

CHAPTER 17 - Subdivisions

ARTICLE I - Administrative Provisions

Sec. 17-1-10. - Title.

For the purpose of brevity, this Chapter shall also be referred to as the *Subdivision Code*, the *Subdivision Chapter* or *this Chapter*.

(Ord. 13-12 Art. 4)

Sec. 17-1-20. - Purpose.

This Chapter is intended to achieve the following purposes:

- (1) To promote the general health, safety and welfare of the present and future inhabitants of the City. Land proposed for subdivision shall be such that it can be used safely for the intended purpose without danger to health or peril from fire, flood, geologic hazards or other natural hazards.
- (2) To ensure that the necessary services and facilities are available and have sufficient capacity to serve the proposed subdivision. Land proposed for subdivision shall not be approved until the necessary provisions have been made for: road improvements, access and traffic controls; water supply and wastewater disposal; police and fire protection; parks, trails and recreation; drainage and water quality and other reasonably necessary improvements and services. The cost and installation of such improvements, which primarily benefit the land being subdivided, shall be borne by the owners/developers of such land.
- (3) To provide for the preservation and conservation of unique or distinctive natural areas, topographic features and landmarks; significant stands of vegetation; critical wildlife habitats, including breeding grounds, nesting areas, migration routes and wintering areas; drainage, riparian and wetland areas; scenic views; historic features and archeologically sensitive sites as determined by the City, recognizing the irreplaceable character of such resources and their importance to the quality of life in the City.
- (4) To design subdivisions with lots that are of an appropriate size and configuration for the site characteristics and intended uses with: adequate connections between neighborhoods, services, shopping and recreational areas when possible; a road system designed to preserve the integrity and function of the roadway network and minimization of road cuts and fills; the conservation of water, land and energy resources; and to encourage a diversity of housing types and densities in order to assure adequate housing for all persons.
- (5) To provide for an adequate and accurate system to record land subdivisions, ensuring proper legal descriptions and survey monumentation, in order to inform the public and especially future residents of the facts about the subdivision, thereby safeguarding the interests of the public, the homeowner, the subdivider and the City.

(Ord. 13-12 Art. 4)

Sec. 17-1-30. - Authority.

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

(Ord. 13-12 Art. 4)

Sec. 17-1-40. - Jurisdiction.

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

(Ord. 13-12 Art. 4)

Sec. 17-1-50. - Interpretation.

The following standards shall be used to interpret this Chapter:

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

(Ord. 13-12 Art. 4)

Sec. 17-1-60. - Reserved.

Editor's note— [Ord. No. 17-04](#), Art. 4, Section A, adopted Jan. 17, 2017, and effective Feb. 11, 2017, repealed § 17-1-60, which pertained to effective date and derived from Ord. 13-12 Art. 4.

Sec. 17-1-70. - Repeals.

Any subsequent repeal of this Chapter shall not affect or prevent the prosecution or punishment of any person for the violation of any resolution or ordinance repealed hereby for any offense committed prior to the repeal.

(Ord. 13-12 Art. 4)

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

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

(Ord. 13-12 Art. 4)

Sec. 17-1-90. - Definitions.

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

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

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

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

City means the City of Lone Tree, Colorado.

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

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

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

Community Development Department means the staff of the City's Community Development Department.

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

Condominium means an individual air space unit, together with the interest in the common elements appurtenant to such unit, unless such definition is inconsistent with Section 38-33-103(1), C.R.S., which shall control.

Continuous use means a use that has not lapsed for a period of time greater than twelve (12) consecutive months.

Council means the City Council.

County means Douglas County, Colorado.

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

Developer see definition for subdivider.

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

Director means the City's Director of the Community Development Department or designee who is responsible for the administration of this Chapter.

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

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

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

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

Final plat means ~~thea map- final map/drawing of the subdivision and public dedications, certified by a licensed, registered land surveyor containing a description of the subdivided land with ties to permanent monuments, and prepared in accordance with this Chapter as an instrument for the recording of real estate interests with the County Clerk and Recorder upon final approval by the City, and supporting materials of certain described land prepared in accordance with this Chapter as an instrument for recording of real estate interests with the County Clerk and Recorder.~~

Flood damage prevention ordinance means the City's duly adopted Flood Damage Prevention Ordinance, or other duly adopted standards as approved and amended by the City, and published on the City's website.

Grading, Erosion and Sediment Control Manual means the City's duly adopted Grading, Erosion and Sediment Control Manual, or other duly adopted standards as approved and amended by the City.

Landowner means all persons having legal title to or sufficient proprietary interest in ~~the land sought to be subdivided~~ a parcel of real property.

~~*Landscape Design Guidelines and Standards for Areas in and Along Public Rights-of-Way*~~ *Landscape Design Guidelines* means the guidelines adopted by Council, dated June 18, 2017, entitled Landscape Design Guidelines for Public Rights-of-Way, as may be amended by the City, and published on the City's website.

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

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

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

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

Outlot means a lot remnant or parcel of land left over after platting which does not meet the requirements of this code for lots of record and which may not be used for building; outlots are either (a) declared unbuildable until combined through platting with additional land or (b) are intended as open space or use other than building.

Parcel see definition for *lot*.

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

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

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

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

Planning Commission means the City Planning Commission.

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

~~*Preliminary engineering report (PER)* means~~

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

Preliminary Plat means the preliminary map/drawing of a proposed subdivision prepared in accordance with the requirements of this Chapter so that streets, alleys, blocks, lots, tracts and other divisions thereof can be identified for purposes of preliminary consideration and approval.

Principle residence means a residential structure that includes a kitchen, sleeping quarters and bathroom and that is inhabited by the resident (defined as the person who lives in the structure permanently, or on a long-term basis) a majority of the days of the year.

Public use (also public need) means any outdoor area, facility or associated infrastructure belonging to, open to, or intended to serve the public; includes use for schools, streets, highways, hospitals, government buildings, parks, water reservoirs, flood control infrastructure, public theaters and stadiums, safety and transportation facilities, bridges, railways, airports, public utilities, and numerous other purposes designated as beneficial to the public.

Public way means any right-of-way, public street, alley, lane, parkway, avenue, road, trail or other public way designated or dedicated for public use on a plat conveyed by deed or recorded access easement (whether or not it has ever been used as such) or acquired by prescriptive use.

Public Works means the City's Public Works Department.

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

Right-of-way means a strip of land occupied or intended to be occupied by a street, sidewalk, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of *right-of-way* for land platting purposes shall mean that every right-of-way established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use on the plat on which such right-of-way is established.

Roadway Design and Construction Standards means the City's duly adopted Roadway Design and Construction Standards, or other duly adopted standards as approved and amended by the City, incorporated hereby by reference and published on the City's website.

Security means collateral in a form and amount approved by the City to ensure subdivision improvements are constructed in accordance with the City's requirements. Security may be in the form of a letter of credit, performance and payment bond, or cash deposit.

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

Storm Drainage Design and Technical Criteria Manual means the City's duly adopted Storm Drainage Design and Technical Criteria Manual, or other duly adopted standards as approved and amended by the City, incorporated herein by reference and published on the City's website.

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

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

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

- a. The terms *subdivision* and *subdivided land* shall not apply to any division of land which creates parcels of land each of which comprises thirty-five (35) or more acres of land and none of which is intended for use by multiple owners.
- b. Unless the method of disposition is adopted for the purpose of evading, the terms *subdivision* and *subdivided land*, as defined, shall not apply to any division of land which:
 1. Creates parcels of land such that the land area of the parcels, when divided by the number of interests in any such parcel, results in thirty-five (35) acres or more per interest.
 2. Could be created by any court in the State pursuant to the law of eminent domain, by operation of law or by order of any court in the State if the Council is given timely notice of any such pending action by the court and given opportunity to join as a party in interest in such proceeding for the purpose of raising the issue of evasion of this definition prior to entry of the court order and, if the Council does not file an appropriate pleading within twenty (20) days after receipt of such notice by the court, then such action may proceed before the court.
 3. Is created by a lien, mortgage, deed of trust or any other security instrument.
 4. Is created by a security or unit of interest in any investment trust regulated under state law or any other interest in an investment entity.
 5. Creates cemetery lots.
 6. Creates an interest in oil, gas, minerals or water which is severed from the surface ownership of real property.
 7. Is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy or as tenants in common, and any such interest shall be deemed for the purpose of this definition as only one (1) interest.

8. Is created by the combination of contiguous parcels of land into one (1) larger parcel. If the resulting parcel is less than thirty-five (35) acres in land area, only one (1) interest in said land shall be allowed. If the resulting parcel is greater than thirty-five (35) acres in land area, such land area divided by the number of interests in the resulting parcel must result in thirty-five (35) or more acres per interest. Easements and rights-of-way shall not be considered interests for purposes of this Subparagraph.
9. Is created by a contract concerning the sale of land which is contingent upon the purchaser's obtaining approval, pursuant to this Chapter and any applicable regulations, to subdivide the land which is to be acquired pursuant to the contract.
- c. The Council may by resolution exempt from the definition of the terms *subdivision* and *subdivided land* any division of land if the Council determines that such division is not within the purposes of this definition.

Subdivision improvements means the street, drainage, utility, and other public improvements including, but not limited to, landscaping, retaining walls, hardscape, etc., as shown on the approved construction plans.

Subdivision improvements agreement ~~or *subdivision agreement*~~ means one (1) or more security arrangements which the City shall accept to secure the actual cost of construction of such subdivision improvements, as are required by this Chapter or other applicable regulations, within the subdivision. The subdivision improvements agreement (SIA) may include any one (1) (or a combination thereof) of the types of security or collateral listed in this definition.

Substantial compliance relative to subdivision improvements means the improvements may not exactly conform to the designs/plans as approved, but whose construction will not substantially impair the intended function and operation of the improvements and whose construction is still in adherence with all governing regulations, as identified in this chapter, as determined by the Public Works Director. Substantial compliance relative to final plat means a plat that is consistent with the intent of the approved preliminary plan and plat, as determined by the Public Works and Community Development Directors. In no case shall the addition or removal of lots, streets, tracts, easements or rights-of-way be considered in "substantial compliance."

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

Tract means a platted parcel that is not intended for development of occupied buildings. see definition for lot.

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

Zoning code means the City's duly adopted zoning code, codified as Chapter 16 of this Code.

(Ord. 13-12 Art. 4; Ord. 17-04 Art. 4, B.)

Sec. 17-1-100. - Severability.

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

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

in the controversy, action or proceeding in which judgment or decree of invalidity was rendered. Such decision shall not affect, impair or nullify this Chapter as a whole, or the application of any provision thereof, to any other tract of land.

(Ord. 13-12 Art. 4)

Sec. 17-1-110. - Enforcement.

This Chapter shall be enforced by the Director or another representative designated by the Director or Council.

- (1) For the purposes of enforcing this Chapter, the Director is authorized to enter and inspect any property under development in the incorporated areas of the City.
- (2) When the Director has knowledge of any violation of this Chapter on a particular property, the Director shall issue a written notice requiring the correction of such violation within thirty (30) days, or such shorter or greater period of time as shall be permitted by the Director.
- (3) If the alleged violation has not been corrected within thirty (30) days or the applicable time period specified in the notice, a copy of the file shall be forwarded to the City Attorney for further legal action. The Director shall be advised of any actions taken.
- (4) The Director may enforce this Chapter by withholding the issuance of building permits.
- (5) Any owner or agent of the owner of any land located within a subdivision who transfers, sells, agrees to sell or negotiates to sell any land by reference to, exhibition of or use of a plat of a subdivision before such plat has been approved by the Council and recorded or filed ~~in-with~~ the County Clerk and Recorder's office shall pay a penalty of five hundred dollars (\$500.00) to the City for each lot or parcel so transferred or sold.
 - a. The description of such lot or parcel by metes and bounds in the transfer document used in the sale or transfer shall not exempt the transactions from such penalties or from the remedies provided in this Chapter.
 - b. The City may enjoin such transfer or sale or agreement by action for injunction brought in any court of competent jurisdiction and may recover the penalty by civil action in any court of competent jurisdiction.
- (6) Any official or employee charged with the enforcement of this Chapter, acting in good faith and without malice on behalf of the City, in the discharge of this person's official duties, shall not thereby be rendered personally liable for any damages which may accrue to persons or property resulting from any such act or omission committed in the discharge of such duties.
- (7) This Chapter shall not be construed to hold the City in any manner responsible for any injury to persons or property resulting from any inspection as herein authorized or resulting from any failure to so inspect, or resulting from the issuance or denial of a building permit as herein provided, or resulting from the institution of court action as herein set forth or the forbearance by the City to proceed.

(Ord. 13-12 Art. 4)

Sec. 17-1-120. - Amendments.

These regulations may be amended in the following manner:

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

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

NOTICE OF PUBLIC HEARING

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

- (3) At a public hearing, the Planning Commission shall consider the proposed amendment and make a recommendation to the Council.
- (4) Upon consideration of all written and oral testimony, the Council may revise or alter the proposal before adopting any amendment to this Chapter. Amendments shall be approved by ordinance and shall take effect on the date as provided therein.

(Ord. 13-12 Art. 4)

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

- (a) No preliminary plan, final plat, condominium plat or plat amendments shall be recommended for approval by the Planning Commission or approved by the Council, City Manager or Director as applicable, unless it conforms to the provisions of this Chapter.
- (b) The Public Works Director shall withhold all public street improvements and public maintenance from all rights-of-way which have not been accepted for maintenance purposes by the Council.
- (c) Prior to the issuance of a building permit or construction of any building or structure within a subdivision, the plat thereof shall be approved by the Council and recorded with the County Clerk and Recorder, and access shall be provided in accordance with the subdivision improvements agreement and the fire code adopted by the City.
- (d) The Council may suspend or withdraw any approval of a plan or plat or may require certain corrective measures be taken following a determination that the information provided by the subdivider upon which such approval was based is substantially false or inaccurate or that new, significant information has been brought to its attention. Suspension of approval may occur at any stage in the platting process and shall be implemented by resolution of the Council adopted at a public meeting.
 - (1) A written notice from the Director shall be served upon the subdivider, setting out a clear and concise statement of alleged facts and directing the subdivider to appear before the Council not less than ten (10) days nor more than thirty (30) days after the date of notification.
 - (2) The Council shall determine at the public meeting the nature and extent of alleged false or inaccurate information, shall consider any new significant information that has been brought to its attention and shall have the power, upon good cause being shown, to suspend or withdraw any approval of the plat. If the plat was previously recorded, due notice that the plat has been withdrawn and the plat voided shall be recorded ~~within~~ the County Clerk and Recorder's office.
- (e) No changes, erasures, modifications or revisions shall be made on the final plat after the approval by the Council, except as required by the approval of the Council. The Director may approve the correction of minor or typographical errors.

- (f) No plat for subdivided land shall be approved by the Council unless all ad valorem taxes applicable to such subdivided land for years prior to that year in which approval is granted have been paid.
- (g) It is unlawful to file for recording any such plan or plat as identified above in any public office unless it has been reviewed by the Planning Commission as applicable and bears, by endorsement or otherwise, the approval of the Council or City Manager.

(Ord. 13-12 Art. 4)

Sec. 17-1-140. - Review fees.

- (a) The Council shall establish and adopt by resolution a schedule of fees to be paid by all applicants (with the exception of City departments) to cover anticipated expenses incurred by the City in the review and hearing of the proposed application or request for approval of a subdivision, amendment, replat, exemption or other process provided for herein.
- (b) ~~The Council may consider a waiver of the fees on a case-by-case basis, upon written request of the applicant, submitted to the Community Development Department.~~

(Ord. 13-12 Art. 4)

Sec. 17-1-150. - Impact fees.

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

(Ord. 13-12 Art. 4)

Sec. 17-1-160. - Waivers.

- (a) Waivers from the requirements of this Chapter may be approved, provided that the Council finds that the waiver does not have the effect of nullifying the intent and purpose of this Chapter.
- (b) Such waiver shall be approved only with findings based upon the evidence presented in each specific case that:
 - (1) The granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to other property;
 - (2) The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable to other property;
 - (3) A particular noneconomic hardship to the owner would result from a strict application of this Chapter;
 - (4) The waiver will not in any manner vary the provisions of Chapter 16 of this Code or the building code adopted in Chapter 18 of this Code;
 - (5) The proposed development will be in conformance with the Comprehensive Plan and any applicable sub-area plans; and
 - (6) The provisions of this Chapter will be served.
- (c) The Council may impose conditions of approval that, in its judgment, substantially secure the objectives of this Chapter. The conditions shall be documented stated in the Council's decision. minutes formal approval, findings of fact and conclusions with the justification set forth.

- (d) A written waiver request and application fee shall be ~~submitted~~ provided by the applicant no later than at the time of the preliminary plan application for single-family detached or at the time of the final plat application ~~for~~ single-family attached, multi-family or nonresidential development.
- (e) The written request for a waiver shall state in detail the extent of the waiver, the grounds for the requested waiver and all of the facts relied upon by the applicant.
- (f) The Planning Commission, ~~as part of the hearing on a specific application before them,~~ will hear a ~~the~~ request for a waiver from the standards if it is part of the hearing on a specific application, and make recommendations to the Council.
- (g) The Council, as part of the meeting on a specific application, will hear the request for a waiver from the standards and decide to accept or reject the request, or make modifications in the request. Approval may be granted only if the Council finds that the request is in conformance with Subsection (b) above.
- (h) Applicants wishing to request a waiver prior to preliminary plan or final plat application may do so in such cases pursuant to the submittal process for exemptions set forth shall follow that outlined in Sec. 17-9-40, with additional guidance on application and referral requirements, as provided by the Community Development Director.

(Ord. 13-12 Art. 4)

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

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

- (1) Review applications and proposals for compliance with this Chapter, Chapter 16 and the Comprehensive Plan, and make recommendations to the Council.
- (2) Review requests for waivers from this Chapter when part of an application is before them and make recommendations to the Council.
- (3) Initiate, review or recommend amendments to this Chapter to the Council.

(Ord. 13-12 Art. 4)

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

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

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

(Ord. 13-12 Art. 4)

Sec. 17-1-185. - Powers of the City Manager.

The City Manager shall have the powers provided in this Chapter, including but not limited to the following: Review and act on final plat applications for single-family detached development and replats where three (3) or fewer lots are created.

(Ord. 13-12 Art. 4)

Sec. 17-1-190. - Major activity notice.

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

(Ord. 13-12 Art. 4)

ARTICLE II - General Standards, Procedures and Requirements

Sec. 17-2-10. - Intent.

The following provisions apply to all subdivisions of land in the City to assure ~~the creation of lots~~ subdivision of land which can be developed in conformance with this chapter, Chapters 15, 16 and 18 of municipal this eCode, Chapter 16, and this Chapter 17, the Building Code, the Roadway Design and Construction Standards, the Storm Drainage Design and Technical Criteria Manual, design guidelines and other applicable City regulations.

(Ord. 13-12 Art. 4; [Ord. 17-04](#) Art. 4, C.)

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

- (a) Single-family detached development. The steps required to obtain approval of a subdivision for single-family detached development or any development in which single-family detached units are proposed include preliminary plan and final plat. Each is a distinct process involving the submittal of an application, an application fee, required plans and reports and referrals of the proposal to other agencies and entities. At each step of the process, the level of design and engineering increases in order to relieve the applicant from major and potentially unnecessary expenses in situations that may require a redesign and, therefore, a revision of expensive engineering or planning reports. Approval of the preliminary plan does not ensure approval of the final plat. The subdivision processes includes:
- (1) Preliminary plan. The review of the feasibility of the project, including technical engineering, preliminary design and relationship to surrounding land uses; location and mitigation of geologic and other natural hazards; identification of visual and environmentally sensitive areas and critical wildlife habitat areas; identification of historic and archeologically sensitive sites; ability to obtain water and sanitation and other required services; adequacy of vehicular and pedestrian circulation; and conformance with the Comprehensive Plan, Zoning Code and applicable planned development and/or sub-area plans. The preliminary plan and preliminary plat shall be reviewed by the Planning Commission and reviewed and approved by the Council at a public meeting prior to submittal of the final plat for single-family detached development.
 - (2) Final plat. The review of the final plat, all final engineering plans, subdivision improvements agreement(s) and other legal requirements with final approval by the City Manager.
- (b) Single-family attached, multi-family. The steps required to obtain approval of a subdivision for single-family attached, multi-family development includes final plat. In this case, the final plat shall be reviewed by the Planning Commission and reviewed and approved by the City Council. It is an

abbreviated process as it does not require preliminary plan review and approval; however, more information on the project is generally forthcoming, as these applications often accompany the site improvement plan for the site.

- (c) Nonresidential. The steps required to obtain approval of a subdivision for nonresidential development includes final plat. In this case, the final plat shall be reviewed by the Planning Commission and reviewed and approved by the City Council. It is an abbreviated process as it does not require preliminary plan review and approval; however, more information on the project is generally forthcoming, as these applications often accompany the site improvement plan for the site.

Review Process	Preliminary Plan <u>and Plat</u>	Final Plat
Single-family detached development	Reviewed by Planning Commission and approved by City Council	Approved by City Manager
Single-family attached and multi-family development	N/A	Reviewed by Planning Commission and approved by City Council
Nonresidential development	N/A	Reviewed by Planning Commission and approved by City Council

- (d) If any proposed plan or plat is denied by the Council or City Manager, a new subdivision application for the same or substantially the same request, as determined by the Director, shall not be accepted within one (1) year of such denial. Any decision of denial shall be in writing and, if the applicant is not present when such decision is rendered, the City shall provide notice of such decision to the applicant via first class mail or hand delivery or within five (5) days of such decision. The applicant may appeal the decision of the Director, in writing, to the Council within ~~thirtyten~~ (340) days from the date of the decision.

(Ord. 13-12 Art. 4; [Ord. 17-04](#) Art. 4, D.)

Sec. 17-2-30. - Applicant's responsibility.

The applicant or representative shall be responsible for understanding the requirements and procedures contained in this Chapter and all applicable regulations and shall be responsible for attending all Planning Commission and Council meetings at which the application is considered. Failure to attend the meetings may result in the request being tabled and a new meeting date scheduled. The applicant is responsible for submitting the information requested by the Community Development Department for the review of the proposal.

(Ord. 13-12 Art. 4)

Sec. 17-2-40. - Subdivision improvements.

In each subdivision, the City shall determine the type, location and extent of necessary subdivision improvements, depending upon the characteristics of the proposed development and its relationship to surrounding areas. The developer shall provide for the construction, at no cost to the City, of all utilities and other public infrastructure and improvements, as required by the City, and provide the necessary security needed to ensure such improvements are made as determined by the City. Improvements shall be made according to plans and specifications prepared by a qualified-licensed professional engineer and/or landscape architect in accordance with the adopted Roadway Design and Construction Standards, the Storm Drainage Design and Technical Criteria Manual, the Grading, Erosion and Sediment Control Manual, The Landscape Design Guidelines for Public Rights-of-Way, Chapter 15, the Building Code and other applicable regulations, as determined by the City amended. Underground placement of utility lines shall be required in all subdivisions.

(Ord. 13-12 Art. 4; [Ord. 17-04](#) Art. 4, E.)

Sec. 17-2-50. - Streets.

All streets and road rights-of-way shall be constructed in conformance with the roadway standards specified in the Roadway Design and Construction Standards, the Storm Drainage Design and Technical Criteria Manual, the Grading, Erosion and Sediment Control Manual, Chapter 15 and other applicable regulations as adopted, approved and amended determined by the City.

(Ord. 13-12 Art. 4; [Ord. 17-04](#) Art. 4, E.)

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

An erosion and sediment control plan shall be submitted which addresses the existing and potential erosion and sediment problems created by the proposed development. Conservation measures used to mitigate these concerns shall be in accordance with Chapter ~~16-17~~ of this Code, the Roadway Design and Construction Standards, the Storm Drainage Design and Technical Criteria Manual and the Grading, Erosion and Sediment Control Manual, and Chapter 15 of this code. If applicable, the Soil Conservation District shall be consulted regarding erosion and sediment control.

(Ord. 13-12 Art. 4; [Ord. 17-04](#) Art. 4, E.)

Sec. 17-2-70. - Drainage study.

Drainage studies shall be submitted as part of the subdivision submittal requirements in conformance with the Storm Drainage Design and Technical Criteria Manual and Chapter 15.

(Ord. 13-12 Art. 4; [Ord. 17-04](#) Art. 4, E.)

Sec. 17-2-80 – Public Landscape Improvements

Landscape plans are required for single-family detached plats shall be submitted. These include Landscape plans shall be submitted for all proposed public rights-of-way, development entry pointsways, and all lands within the first 100 feet of land proposed to be owned by the City, a Title 32 metropolitan district, Homeowners Association (HOA), or a private party or private entity that is adjacent to collector or arterial rights-of-way, pursuant to the requirements established in the Landscape Design Guidelines and Standards for Areas in and Along Public Rights-of-Way Landscape Design Guidelines for Public Rights Of Way, as adopted by the City of Lone Tree on June 18, 2017, as amended..

Sec. 17-2-~~8900~~. - Other subdivision improvements.

Other reasonable improvements not specifically mentioned herein and found appropriate and necessary by the City shall be constructed at the applicant's expense within such time and in conformance with such specifications as deemed necessary and appropriate.

(Ord. 13-12 Art. 4; [Ord. 17-04](#) Art. 4, E.)

Editor's note— [Ord. No. 17-04](#), Art. 4, Section E, adopted Jan. 17, 2017, and effective Feb. 11, 2017, amended the catchline of § 17-2-80 to read as herein set out. Said catchline formerly read "Other public improvements."

Sec. 17-2-~~90100~~. - Guarantee of subdivision improvements.

- (a) No final plat shall be recorded until the applicant has submitted, and the Public Works Department has reviewed and accepted, one (1) or a combination of the following:
- (1) A subdivision improvements agreement ([SIA](#)) to construct any required subdivision improvements shown in the final plat documents and approved construction plans.
 - (2) Other agreements or contracts setting forth the plan, method and parties responsible for the construction of any required subdivision improvements shown in the final plat documents which, in the judgment of the Public Works Department, will make reasonable provision for completion of said improvements in accordance with design and time specifications.
 - (3) Documentation that there are no required subdivision improvements associated with the final plat.
- (b) When required, the applicant shall provide security, in a form acceptable to the City, for the subdivision improvements as follows:
- (1) The applicant shall provide the City with an itemized estimate of the cost of required [infrastructure](#) improvements on a standardized form available from the Public Works Department in accordance with the requirements of the Roadway Design and Construction Standards, ~~and~~ the Storm Drainage Design and Technical Criteria [Standards Manual, the Grading Erosion and Sediment Control Manual, Chapter 15 and other applicable regulations](#). Upon review, the Public Works Department shall require one (1) of the following:
 - a. Security of one hundred fifteen percent (115%) of the total cost of the required subdivision improvements shall be paid by the applicant prior to the approval of the construction plans and issuance of a ~~construction-grading~~ permit. [The applicant shall postpay the cost of security for landscaping improvements separately, as applicable.](#)
 - b. Security of fifteen percent (15%) of the total cost of required subdivision improvements shall be paid by the applicant prior to the sale or transfer of lots, or issuance of building permits, when the required subdivision improvements have been completed and been granted probationary acceptance by the Public Works Department.
 - c. No security is required toward the total cost of required subdivision improvements that have been completed and have been granted final acceptance by the Public Works Department (at the end of the two-year probationary period).

[\(2\) When required, the applicant shall provide the City with an itemized estimate of the cost of required landscape improvements on a standardized form available from the Community Development Department in accordance with the requirements of the Landscape Design Guidelines and Standards for Areas in and Along Public Rights-of-Way and other applicable regulations. Upon review, the Community Development department shall require one of the following:](#)

- a. Security of one hundred fifteen percent (115%) of the total cost of the required landscape improvements shall be paid by the applicant prior to the approval of the landscape plans and issuance of a development permit.
 - b. Security of fifteen percent (15%) of the total cost of required landscape improvements shall be paid by the applicant prior to the sale or transfer of lots, or issuance of building permits, when the required landscape improvements have been completed and been granted probationary acceptance by the Community Development Department.
 - c. No security is required toward the total cost of required landscape improvements that have been completed and have been granted final acceptance by the Community Development Department (at the end of the two-year probationary period).
- (c) The Director of Public Works or his/her designated representative shall review the SIA (or alternative agreements and/or contracts) and the cost estimates and recommend changes as necessary to complete the required improvements.
- (d) The City Attorney shall review any modifications made by the applicant to the SIA (or alternative agreements and/or contracts) and notify the applicant of any deficiencies or required changes. The SIA and/or agreements shall be in the form provided by the City Attorney and approved by the City Manager.
- (e) The Director of Public Works or his/her designated representative shall monitor the SIA and/or any performance-alternative agreements and/or contracts.
- (f) At the discretion of the City Manager, the City may waive the requirement for security by federal, state or local governments, including metropolitan districts, special districts and the like.

(Ord. 13-12 Art. 4; [Ord. 17-04](#) Art. 4, E.)

Editor's note— [Ord. No. 17-04](#), Art. 4, Section E, adopted Jan. 17, 2017, and effective Feb. 11, 2017, amended the catchline of § 17-2-90 to read as herein set out. Said catchline formerly read "Guarantee of public improvements."

Sec. 17-2-~~100~~110. - Release of security.

As-Once all of the public improvements are completed, the subdivider may apply to the Public Works Department and/or the Community Development Department for probationary acceptance and associated a release of part or all reduction of the security to fifteen percent (15%) of the total cost of the improvements. Upon inspection by the Director of Public Works and/or the Community Development Director (or his/her designated representatives) and upon their approval, the City shall issue probationary acceptance and authorize allow the security reduction, release the security or portion thereof. If the City determines that any improvements are not constructed in substantial compliance with the specifications, it shall furnish the applicant a list of specific deficiencies and shall retain security sufficient to ensure such compliance until all deficiencies have been satisfactorily addressed and the project is issued probationary acceptance. If the City determines that the applicant has not constructed any or all of the improvements in accordance with all of the specifications and agreed upon time frames, the City may withdraw and employ from the deposit of security such funds as may be necessary to construct the improvements in accordance with the specifications. If the submitted security is not sufficient to cover the improvements, the applicant is responsible for the additional costs. The probationary period shall be two years from the date of the City's issuance of probationary acceptance. At the end of the two year probationary period, the applicant shall request a final inspection from the Public Works Department and/or the Community

Development Department. Upon inspection by the Director of Public Works and/or the Community Development Director (or designated representatives) or his/her designated representative and upon their approval, the City shall issue final acceptance and release the remaining security. If the City determines that any improvements are not constructed in substantial compliance with the specifications and/or have defects, it shall furnish the applicant with a list of specific deficiencies and retain the remaining security until all deficiencies have been satisfactorily addressed and the project is granted final acceptance. Security to cover the cost of repair of such improvements is required during the warranty period in accordance with the requirements of the subdivision improvements agreement. If the City determines that the applicant has not addressed the deficient items from the final inspection in accordance with all of the specifications and agreed upon time frames, the City may withdraw and employ from the deposit of security such funds as may be necessary to address the deficiencies in accordance with the specifications. If the submitted security is not sufficient to cover the improvements, the applicant is responsible for the additional costs.

(Ord. 13-12 Art. 4; [Ord. 17-04 Art. 4, E.](#))

Sec. 17-2-120. Inspection Window

Inspections of utility and infrastructure improvements may occur within any month of the year, unless otherwise directed by the Public Works Director. Inspections of landscape improvements shall occur between May 1 and October 31, unless otherwise approved by the Community Development Director.

Sec. 17-2-~~110~~1320. - Additional review fees.

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

(Ord. 13-12 Art. 4)

Sec. 17-2-~~143~~20. - Withdrawal of application.

The applicant may withdraw an application at any stage of the process upon submittal of a notarized, written request to the Director.

(Ord. 13-12 Art. 4)

Sec. 17-2-~~154~~30. - Inactive applications.

An application shall be deemed withdrawn and terminated if the applicant fails to submit requested information or to request a public meeting or hearing date, as applicable, for a period of more than six (6) months, and the resubmittal of a new application and fees shall be required to pursue the subdivision application. The Director may grant not more than two (2) extensions of time to complete needed actions, of not more than one hundred eighty (180) days each, upon a written request by the applicant. After one hundred fifty (150) days, the Director may notify the applicant in writing that the application will be deemed withdrawn and terminated within thirty (30) days. After thirty (30) days, provided that the applicant has not submitted the required additional information or requested a hearing date, the Director shall notify the applicant in writing that the application has been terminated.

(Ord. 13-12 Art. 4)

ARTICLE III - Preliminary Plan for Single-Family Detached Development

Sec. 17-3-10. - Intent.

The purpose of a preliminary plan is to examine the feasibility of a single-family detached project, in keeping with the preliminary plan approval standards in Section 17-3-20 below.

(Ord. 13-12 Art. 4)

Sec. 17-3-20. - Approval standards.

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

- (1) The application is consistent with the City's Comprehensive Plan, Zoning Code and, where applicable, planned development sub-area plans.
- (2) The application is in compliance with the requirements of this subdivision code and achieves its purpose as set forth in Section 17-1-20 of this Chapter.
- (3) The application is in conformance with the City's adopted Roadway Design and Construction Standards, the Storm Drainage Design and Technical Criteria Manual, the Grading, Erosion and Sediment Control Manual, the Flood Damage Prevention Ordinance, as amended, and other applicable regulations, as amended and as determined by the City.

(Ord. 13-12 Art. 4)

Sec. 17-3-30. ~~— Prerequisite~~Presubmittal meeting.

Prior to submittal of the preliminary plan application, the applicant shall request a presubmittal meeting with the Community Development Department and the Public Works Department the applicant shall meet with City staff to discuss submittal requirements and the procedures; and submittal requirements and the applicant is encouraged to meet with other referral agencies and homeowners' associations to identify potential issues and ways to address these issues. The pre-submittal ~~conference meeting~~ meeting may be waived by the Director depending on the scale and scope of development. Depending on the scope of the development, additional presubmittal meetings may be required; e~~Each additional presubmittal meeting may incur a separate fee, as determined by the Director.~~

(Ord. 13-12 Art. 4)

Sec. 17-3-40. - Submittal process.

- (a) The applicant shall submit one (1) copy of the complete submittal to the Community Development Department.
- (b) The submittal shall be reviewed for completeness within ~~fifteen~~ (24015) business days. The applicant shall be notified of any inadequacies. An incomplete submittal will not be processed.
- (c) Once the submittal is determined complete, the Community Development Department will notify the applicant of the number of copies of the preliminary plan required ~~for distribution to referral agencies. All submittal information shall be properly folded and compiled.~~ The applicant shall also submit an electronic file of the preliminary plan and supplemental materials as required for distributing the application electronically. The Community Development Department shall distribute the referral

packets. The applicant shall distribute any revised plans as required by the Community Development Department.

- (d) The applicant shall provide a vicinity map of the property and a list of the adjacent property owners and a list of mineral rights owners and other landowners as required by the Community Development Department, and provide unsealed, stamped envelopes addressed to such parties. The applicant shall include copies of the preliminary plan and narrative in the envelopes. The Community Development Department shall include a copy of the application, notification of the anticipated meeting dates, and mail the envelopes.
- (e) ~~The referral period shall be no less than twenty-one (21) and no more than thirty-five (35) days, as determined by the Community Development Department.~~~~The referral period shall be twenty-one (21) to thirty-five (35) days, as determined by the Community Development Department,~~ based upon conformance with the Comprehensive Plan and Zoning Code, the size and magnitude of the project or other concerns. The applicant is encouraged to meet with the Community Development Department, referral agencies and other interested parties to address the referral concerns prior to the end of the referral period. The applicant is required to pay those fees assessed by referral agencies.
- (f) The Community Development Department will review the referral comments, discuss the concerns with the applicant, prepare a staff report for the Planning Commission and notify the applicant of the meeting date and time.
- (g) The Planning Commission shall evaluate the application, referral comments, staff report and public testimony and make a recommendation to the Council to approve, approve with conditions, table for further study, or deny the preliminary plan. The Planning Commission's decision shall be based on the evidence presented and compliance with the adopted standards, regulations, policies and other guidelines.
- (h) Following the recommendation by the Planning Commission, the Community Development Department will schedule the preliminary plan for a public meeting with the Council and notify the applicant of the meeting date and time.
- (i) The Council shall evaluate the preliminary plan, referral agency comments, staff report, the Planning Commission recommendation and public testimony and shall approve, conditionally approve, table for further study, remand to the Planning Commission, or deny the preliminary plan. The Council's decision shall be based on the evidence presented and a finding of compliance or noncompliance with the adopted standards, regulations, policies and other guidelines. Any decision of denial shall be in writing and, if the applicant is not present when such decision is rendered, the City shall provide notice of such decision to the applicant via first class mail or hand delivery within five (5) days of such decision.
- (j) If denied by the Council, the submittal of a new application and processing fee shall be required in order to pursue the proposed subdivision. A resubmittal of the preliminary plan for the same or substantially same request, as determined by the Director, shall not be accepted within one (1) year of such denial. The applicant may appeal the decision by the Director, in writing, to the Council within ~~thirty~~ (34) days from the date of the decision.

(Ord. 13-12 Art. 4)

Sec. 17-3-50. - General submittal requirements.

General submittal requirements are as follows:

- (1) Completed development application (form available from the Community Development Department);
- (2) Application fee (fee schedule available from the Community Development Department);

- (3) ~~Proof of ownership in the form of an updated or current title, insurance policy, title report, or title commitment dated not more than thirty (30) days prior to the date of application. Depending on the scope of the development and/or title history, the Community Development Director may require a specific proof of ownership. Proof of ownership, which includes an updated or current title, insurance policy or title commitment dated not more than thirty (30) days prior to the date of application;~~
- (4) A notarized letter of authorization from the landowner permitting a representative to process the application, when applicable (form available from the Community Development Department);
- (5) One (1) paper copy of the preliminary plan (per Section 17-3-60 below);
- (6) A narrative describing the subdivision proposal, including:
 - a. The number of lots proposed, development type and development timing;
 - b. A description of site features and visually important areas on or adjacent to the site that may affect the evaluation of the proposed development;
 - c. A description on the effect of the proposal on significant cultural, archaeological and historical resources and plans for protection of such resources; and
 - d. A description of the impact on important ecological and wildlife habitat areas, including breeding grounds, nesting areas, crossings, wintering areas, migratory routes, etc.
- (7) Development reports (per Section 17-3-70 below).

(Ord. 13-12 Art. 4)

Sec. 17-3-60. - Preliminary plat and plan exhibits.

- (a) The plan exhibit shall be prepared on 24" x 36" paper at a scale of 1" = 50', 1" = 100', 1" = 200' or another scale approved by the Community Development Department. If a proposal requires multiple sheets to show all of the lots or the information that follows, a composite, on 24" x 36" paper, shall be provided that delineates the boundaries and identifies each sheet number. The scale may be different on the individual sheets as approved by the Community Development Department.
- (b) The title shall be placed at the top of the sheet along the long dimension of each sheet and shall include the name of the proposed subdivision and filing number (if applicable). If part of a planned development, the planning area shall be included under the title. A general legal description stating the aliquot portion of the section, section, township, range, 6th P.M. and the "City of Lone Tree, County of Douglas, State of Colorado" shall be included under the name and planning area. On the title sheet (Sheet #1), under the general legal description, the total acreage and the total number of lots shall be included, and below that the Department project number. The name of the builder, product line or marketing name may only be used as a descriptor along the bottom or right side of the sheet. Subdivision names may not duplicate existing subdivision or planned development names.

Example:

RIDGEGATE SECTION 15, FILING 10
 A portion of Planning Area H of the RidgeGate Planned Development
 A part of the W/2 of Section 15, Township 6 South,
 Range 67 West, 6th P.M., City of Lone Tree, County of Douglas, State of Colorado
 78.06 Acres, 235 Residential Lots
 SB ___-___

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

- (d) The boundary of the proposed subdivision shall be depicted in a heavy solid line. Note those areas not included in the subdivision as "Not included in this plat."
- (e) The plan shall include a vicinity map that depicts the area to be subdivided and the area which surrounds the proposed subdivision within a one-mile radius superimposed on a current street map.
- (f) The plan shall depict all lots, tracts and, when appropriate, building envelopes. Lots shall be numbered consecutively; tracts shall be lettered alphabetically in consecutive order. On residential subdivisions, tracts shall be used exclusively for nonresidential uses, such as areas to be dedicated to the City for park or school sites.
- (g) A separate land summary chart on the cover sheet of the preliminary plan shall be provided that includes the total land area to be subdivided; purpose, ownership and maintenance responsibilities for all tracts; land area of roads (acres and percentage of total land); the total number of lots (acres and percentage of total land); density; and the minimum, average and maximum lot size.
- (h) The plan shall depict all easements, including existing and proposed, public or private, on and adjacent to the proposed subdivision. For each, specify their use, principal dimensions and the owner or right holder of the easement; the recorded book and page numbers; and the names of any entity responsible for construction or maintenance.
- (i) The plan shall include existing contours in dashed lines and proposed contours in solid lines depicted at one-foot or two-foot intervals, except where topographic slopes would create contour lines too close for clear presentation, in which case five-foot or ten-foot contours may be used. Clearly label the contour values. The plan shall have proposed contour slopes labeled. The contours shall extend to a minimum of fifty (50) feet beyond the property lines or such other greater amount as necessary to show how topography and drainage on the proposed site interacts and blends with adjacent parcels. If retaining walls are proposed, separate sheets identifying retaining wall location, retaining wall height, retaining wall materials, and existing and proposed grade cross sections will be required.
- (j) The plan shall show the conceptual location of storm sewer, water service and sanitary sewer service and be accompanied by preliminary civil construction drawings and a drainage report.
- (k) The plan shall delineate all Special Flood Hazard Areas (SFHA), identifying estimated boundaries for both the 1% and 0.2% chance flood events and the associated Flood Insurance Rate Map number(s) ~~one-hundred-year floodplains~~, all existing and proposed watercourses, retention and detention areas, wetlands, streams and lakes on the affected property and within ~~five~~ hundred (5400) feet of such property.
- (l) The plan shall depict all lands to be dedicated or reserved in deeds for the use of landowners, residents or the general public.
- (m) The plan shall note the land use, zoning and ownership of the adjacent land.
- (n) The plan shall note existing structures on the site, their uses and whether they are to remain on the site.
- (o) The plan shall identify any cultural, historical or archaeological sites, and shall include reference sources for identifying such designations, as appropriate.
- (p) The plan shall note significant natural or man-made features within and adjacent to the proposed subdivision.
- (q) The plan shall depict all potential hazard areas, including: geologic hazard areas and expansive soils (A-6 and A-7-6 soils as defined in the AASHTO Classification Group Index referenced in the Roadway Design and Construction Standards).
- (r) The plan shall identify areas of fifteen- to twenty-percent slope in one (1) shading pattern and areas of greater than twenty-percent slope in another shading pattern.
- (s) The plan shall note important short- and long-range views to or from the site, including scenic mountain views, bluffs, rock outcroppings, drainages, etc.

- (t) The plan shall depict any significant existing stands of vegetation, including but not limited to large stands of scrub oak, and shall identify the type of vegetation.
- (u) The plan shall identify significant ecological and wildlife habitat areas, including breeding grounds, nesting areas, crossings, wintering areas, migratory routes, etc. and shall include the reference source for identifying such designations.
- (v) The plan shall depict local, collector and arterial streets, including principal dimensions. Roads shall be identified by the classification system defined by the Roadway Design and Construction Standards. The maintenance responsibility, road percent grades, centerline radii and other pertinent roadway information, such as distance between intersections, shall be indicated. Preliminary civil construction drawings shall be provided depicting all roadway requirements as well as a traffic impact study in compliance with City standards.
- (w) The plan shall identify the legal and physical public access to the proposed subdivision, even if not part of the subdivision. Legal and physical access shall be provided to all parcels by public right-of-way or recorded easement, acceptable to the City Engineer, in compliance with the Roadway Design and Construction Standards.
- (x) The plan shall depict pedestrian and open space systems, including connections to adjacent development and open space areas.
- (y) The plan shall identify the conceptual locations of monument signs, focal points, community facilities and other special features.
- (z) The plan shall note the method for minimizing potential conflicts between land uses.
- (aa) The plan shall identify the conceptual location and specifications of street and pedestrian lighting.

_(Ord. 13-12 Art. 4)

Sec. 17-3-70. - Development reports.

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

- (1) Evidence establishing soil suitability in the form of a report based on information from the Soil Conservation Service of the United States Department of Agriculture (USDA) or another form acceptable to staff. The report shall minimally include: a description of site soil types, locations and characteristics with supporting soil maps, soil logs and other information needed to determine soil suitability for proposed development; constraints on development based on the findings; and analysis and evaluation of such information with recommendations regarding structural constraints, slope stability; erosion control and a determination of the adequacy of the structural characteristics of the soil as they relate to the proposed uses and development.
- (2) A report on the geologic characteristics of the site, including any potential natural or man-made hazards which may have a significant influence on the proposed uses of the land, a determination of what effect such factors would have and proposed corrective or protective measures.
- (3) A Phase II drainage analysis and plan, ~~or an approved comprehensive plan of drainage,~~ prepared in accordance with the requirements of the Storm Drainage and Design and Technical Criteria Manual, including estimates of quantitative flows and rough plans for water quality and facilities to prevent stormwaters in excess of historic runoff caused by the proposed subdivision from being discharged from the site and/or from the stormwater management facilities for the site. Phase III drainage plans and civil construction plans may be submitted at the applicant's risk prior to preliminary plan approval. The plans shall be submitted to the Community Development Department, which will forward the plans to the City Engineer (plan revisions shall be submitted directly to the City Engineer).

- (4) Evidence that adequate water supply is available.
- (5) Evidence that adequate sanitary sewer service is available.
- (6) A traffic impact analysis performed by a traffic engineer discussing the impact of the proposed development on the local and regional traffic and other concerns, as requested by the City, prepared in accordance with the requirements of the Roadway Design and Construction Standards.
- (7) Preliminary (30%-40% level) engineering report civil construction drawings prepared in accordance with the City's standard criteria and in coordination with the required engineering reports..

(Ord. 13-12 Art. 4)

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

- (a) The preliminary plan shall be effective for a period of one (1) year from the date of approval, unless stated otherwise in such approval. The Director may grant a one-year extension of time upon a written request by the applicant. The Director may grant additional one-year extensions upon a finding that the plan is in compliance with the Comprehensive Plan, any applicable sub-area plans, Chapters 15 and 16 of this Code, and this Chapter.
- (b) When a portion of the preliminary plan is final platted, approval of the remaining area of the preliminary plan shall be effective for an additional one-year period or as otherwise extended by the Director or the Council.
- (c) An extension request shall include the applicable fee and a narrative stating the reasons for the applicant's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood; any changes in the Comprehensive Plan, any applicable sub-area plans, Chapters 15 or 16 of this Code, or this Chapter that have occurred since approval of the plat, as these changes affect the plat; and the anticipated time schedule for completing the platting process. A fee schedule is available from the Community Development Department. Additional review of the plat may be required, resulting in additional fees and conditions as applicable.~~An extension request shall include a narrative stating the reasons for the applicant's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any changes in the Comprehensive Plan, Chapter 16 of this Code or this Chapter that have occurred since approval of the plan as these changes affect the plan, and the anticipated time schedule for completing the platting process. Additional review of the plan may be required, resulting in additional conditions as applicable.~~
- (d) The denial of an extension by the Director may be appealed to the Council in writing within ~~thirtyen~~ (340) days of the decision by the Director.
- (e) The denial of an extension request shall render approval of the preliminary plan null and void and result in the necessity of the resubmittal of a preliminary plan, along with all required fees and documentation.

(Ord. 13-12 Art. 4)

ARTICLE IV - Final Plat for Single-Family Detached Development

Sec. 17-4-10. - Intent.

The purpose of these regulations is to provide for the review of the final engineering plans, the subdivision improvements agreement, public dedication and other legal agreements.

(Ord. 13-12 Art. 4)

Sec. 17-4-20. - Approval standards.

A final plat may be approved upon the finding by the City Manager that it is consistent with the approved preliminary plan and meets the following standards:

- (1) The application is consistent with the City's Comprehensive Plan, Zoning Code and, where applicable, planned development sub-area plans.
- (2) The application is in compliance with the requirements of this Chapter and achieves its purpose as set forth in Section 17-1-20 of this Chapter.
- (3) The application is in conformance with the City's Roadway Design and Construction Standards, the Storm Drainage Design and Technical Criteria Manual, the Grading, Erosion and Sediment Control Manual, the Flood Damage Prevention Ordinance, as amended and other applicable regulations as determined by the City.

(Ord. 13-12 Art. 4)

Sec. 17-4-30. Avigation Notice. ~~(PROPOSED)~~

Applicants are responsible for providing any prior required notice to the Federal Aviation Administration (FAA) of the proposed plat where development of the property may constitute an obstruction to the safe navigation, landing, or takeoff of aircraft at a publicly used airport, as required by regulations at 14 C.F.R. Part 77. Copies of all written communications with and final determinations by the FAA shall be submitted to the Planning Division prior to approval of a final plat. Upon the issuance by the FAA of a determination of no hazard to air navigation which includes mitigation measures, the mitigation measures recommended by the FAA may be required. Upon the issuance by the FAA of a determination of hazard to air navigation, the plat application shall be denied.

Sec. 17-4-~~430~~. - Prerequisite.

- (a) The final plat shall be in substantial compliance with the Council-approved preliminary plan, as determined by the Community Development Department. If it is not, the applicant shall submit an amended preliminary plan for review and approval by the Planning Commission and Council.
- (b) The final plat shall be submitted within one (1) year of approval of the preliminary plan, or as extended by the Director or Council.

(Ord. 13-12 Art. 4)

Sec. 17-4-~~540~~. - Submittal process.

- (a) The applicant shall submit one (1) paper copy of the final plat and all supporting information to the Community Development Department.
- (b) The submittal shall be reviewed for completeness within ten (10) business days. The applicant shall be notified of any inadequacies. An incomplete submittal and/or final plat that is inconsistent with the approved preliminary plan shall not be processed.
- (c) Once the submittal is determined to be complete, the Community Development Department will notify the applicant of the number of copies of the final plat required. ~~for distribution to referral agencies. All submittal information shall be properly folded and compiled.~~ The applicant shall also submit an electronic file of the final plat and supplemental materials as required for distributing the application electronically. The Community Development Department shall distribute the referral

packets. The applicant shall distribute any revised plans as required by the Community Development Department.

- (d) The referral period shall be twenty-one (21) days, unless additional time is requested by referral agencies and approved by the Community Development Department. The applicant is encouraged to meet with the Community Development Department, referral agencies and other interested parties to address the referral concerns prior to the end of the referral period.
- (e) When the Community Development Department has determined the final plat is ready for action, the Community Development Department will schedule it for consideration by the City Manager if considered consistent with the approved preliminary plan; otherwise the application shall be scheduled for consideration by the City Council.
- (f) The City Manager (or Council, as appropriate), in consultation with the Community Development Department and Public Works Department, shall evaluate the final plat, staff report, referral agency comments and public comments and shall either approve, approve with conditions, table for further study or deny the final plat. Their action shall be based on the evidence presented and compliance or noncompliance with the adopted standards, regulations, policies and other guidelines. Any decision of denial shall be in writing and, if the applicant is not present when such decision is rendered, the City shall provide notice of such decision to the applicant via first class mail or hand delivery within five (5) days of such decision. A ~~decision for~~ denial by the City Manager may be appealed by the applicant to the City Council within ~~ten-thirty~~ (340) days from the date of the decision.

(Ord. 13-12 Art. 4)

Sec. 17-4-~~650~~. - General submittal requirements.

- (a) General submittal requirements are as follows:
 - (1) A completed development application (form available from the Community Development Department).
 - (2) Application fee (fee schedule available from the Community Development Department).
 - ~~(3) Proof of ownership, which includes an updated or current title, insurance policy or title commitment dated not more than thirty (30) days prior to the date of application.~~
 - (3) Proof of ownership in the form of an updated or current title, insurance policy, title report, or title commitment dated not more than thirty (30) days prior to the date of application. Depending on the scope of the development and/or title history, the Community Development Director may require a specific proof of ownership. Proof of ownership in the form of a Title Report dated not more than thirty (30) days prior to the date of the application. The Director may require a Title Commitment in lieu of a Title Report, depending on the scope of the development and/or title history.
 - (4) A notarized letter of authorization from the landowner permitting a representative to process the application, when applicable (form available from the Community Development Department).
 - (5) One (1) paper copy of the final plat exhibit (per Section 17-4-60 below).
 - (6) Development reports as required by the City (per Section 17-4-70 below).
- (b) Final ~~drainage plans and roadway design and~~ civil construction plans in accordance with City standards, including roadway design, detailed site grading, topographic and storm drainage system plans, shall be initially submitted to the Community Development Department. The Community Development Department will forward the plans to the City Engineer. (Plan revisions shall be submitted directly to the City Engineer).

(Ord. 13-12 Art. 4)

Sec. 17-4-~~760~~. - Final plat exhibit.

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

- (1) The final plat shall be prepared by or under the supervision of a registered professional land surveyor licensed with the State for recording in the office of the County Clerk and Recorder's ~~office~~. It shall be a neat, clear, permanent, legible and reproducible document. Inaccurate, incomplete or poorly drawn plats shall be rejected.
- (2) The final plat shall be drafted at a scale that best conveys the detailed survey, engineering and design of the subdivision and confines the drafting error to less than one percent (1%). Acceptable scales are 1" = 50' or 1" = 100' and for subdivisions exceeding one hundred (100) acres, 1" = 200'. In special instances, another scale may be approved by the Community Development Department. When a proposal requires multiple sheets, a composite, on 24" x 36" paper, shall be provided that delineates the boundaries and identifies each sheet number. The scale may be different on the individual sheets as approved by the Community Development Department.
- (3) The title shall be placed at the top of the sheet along the long dimension of each sheet and shall include the name of the proposed subdivision and filing number (when applicable). If part of a planned development, the planning area shall be included under the title. A general legal description stating the aliquot portion of the section, section, township, range, 6th P.M. and "City of Lone Tree, County of Douglas, State of Colorado," shall be included under the name and planning area. On the title sheet (Sheet #1), under the general legal description, the total acreage and the total number of lots shall be included, and below that the Department project file number. The name of the builder, product line or marketing name may only be used as a descriptor along the bottom or right side of the sheet. Subdivision names may not duplicate existing subdivision or planned development names.

Example:

RIDGEGATE SECTION 15, FILING 10

A portion of Planning Area H of the RidgeGate Planned Development

A part of the W/2 of Section 15, Township 6 South,

Range 67 West, 6th P.M., City of Lone Tree, County of Douglas, State of Colorado

78.06 Acres 235 Residential lots

SB __-__

- (4) A block in the lower right-hand corner of all sheets shall include the following: the preparation date and the dates of all revisions; a north arrow designating true north; a written and graphic scale; the number of the sheet; and the total number of sheets. The names and addresses of the applicant, developer, engineer or surveyor who prepared the exhibit shall be included on the first sheet.
- (5) A vicinity map shall depict the area to be subdivided and the area which surrounds the proposed subdivision within a one-mile radius superimposed on a current street map.
- (6) A written metes and bounds legal description of the subdivision boundary with a map showing all information as required in the state statutes shall be clearly and prominently indicated on the final plat. The names and locations of all abutting subdivisions, the locations of all abutting unplatted parcels and public lands shall be depicted. All lines, names and descriptions on the final plat which do not constitute a part of the subdivision shall be depicted in dashed or

screened lines. Any area enclosed by the subdivision, but not a part thereof, shall be labeled, "Not a Part of This Subdivision."

- (7) When requested by the Community Development Department, deleted lot lines, easements or rights-of-way shall be shown on the plat, in dashed lines or screened, with a note and arrow pointing to the item to be vacated, stating that the lot line, easement or right-of-way is hereby vacated. (Dashed lines shall be graphically different for existing vs. proposed vs. deleted.)
- (8) The map shall display ties to aliquot section corners and to the State grid, if available, which shows dimensions of all primary boundary survey control points with complete monument and location descriptions, all parcel lines showing dimensions with lengths, bearings and curve data, including chord lengths and bearings, basis of bearings and relation to true meridian and similar data. Only circular curves shall be used. No spirals, parabolas, etc., shall be used unless approved by the City Engineer. All dimensions are to be shown to the nearest one-hundredth (0.01) foot or, in the case of degrees, to the nearest second. An accuracy of 1:50,000 (second order) minimum for linear and angular (bearing) closure shall be required for the boundary. All internal lots, tracts or parcels shall have a closure accuracy of one-hundredth (0.01) foot.
- (9) All lots, tracts and, when requested by the Community Development Department, appropriate building envelopes shall be located, identified and labeled with the appropriate dimension with sufficient linear, bearing and curve data. No ditto marks shall be used for dimensions. All lots and, whenever practical, blocks shall be shown in their entirety on one (1) sheet. Lots shall be consecutively numbered; tracts shall be lettered alphabetically and in consecutive order. The acreage within each lot or tract shall include square feet and be included to the nearest one-hundredth (0.01) of an acre. On residential subdivisions, tracts shall be used exclusively for nonresidential property, such as areas to be dedicated for park and school sites. All parcels or areas of land inadvertently created and not identified shall be presumed to be outlots and shall not be considered to be building lots.
- (10) All existing/proposed road names, right-of-way widths at each leg of an intersection, at point of curve and point of tangent, at dead ends and at angle points, and right-of-way lines with accurate bearings and dimensions, including chord lengths and bearings, central angles and radii of all curves, shall be indicated. If any road in the subdivision is a continuation or approximately a continuation of an existing public road, the conformity or the amount of conformity of the new road to the existing road shall be accurately shown. Whenever the centerline of a road has been established or recorded, the date shall be shown on the final plat. Legal and physical access shall be provided to all parcels by public right-of-way or recorded easement, acceptable to the City Engineer in compliance with the Roadway Design and Construction Standards.
- (11) The purpose, widths and location (with fine dashed lines) of all easements and all abutting easements shall be shown. If any easement already of record cannot be definitively located, a statement of its existence, the nature thereof and its recorded reference must appear on the title sheet. Distances and bearings on the side lines of lots which are cut by an easement must be shown with an arrow or so shown that the plat will indicate clearly the actual length of the lot lines. The widths of all easements and sufficient data to definitively locate the same with respect to the subdivision and each lot must be shown. All easements must be clearly labeled and identified. If an easement shown on the plat is already of record, its recorded reference must be given. If an easement is being dedicated by the plat, it shall be set out in the owner's certificate of dedication. A plat note may be necessary to provide complete information on the purpose of the easement.
 - a. Sight Triangle Plat Note: All sight triangles that extend beyond right of way shall be shown on the plat with the following note: Within sight triangles, as shown, limited landscaping shall be allowed with no solid structures permitted as stated in the City of Lone Tree's Landscape Design Guidelines and Standards for Areas in and Along Public Rights-of-Way for Public Rights-of-Way. Landscaping within the sight triangle shall be maintained by the property owner or appropriate association.

b. Drainage Easement Plat Note: All storm drainage structures and facilities shall be located in an easement shown on the Plat with the following Plat Note: The owners of the lands described herein are responsible for the maintenance and operation of drainage easements shown hereon and related facilities. The undersigned grants the City of Lone Tree a perpetual right of ingress and egress from and to adjacent property to maintain, operate and reconstruct the drainage easements and related facilities when the owner(s) fail to adequately maintain such drainage easements and related facilities, which maintenance, operation and reconstruction shall be at the cost of the owner(s).

- (12) ~~One hundred year floodplains~~Special Flood Hazard Areas (SFHA), identifying estimated boundaries for both the 1% and 0.2% chance flood events and the associated Flood Insurance Rate Map number(s), all existing and proposed watercourses, retention and detention areas, wetlands, aquifer recharge areas, streams, lakes or inlets shall be accurately located on the affected property.
- (13) The following certifications on a single sheet shall be provided in accordance with Article ~~IX~~VIII of this Chapter: Surveyor, Dedication Statement, Storm Drainage Facilities Statement, General Overlot Drainage Note, City Manager, County Clerk and Recorder's office and Title Verification.
- (14) Plat notes shall adequately explain information pertinent to the execution and maintenance of the subdivision, including the ownership of tracts and retaining walls, reference to the subdivision improvements agreement, conservation easements, maintenance responsibility for private roads, landscaping and open spaces, retaining walls, and easements, and tracts.
- (15) Plat notes specific to signage shall be included on the final plat:
- For public streets: "The owner/developer is responsible for installation of all roadway signage, including "No parking/Fire Lane" signage, as required by the City Public Works Department and Fire District."
 - For private streets: "The owner/developer is responsible for installation of all roadway signage, including "No parking/Fire Lane" signage, as required by the City Public Works Department and Fire District. The Owner/~~Home~~Owners Association shall maintain said signage."

(16) Each plat shall include the following tables:

a. Site Summary Table, to include the type of use (i.e. private open space, building lot, right-of-way, etc.), the number of parcels/lots/tracts per use, and the total acreage per use. The Site Summary Table shall also include a total for all listed acreages.

b. Tract Use Table, to include the tract identifier, the area in square feet per tract, the area in acreage per tract, the ownership of the tract, ~~the responsible party~~ responsible for constructing for improvements on the tract, the responsible maintenance entity per tract, and the usage (i.e. mailboxes, drainage, etc.) per tract. The Tract Use Table shall also include totals for all listed square footage and acreage.

c. Land Summary Table, to include the use type (i.e. residential lots, tracts, private drives, etc.), the total count per use type, the total square footage per use type, the total acreage per use type, and the percentage of the total area per use type. The Summary Table shall also include totals for all listed square footage and acreage.

(Ord. 13-12 Art. 4)

Sec. 17-4-~~870~~. - Final development reports and plans.

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

- (1) A Phase III drainage report and drainage construction drawings prepared in accordance with the requirements of the Storm Drainage Design and Technical Criteria Manual.
- (2) Final road and trail construction plans. Trail construction plans shall be prepared in accordance with applicable special district requirements, as approved by the Community Development Department. Road construction plans shall be prepared in accordance with the requirements of the Roadway Design and Construction Standards. Road construction plans should include the placement and type of street lighting including a photometric plan. Plans should include the placement and type of street lighting.
- (3) Grading, erosion and sedimentation control plans and report prepared in accordance with the Grading, Erosion and Sedimentation Control Manual.
- (4) A printed copy of the closure calculations on the boundary lines of the final plat. Any mathematical closure errors in excess of 1:50,000 (second order) must be corrected by the applicant's surveyor prior to plat approval by the City Manager.
- (5) A signed warranty deed must be provided, if such has been required, conveying certain tracts or the development rights to such tracts to the appropriate entity for public use.
- (6) Warranty deeds to the City shall be provided for rights-of-way outside and adjacent to the subdivision reflecting widths as designated by the City's transportation plan, ~~if any~~, the Roadway Design and Construction Standards and the Storm Drainage Design and Technical Criteria Manual. The final plat shall not be recorded until all warranty deeds are executed and accepted by the City.
- (7) Landscape plans for all proposed public rights-of-way, development entryways, and all lands within the first 100 feet of land proposed to be owned by the City, a Metropolitan District, Homeowners Association (HOA), or a private party or private entity that is adjacent to collector or arterial rights-of-way, per the requirements established in the Landscape Design Guidelines and Standards for Areas in and Along Public Rights-of-Way Landscape Design Guidelines for Public Rights-Of-Way, as adopted by the City of Lone Tree on June 18, 2017, as amended.
- (8) 100% Civil construction drawings.
- (9) A final traffic impact study in accordance with the Roadway Design and Construction Standards.

(Ord. 13-12 Art. 4)

Sec. 17-4-~~980~~. - Vested property rights.

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

(Ord. 13-12 Art. 4)

Sec. 17-4-~~1090~~. - Post-approval procedure.

- (a) Prior to the recordation of the final plat in the office of the County Clerk and Recorder, the following requirements shall be completed:
- (1) The applicant shall amend the final plat document in accordance with the conditions of the City Manager's approval, as necessary.
 - ~~(2)~~ Within one hundred (100) days of approval by the City Council, the applicant shall amend the final plat document in accordance with the conditions of the City Council approval, as necessary, and submit to the Community Development Department two (2) check sets (24" x 36" paper copies of the approved final plat) for review by the Community Development and Public Works Departments prior to submission of the Mylar.
 - ~~(23)~~ —Within ~~one hundred eighty-sixty (6180)~~ days of approval of the ~~check sets final plat by the Community Development and Public Works Departments,~~ unless stated otherwise in such approval, the applicant shall submit to the Community Development Department: ~~two (2)~~ one (1) fix-line photographic or computer-generated Mylar reproductions (emulsion up) of the approved final plat, prepared on a 24" x 36" flat, spliceless, tapeless and creaseless sheets of double matte Mylar film with a uniform thickness of not less than three thousandths (.003) of an inch, with notarized signatures by the owners ~~on both sets~~. A margin line shall be drawn completely around ~~each the~~ sheet, leaving a margin of at least one (1) inch on all sides entirely blank. No ballpoint, transfer type or sticky backs are permitted. The final plat shall include all executed required signatures (except for the signature of the Mayor or City Manager, Directors and other City departments).
 - ~~(34)~~ The submission of any required documentation, and all recordation fees to the Community Development Department.
 - ~~(45)~~ The applicant shall provide an updated title-, insurance policy, title report, or title commitment dated not more than two (2) weeks from the City Manager's approval. Depending on the scope of the development and/or title history, the Community Development Director may require a specific proof of ownership. commitment Title Report dated not more than two (2) weeks from the City Manager's approval. The Director may require a Title Commitment in lieu of a Title Report, depending on the scope of the development and/or title history. current title, insurance policy or commitment, dated not more than two (2) weeks from the City Manager's approval. If there is a difference in ownership between this title information and that which was title policy or commitment and the policy or commitment submitted with the final plat application, recordation shall not be allowed until a determination can be made that the newly identified owners have had an opportunity to comment. Objection by these newly identified owners may result in the City Manager reconsidering the final plat.
 - ~~(56)~~ The applicant shall provide a warranty deed or cash-in-lieu for City land dedication for parks or schools as identified on the plat and rights-of-way outside and adjacent to the subdivision.
 - ~~(67)~~ The applicant shall provide a valid certificate of taxes paid from the County Treasurer's office for the land area of the final plat that shows that there are no taxes in arrears.
 - ~~(78)~~ The applicant shall provide a digital copy of the final plat in AutoCAD format or as otherwise specified by the Public Works Department for use in updating the City's GIS system, either on CD or by e-mail to the Public Works Department.
 - ~~(89)~~ When required, the subdivision improvements agreement shall be approved by the City Manager prior to recordation of the final plat, and the applicant shall provide proof that adequate security has been provided to cover the subdivision improvementss costs in accordance with the requirements of the subdivision improvements agreement.
- (b) Within thirty (30) days of receipt of the final plat and all required documentation as set forth in this Section, the Community Development Department shall obtain the signatures of the City Manager,

Director and other City departments, as required, and the ~~Public Works Department~~City shall record the final plat ~~with the Douglas County Clerk and Recorder.~~

(Ord. 13-12 Art. 4)

Sec. 17-4-~~1100~~. - Expiration of approval.

- (a) Failure by the applicant to submit all required documentation within one hundred eighty (180) days of City Manager approval shall render approval of the final plat null and void and result in the necessity of the resubmittal of a preliminary plan, if the preliminary plan has expired, and final plat, along with all required fees and documentation.
- (b) The Director may grant extensions up to one (1) year, upon a written request by the applicant or staff demonstrating good cause. Further extensions may be granted by the Council at a public meeting, upon a written request by the applicant or staff.
- (c) An extension request shall include the applicable fee and a narrative stating the reasons for the applicant's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any changes in the Comprehensive Plan, any applicable sub-area plans, Chapters 15 or 16 of this Code, or this Chapter that have occurred since approval of the plat, as these changes affect the plat, and the anticipated time schedule for completing the platting process. A fee schedule is available from the Community Development Department. Additional review of the plat may ~~be required~~occur, resulting in additional fees and conditions as applicable.
- (d) The denial of an extension by the Director may be appealed to the Council in writing within ~~thirtyen~~ (340) days of the decision by the Director.
- (e) The denial of an extension request may render approval of the preliminary plan null and void and result in the necessity of the resubmittal of a preliminary plan, along with all required fees and documentation.

(Ord. 13-12 Art. 4)

ARTICLE V - Final Plat for Single-Family Attached, Multi-Family and Nonresidential Development

Sec. 17-5-10. - Intent.

The intent of these regulations is to provide a review process for single-family attached, multi-family and nonresidential subdivisions that are typically also processed with a site improvement plan, in keeping with the approval standards of Section 17-5-20 below.

(Ord. 13-12 Art. 4)

Sec. 17-5-20. - Approval standards.

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

- (1) The application is consistent with the City's Comprehensive Plan, Zoning chapters 15 and 16 of this Code, and, where applicable, planned development sub-area plans.
- (2) The application is in compliance with the requirements of this Chapter and achieves its purpose as set forth in Section 17-1-20 of this Chapter.
- (3) The application is in conformance with the City's Roadway Design and Construction Standards, the Storm Drainage Design and Technical Criteria Manual, the Grading, Erosion and Sediment Control Manual and other applicable regulations as determined by the City.

(Ord. 13-12 Art. 4)

Sec. 17-5-30. ~~Prerequisite Presubmittal mMeeting.~~

(a) Prior to submittal of a final plat application for single-family attached, multi-family or nonresidential development, the applicant shall request and participate in a presubmittal meeting with the Community Development Department and the Public Works Department to discuss submittal requirements and procedures; the applicant is encouraged to meet with other referral agencies and homeowners' associations to identify potential issues and ways to address these issues. The pre-submittal meeting may be waived by the Director. Depending on the scope of the development, additional presubmittal meetings may be required; each additional presubmittal meeting may incur a separate fee, as determined by the Director. ~~the applicant shall meet with staff to discuss the procedure and submittal requirements, and is encouraged to meet with other referral agencies and homeowners' associations to identify potential issues and ways to address these issues. Each additional presubmittal meeting may incur a separate fee, as determined by the Director. The pre-submittal meeting may be waived by the Director.~~ A final plat shall not be permitted if the subdivision creates a nonconforming parcel, or, in the case of an existing nonconforming lot or parcel, shall not increase the nonconformity.

(b) In addition to the development application, the applicant may be required to submit a site improvement plan (SIP) in accordance with Chapter 16, Article XXI of this Code, based on design, size and impact to public facilities, services, roads and overall impacts, as determined by the Community Development Department. In cases where a final plat application is accompanied by an SIP, a combined presubmittal meeting for both applications may be permitted.

(Ord. 13-12 Art. 4)

Sec. 17-5-40. ~~Formal~~ Submittal process.

- (a) The applicant shall submit one (1) paper copy of the final plat and all supporting information to the Community Development Department.
- (b) The submittal shall be reviewed for completeness within ten (10) business days. The applicant shall be notified of any inadequacies. An incomplete submittal and/or a final plat that is inconsistent with an approved site improvement plan will ~~shall~~ not be processed.
- (c) Once the submittal is determined complete, the Community Development Department will notify the applicant of the number of copies of the final plat required ~~for distribution to referral agencies. All submittal information shall be properly folded and compiled.~~ The applicant shall also submit an electronic file of the final plat and supplemental materials as required for distributing the application electronically. The Community Development Department shall distribute the referral packets. The applicant shall distribute any revised plans as required by the Community Development Department.
- (d) The applicant shall provide a vicinity map of the property, a list of the adjacent property owners and a list of mineral rights owners and other landowners as required by the Community Development Department, and provide unsealed, stamped envelopes addressed to such parties. The applicant shall include copies of the final plat and narrative in the envelopes. The Community Development Department shall include a copy of the application and notification of the anticipated meeting dates, and mail the envelopes.
- (e) The referral period shall be no less than twenty-one (21) and no more than thirty-five (35) days, as determined by the Community Development Department. ~~The referral period shall be twenty-one (21) to thirty-five (35) days as determined by the Community Development Department~~ based upon conformance with the Comprehensive Plan and Zoning Code, the size and magnitude of the project, or other concerns. The applicant is encouraged to meet with the Community Development

Department, referral agencies and other interested parties to address the referral concerns prior to the end of the referral period.

- (f) Following the referral period and upon resolution of referral agency comments, staff will schedule the final plat for a public meeting by the Planning Commission. The staff planner will notify the applicant of the meeting date and time.
- (g) The Community Development Department will review the referral comments and prepare a staff report for the Planning Commission members. The Planning Commission shall evaluate the application, staff report, referral comments and public testimony and make a recommendation to the Council to approve, approve with conditions, table for further study, or deny the final plat. The Planning Commission's decision shall be based on the evidence presented and a finding of compliance or noncompliance with the adopted standards, regulations, policies and other guidelines.
- (h) Following the recommendation by the Planning Commission, the Community Development Department will schedule the final plat with the Council and notify the applicant of the meeting date and time.
- (i) The Council shall evaluate the final plat, staff report, referral agency comments, Planning Commission recommendations and public testimony and shall either approve, approve with conditions, or deny the final plat. The Council's action shall be based on the evidence presented and a finding of compliance or noncompliance with the adopted standards, regulations, policies and other guidelines. The grounds of disapproval of any plat shall be stated upon the records of the Council. Any decision of denial shall be in writing and, if the applicant is not present when such decision is rendered, the City shall provide notice of such decision to the applicant via first class mail or hand delivery within five (5) days of such decision.
- (j) If denied by the Council, the submittal of a new application and processing fee shall be required in order to pursue the proposed subdivision. A resubmittal of the final plat for the same or substantially same request, as determined by the Director, shall not be accepted within one (1) year of such denial. The applicant may appeal the decision of the Director, in writing, to the Council within ~~thirtyen~~ (340) days from the date of the decision.

(Ord. 13-12 Art. 4)

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

General submittal requirements are as follows:

- (1) A completed development application (form available from the Community Development Department).
- (2) Application fee (fee schedule available from the Community Development Department).
- ~~(3) Proof of ownership, which includes an updated or current title, insurance policy or title commitment not more than thirty (30) days prior to the date of the application.~~
- (3) Proof of ownership in the form of an updated or current title, insurance policy, title report, or title commitment dated not more than thirty (30) days prior to the date of application. Depending on the scope of the development and/or title history, the Community Development Director may require a specific proof of ownership. Proof of ownership in the form of a Title Report dated not more than thirty (30) days prior to the date of the application. The Director may require a Title Commitment in lieu of a Title Report, depending on the scope of the development and/or title history.

- (4) A notarized letter of authorization from the landowner permitting a representative to process the application, when applicable (form available from the Community Development Department).
- (5) A narrative describing the subdivision proposal, including:
 - a. The number of lots proposed, development type and development timing.
 - b. A description of site features and visually important areas on or adjacent to the site that may affect the evaluation of the proposed development.
 - c. A description on the effect of the proposal on significant cultural, archaeological and historical resources and plans for protection of such resources.
 - d. A description of the impact on important ecological and wildlife habitat areas, including breeding grounds, nesting areas, crossings, wintering areas, migratory routes, etc.
- (6) One (1) paper copy of the final plat exhibit (per Section 17-5-60 below).
- (7) Development reports as required by the City (per Section 17-5-70 below).
- (8) Final drainage plans and roadway design and construction plans, including detailed site grading and topographic plans, shall be initially submitted to the Community Development Department. The Community Development Department will forward the plans to the City Engineer. (Plan revisions shall be submitted directly to the City Engineer.)
- (9) A site improvement plan in accordance with Chapter 16, Article XXI of this Code, as required by the Community Development Department.

(Ord. 13-12 Art. 4)

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

The final plat exhibit shall be submitted according to the following:

- (1) The final plat shall be prepared by or under the supervision of a registered professional land surveyor licensed with the State for recording in the office of the County Clerk and Recorder's office. It shall be a neat, clear, permanent, legible and reproducible document. Inaccurate, incomplete or poorly drawn plats shall be rejected.
- (2) The final plat shall be drafted at a scale that best conveys the detailed survey, engineering and design of the subdivision and confines the drafting error to less than one percent (1%). Acceptable scales are 1" = 50' or 1" = 100' and, for subdivisions exceeding one hundred (100) acres, 1" = 200'. In special instances, another scale may be approved by the Community Development Department. When a proposal requires multiple sheets, a composite, on 24" x 36" paper, shall be provided that delineates the boundaries and identifies each sheet number. The scale may be different on the individual sheets as approved by the Community Development Department.
- (3) The title shall be placed at the top of the sheet along the long dimension of each sheet and shall include the name of the proposed subdivision and filing number (when applicable). If part of a planned development, the planning area shall be included under the title. A general legal description stating the aliquot portion of the section, section, township, range, 6th P.M. and "City of Lone Tree, County of Douglas, State of Colorado," shall be included under the name and planning area. On the title sheet (Sheet #1), under the general legal description, the total acreage and the total number of lots shall be included, and below that the Department project number. The name of the builder, product line or marketing name may only be used as a descriptor along the bottom or right side of the sheet. Subdivision names may not duplicate existing subdivision or planned development names.

Example:

RIDGEGATE SECTION 15, FILING 10

A portion of Planning Area H of the RidgeGate Planned Development

A part of the W/2 of Section 15, Township 6 South,

Range 67 West, 6th P.M., City of Lone Tree, County of Douglas, State of Colorado

30.00 Acres 4 lots

SB __-__

- (4) A block in the lower right-hand corner of all sheets shall include the following: the preparation date and the dates of all revisions; a north arrow designating true north; a written and graphic scale; the number of the sheet and the total number of sheets. The names and addresses of the applicant, developer, engineer or surveyor who prepared the exhibit shall be included on the first sheet.
- (5) A vicinity map shall depict the area to be subdivided and the area which surrounds the proposed subdivision within a one-mile radius superimposed on a current street map.
- (6) A written metes and bounds legal description of the subdivision boundary with a map showing all information as required in the state statutes shall be clearly and prominently indicated on the final plat. The names and locations of all abutting subdivisions, the locations of all abutting unplatted parcels and public lands shall be depicted. All lines, names and descriptions on the final plat which do not constitute a part of the subdivision shall be depicted in dashed or screened lines. Any area enclosed by the subdivision, but not a part thereof, shall be labeled, "Not a Part of This Subdivision."
- (7) When requested by the Community Development Department, deleted lot lines, easements or rights-of-way shall be shown on the plat in dashed lines, or screened, with a note and arrow pointing to the item to be vacated, stating that the lot line, easement or right-of-way is hereby vacated. (Dashed lines shall be graphically different for existing vs. proposed vs. deleted.)
- (8) The map shall display ties to aliquot section corners and to the state grid, if available, which shows dimensions of all primary boundary survey control points with complete monument and location descriptions, all parcel lines showing dimensions with lengths, bearings and curve data, including chord lengths and bearings, basis of bearings and relation to true meridian and similar data. Only circular curves shall be used. No spirals, parabolas, etc., shall be used unless approved by the City Engineer. All dimensions are to be shown to the nearest one-hundredth (0.01) foot or, in the case of degrees, to the nearest second. An accuracy of 1:50,000 (second order) minimum for linear and angular (bearing) closure shall be required for the boundary. All internal lots, tracts or parcels shall have a closure accuracy of one-hundredth (0.01) foot.
- (9) All lots, tracts and, when requested by the Community Development Department, appropriate building envelopes shall be located, identified and labeled with the appropriate dimension with sufficient linear, bearing and curve data. No ditto marks shall be used for dimensions. All lots and, whenever practical, blocks shall be shown in their entirety on one (1) sheet. Lots shall be consecutively numbered; tracts shall be lettered alphabetically and in consecutive order. The acreage within each lot or tract shall include square feet and be included to the nearest one-hundredth (0.01) of an acre. On residential subdivisions, tracts shall be used exclusively for nonresidential property, such as areas to be dedicated for park and school sites. All parcels or areas of land inadvertently created and not identified shall be presumed to be outlots and shall not be considered to be building lots.
- (10) All existing/proposed road names, right-of-way widths at each leg of an intersection, at point of curve and point of tangent, at dead ends and at angle points, and right-of-way lines with accurate bearings and dimensions, including chord lengths and bearings, central angles and radii of all curves, shall be indicated. If any road in the subdivision is a continuation or approximately a continuation of an existing public road, the conformity or the amount of

conformity of the new road to the existing road shall be accurately shown. Whenever the centerline of a road has been established or recorded, the date shall be shown on the final plat. Legal and physical access shall be provided to all parcels by public right-of-way or recorded easement, acceptable to the City Engineer in compliance with the Roadway Design and Construction Standards.

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

a. Sight Triangle Plat Note: All sight triangles that extend beyond right of way shall be shown on the Plat with the following Plat Note: Within sight triangles, as shown, limited landscaping shall be allowed with no solid structures permitted as stated in the City of Lone Tree's Landscape Design Guidelines and Standards for Areas in and Along Public Rights-of-Way. Landscaping within the sight triangle shall be maintained by the property owner or appropriate association.

b. Drainage Easement Plat Note: All storm drainage structures and facilities shall be located in an easement shown on the Plat with the following Plat Note: The owners of the lands described herein are responsible for the maintenance and operation of drainage easements shown hereon and related facilities. The undersigned grants the City of Lone Tree a perpetual right of ingress and egress from and to adjacent property to maintain, operate and reconstruct the drainage easements and related facilities when the owner(s) fail to adequately maintain such drainage easements and related facilities, which maintenance, operation and reconstruction shall be at the cost of the owner(s).

- (12) ~~One-hundred-year floodplains~~ Special Flood Hazard Areas (SFHA), identifying estimated boundaries for both the 1% and 0.2% chance flood events and the associated Flood Insurance Rate Map number(s), all existing and proposed watercourses, retention and detention areas, wetlands, aquifer recharge areas, streams, lakes or inlets shall be accurately located on the affected property.
- (13) The following certifications on a single sheet shall be provided in accordance with Article VIII of this Chapter: Surveyor, Dedication Statement, Storm Drainage Facilities Statement, General Overlot Drainage Note, City Manager, County Clerk and Recorder's office and Title Verification.
- (14) Plat notes shall adequately explain information pertinent to the execution and maintenance of the subdivision, including the ownership of tracts and retaining walls, reference to the subdivision improvements agreement, conservation easements, maintenance responsibility for private roads, landscaping and open spaces, retaining walls, and easements and tracts. The developer shall provide for the construction, at no cost to the City, all utilities and other public infrastructure, as required by the Council, and provide security needed to ensure such improvements, as required by the Council.
- (15) Plat notes specific to signage shall be included on the final plat:

- a. For public streets: "The owner/developer is responsible for installation of all roadway signage, including "No parking/Fire Lane" signage, as required by the City Public Works Department and Fire District."
- b. For private streets: "The owner/developer is responsible for installation of all roadway signage, including "No parking/Fire Lane" signage, as required by the City Public Works Department and Fire District. The Owner/~~Home~~Owners Association shall maintain said signage."

(16) Each plat shall include the following tables:

- a. Site Summary Table, to include the type of use (i.e. private open space, building lot, right-of-way, etc.), the number of parcels/lots/tracts per use, and the total acreage per use. The Site Summary Table shall also include a total for all listed acreages.
- b. Tract Use Table, to include the tract identifier, the area in square feet per tract, the area in acreage per tract, the ownership of the tract, ~~the responsible party~~ responsible for constructing improvements on the tract, the responsible maintenance entity per tract, and the usage (i.e. mailboxes, drainage, etc.) per tract. The Tract Use Table shall also include totals for all listed square footage and acreage.
- c. Land Summary Table, to include the use type (i.e. residential lots, tracts, private drives, etc.), the total count per use type, the total square footage per use type, the total acreage per use type, and the percentage of the total area per use type. The Summary Table shall also include totals for all listed square footage and acreage.

(Ord. 13-12 Art. 4; [Ord. 17-04](#) Art. 4, F.)

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

The applicant shall submit the supporting materials necessary for the review of the final plat which address the following items, some of these items may be deferred to a future Site Improvement Plan, as approved by the Community Development Director:

- (1) A Phase III drainage report and drainage construction drawings prepared in accordance with the requirements of the Storm Drainage Design and Technical Criteria Manual. If development plans are not sufficiently determined, a Phase II drainage report and drainage construction drawings can be submitted at this stage of the review process, with Phase III reports submitted prior to approval of the site construction plans or approval of the building permit.
- (2) Final road and trail construction plans. Trail construction plans shall be prepared in accordance with applicable special district requirements, as approved by the Community Development Department. ~~South Suburban Parks and Recreation District requirements.~~ Road construction plans shall be prepared in accordance with the requirements of the Roadway Design and Construction Standards. Road construction plans should include the placement and type of street lighting including a photometric plan. ~~Final road construction plans prepared in accordance with the requirements of the Roadway Design and Construction Standards.~~
- (3) Grading, erosion and sedimentation control plans and report prepared in accordance with the Grading, Erosion and Sedimentation Control Manual (this may be deferred to the site improvement plan submittal as determined by the Director and City Engineer).
- (4) A printed copy of the closure calculations on the boundary lines of the final plat. Any mathematical closure errors in excess of 1:50,000 (second order) must be corrected by the applicant's surveyor prior to plat approval by the City Council.

- (5) A signed warranty deed must be provided, if such has been required, conveying certain tracts or the development rights to such tracts to the appropriate entity for public use.
- (6) Warranty deeds to the City shall be provided for rights-of-way outside and adjacent to the subdivision reflecting widths as designated by the City transportation plan, if any, the Roadway Design and Construction Standards and the Storm Drainage Design and Technical Criteria Manual. The final plat shall not be recorded until all warranty deeds are executed and accepted by the City.
- (7) Evidence that adequate water supply is available.
- (8) Evidence that adequate sanitary sewer service is available.
- (9) The following shall be provided on a separate 24" x 36" sheet of paper, drawn at the same scale of the final plat exhibit or another paper size or scale approved by staff:
 - a. Accurately locate ~~one-hundred-year floodplains~~Special Flood Hazard Areas (SFHA), identifying estimated boundaries for both the 1% and 0.2% chance flood events and the associated Flood Insurance Rate Map number(s), all existing and proposed watercourses, retention and detention areas, wetlands, aquifer recharge areas, streams, lakes or inlets on the affected property.
 - b. Depict all potential hazard areas, including geologic hazard areas and expansive soils (A-6 and A-7-6 soils as defined in the AASHTO Classification Group Index referenced in the Roadway Design and Construction Standards).
 - c. Identify areas of fifteen- to twenty-percent slope in one (1) shading pattern and areas of greater than a twenty-percent slope in another shading pattern, including a narrative that describes the mitigation methods used to address existing slope conditions.
 - d. Show existing contours in dashed lines and proposed contours in solid lines depicted at two-foot intervals, except where topographic slopes would create contour lines too close for clear presentation, in which case five-foot or ten-foot contours may be used. Clearly label the contour values. The contours shall extend to a minimum of fifty (50) feet beyond the property lines, or such other greater amount as necessary, to show how topography and drainage on the proposed site interacts and blends with adjacent parcels.
 - e. Show the conceptual location of storm sewer, water service and sanitary sewer service.
 - f. Label the land use, zoning and ownership of the adjacent land.
 - g. Note existing structures on the site, their uses and whether they are to remain on the site.
 - h. Identify any cultural, historical or archaeological sites.
 - i. Note significant natural or man-made features within and adjacent to the proposed subdivision.
 - j. Note important short- and long-range views to or from the site, including scenic mountain views, bluffs, rock outcroppings, drainages, etc.
 - k. Depict any significant existing stands of vegetation, including but not limited to large stands of scrub oak, and identify the type of vegetation.
 - l. Identify significant ecological and wildlife habitat areas, including breeding grounds, nesting areas, crossings, wintering areas, migratory routes, etc.
 - m. Depict the legal and physical public access to the proposed subdivision, even if not part of the subdivision.
 - n. Depict the pedestrian and open space systems, including connections to adjacent development and open space areas.
 - o. Label focal points, community facilities and other special features.

- p. Note the treatment of potentially conflicting land uses.
- (10) A traffic impact analysis performed by a traffic engineer discussing the impact of the proposed development on the immediate and regional traffic and other concerns, as requested by the City, prepared in accordance with the requirements of the Roadway Design and Construction Standards. (May be deferred to site improvement plan submittal as determined by Director and City Engineer.)
- (11) Evidence establishing soil suitability in the form of a report based on information from the Soil Conservation Service of the United States Department of Agriculture (USDA) or another form acceptable to staff. The report shall minimally include: a description of site soil types, locations and characteristics with supporting soil maps, soil logs and other information needed to determine soil suitability for proposed development; constraints on development based on the findings; and analysis and evaluation of such information with recommendations regarding structural constraints, erosion control and a determination of the adequacy of the structural characteristics of the soil as they relate to the proposed uses and development.
- (12) A report on the geologic characteristics of the site, including any potential natural or man-made hazards which would have a significant influence on the proposed uses of the land, a determination of what effect such factors would have and proposed corrective or protective measures.
- (13) Landscape plans for all proposed public rights-of-way, development entryways, and all lands within the first 100 feet of land proposed to be owned by the City, a Metropolitan District, Homeowners Association (HOA), or a private party or private entity that is adjacent to collector or arterial rights-of-way, per the requirements established in the Landscape Design Guidelines and Standards for Areas in and Along Public Rights-of-Way, for Public Rights Of Way, as adopted by the City of Lone Tree on June 18, 2017, as amended.
- (14) Final (100%) civil construction drawings in accordance with the City's standards and required engineering reports.-

(Ord. 13-12 Art. 4)

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

The site improvement plan is designated as the site specific development plan for the purpose of vesting property rights for single-family attached, multi-family and nonresidential development. A landowner seeking vested property rights must obtain approval of a site specific development plan pursuant to the provisions of Chapter 16, Article XXXIV of this Code.

(Ord. 13-12 Art. 4)

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

- (a) Prior to the recordation of the final plat in the office of the County Clerk and Recorder, the following requirements shall be completed:
 - (1) Within one hundred ~~eighty~~ (1080) days of approval by the City Council, the applicant shall amend the final plat document in accordance with the conditions of the City Council approval, as necessary, and submit to the Community Development Department two (2) check sets (24" x 36" paper copies of the approved final plat) for review by the Community Development and Public Works Departments prior to submission of the Mylars.
 - (2) Within sixty (60) days of approval of the check sets by the Community Development and Public Works Departments, the applicant shall submit to the Community Development Department: ~~onetwo~~ (12) fix-line photographic or computer-generated Mylar reproductions (emulsion up) of the approved final plat, prepared on a 24" x 36" flat, spliceless, tapeless and creaseless sheets

of double matte Mylar film with a uniform thickness of not less than three thousandths (.003) of an inch, with notarized signatures by the owners ~~on both sets~~. A margin line shall be drawn completely around ~~each the~~ sheet, leaving a margin of at least one (1) inch on all sides entirely blank. No ballpoint, transfer type or sticky backs are permitted. The final plat shall include all executed required signatures (except for the signature of the Mayor, Director and other City departments).

- (3) The submission of any required documentation and all recordation fees to the Community Development Department.
 - (4) The applicant shall provide an updated title, insurance policy, title report, or title commitment dated not more than two (2) weeks from the City Manager's approval. Depending on the scope of the development and/or title history, the Community Development Director may require a specific proof of ownership. The applicant shall provide a Title report dated not more than two (2) weeks from the City Manager's approval. The Director may require a Title Commitment in lieu of a Title Report, depending on the scope of the development and/or title history. ~~current title, insurance policy or commitment, dated not more than two (2) weeks from Council approval. If there is a difference in ownership between this title, policy or commitment and the policy or commitment information and that which was~~ submitted with the final plat application, recordation shall not be allowed until a determination can be made that the newly identified owners have had an opportunity to comment. Objection by these newly identified owners may result in the Council reconsidering the final plat.
 - (5) The applicant shall provide a warranty deed or cash-in-lieu for City land dedication for parks or schools as identified on the plat and rights-of-way outside and adjacent to the subdivision.
 - (6) The applicant shall provide a valid certificate of taxes paid from the County Treasurer's office for the land area of the final plat that shows that there are no taxes in arrears.
 - (7) The applicant shall provide a digital copy of the final plat in AutoCAD format or as otherwise specified by the Public Works Department for use in updating the City's GIS system, either on CD or by e-mail to the Public Works Department.
 - (8) When required, the subdivision improvements agreement shall be approved by the City Manager prior to recordation of the final plat, and the applicant shall provide proof that adequate security has been provided to cover the subdivision improvements costs in accordance with the requirements of the subdivision improvements agreement.
- (b) Within thirty (30) days of receipt of the final plat Mylars and all required documentation as set forth in this Section, the Community Development Department shall obtain the signatures of the Mayor, Director and other City departments, as required, and the ~~Public Works Department~~City shall record the final plat with the Douglas County Clerk and Recorder.

(Ord. 13-12 Art. 4)

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

- (a) Failure by the applicant to submit all required documentation within one hundred eighty (180) days of City Council approval shall render approval of the final plat null and void and result in the necessity of the resubmittal of the final plat, along with all required fees and documentation.
- (b) The Director may grant extensions up to one (1) year, upon a written request by the applicant or staff demonstrating good cause. Further extensions may be granted by the Council at a public meeting, upon a written request by the applicant or staff.
- (c) An extension request shall include the applicable fee and a narrative stating the reasons for the applicant's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood; any changes in the Comprehensive Plan, any applicable sub-area plans, Chapters 15 or 16 of this Code, or this Chapter that have occurred since approval of the plat, as these changes

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

- (d) The denial of an extension by the Director may be appealed to the Council in writing within ~~thirtyen~~ (340) days of the decision by the Director.

(Ord. 13-12 Art. 4)

ARTICLE VI - Condominium Plat

Sec. 17-6-10. - Intent.

It is the intent of this Section to provide a one-step review process for condominium plats. When developing condominium units, where ownership of land is not being transferred, a condominium plat shall be submitted to the Community Development Department for review and approval prior to recordation ~~within~~ the County Clerk and Recorder's office. ~~A condominium is defined as an individual air space unit, together with the interest in the common elements appurtenant to such unit, unless such definition is inconsistent with Section 38-33-103(1), C.R.S., which shall control.~~

(Ord. 13-12 Art. 4)

Sec. 17-6-20. - Approval standards.

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

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

(Ord. 13-12 Art. 4)

Sec. 17-6-30. - ~~Prerequisite~~Presubmittal meeting.

~~Prior to submittal of a condominium plat application, the applicant shall request a presubmittal meeting with the Community Development Department and the Public Works Department to discuss submittal requirements and procedures; the applicant is encouraged to meet with other referral agencies and homeowners' associations to identify potential issues and ways to address these issues. The pre-submittal meeting may be waived by the Director. Depending on the scope of the development, additional presubmittal meetings may be required; each additional presubmittal meeting may incur a separate fee, as determined by the Director.~~ The condominium plat shall be consistent with the approved plat (legal lot of record) and site improvement plan, if applicable. The condominium plat process may be combined with the final plat process for ~~multi~~single-family ~~attached~~ subdivisions, as approved by the Community Development ~~Department~~Director.

(Ord. 13-12 Art. 4)

Sec. 17-6-40. - Submittal process.

- (a) The applicant shall submit ~~one (1) paper copy of the~~ file of the complete submittal to the Community Development Department in a format requested by staff.
- (b) The submittal shall be reviewed for completeness within ten (10) business days. The applicant shall be notified of any inadequacies. An incomplete submittal and/or condominium plat that is inconsistent with the approved final plat and/or site improvement plan shall not be processed~~will not be processed.~~
- (c) Once the submittal is determined complete, the Community Development Department will notify the applicant of the number of copies of the condominium plat required for distribution to referral agencies. All submittal information shall be properly folded and compiled. The applicant shall also submit an electronic file of the condominium plat and supplemental materials as required for distributing the application electronically. The Community Development Department shall distribute the referral packets. The applicant shall distribute any revised plans as required by the Community Development Department.
- (d) The referral period shall be fourteen (14) days, unless additional time is requested by referral agencies and approved by the Community Development Department. The applicant is encouraged to meet with the Community Development Department, referral agencies and other interested parties to address the referral concerns prior to the end of the referral period.
- (e) The Director shall review the application, evaluate referral comments and approve, conditionally approve or deny the condominium plat. Any decision of denial shall be in writing and, if the applicant is not present when such decision is rendered, the City shall provide notice of such decision to the applicant via first class mail or hand delivery within five (5) days of such decision. The denial of condominium plat by the Director may be appealed to the Council in writing within ten (10) days of the decision by the Director.

(Ord. 13-12 Art. 4)

Sec. 17-6-50. ~~General~~ General sSubmittal requirements.

General submittal requirements are as follows:

- (1a) A completed development application (application form available from the Community Development Department).
- (2b) Application fee (fee schedule available from the Community Development Department).
- (3e) A notarized letter of authorization from the landowner identifying and permitting a representative, if applicable, to process the application, when applicable (form available from the Community Development Department).
- (4e) A copy of the recorded final plat and site improvement plan.
- (5e) ~~Proof of ownership which includes an updated or current title, insurance policy or title commitment dated not more than thirty (30) days prior to the date of application~~
(e)—Proof of ownership in the form of an updated or current title, insurance policy, title report, or title commitment dated not more than thirty (30) days prior to the date of application. Depending on the scope of the development and/or title history, the Community Development Director may require a specific proof of ownership. Proof of ownership in the form of a Title Report dated not more than thirty (30) days prior to the date of the application. The Director may require a Title Commitment in lieu of a Title Report, depending on the scope of the development and/or title history.

Sec. 17-6-60. – Condominium plat exhibit

~~(f) Two (2) One (1) paper copy and One (1) electronic submittals of T~~ the condominium plat exhibit shall be, prepared as follows submitted according to the following:

- (1) The condominium plat shall be prepared by or under the supervision of a registered professional land surveyor licensed with the State for recording in the office of the County Clerk and Recorder. It shall be a neat, clear, permanent, legible and reproducible document. Inaccurate, incomplete or poorly drawn plats shall be rejected.
- (2) The condominium plat shall be drafted at a scale that best conveys the detailed survey, engineering and design of the subdivision and confines the drafting error to less than one percent (1%). Acceptable scales are 1" = 50' or 1" = 100' and, for subdivisions exceeding one hundred (100) acres, 1" = 200'. In special instances, another scale may be approved by the Community Development Department. When a proposal requires multiple sheets, a composite, on 24" x 36" paper, shall be provided that delineates the boundaries and identifies each sheet number. The scale may be different than the individual sheets as approved by the Community Development Department.
- (3) The title shall be placed at the top of the sheet along the long dimension of each sheet and shall include the name of the proposed condominiums and specific building number, if applicable. The subdivision and planned development name, lot, block and filing number shall be located under the title. A general legal description stating the aliquot portion of the section, section, township, range, 6th P.M., and "City of Lone Tree, County of Douglas, State of Colorado," shall be included under the condominium name and subdivision information. Under the general legal description, the total number of units shall be included. Condominium names shall not duplicate an existing condominium name.
- (4) A block in the lower right-hand corner shall include the following: the preparation date; a north arrow designating true north; a written and graphic scale; the names and addresses of the applicant, developer, engineer or surveyor who prepared the exhibit; the number of the sheet; and the total number of sheets.
- (5) A vicinity map shall depict the area to be platted as a condominium and the area which surrounds the proposed subdivision within a one-mile radius superimposed on a current street map.
- (6) All lines, names and descriptions on the condominium plat which do not constitute a part of the subdivision shall be depicted in dashed or screened lines. Any area enclosed by the subdivision, but not a part thereof, shall be labeled "Not a Part of This Subdivision."
- (7) When requested by the Community Development Department, deleted lot lines, easements or rights-of-way shall be shown on the plat in dashed lines, or screened, with a note and arrow pointing to the item to be vacated, stating that the lot line, easement or right-of-way is hereby vacated. (Dashed lines shall be graphically different for existing vs. proposed vs. deleted.)
- (8) The map shall display ties to aliquot section corners and to the State grid, if available, which shows dimensions of all primary boundary survey control points with complete monument and location descriptions, all parcel lines showing dimensions with lengths, bearings and curve data, including chord lengths and bearings, basis of bearings and relation to true meridian, and similar data shall be represented. Only circular curves shall be used. No spirals, parabolas, etc., shall be used unless approved by the City Engineer. All dimensions are to be shown to the nearest one-hundredth (0.01) foot or, in the case of degrees, to the nearest second. An accuracy of 1:50,000 (second order) minimum for linear and angular (bearing) closure shall be required for the boundary. All internal units and elements shall have a closure accuracy of one-hundredth (0.01) foot.
- (9) All plans, elevations, units and elements shall be located, identified and labeled with appropriate dimension with sufficient linear, bearing and curve data. No ditto marks shall be used for dimensions.

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

a. Sight Triangle Plat Note: All sight triangles that extend beyond right of way shall be shown on the Plat with the following Plat Note: Within sight triangles, as shown, limited landscaping shall be allowed with no solid structures permitted as stated in the City of Lone Tree's Landscape Design Guidelines and Standards for Areas in and Along Public Rights-of-Way. Landscaping within the sight triangle shall be maintained by the property owner or appropriate association.

b. Drainage Easement Plat Note: All storm drainage structures and facilities shall be located in an easement shown on the Plat with the following Plat Note: The owners of the lands described herein are responsible for the maintenance and operation of drainage easements shown hereon and related facilities. The undersigned grants the City of Lone Tree a perpetual right of ingress and egress from and to adjacent property to maintain, operate and reconstruct the drainage easements and related facilities when the owner(s) fail to adequately maintain such drainage easements and related facilities, which maintenance, operation and reconstruction shall be at the cost of the owner(s).

(11) Special Flood Hazard Areas (SFHA), identifying estimated boundaries for both the 1% and 0.2% chance flood events and the associated Flood Insurance Rate Map number(s).

(12) Plat notes specific to signage shall be included on the condominium plat:

a. For public streets: "The owner/developer is responsible for installation of all roadway signage, including "No parking/Fire Lane" signage, as required by the City Public Works Department and Fire District."

b. For private streets: "The owner/developer is responsible for installation of all roadway signage, including "No parking/Fire Lane" signage, as required by the City Public Works Department and Fire District. The Owner/Homeowners Association shall maintain said signage."

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

This Condominium Plat is approved for filing in the Office of the Clerk and Recorder this ____ day of ____, 20__.

By: (Community Development Director's signature)

(Printed name of Community Development Director)

(Ord. 13-12 Art. 4)

Sec. 17-6-60. - Post-approval procedure.

Within ~~sixty-ninety 9~~(60) days of approval of the condominium plat by the Director, unless stated otherwise in such approval, and prior to recordation of the condominium plat ~~in-with~~ the ~~office-of-the~~ County Clerk and Recorder, the following requirements shall be completed:

- ~~(1)(4)~~ The applicant shall amend the condominium plat document in accordance with the Community Development Director approval, as necessary, and submit to the Community Development Department two (2) check sets (24" x 36" paper copies of the approved condominium plat) for review by the Community Development and Public Works Departments prior to submission of the Mylar.
- ~~(2)~~ Within thirty (30) days of approval of the check sets by the Community Development and Public Works Departments, the applicant shall submit to the Community Development Department: ~~two~~ one (1) fixed-line photographic or computer-generated Mylar reproductions (emulsion up) of the approved condominium plat, prepared on a 24" x 36" flat, spliceless, tapeless and creaseless sheets of double matte Mylar film with a uniform thickness of not less than three-thousandths (0.003) of an inch, with notarized signatures by the owners ~~on both sets~~. A margin line shall be drawn completely around each-the sheet, leaving a margin of at least one (1) inch on all sides completely blank. No ballpoint, transfer type or sticky backs are permitted. The condominium plat shall include all executed required signatures (except for the signature of the Director and other City departments).
- (2) The applicant shall provide a digital copy of the condominium plat in AutoCAD format, or as otherwise specified by Public Works, for use in updating the City's GIS system, either on CD or by e-mail to the Public Works Department.
- (3) The submission of any additional required documentation and all recordation fees to the Community Development Department by the applicant.
- (4) The applicant shall provide a valid certificate of taxes paid from the Douglas County Treasurer's office for the area covered by the condominium plat that shows that there are no taxes in arrears.
- (5) Upon a determination that all above requirements are met, the City shall record the condominium plat ~~shall be recorded by the Public Works Department~~ with the County Clerk and Recorder's office. The applicant is responsible for payment of all recordation fees.

(Ord. 13-12 Art. 4)

Sec. 17-6-70. - Expiration of approval.

- (a) Failure by the applicant to submit all required documentation within ~~ninesixty (960)~~ days of Director approval shall render approval of the condominium plat null and void and result in the necessity of the resubmittal of a condominium plat, if the condominium plat has expired, along with all required fees and documentation.
- (b) The Director may grant extensions up to one (1) year upon a written request by the applicant or staff demonstrating good cause. Further extensions may be granted by the City Council at a public meeting, upon a written request by the applicant or staff.
- (c) An extension request shall include the applicable fee and a narrative stating the reasons for the applicant's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood; any changes in the Comprehensive Plan, any applicable sub-area plans, Chapters 15 or 16 of this Code, or this Chapter that have occurred since approval of the plat, as these changes affect the plat; and the anticipated time schedule for completing the platting process. A fee schedule

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

- (d) The denial of an extension by the Director may be appealed to the council in writing within ~~thirtyen~~ (~~430~~) days of the decision by the Director.

(Ord. 13-12 Art. 4)

ARTICLE VII - Plat Amendments and Vacations

Sec. 17-7-10. - Intent.

- (a) The purpose of these regulations is to provide a review process for the following:
- (1) A plat correction.
 - (2) A lot line and/or utility easement vacation.
 - (3) A lot line/building envelope adjustment.
 - (4) A replat of subdivision where additional lots are created.
 - (5) A plat vacation without platted dedication and/or constructed public infrastructure.
 - (6) A plat vacation without platted dedication and/or constructed public infrastructure.
 - (7) A vacation of public ways.
- (b) The submittal process may vary according to the nature of the proposed amendment, based on but not limited to the following: magnitude of change in design or size; impact to public facilities, services and roads and overall impacts. The Director may modify the application procedures herein upon the determination that adequate public notice and input on the replat/vacation application can be attained through the modified process and that the modified process will not substantially impair the intent and purpose of this Chapter.

(Ord. 13-12 Art. 4)

Sec. 17-7-20. - Approval standards.

A plat amendment may be approved upon the finding that:

- (1) The plat amendment is in accordance with the adopted standards and criteria and the original conditions of approval as applicable.
- (2) New nonconforming lots are not created and, in the case of existing nonconforming lots, the nonconformity is not increased.
- (3) The replat/vacation or correction is consistent with the purpose of this Chapter.

(Ord. 13-12 Art. 4)

Sec. 17-7-30. - Plat amendment and vacation process provisions.

(a) Prerequisite Presubmittal mMeeting. Prior to submittal of a plat amendment application, the applicant shall request a presubmittal meeting meet with the Community Development Department and Public Works Department to discuss the proposal, the procedures and submittal requirements and is encouraged is meet with other referral agencies and homeowners' associations to identify potential issues and ways to address these issues. - Each additional presubmittal meeting may incur a separate fee, as determined by the Director. The pre-submittal meeting may be waived by the Director.

(b) Summary of plat amendment and vacation process:

Type of Amendment	Section No.	Process	Referral	Required Document, including but not limited to:
Plat Correction	17-7-40	Director Approval	Abutting landowners for road name changes, otherwise as determined by the Community Development Department	- Plat Correction Certificate - Plat-Corrected <u>Plat Map</u> (if applicable)
Lot line vacation, e.g., replat 2+ lots into 1 lot and/or utility easement vacation	17-7-50	Director Approval	Applicant provides letters from affected entities or parties	- Vacation Map - Vacation Approval Certificate - Corrected deed with new legal description
Lot line or building envelope adjustment (reconfiguration of lots or building envelopes, where no new lots are created)	17-7-60	Director Approval	As determined by the Community Development Department	- Lot Line Adjustment Map - Lot Line Adjustment Certificate - Corrected deed with new legal description
Replat where additional	17-7-70	≤ 3 single-family detached lots created	As determined by the Community	- Final plat, plus any additional submittal

lots are created		- City Manager approval > 3 single-family detached lots created - City Council approval Any addl. lots created for single-family attached, multi-family or nonresidential development - City Council approval	Development Department	materials as required by the Director
Plat vacation (without platted dedication and/or constructed public infrastructure)	17-7-80	Director Approval	As determined by the Community Development Department	- Vacation Certificate - Vacation Map
Plat vacation (with platted dedication and/or constructed public infrastructure)	17-7-90	City Council	Includes written notice to abutting landowners	- Vacation Certificate - Vacation Map
Vacation of public ways	17-7-100	City Council	Posted notice and written notice to abutting landowners is required	- Vacation Ordinance/ Map or - Amended Plat

(Ord. 13-12 Art. 4)

Sec. 17-7-40. - Plat correction.

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

- (1) Submittal documents. The applicant shall submit:
 - a. A completed development application form (form available from the Community Development Department);
 - b. Application fee (fee schedule available from the Community Development Department);

- e. ~~Proof of ownership, which includes an updated or current title, insurance policy, title commitment or subdivision guarantee issued no more than thirty (30) days prior to the date of application;~~
- c. Proof of ownership in the form of an updated or current title, insurance policy, title report, or title commitment dated not more than thirty (30) days prior to the date of application. Depending on the scope of the development and/or title history, the Community Development Director may require a specific proof of ownership. Proof of ownership in the form of a Title Report dated not more than thirty (30) days prior to the date of the application. The Director may require a Title Commitment in lieu of a Title Report, depending on the scope of the development and/or title history.
- d. A notarized letter or authorization from the landowner identifying and permitting a representative, if applicable, to process the application (form available from the Community Development Department);
- e. A written request detailing the specific correction, the plat to be corrected and its reception number;
- f. A plat correction map, if required by the Community Development Department.
- g. A valid certificate of taxes paid for the land area subject to the plat correction that shows that there are no taxes in arrears.
- (2) A plat correction certificate shall be prepared by the Community Development Department that identifies the error or omission, the plat to be corrected, its reception number and the necessary corrective action. (Refer to Appendix 17-A.)
- (3) The plat correction certificate and/or map shall be signed by the Director if it is determined by the Director to meet the approval standards. The City shall record tThe approved certificate and/or map ~~shall be recorded in the~~with the County Clerk and ~~Recorder's Recorder. office by the Public Works Department.~~
- (4) When the request is for a road name change, the following shall apply:
 - a. When addresses have been assigned, the applicant shall notify all abutting landowners of the proposed change by certified mail, return receipt requested, at least ~~fourteen~~ (14) days prior to consideration by the Director. The return receipts shall be submitted to the Community Development Department prior to the Director's decision.
 - b. A road name shall not duplicate any existing road name in the City or County.
- (5) A denial may be appealed to the Council at a regular business meeting, when a written request is submitted to the Community Development Department within thirty (30) days of denial by the Director.

(Ord. 13-12 Art. 4)

Sec. 17-7-50. - Lot line and/or utility easement vacation.

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

- (1) Submittal documents. The applicant shall submit:
 - a. A completed development application (form available from the Community Development Department).
 - b. Application fee (fee schedule available from the Community Development Department).

- c. ~~Proof of ownership, which includes an updated or current title, insurance policy, title commitment or subdivision guarantee issued no more than thirty (30) days prior to the date of application. Proof of ownership in the form of an updated or current title, insurance policy, title report, or title commitment dated not more than thirty (30) days prior to the date of application. Depending on the scope of the development and/or title history, the Community Development Director may require a specific proof of ownership. Proof of ownership in the form of a Title Report dated not more than thirty (30) days prior to the date of the application. The Director may require a Title Commitment in lieu of a Title Report, depending on the scope of the development and/or title history.~~
- d. A notarized letter of authorization from the landowner identifying and permitting a representative, if applicable, to process the application (form available from the Community Development Department).
- e. Vacation map: a reproduction of the platted lots on an 8.5" x 11" sheet of paper, or another size approved by the Community Development Department, including the abutting streets. The map shall indicate the lot lines vacated and the new lot number. A vicinity map (a reduction of the filing showing the relationship of the lot to the filing) shall be included.
- f. Corrected deed with new legal description.
- g. A letter from each special district or entity that provides utility service to the lots, stating its recommendations regarding the vacation.
- h. When a utility easement is vacated, a letter from any known beneficiary stating the beneficiary's recommendation regarding the vacation and any existing facilities the beneficiary may have over or across the land.
- i. A valid certificate of taxes paid for the land area subject to the vacation that shows that there are no taxes in arrears.
- (2) Process.
- a. The applicant shall submit the required information to the Community Development Department, who shall review the information and prepare a vacation approval certificate for the Director's signature.
- b. The vacation certificate shall specify the plat affected, its reception number, the lot lines/easements vacated and reference to the vacation map and corrected deed, the recommendation of the special districts and easement holders, as applicable. (Refer to Appendix 17-B.)
- c. The Director shall either approve or deny the request based on the submittal documents and approval standards. Any decision of denial shall be in writing and, if the applicant is not present when such decision is rendered, the City shall provide notice of such decision to the applicant via first class mail or hand delivery within five (5) days of such decision.
- d. Within thirty (30) days of approval by the Director, the ~~Public Works Department~~City shall record the vacation approval certificate and vacation map ~~within~~ the County Clerk and Recorder's office and ~~mail-send~~ a copy of the recorded documents to the applicant. The applicant is responsible for payment of all recordation fees.
- e. A denial may be appealed to the Council at a regular City Council meeting, when a written request is submitted to the Community Development Department within thirty (30) days of denial by the Director.

(Ord. 13-12 Art. 4)

Sec. 17-7-60. - Lot line/building envelope adjustment.

The following administrative process is established for a realignment of a lot line or building envelope or tract, in which the original subdivision is not substantially modified and additional lots are not created.

(1) Submittal documents.

- a. A completed development application (form available from the Community Development Department).
- b. Application fee (fee schedule available from the Community Development Department).
- c. ~~Proof of ownership, which includes an updated or current title, insurance policy, title commitment or subdivision guarantee issued no more than thirty (30) days prior to the date of application.~~
Proof of ownership in the form of an updated or current title, insurance policy, title report, or title commitment dated not more than thirty (30) days prior to the date of application. Depending on the scope of the development and/or title history, the Community Development Director may require a specific proof of ownership. Proof of ownership in the form of a Title Report dated not more than thirty (30) days prior to the date of the application. The Director may require a Title Commitment in lieu of a Title Report, depending on the scope of the development and/or title history.
- d. A notarized letter of authorization from the landowner identifying and permitting a representative, if applicable, to process the application (form available from the Community Development Department).
- e. Lot line/building envelope adjustment map: a certified boundary survey of the lots prepared by a professional land surveyor on an 8.5" x 11" sheet of paper, or another size approved by the Community Development Department, that shows the existing and proposed lot/easement or building envelope configuration with distances and bearings. A vicinity map (a reduction of the filing showing the relationship of the lots to the filing) shall be included.
- f. When a tract is reconfigured or an easement is realigned or vacated, a letter from any known beneficiary stating the beneficiary's recommendation regarding the request and any existing facilities the beneficiary may have over or across the land.
- g. When reconfiguring a building envelope that decreases the setback from a lot line, the applicant shall notify abutting landowners affected by the request. Such notification shall be either an explanation of the request sent by certified mail, return receipt requested, at least ~~ten-fourteen~~ (140) days prior to the Director's consideration of such request or a signed, notarized statement from the abutting landowners, stating that they were notified of the request to relocate the building envelope. Return receipts and/or notarized landowner statements shall be submitted to the Community Development Department prior to the Director's decision.
- h. A valid certificate of taxes paid for the land area of the final plat that shows that there are no taxes in arrears.

(2) Process.

- a. The applicant shall submit the required information to the Community Development Department. Staff shall refer a copy of the submittal to the appropriate agencies or parties.
- b. The Community Development Department shall review the information and prepare a lot line or building envelope adjustment certificate for the Director's signature.
- c. The lot line or building envelope adjustment certificate shall specify the affected plat, its reception number, the specific lots, easements or building envelope affected and reference the lot line/building envelope adjustment map and the recommendations of the special districts/easement holders, as applicable. (Refer to Appendix 17-C.)

- d. The Director shall approve or deny the request based on the submittal documents, referral responses and approval standards. Any decision of denial shall be in writing and, if the applicant is not present when such decision is rendered, the City shall provide notice of such decision to the applicant via first class mail or hand delivery within five (5) days of such decision.
- e. When multiple owners are involved, the applicant shall provide deeds for the newly configured lots and the recordation fee to the Community Development Department within thirty (30) days of approval by the Director. The Director may grant an extension of time upon a written request from the applicant for good cause shown. Depending on the complexity/number of the deeds required, additional legal review fees may be applied.
- f. Within thirty (30) days of receipt of the deeds, the ~~Public Works Department~~City shall record the lot line adjustment certificate, lot line adjustment map and deeds ~~in the~~with the County Clerk and Recorder, ~~'s office and provide a recorded copy to the applicant.~~
- g. A denial may be appealed to the Council at a regular City Council meeting when a written request is submitted to the Community Development Department within thirty (30) days of denial by the Director.

(Ord. 13-12 Art. 4)

Sec. 17-7-70. - Replat of subdivision where additional lots are created.

Replats of subdivided land, where additional lots are created requires the following review process:

- (1) When three (3) or fewer lots are created for single-family detached land use, the replat may be acted on by the City Manager, according to the submittal and review requirements of Article IV of this Chapter.
- (2) When more than three (3) lots are created for single-family detached land use, the replat shall be processed in accordance with the submittal and review requirements of Article IV of this Chapter, except that it shall be acted on only by the City Council.
- (3) When any lots are created for single-family attached, multi-family or nonresidential land use, the replat shall be acted on only by the City Council. The referral period shall be no less than twenty-one (21) and no more than thirty-five (35) days, as determined by the Community Development Department. ~~The following a 21-day referral period, according to the submittal requirements shall be in accordance with~~ Article V of this Chapter. The post-approval procedure and expiration of approval requirements of Article V shall also apply.

(Ord. 13-12 Art. 4; [Ord. 17-04](#) Art. 4, G.)

Sec. 17-7-80. - Vacation of plat without platted dedication and/or constructed public infrastructure.

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

- (1) Submittal documents. The applicant shall submit:
 - a. Completed development application (form available from Community Development).
 - b. Application fee (fee schedule available from Community Development).
 - e. ~~Proof of ownership, which includes an updated or current title, insurance policy, title commitment or subdivision guarantee issued no more than thirty (30) days prior to the date of application.~~

c. Proof of ownership in the form of an updated or current title, insurance policy, title report, or title commitment dated not more than thirty (30) days prior to the date of application. Depending on the scope of the development and/or title history, the Community Development Director may require a specific proof of ownership. ~~Proof of ownership in the form of a Title Report dated not more than thirty (30) days prior to the date of the application. The Director may require a Title Commitment in lieu of a Title Report, depending on the scope of the development and/or title history.~~

- d. A notarized letter of authorization from the landowner identifying and permitting a representative, if applicable, to process the application (form available from the Community Development Department).
- e. Vacation map: a reproduction of the subdivision on an 8.5" x 11" sheet of paper, or another size approved by the Community Development Department, including the abutting streets. Indicate the lots/streets/easements vacated. A vicinity map shall be included that depicts the area surrounding the subdivision within a one-mile radius superimposed on a current street map.
- f. When an easement is vacated, a letter from any known beneficiary stating the beneficiary's recommendation regarding the vacation and any existing facilities the beneficiary may have over or across the land.
- g. A valid certificate of taxes paid for the land area of the final plat to be vacated that shows that there are no taxes in arrears.

(2) Process.

- a. The applicant shall submit the required information to the Community Development Department. Staff shall refer a copy of the submittal to the appropriate entities.
- b. The Community Development Department shall review the application and referral comments and prepare a vacation approval certificate for the Director's signature. (See Appendix 17-B). The vacation approval certificate shall specify the plat to be vacated, its reception number, the lot lines vacated and reference to the vacation map and the recommendations of the special districts and easement holders, as applicable.
- c. The Director shall either approve or deny the request based on the submittal documents, referral comments and approval standards. Any decision of denial shall be in writing and, if the applicant is not present when such decision is rendered, the City shall provide notice of such decision to the applicant via first class mail or hand delivery within five (5) days of such decision.
- d. Within thirty (30) days of approval by the Director, the ~~Public Works Department~~City shall record the vacation approval certificate and vacation map ~~within~~ the County Clerk and Recorder's office. The applicant is responsible for payment of all recordation fees.
- e. A denial may be appealed to the Council at a regular City Council meeting, when a written request is submitted to the Community Development Department within thirty (30) days of denial by the Director.

(Ord. 13-12 Art. 4)

Sec. 17-7-90. - Vacation of plat with platted dedication and/or constructed public infrastructure.

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

- (1) Submittal documents.

- a. A completed development application (form available from the Community Development Department).
 - b. Application fee (fee schedule available from the Community Development Department).
 - ~~c. Proof of ownership, which includes an updated or current title, insurance policy, title commitment or subdivision guarantee issued no more than thirty (30) days prior to the date of application.~~
 - c. Proof of ownership in the form of an updated or current title, insurance policy, title report, or title commitment dated not more than thirty (30) days prior to the date of application. Depending on the scope of the development and/or title history, the Community Development Director may require a specific proof of ownership. Proof of ownership in the form of a Title Report dated not more than thirty (30) days prior to the date of the application. The Director may require a Title Commitment in lieu of a Title Report, depending on the scope of the development and/or title history.
 - d. A notarized letter of authorization from the landowner identifying and permitting a representative, if applicable, to process the application (form available from the Community Development Department).
 - e. A valid certificate of taxes paid for the land area of the final plat to be vacated that shows that there are no taxes in arrears.
 - f. Vacation map: a reproduction of the subdivision on an 8.5" x 11" sheet of paper, or another size approved by the Community Development Department, including the abutting streets. Indicate the lots/streets/~~tracts~~/easements to be vacated. A vicinity map shall be included that depicts the area surrounding the subdivision within a one-mile radius superimposed on a current street map.
 - g. Letters from the following stating their recommendation regarding the vacation and any existing facilities they have over or across the land:
 - 1. The Public Works Department and/or all special districts and Homeowners Associations providing maintenance of infrastructure within the right-of-way or tracts;
 - 2. All landowners abutting or using an access proposed for vacation; and
 - 3. All known easement beneficiaries.
 - h. Stamped envelopes addressed to the abutting landowners for notification of the vacation application. A map identifying the platted area to be vacated and its relationship to the abutting landowners shall be included.
- (2) Process.
- a. The applicant shall submit the required information to the Community Development Department. Once the submittal is determined complete, the Community Development Department will mail referral packets to the appropriate agencies and letters to the abutting landowners.
 - ~~b. The referral period shall be twenty-one (21) day. The referral period shall be no less than twenty-one (21) and no more than thirty-five (35) days, as determined by the Community Development Department. The referral period shall be twenty-one (21) to thirty-five (35) days, as determined by the Community Development Departments.~~ The Community Development Department shall review the referral comments and submittal information, prepare a staff report for the Council and notify the applicant of the hearing date and time.
 - c. The Community Development Department shall mail a notice by first-class mail to the last known address of each abutting landowner in the stamped envelopes provided by the

applicant, at least ~~twelve~~^{fourteen} (14) days prior to the Council hearing. The notice shall indicate the time and place of the Council hearing and that a resolution to vacate the plat will be presented at the hearing.

- d. The Council shall evaluate the vacation request, referral agency comments, staff report and public testimony and shall approve, conditionally approve, table for further study or deny the vacation request. The Council's action shall be based on the evidence presented and a finding of compliance with the plat amendment approval standards. Any decision of denial shall be in writing and, if the applicant is not present when such decision is rendered, the City shall provide notice of such decision to the applicant via first class mail or hand delivery within five (5) days of such decision.
- e. The Community Development Department shall prepare a vacation resolution that specifies the plat vacated, its reception number, the lot lines vacated, reference to the vacation map and the recommendations of the special districts and easement holders, as applicable.
- f. Within thirty (30) days of approval by the City Council, the ~~Public Works Department~~City shall record the vacation resolution and vacation map ~~within~~ the County Clerk and Recorder's office. The applicant is responsible for payment of all recordation fees.
- g. A denial may be appealed to the Council at a regular City Council meeting, when a written request is submitted to the Community Development Department within thirty (30) days of denial by the Director.

(Ord. 13-12 Art. 4)

Sec. 17-7-100. - Vacation of public ways.

- (a) The City Council has authority to vacate public ways, including any right-of-way, public street, alley, lane, parkway, avenue, road, trail or other public way designated or dedicated on a plat, conveyed by deed or recorded access easement (whether or not it has ever been used as such) or acquired by prescriptive use.
- (b) The following procedure is established for the vacation of public ways:
 - (1) Approval standards.
 - a. A platted or deeded roadway, or portion thereof, or unplatted or undefined roadways that have arisen by public usage, shall not be vacated so as to leave any land adjoining said roadway without an established public road or private access easement connecting said land with another established public road. (Section 43-2-303(2)(a), C.R.S.)
 - b. A vacation of a state highway must be approved by the Colorado Department of Transportation.
 - (2) Vesting of title. Vesting of title upon vacation shall be in accordance with Section 43-2-302, C.R.S.
 - (3) Submittal documents.
 - a. A completed development application (form available from the Community Development Department);
 - b. Application fee (fee schedule available from the Community Development Department);
 - c. Exhibit one (1) of the following:
 - 1. Vacation map for unplatted roads or easements (whose vacation does not affect platted lands or create a separate parcel) - a reproduction of the road or access easement on an 8.5" x 11" sheet of paper, or another size approved by the Community Development Department. Include a written legal description and a vicinity map, a reduction of the subdivision showing the location of the street in relation to the

lots, or the area surrounding the street within a one-mile radius, superimposed on a current street map.

2. A plat amendment on a 24" x 36" sheet for the vacation of platted rights-of-way, access easements or when a separate parcel is created. Include a written legal description and a vicinity map, a reduction of the subdivision showing the location of the street in relation to the lots, or the area surrounding the street within a one-mile radius, superimposed on a current street map.
 - d. Letters from the following, stating their recommendation regarding the vacation and any existing facility they have over or across the land:
 1. All special districts providing maintenance of infrastructure within the right-of-way; and
 2. All known easement beneficiaries and utilities in the right-of-way.
 - e. Stamped (unsealed) envelopes addressed to abutting landowners and other landowners using the public way proposed for vacation, as specified by the Community Development Department, for notification of the vacation application. The notice shall indicate the time and place of the Council hearing and shall indicate that an ordinance or plat amendment to vacate the road will be presented at the Council hearing. A map shall be included identifying the area to be vacated and relationship to the abutting landowners.
- (4) Process.
- a. The applicant shall submit the required information to the Community Development Department. Once the submittal is determined complete, the Community Development Department will mail referral packets to the appropriate agencies and letters to the abutting landowners.
 - b. ~~The referral period shall be twenty one (21) days. The referral period shall be no less than twenty-one (21) and no more than thirty-five (35) days, as determined by the Community Development Department. The referral period shall be twenty one (21) to thirty five (35) days, as determined by the Community Development Department.~~ The Community Development Department shall review the information and prepare a staff report for City Council and notify the applicant of the hearing date and time.
 - c. The applicant shall be responsible for public notice, prior to the Council hearing, in compliance with the public notice requirements in Section 17-7-110 below.
 - d. The Council shall evaluate the vacation request, referral agency comments, staff report and public testimony and shall approve, conditionally approve, table for further study or deny the vacation request. The Council's action shall be based on the evidence presented and a finding of compliance with applicable standards, regulations, policies and guidelines. Any decision of denial shall be in writing and, if the applicant is not present when such decision is rendered, the City shall provide notice of such decision to the applicant via first class mail or hand delivery within five (5) days of such decision.
 - e. In the case of unplatted road, access easement or public way acquired by prescriptive use, the Community Development Department shall prepare a vacation ordinance that specifies the legal description of the roadway or access easement to be vacated and that makes reference to the recommendation of the special districts and easement holders, as applicable.
 - f. Upon approval by the Council, the Community Development Department shall, in consultation with the City Attorney, prepare, where applicable, any deeds required by the vacation.
 - g. The ~~Public Works Department~~City shall submit the vacation ordinance, vacation map and deeds or the plat amendment for recordation ~~within~~ the County Clerk and Recorder's office. The applicant is responsible for payment of all recordation fees and legal fees associated

with deed preparation. A fee schedule is available from the Community Development Department.

(Ord. 13-12 Art. 4).

Sec. 17-7-110. - Public notice.

(a) Posted notice.

- (1) At least ~~twelve~~ fourteen (14) days prior to the Council hearing, the applicant shall post a notice on the property under consideration.
- (2) The notice shall consist of at least one (1) sign at each end of the roadway to be vacated, visible to the public, placed on posts at least four (4) feet above ground level. Additional signs may be required by the Community Development Department. Each sign shall measure not less than three (3) feet by four (4) feet. Letter size shall be a minimum of three (3) inches high. Said notice shall read:

NOTICE OF PUBLIC HEARING BEFORE THE CITY COUNCIL

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

File name and number: _____

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

(attach photo here)

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

(signature)

(printed name of applicant/representative)

File name and number: _____

Signed and sworn before me this date: _____

NOTARIZED BY: _____

- b. The sign shall be removed by the applicant within two (2) weeks following the final decision by the Council.
- (b) When calculating the required time period for posting a public hearing, the day of posting shall be counted in the total number of days required. The day of the hearing shall not be counted toward the total number of days required for the notification period.

(Ord. 13-12 Art. 4)

Sec. 17-7-120. - Application resubmittal.

An application submitted pursuant to this Article shall not be resubmitted within one (1) year of the date of denial. However, if the Director determines that the resubmitted application has been modified to correct the stated objections, then, at the Director's discretion, the resubmittal may be considered before one (1) year from the denial.

(Ord. 13-12 Art. 4)

Sec. 17-7-130. - Lot numbering.

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

- (1) When vacating a common lot line between two (2) lots, the original lot number followed by the letter "A" shall be used. For example, if vacating the common lot line between Lots 1 and 2, the newly created lot shall be renumbered Lot 1A.
- (2) When replatting three (3) lots into two (2) lots, the original lot numbers followed by the letter "A" shall be used. For example, if replatting Lots 3, 4 and 5 into two (2) lots, the new lots shall be numbered Lot 3A and Lot 4A.
- (3) When adjusting the common lot line between two (2) lots, the original lot numbers followed by the letter "A" shall be used. For example, if realigning the common lot line between Lots 7 and 8, the new lots shall be numbered Lot 7A and Lot 8A.
- (4) When replatting an entire subdivision filing, the lots shall be numbered consecutively starting with the number 1. Tracts shall be lettered alphabetically in consecutive order. The acreage within each lot and tract shall be specified.

(Ord. 13-12 Art. 4)

ARTICLE VIII - Certifications

Sec. 17-8-10. - Intent.

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

(Ord. 13-12 Art. 4)

Sec. 17-8-20. - Signatures.

All signatures must be signed in indelible black ink only as approved by the County Clerk and Recorder. No red ink and no ballpoints are permitted.

(Ord. 13-12 Art. 4)

Sec. 17-8-30. - Title verification.

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

By: _____ printed name _____

Title: _____

Attest:

Secretary

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

WITNESS my hand and official seal.

Notary Public

My Commission expires:_____

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

(Ord. 13-12 Art. 4)

Sec. 17-8-45. - Storm drainage facilities statement.

The storm drainage facilities statement shall be as follows:

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

(Ord. 13-12 Art. 4)

Sec. 17-8-47. - General overlot drainage note.

The general overlot drainage note shall be as follows:

Lots and tracts as platted herein may be required to convey surface drainage from other lots and tracts in this filing, in accordance with City of Lone Tree requirements and the approved drainage plan for this filing. No alterations to the grading of the lots and tracts may be made that would disrupt the approved drainage plan, without prior approval from the City of Lone Tree. All natural and improved drainage ways or drainage systems in said lots and tracts shall be maintained by the lot or tract owner in accordance with City of Lone Tree criteria. Should the owner fail to adequately maintain said facilities, the City of Lone Tree shall have the right to enter said land for the purposes of operations and maintenance of the drainage ways or drainage systems. All such maintenance costs will be assessed to the property owner.

(Ord. 13-12 Art. 4)

Sec. 17-8-50. - Surveyor certificate.

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

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

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

____(signature)

(Surveyor's name printed)

Colorado Registered Professional Land Surveyor #____

(b) The surveyor's seal shall appear with this certificate.

(Ord. 13-12 Art. 4)

~~Sec. 17-8-60. — Planning Commission signature as applicable for final plats.~~

~~The Planning Commission certification for final plats that have been through the preliminary or final plat process, as applicable, shall be as follows:~~

~~The Preliminary Plan (file number) for this Final Plat was reviewed by the Planning Commission.~~

~~By: _____(signature)~~

~~(Printed name), Community Development Director,
on behalf of the Planning Commission~~

(Ord. 13-12 Art. 4)

Sec. 17-8-65. - Community Development Director or City Manager signatures.

Where the Community Development Director or City Manager are authorized to approve an application as provided in this Chapter, use the applicable Council signature block statement from Section 17-8-70 and substitute with their title and name.

(Ord. 13-12 Art. 4)

Sec. 17-8-70. - Council approval.

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

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

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

All expenses incurred with respect to improvements for all utility services, paving, grading, landscaping, curbs, gutters, sidewalks, road lighting, road signs, flood protection devices,

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

_____(signature)

Clerk and Recorder

(Ord. 13-12 Art. 4)

ARTICLE IX - Exemptions

Sec. 17-9-10. - Intent.

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

(Ord. 13-12 Art. 4)

Sec. 17-9-20. ~~Prerequisite~~ Presubmittal mMeeting.

Prior to submittal of ~~an~~the exemption request, the applicant shall request a presubmittal meeting~~meet~~ with the Community Development Department and the Public Works Department to determine whether the exemption request meets the exemption criteria and to discuss the procedure and submittal requirements. Depending on the scope of development, additional presubmittal meetings may be required; each additional presubmittal meeting may incur a separate fee, as determined by the Director. The pre-submittal meeting may be waived by the Director. If the subject parcel is within a recorded subdivision, the plat shall be amended in accordance with Article VII of this Chapter. If it is determined that the applicant is using the exemption process to circumvent the subdivision process, the applicant shall be required to comply with the preliminary plan and final plat process of this Chapter, as applicable.

(Ord. 13-12 Art. 4)

Sec. 17-9-30. - Criteria.

An exemption proposal shall be consistent with the following criteria, as applicable, in order to receive an exemption from the definition of the term *subdivision*:-

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

Note: The following shall not be considered to be a principal residence: structures previously considered uninhabitable or accessory to a principal residence.

- (3) Exemptions shall be considered for divisions of land that create parcels for public or quasi-public use, such as community facilities where no dwelling units are allowed, including but not limited to a utility facility, park, open space, fire station, sheriff substation, library, metro district office and water/sewage facility.
- (4) Other divisions of land accomplished by deed recorded ~~within~~ the County Clerk and Recorder's office that the Council determines are not within the provisions of this Chapter. If it is determined that the applicant is using the exemption process to circumvent the provisions of this Chapter, the applicant shall be required to comply with the applicable sections of this Chapter.

(Ord. 13-12 Art. 4)

Sec. 17-9-40. - Submittal process.

- (a) The applicant shall submit one (1) copy of the complete exemption request to the Community Development Department.
- (b) The Community Development Department shall review the submittal for completeness and notify the applicant of any deficiencies. An incomplete submittal will not be processed.
- (c) Once the submittal is determined complete, the Community Development Department shall review the exemption request, review all documentation submitted and prepare a staff report for the Council. When all outstanding issues have been satisfactorily addressed, the Community Development Department will notify the applicant of the public meeting with the Council.
- (d) At a public meeting, the Council shall evaluate the exemption request, staff comments and public testimony and shall either approve, approve with conditions, table for further study or deny the request. The Council's action shall be based on the evidence presented and a finding of compliance with applicable standards, regulations, policies and guidelines. Any decision of denial shall be in writing and, if the applicant is not present when such decision is rendered, the City shall provide notice of such decision to the applicant via first class mail or hand delivery within five (5) days of such decision.
- (e) If denied by the Council, the applicant may pursue subdivision in accordance with the appropriate process contained in this Chapter.

(Ord. 13-12 Art. 4)

Sec. 17-9-50. - General submittal requirements.

General submittal requirements are as follows:

- (1) A completed development application (form available from the Community Development Department).
- (2) Application fee (fee schedule available from the Community Development Department).
- ~~(3) Proof of ownership, which includes an updated or current title, insurance policy or title commitment no more than thirty (30) days old.~~
- (3) Proof of ownership in the form of an updated or current title, insurance policy, title report, or title commitment dated not more than thirty (30) days prior to the date of application. Depending on the scope of the development and/or title history, the Community Development Director may require a specific proof of ownership. Proof of ownership in the form of a Title Report dated not more than thirty (30) days prior to the date of the application. The Director may require a Title

~~Commitment in lieu of a Title Report, depending on the scope of the development and/or title history.~~

- (4) A copy of the original deed that created the parcel.
- (5) A notarized letter of authorization from the landowner identifying and permitting a representative, if applicable, to process the application (form available from the Community Development Department).
- (6) Evidence that legal and physical access, acceptable to the City Engineer in compliance with the Roadway Design and Construction Standards, as amended, shall be provided for all parcels by public right-of-way or recorded easement.
- (7) A valid certificate of taxes paid for the land area of the exemption that shows that there are no taxes in arrears.
- (8) Any other data essential to the evaluation as reasonably may be required by the Community Development Department or Public Works Department to enable an adequate review of the exemption.

(Ord. 13-12 Art. 4)

Sec. 17-9-60. - Platn exhibit.

The applicant shall submit a graphic representation on a 24" x 36" sheet, drawn at a scale of 1" = 50' or 1" = 100', or another scale approved by the Director, with a one-inch margin on all sides, which best conveys the conceptual aspects of the plan and shall include the following information:

- (1) A written legal description showing all boundary lines and dimensions of the land to be exempted.
- (2) The title, placed at the top of the sheet along the long dimension of each sheet and including the name of the proposal; project file number; a general legal description stating the aliquot portion of the section, section, township, range, 6th P.M., "City of Lone Tree," total acreage and total number of lots.

Example:

WILSON'S EXEMPTION

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

- (3) A north arrow designated as true north; a written and graphic scale; the names and addresses of the owners; and date of preparation.
- (4) A vicinity map that depicts the area surrounding the proposed exemption within a one-mile radius on a current street map.
- (5) Topography of the site at two-foot intervals, unless otherwise approved by the Community Development Department.
- (6) Ownership, zoning and use of all adjacent subdivided, unsubdivided and public lands.

- (7) Significant features, including but not limited to existing structures, utility lines, Special Flood Hazard Areas (SFHA), natural and artificial drainageways, ditches, lakes, vegetative groundcover, rock outcroppings, geologic features and hazards, dams, reservoirs, excavations, mines, fence lines, driveways, easements, well sites and water lines and waste lines.
- (8) Any other data reasonably essential to the exemption request may be requested by the Community Development Department ~~for Public Works Department~~ to enable an adequate evaluation of the proposed exemption.

(Ord. 13-12 Art. 4)

Sec. 17-9-70. - Post-approval actions.

- (a) After the Council has approved the exemption, the applicant shall prepare deeds that accurately describe the land approved by the exemption and all the necessary easements. The deeds shall also include the following:
 - (1) A statement on the deed, immediately following the legal description, that states: "This deed is given to implement the approval of File # _____ on (date) by the City Council."
 - (2) ~~Two~~ One (1) fix-line photographic or computer-generated Mylar reproductions (emulsion up) of the approved exemption, prepared on a 24" x 36" flat, spliceless, tapeless and creaseless sheets of double matte Mylar film with a uniform thickness of not less than three thousandths (.003) of an inch.
- (b) Maintenance agreements as may be deemed necessary by the Council for the proposed use of common facilities and continued maintenance of roads, driveways, water sources, waste disposal facilities and their associated easements shall be recorded with the deed referencing the project number and the date of approval.
- (c) Within sixty (60) days of approval of an exemption, unless stated otherwise in such approval, the applicant shall submit, ready for recordation, the deeds, ~~plat~~ exhibit, required easements or maintenance agreements and a copy of the Council resolution to the Community Development Department.
- (d) Within thirty (30) days after submittal of the required documentation, the ~~Public Works Department~~ City shall record such documents in the County Clerk and Recorder's office. The applicant is responsible for payment of all recordation fees.
- (e) The Director may grant extensions of time up to one (1) year upon a written request by the applicant. A denial by the Director may be appealed, in writing, to the Council within ten (10) days from the date of the denial by the Director.
- (f) If the exemption request is denied by the Council, the applicant may proceed with the subdivision request in compliance with this Chapter. An exemption request for the same or substantially the same request, as determined by the Director, shall not be accepted within one (1) year of such denial.

(Ord. 13-12 Art. 4)

ARTICLE X - Dedication Standards

Division 1 - General Provisions

Sec. 17-10-10. - Intent.

- (a) The purpose of these regulations is to provide adequate sites to be dedicated for the public facilities generated by new residential development. The intent is to require appropriate mitigation in

reasonable proportion to the impacts being created by the new development. Such sites may be dedicated to the City, applicable special district or homeowners' association for eventual construction and maintenance, as approved by the City.

- (b) Although encouraged, nonresidential development is not subject to public dedication requirements, unless otherwise provided for in planned development or annexation agreement obligations.
- (c) For a planned development (PD), this Article shall apply only when the required land dedication has not been satisfied. (Ord. 13-12 Art. 4)

Sec. 17-10-20. - General requirements.

- (a) The developer shall provide ~~for the construction~~, at no cost to the City, applicable special district or public, for the construction of all roads adjacent to publicly dedicated sites, traffic signalization to serve the site, extension of all utilities to the site and other public infrastructure, as required by the Council. A cashier's check, letter of credit or other security to guarantee construction of the improvements shall be provided by the developer at such time stated by the Council. (Ord. 13-12 Art. 4)
- (b) Open space. Land within the proposed development may be required for open space purposes in addition to park land dedication requirements as determined by the City in consideration of factors, including but not limited to:
 - (1) Identification or separation of communities or subdivisions, or provision of expansive visual relief from development.
 - (2) Provision of a buffer or transition between different land uses.
 - (3) Preservation or protection of:
 - a. Scenic areas, including vistas along highway corridors;
 - b. Fish and wildlife habitats;
 - c. Prominent land-forms and landmarks;
 - d. Outdoor recreation areas;
 - e. Cultural, historic and archaeological areas;
 - f. Unique vegetative areas;
 - g. Critical ecosystems;
 - h. ~~Floodplains~~ Special Flood Hazard Areas (SFHA), wetlands and riparian areas;
 - i. Surface water; or
 - j. Watershed areas.
 - (4) Provision of City-wide or regional trails and linkages, public access to lakes, streams and other public lands, passive recreation opportunities or outdoor and nature study areas.
- (c) Property may not be considered for open space dedication acceptance if it is an exclusive utility or other easement, or a public street, right-of-way or pedestrian walkway required under other regulations.

(Ord. 13-12 Art. 4)

Division 2 - Parks

Sec. 17-10-110. - General requirements.

- (a) Whenever land is proposed for residential use, the developer of the land shall provide land or cash-in-lieu of land for park demand generated by the proposed use. Such dedication is intended to generally offset the anticipated demands generated by residential development for such amenities. In general, these lands shall be suitable for the development of active play areas, passive recreation areas, trails or, in some instances, to preserve unique land-forms or natural areas. Where no suitable land is available in a residential or nonresidential development, cash-in-lieu of land or of equivalent value in the donation of recreational facilities may be substituted at the City's discretion. Additional dedication for open space may be required by the Council if deemed necessary to preserve or conserve natural areas of special significance. (See Subsection 17-10-20 (b) of this Article).
- (b) Amount of park land dedication.
- (1) The following formula shall be used to calculate the minimum amount of land dedication required of residential developments by the City which is deemed necessary to provide adequate land for parks. This formula is based on 15 acres/1,000 population (based on an occupancy factor of 3.0 people per household). For example, where three hundred (300) dwelling units are proposed ($3 \times 300 = 900$ population), the following calculation is made:
 $(15 \text{ acre}/1,000 \text{ population}) = .015$
 $.015 \times 900 \text{ population} = 13.5 \text{ acres}$
 - (2) For the purposes of calculating the required dedication, existing dwelling units within a subdivision shall be excluded from the calculation of the park requirement if they have previously been included in the calculation of City park dedication or cash-in-lieu thereof through the subdivision process. If the existing dwelling units have not previously been included in the calculation for park land dedication or cash-in-lieu of land, they will be included in the calculation.
 - (3) Land proposed for park dedication shall be clearly identified on any submitted plat or site plan, including the number of acres for each site and the total acreage proposed for City park dedication within the project.
 - (4) Land proposed for park dedication shall be located within the proposed new development or, if not feasible, may be located off site within a service area not more than two (2) miles from the site, as agreed to by the applicant and the City.

(Ord. 13-12 Art. 4)

Sec. 17-10-120. - Conveyance of land.

The conveyance of dedicated park land to the City shall be by warranty deed, and the title shall be free and clear of all liens and encumbrances, including real property taxes prorated to the time of conveyance. The subdivider shall provide the City with a title, insurance policy, insuring title in an amount equal to the market value of the property and in the City's name, and a certified survey at the time of conveyance. Dedicated park land shall include the necessary water service to provide for irrigation and drinking water. Parks and all dedicated open space shall be conveyed to the City prior to recordation of the first final plat for the subdivision, or as otherwise agreed upon or stipulated by zoning or annexation commitment and/or development agreement.

(Ord. 13-12 Art. 4)

Sec. 17-10-130. - Cash-in-lieu of land dedication.

Cash-in-lieu of land dedication shall be permitted in cases in which the cash value of park land dedication is deemed, by the Council, to be more appropriate in satisfying the needs of the proposed development than land within or in the vicinity of the proposed development. Such cases include, but are

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

- (1) The Community Development Department shall review all cash-in-lieu requests and make a recommendation to the Council.
- (2) The Council shall make a final determination of the method in which the dedication requirements shall be satisfied.
- (3) When cash-in-lieu of land dedication is required by the City Council, the following formula shall be used:

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

Where:

(A) = Total acreage for dedication

(B) = Total \$ value/acre as determined by market value or mitigation value as established by the Council based on the full market value of the acreage required for park land dedication, or as may otherwise be agreed to between the applicant and the City Council. Value shall be based on anticipated market value after completion of platting and construction of public improvements as provided in Subsection 17-10-20(a) of this Article.

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

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

Where:

(A) = Total park dedication in acres required

(B) = Land acreage accepted by the City

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

And:

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

Where:

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

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

- (5) The cash-in-lieu fee shall be equivalent to the full market value of the acreage required for park land dedication, or as may otherwise be agreed to between the applicant and the City Council. Value shall be based on anticipated market value after completion of platting and construction of public improvements as provided in Subsection 17-10-20(a) of this Article. The applicant shall submit a proposal for the cash-in-lieu fee and supply the information necessary for the Council

to evaluate the adequacy of the proposal. This information shall be based upon a value established by or acceptable to the Council and may include consideration of at least one (1) appraisal of the property by a qualified appraiser.

- (6) The cash-in-lieu fee will be prorated on a per-unit basis at the time of final platting.
- (7) The cash-in-lieu fee shall, where feasible, be used to benefit the residents within a reasonable service area of the type of park for which the fees were collected. If possible, the service area shall be within one (1) mile of the project site and shall be not more than two (2) miles from the project site unless otherwise agreed to by the City.

(Ord. 13-12 Art. 4)

Sec. 17-10-140. - Disposition at public meeting.

Disposition of park lands obtained through the City dedication requirements shall be determined by the Council at a public meeting. The sale of any such park property for private uses shall be in accordance with any applicable state or Charter requirements.

(Ord. 13-12 Art. 4)

Sec. 17-10-150. - Development and maintenance of parks, trails and open space.

The City may assume or negotiate the responsibility of development and maintenance of all parks, trails and open space. Title to land dedicated for parks may be held by the City, with long-term lease arrangements negotiated with a local government/public/quasi-public entity, special district, or homeowners' association. The costs associated with development and maintenance of parks, trails and open space shall be the responsibility of the developer, a local government/public/quasi-public entity, special district or a homeowners' association, except as provided in Subsection 17-10-20(a) of this Article.

(Ord. 13-12 Art. 4)

Sec. 17-10-160. - Cash-in-lieu of land held by City.

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

(Ord. 13-12 Art. 4)

Sec. 17-10-170. - Credit toward dedication requirements.

The applicant may receive credit toward park land dedication requirements by performing one (1) or more of the following:

- (1) Providing swimming pools, noncommercial indoor recreation centers and other specialized recreational facilities, provided that:
 - a. Such facilities will meet a demonstrated public need;
 - b. Such facilities replace or supplement facilities that would generally be provided by the City or other public entity; and
 - c. A cashier's check, letter of credit or other security, as requested by the Council, is provided to ensure completion of such facilities.

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

(Ord. 13-12 Art. 4)

Sec. 17-10-180. - Selection criteria.

(a) Selection criteria for public parks:

- (1) The City may consider acceptance of property to meet park land dedication requirements, provided that:
 - a. Property to be dedicated is accessible to residents living within a reasonable service area of the development (i.e., preferably within a one-~~half~~-mile radius and no more than a two-mile radius from the project site);
 - b. Land to be dedicated contains sufficient flat surfaces to provide for development of active recreation areas as deemed necessary to meet the needs of the applicable service area;
 - c. The property to be dedicated is not an exclusive utility or other easement, a public street, right-of-way or pedestrian walkway required under other regulations, and/or does not contain topographical, hazardous or material obstructions that would preclude development as a local park;
 - d. The property to be dedicated may be co-located with an elementary or middle school site or other public recreation facility in order to benefit from shared facilities, such as parking lots, access roads, play fields, etc., thereby reducing the overall acreage requirement by a factor equal to those shared facilities; and
 - e. The property to be dedicated can support both active and/or passive recreational activities for City residents.
- (2) Trails. No credit shall be given for trails toward the park land dedication requirements. Provision of trails is considered a normal element of an appropriately planned development.

(Ord. 13-12 Art. 4)

Division 3 - Schools

Sec. 17-10-210. - General requirements.

Property dedicated to the City must be suitable for development and the intended use to meet the need generated by the proposed development. All of the dedicated school property must be suitable for construction of school facilities. Dedicated sites shall be a single parcel and shall meet minimum size requirements sufficiently square or round to be usable for the intended use. The dedicated school

property shall be centrally located and within the service radius with public access to adjacent street frontage and free from hazards that would threaten the safety of those using the property.

- (1) The following formula shall be used to calculate the minimum amount of required school property dedication to meet the needs of the proposed subdivision:

Facility		Acres Per Student
Elementary School (K-6)	=	0.018 acre/student generated
Middle School (7-8)	=	0.030 acre/student generated
Senior High School (9-12)	=	0.030 acre/student generated

- (2) The following is the minimum acreage required per school, unless otherwise agreed to by the school district and the City:

Facility		Acreage
Elementary School	=	12 acres
Junior High School	=	30 acres
Senior High School	=	60 acres
Combined Secondary Campus (MS & HS)	=	90 acres

- (3) Existing dwelling units shall be excluded from the calculation of the school property dedication requirement if they have previously been included in the calculation for school property dedication. If the existing units have not previously been included in the calculation for school property dedication, they will be included in the calculation.
- (4) Dedicated school property shall be clearly identified on the submitted plat/plan by a legal description. The plat/plan shall also indicate the number of acres for each site and the total acreage proposed for school property dedication within the project.

(Ord. 13-12 Art. 4)

Sec. 17-10-220. - Cash-in-lieu of property dedication.

- (a) Cash-in-lieu of property dedication shall be required when determined by the Council to be more appropriate in satisfying the needs of the proposed development and school district. Such cases include, but are not limited to, small developments not able to meet the minimum property

requirements and developments that are served by adjacent facilities that could be expanded to satisfy the need created by the proposed development.

- (1) The school district shall review the developer's request to dedicate property or pay cash-in-lieu of property dedication and make a recommendation to the City.
 - (2) The Council shall make the final determination of the method in which the dedication requirement shall be satisfied.
 - (3) The cash-in-lieu fee shall be equivalent to the full market value of the acreage required for school property dedication. Value shall be based on anticipated market value after completion of platting and improvements as provided in Subsection 17-10-20(a) of this Article, or other amount as agreed to by the City. The applicant shall submit a proposal for the cash-in-lieu fee and supply the information necessary for the Council to evaluate the adequacy of the proposal or accept an amount provided by the school district.
- (b) The applicant shall convey the dedication property or pay the in-lieu-of fees prior to the recordation of the first final plat for the subdivision, or as may otherwise be agreed to by Council. The conveyance of dedicated school property to the City shall be by warranty deed, and the title shall be free and clear of all liens and encumbrances, including real property taxes prorated to the time of conveyance. The subdivider shall provide a title, insurance policy in the City's name insuring the property in the amount of the property's fair market value, and a certified survey at the time of conveyance.
- (c) The conveyance of property to satisfy the City's dedication requirement will be made to the service district, school district, homeowners' association or other entity when it can be demonstrated that the property will be developed or used within a reasonable time frame as determined by the City, including engineering, planning and design work.

(Ord. 13-12 Art. 4)

ARTICLE XI - Vested Property Rights

Sec. 17-11-10. - Intent.

Property rights for single-family detached residential property may be vested through the approval of a site specific development plan. The final plat shall be deemed the site specific development plan for the purpose of vesting property rights in single-family detached residential property.

(Ord. 13-12 Art. 4)

Sec. 17-11-20. - Procedure.

- (a) The landowner or authorized representative may apply for a determination that a site specific development plan entitles the owner or representative to vested property rights.
- (b) The application for vested property rights shall be made within sixty (60) days of final plat approval and prior to plat recordation.
- (c) The Council may vest property rights for single-family detached residential property in the same manner as set forth in Chapter 16, Article XXXIV of this Code. However, the site specific development plan shall be the final plat instead of the site improvement plan.
- (d) Concurrent processing of the final plat and designation of the site specific development plan shall be permitted with the approval of the Community Development Department.

(Ord. 13-12 Art. 4)

Notary Public

My commission expires: _____

* Signatures of officers signing for a corporation shall be acknowledged as follows:

_____(print name of officer) as _____(title of officer) of _____(name of corp.), a _____(state) corporation.

BENEFICIARY OF DEED OF TRUST:

_____(name)

By: _____

Title _____

Subscribed and sworn to before me this _____ day of _____, 20____, by _____(name of officer), as _____(title of officer), of _____(name of beneficiary), a _____(state of organization), _____(type of entity).

WITNESS my hand and official seal.

Notary Public

My commission expires: _____

(Ord. 13-12 Art. 4)

APPENDIX 17-C - LOT LINE ADJUSTMENT CERTIFICATE

(Subdivision Name and Filing No.) Reception No.

WHEREAS, (*Describe the change; e.g., lots 10, 11 and 12 were platted as separate lots as shown on Hill Top, Filing No. 2*); and

WHEREAS, the lot owner(s) desires to (*vacate the common lot line between lots 10 and 11, and between lots 11 and 12 and the 5' utility easement on either side of these lot lines and replat lots 10, 11 and 12 and associated easements into 2 lots renamed lots 10A and 11A Hill Top, Filing No. 2*), as shown on the Lot Line Adjustment Map recorded herewith; and

WHEREAS, the known beneficiaries of the utility easement were notified and responded as follows:

1. *Xcel Energy - no objection;*
2. *Southgate Water and Sanitation District - no objection;*
3. *Comcast - no objection; and*

WHEREAS, *the Park Meadows Metropolitan District was notified and recommended approval of the lot line/easement vacation and replat.*

NOW, THEREFORE, IT IS HEREBY ORDERED that:

(The common lot line between lots 10 and 11, and lots 11 and 12 along with the 5' utility easement on either side of these lot lines be vacated and replatted resulting in the creation of Lots 10A and 11A Hill Top, Filing No. 2).

This legal description is to be used for all conveyances/transfers of this property.

APPROVED this ____ day of _____, 20__.

CITY COUNCIL of the City of Lone Tree, CO

By: (Community Development Department Director's signature)

(Printed name), Community Development Department Director

STATE OF COLORADO)
) ss.
COUNTY OF _____)

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

By: (Signature of County Clerk and Recorder)

(Printed name of County Clerk and Recorder)

The undersigned, being all the owners of the land described herein, and the beneficiaries of any deeds of trust encumbering that land, hereby consent to this lot line adjustment.

OWNER(S)

_____ If Corp.: (corp. name)

By: _____

Title: _____

ATTEST:

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

WITNESS my hand and official seal.

Notary Public

My commission expires: _____

* Signatures of officers signing for a corporation shall be acknowledged as follows: (print name of officer) as (title of officer) of (name of corp.), a (state) corporation.

BENEFICIARY OF DEED OF TRUST:

_____ (name)

By: _____

Title: _____

ATTEST:

Subscribed and sworn to before me this ____ day of _____, 20__, by (name of officer), as (title of officer), of (name of beneficiary), a (state of organization), (type of entity).

WITNESS my hand and official seal.

Notary Public

My commission expires: _____

(Ord. 13-12 Art. 4)