by any mortgagee or other lienholder, shall be prepared by a title insurance company, attorney, or other qualified person, and shall be submitted for staff review and approval. Such documents shall be recorded concurrently with the Subdivision Exemption Plat at the applicant's expense. Copies of the recorded documents will be retained by the Zoning Administrator.
- c. The applicant shall provide the City with a digital file containing the Subdivision Exemption Plat in either DWG or DXF file format, geo-referenced to the State Plane Coordinate System.

**C. Exception for conveyance of right-of-way and/or easement.** If the purpose of the subdivision exemption is solely to facilitate the conveyance of additional right-of-way to widen an existing public street without creating any additional lots, or to provide an easement for public purposes, the applicant shall only be required to provide the following documentation:

- 1. Proof of ownership, including any mortgagees, lienholders, and owners of any severed mineral, oil or natural gas interests;

2. A legal description of the proposed right-of-way or easement to be conveyed; and
3. A land survey plat prepared by a registered land surveyor in the State of Colorado of the proposed right-of-way or easement to be conveyed that shows, at a minimum:
  - a. The boundaries of the parcel as they exist prior to the conveyance;
  - b. The proposed right-of-way or easement to be conveyed;
  - c. The physical location of any structures on the parcel;
  - d. The physical location of any existing utility service lines, ditches or ditch laterals, fences, stormwater facilities and/or easements; and
  - e. The centerline and width of the adjoining public right-of-way.
4. A quit-claim or warranty deed conveying the additional right-of-way or easement to the City and any ratification and consent to the conveyance required by any mortgagee or other lienholder, shall be prepared by a title insurance company, attorney, or other qualified person and approved by the City Attorney. Such documents shall be recorded at the applicant's expense. Copies of the recorded documents will be retained by the Zoning Administrator.
5. The applicant shall provide the City with a digital file containing the land survey plat in either DWG or DXF file format, geo-referenced to the State Plane Coordinate System.

**D. Nonexclusive procedures.** If the Zoning Administrator denies the approval of a Subdivision Exemption application, or if it is approved with conditions not acceptable to the applicant, the applicant may nevertheless pursue his rights to file and prosecute an application for subdivision approval, without exemption, pursuant to other applicable sections of these regulations.