

**CITY OF SHERIDAN, CO  
ORDINANCE NO. 4-2010**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
SHERIDAN REPEALING IN ITS ENTIRETY AND RETITLING  
APPENDIX A SUBDIVISIONS OF THE SHERIDAN MUNICIPAL CODE**

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERIDAN, COLORADO, THAT:

Section 1. Appendix A of the Sheridan Municipal Code (“Subdivisions”) is repealed in its entirety and a new Chapter 55, titled “Subdivisions” is enacted as follows:

**CHAPTER 55 – SUBDIVISIONS**

**ARTICLE I. GENERAL PROVISIONS**

**Sec. 55-1. Title.**

This ordinance shall be known and cited as the “Subdivision Ordinance of the City of Sheridan, Colorado, or “Subdivision Ordinance.”

**Sec. 55-2. Purpose.**

This Subdivision Ordinance of the City of Sheridan, Colorado is adopted to:

- (1) Protect and provide for the health, safety, and general welfare of the City of Sheridan;
- (2) Promote the orderly growth of the City in concert with the comprehensive master plan;
- (3) Provide adequate and effective public utility systems;
- (4) Provide for the proper distribution of population and supportive land uses;
- (5) Provide for desirable public spaces;
- (6) Provide for the proper design and construction of the transportation system consistent with the adopted Comprehensive Plan;
- (7) Establish standards for design and set forth the procedures for the subdivision and resubdivision of land and property in relation to the type of land use and population to be served;

and

(8) Ensure the use of proper legal descriptions, surveying, and monument of subdivided land.

This Subdivision Ordinance is to be enforced and interpreted in concert with the Zoning Ordinance of the City of Sheridan and other applicable regulations, ordinances, codes and rules. All plats and plans submitted shall be in a form which satisfies this ordinance, the zoning ordinance, and all other applicable ordinances and regulations.

**Sec. 55-3. Interpretation.**

The following principles shall be used in interpreting this Subdivision Ordinance:

(1) The provisions of this Subdivision Ordinance shall be regarded as the minimum requirements for the protection of the public health, safety, and general welfare. This Subdivision Ordinance shall be regarded as remedial and shall be liberally construed to further its underlying purposes.

(2) This Subdivision Ordinance is not intended to interfere or conflict with, abrogate, or annul any other regulation, ordinance, statute, or provision of law.

(3) Whenever a provision of this Subdivision Ordinance and a provision of any other law, ordinance, resolution, rule, or regulation of any kind, including any other provision of this ordinance, contain restrictions covering the same subject matter, the more restrictive shall govern.

(4) The foregoing principles notwithstanding, the City Council directs those City officials responsible for enforcement of this Subdivision Ordinance to utilize a reasonable common sense approach to the interpretation and application of the specific provisions of this ordinance. To this end, City officials charged with the responsibility for enforcement and administration of provisions of this Subdivision Ordinance shall be entitled to utilize discretion in waiving specific application requirements, provided that such discretion shall be exercised in a manner to preserve the purposes and intention of this ordinance and to not jeopardize the health, safety or general welfare of the public. When exercising discretion to waive or modify any specific application requirements, said City Official shall consider:

(a) The scope and nature of the proposed project.

(b) The impact of the project on the properties in the general vicinity of the project.

(c) The impact of the project on municipal facilities and services, including without limitation, streets, water, sewer, drainage, police, and fire protection services.

(d) Whether the information contained in a requirement sought to be waived is reasonably and readily available from other materials submitted in conjunction with the application.

Strict enforcement of each provision of this Subdivision Ordinance shall not be required, but the city official charged with enforcement of this Subdivision Ordinance shall be entitled to utilize the legal principle of prosecutorial discretion.

**Sec. 55-4. Jurisdiction.**

This ordinance shall be applicable within the following described areas:

(1) *Areas inside the City limits.* The territorial jurisdiction of this Subdivision Ordinance shall include all land located within the corporate limits of the City and all lands subsequently annexed by the City.

(2) *Areas outside the City limits.* All proposed subdivisions outside the corporate limits, but within the territorial jurisdiction established under C.R.S. 31-23-212, as amended, shall be submitted to the Sheridan Planning Commission, by the other jurisdiction, for its recommendations relating to the City of Sheridan Comprehensive Plan.

**Sec. 55-5. Applicability**

(1) Any person who divides, or participates in the division of a lot, tract, or parcel of land into two or more lots, tracts, parcels or other divisions of land for any purpose including, but not limited to, the immediate or future purpose of conveyance, sale or building development, whether residential, industrial, office, business or otherwise, shall comply with the provisions of this subdivision ordinance. Any plat for the subdivision of land, within the jurisdiction of this ordinance, including the resubdivision of land previously subdivided, shall be submitted to the City for action in accordance with this ordinance. This ordinance shall not apply to the following:

(a) Any division of land created for the sole purpose of establishing public rights-of-way, public utility rights of way, or other lands for municipal and school district purposes.

(b) The sale of cemetery lots within a permitted cemetery, where the cemetery maintains records as to the size, location, and ownership of the lots.

(c) Granting of easements.

(2) No subdivision plat shall be used for purposes of sale or development until approved and recorded as provided in this ordinance.

(3) Every plat shall be recorded in the office of the Arapahoe County Clerk and Recorder.

(4) It shall be unlawful for the owner or an agent of the owner of any land to transfer or sell any un subdivided land or lands by reference to, exhibition of, or by use of a plat of a subdivision before such plat has been approved by the City and recorded in the office of the Arapahoe County Clerk and Recorder.

(5) It shall be unlawful to erect, construct, reconstruct, use or alter any building or structure or to use any land in violation of this chapter.

**Sec. 55-6. Permits.**

No building shall be erected on any lot, nor shall a building permit be issued for a building unless the lot is part of a subdivision approved in accordance with this ordinance or prior subdivision regulations.

**Sec. 55-7. City Manager**

The City Manager may delegate to any qualified employee or subcontractor of the City any of the responsibilities assigned to the City Manager by this ordinance. The designee shall be subject to the same restrictions and standards as are applicable to the City Manager.

**ARTICLE II. DEFINITIONS**

**Sec. 55-8. General interpretation.**

(1) For purposes of this chapter, the words and terms used, defined interpreted or further described herein shall be construed as follows:

- (a) The present tense includes the future tense.
- (b) Words used in the singular number include the plural, and vice versa, unless the context clearly indicates the contrary.
- (c) The phrase "used for" as applied to any land or building includes "arranged for", "designed for," "intended for," maintained for" and "occupied for."
- (d) The word "shall" is mandatory.
- (e) The masculine shall include the feminine.

(2) Where not defined herein, the words used in this ordinance shall have their common and customary meaning.

**Sec. 55-9. Definitions.**

As used within this chapter, except where otherwise specifically defined, or unless the context otherwise requires, the following terms, phrases, words and their derivations shall have the following meanings:

- (1) "Access control line" is a line designated on a subdivision plat between known points of reference for the purpose of restricting or limiting access.
- (2) "Alley" is a right-of-way, dedicated to public uses, which gives a primary or secondary means of vehicular access to the rear or side of properties otherwise abutting a street, and which may be used for public vehicular and/or utility access.
- (3) "Applicant" means the owner of land proposed to be subdivided or his legally designated representative. Also see "subdivider".
- (4) "Block" means a unit of land within a subdivision containing one or more lots which is bounded by public or private streets, highways, railroad rights-of-way, public walks, alleys, parks or open space, rural or vacant land or drainage channels, subdivision boundaries, property boundaries or a combination thereof, and which is customarily further divided into lots.
- (5) "Building" means any structure having a roof supported by columns or walls and used or intended for supporting or sheltering any use or occupancy.
- (6) "Building code" means The City of Sheridan Building Code (Chapter 18 of the Code), as adopted by the City and as amended from time to time.
- (7) "Comprehensive Plan" means the Comprehensive Plan of the City of Sheridan, as adopted by the Planning Commission and approved by the City Council, including all adopted and approved amendments thereto.
- (8) "Cul-de-sac" means a dead-end street providing at the closed end special enlarged turning and maneuvering space for vehicular traffic as specified in the engineering regulations.
- (9) "Days" means consecutive calendar days, unless otherwise specifically designated.
- (10) "Department" refers to the department of planning and development, City of Sheridan. (See "Planning and Development Department.")
- (11) "City Manager" refers to the City Manager or the City Manager's authorized designee wherever it is used in this Code.
- (12) "Development" means any man-made change to real estate or property, including buildings, or other structures, mining, dredging, filling, grading, paving, excavation, or drilling.
- (13) "dB" is an abbreviation for "Decibel" which is a unit for measuring the volume of a sound, equal to 20 times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

- (14) "dB(A)" is the standard notation for the sound pressure level as measured with a sound level meter using the A-weighting network.
- (15) "DNL" means day/night noise level or DNL system which is a weighted average measure which reflects a more realistic assessment of situational noise over a 24-period, not just peak noise readings.
- (16) "Easement" means a permanent interest in real property generally established in a real estate document or on a recorded plat to grant, convey or dedicate the use of land for a specialized or limited purpose without the transfer of fee title. Such specified uses may include, but are not limited to transportation facilities, utilities, access, storm water drainage, solar exposure and emergency access.
- (17) "Emergency and Service Vehicles" means vehicles such as ambulances, police cars, or fire fighting apparatus used to respond to emergency situations; and to deliver/pickup goods or provide maintenance.
- (18) "Engineering Regulations" refers to the Water and Sanitary Sewer Specifications and Streets, Sidewalk, and Stormwater Specifications, or other technical codes as may be adopted by the City including all addendums and amendments thereto.
- (19) "Final plat" means a map of certain described land prepared in accordance with this Subdivision Ordinance as an instrument for recording of real estate interests with the Arapahoe County Clerk and Recorder.
- (20) "Flag lot" means a lot situated to the rear of other lots sharing as its frontage and access a drive connecting it to a street.
- (21) "Geological Report" means a report on the geological conditions of the proposed subdivision prepared by a professional geologist as defined in Title 34 of the Colorado Revised Statutes.
- (22) "Hazard" refers to any condition either natural or man made which presents danger to the public health, safety and welfare.
- (23) "Infill development" means the development of vacant or partially developed parcels which are surrounded by or in close proximity to areas that are substantially or fully developed.
- (24) "A Guide for Naming & Numbering Streets & Buildings in Arapahoe County" refers to a guide to street naming and street numbering in Arapahoe County as reprinted on December 1, 2000, and as may be amended from time-to-time.
- (25) "Lot" means a unit of land within a subdivision occupied, or designed to be occupied by a main building or buildings and accessory buildings, or uses customarily incidental to such main building(s), including the open spaces required by the zoning ordinance and such open spaces as are arranged and designed to be used in connection with such buildings. Also see "parcel" and "tract".

- (26) "Lot-corner lot" means a lot of which at least two (2) adjacent sides abut for their full length upon a street (other than an alley).
- (27) "Lot-interior lot" means a lot other than a corner lot.
- (28) "Lot Line Adjustment," see "Subdivision – Lot Line Adjustment."
- (29) "Lot minimum area" means the minimum square footage that a lot is required to have under the zoning ordinance in order to meet the requirements for issuance of a building permit.
- (30) "Lot – through lot" means an interior lot abutting on more than one (1) street or a corner lot abutting on more than two (2) streets.
- (31) "Lot total area" means the square footage of a lot excluding street rights-of-way.
- (32) "Lot width- minimum" means the shortest distance between any two (2) lot lines of a lot which are intersected by the same front setback line, measured at the setback line.
- (33) "Lot line – front" means the boundary line of a lot which immediately abuts a street (other than an alley).
- (34) "Lot line – rear" means any boundary line of a lot which is most nearly opposite the front line of the lot, other than a through lot.
- (35) "Lot line – side" means any boundary line of a lot, other than a front lot line or rear lot line.
- (36) "Major Subdivision," see "Subdivision (major)."
- (37) "Minor Subdivision," see "Subdivision (minor)."
- (38) "Monuments" means the actual points set on the ground to locate, delineate or describe tracts of land and/or the points set to define a legal description of a tract of land. These include:
- (a) United States Land Survey Monuments. The points or corners established by the survey of public lands for the United States Government, also the reestablishment or restoration of said corners.
  - (b) The points of corners set by a Colorado Registered Land Surveyor in accordance with the Colorado Revised Statutes.
  - (c) Points set in accordance with the engineering regulations, as amended.
- (39) "Mylar" means a double matted polyester film (no colors, or sepias) on which the plat is reproduced.
- (40) "Nonresidential subdivisions" are for office developments, convenience, neighborhood, community, and regional commercial developments as well as industrial or agricultural developments, and mixed uses that include the above types of developments.

- (41) "Owner" means the person or entity holding fee title to a lot, tract, or parcel of real property as listed by the Arapahoe County Clerk and Recorder.
- (42) "Parcel" means portion of land, usually not platted, delineated only by a metes and bounds description. See also "lot" and "tract".
- (43) "Planning Commission" refers to the Planning and Zoning Commission of the City of Sheridan.
- (44) "Planning and Development Department" means such individual or department of the City designated by the City Manager to administer the provisions of this Chapter.
- (45) "Plat" means the map or maps describing a piece of land and its features, such as boundaries, lots, roads and easements.
- (46) "Preliminary plat" means the map or maps of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with the requirements of this Subdivision Ordinance, to permit the evaluation of the proposal prior to final platting, detailed engineering and design.
- (47) "Public improvements" means those rights-of-way, easements, access rights, and physical improvements which, upon formal acceptance by the City, or other governmental provider, shall become the responsibility of the City, or other governmental provider, for ownership and/or maintenance and repair, and shall include, but not by way of limitation, the following: curb and gutter, asphalt pavement, concrete pavement, streets of all types, sidewalks, pedestrian/bike paths, traffic signals, street lights, highways, freeway rights of way, easement, access rights, medians, bridges, acceleration and deceleration lanes, culverts, storm drainage facilities including necessary structures, channels, water lines, sanitary sewer lines and all other improvements which upon acceptance by the City, or other governmental provider, are intended to be for the use of and enjoyment of the public.
- (48) "Registered land surveyor" means a person registered to practice land surveying as set forth in Title 12, Colorado Revised States, as amended.
- (49) "Resubdivision" means any change in a final plat of an approved and recorded subdivision plat including any map or plat legally recorded prior to the adoption of any regulations controlling subdivisions.
- (50) "Right of way" means an area dedicated to public use for pedestrian and vehicular movement, which may also accommodate public utilities.
- (51) "Setback line – front" means a line parallel with a front line of a lot, tangent to that part of the building or structure (other than an open fire escape, stairway, bay window, or chimney) which is closest to the front lot line, and intersecting two (2) other lot lines of the lot; or the line concentrically parallel to the right of way line of the street on a cul-de-sac (bulb).

(52) "Setback line – rear" means a line parallel with a rear lot line of a lot, tangent to that part of the building or structure (other than an open fire escape, stairway, bay window, or chimney) which is closest to such rear lot line, and intersecting two (2) other lot lines of the lot.

(53) "Setback line – side" means a line parallel with a side lot line of a lot, tangent to that part of the building or structure, (other than an open fire escape, stairway, bay window, or chimney) which is closest to such side lot line, and intersecting two (2) other lot lines of the lot.

(54) "Sketch plan" means a drawing of a proposed subdivision, drawn and submitted in accordance with the requirements of this chapter, to evaluate feasibility and design characteristics at an early planning stage.

(55) "State highway access code" means the code adopted by the Colorado State Highway Commission on July 16, 1981, regulating access to public highways, as amended.

(56) "Street" means an improved urban way or thoroughfare which is designed to accommodate and facilitate motor vehicle traffic, but which may also accommodate pedestrian and non-motorized vehicular traffic. Streets may include locals, collectors, minor arterials, principle arterials, and freeways, as defined in the Sheridan Municipal Code.

(57) "Street frontage" means the distance along any boundary line of a lot which is also the boundary line of a street, road or highway right-of-way.

(58) "Structure" means anything built or constructed and located on or in the ground or attached to something on or in the ground.

(59) "Subdivider" means any person making application for the subdivision of land.

(60) "Subdivision" means the division of a lot, tract, or parcel of land into two (2) or more lots, tracts, or parcels. It includes resubdivisions and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

(61) "Subdivision (major)" means all types of subdivisions except those meeting the definition of Minor Subdivision and Lot Line Adjustments.

(62) "Subdivision (Lot Line Adjustment)" means a consolidation of two (2) or more, but not more than six (6), previously platted lots for the purpose of creating a single lot; or the division of a single previously platted lot into two (2) lots. Lot Line Adjustments may occur only if (a) no new right-of-way is required; (b) extension of municipal facilities is not required; (c) no additional public improvements are required; and (d) the new lot(s) is in compliance with the City's Comprehensive Plan, zoning and subdivision regulations.

(63) "Subdivision (minor)" means any subdivision, other than Lot Line Adjustments, meeting all of the following criteria:

- (a) containing not more than six (6) lots;
- (b) not more than 2 acres in aggregate size;

- (c) not requiring any new street or right of way, or the extension of municipal facilities;
  - (d) not requiring the creation of any public improvements; and
  - (e) not in conflict with any provision or portion of the City of Sheridan Comprehensive Plan or zoning or subdivision requirements.
- (64) "Townhouse lot" means a lot intended for conveyance with a dwelling unit, or commercial space, when the units, or spaces, share common walls and undivided common area.
- (65) "Tract" means a portion of land that is a part of a subdivision which is designated for some purpose other than a building site, lot or easement. Also see Lot and Parcel.
- (66) "Zoning ordinance" refers to the Zoning Ordinance and Regulations of the City of Sheridan Municipal Code, adopted and as amended.

### **ARTICLE III. SUBDIVISION APPLICATION AND REVIEW PROCEDURES**

#### **Sec. 55-10. General procedure.**

(1) *Classification of Subdivision.* Before the sale of any part of a proposed subdivision, and before any permit for the erection of a structure within such proposed subdivision shall be granted, the owner of the land, or an authorized agent of the owner, shall apply for and secure approval of such proposed subdivision in accordance with the following procedure based upon the classification of the subdivision.

The classification of a subdivision shall be made by the City Manager, based upon the criteria established in the "Definition" section of this chapter (Article II), as either a "Lot Line Adjustment," "Major Subdivision" or a "Minor Subdivision."

(2) *Subdivision Review Procedure.* Based upon the classification of the proposed subdivision, the following review procedure shall apply:

- (a) Lot Line Adjustment Process.
  - 1. Presubmittal conference. (See Section 55-11.)
  - 2. City Manager review and action on Final Plat. (See Section 55-12.)
- (b) Minor Subdivision Process.
  - 1. Presubmittal conference.

2. Final Minor Subdivision plat review and action by Planning Commission and City Council (*see* Section 55-13).
- (c) Major Subdivision Process.
1. Presubmittal conference.
  2. Sketch Plan Review (*see* Section 55-14).
  3. Preliminary subdivision plat review and action by Planning Commission and City Council (*see* Section 55-15).
  4. Final subdivision plat review and action by Planning Commission and City Council (*see* Section 55-16).

**Sec. 55-11. Presubmittal conference and review.**

- (1) A presubmittal conference with the Planning and Development Department shall be requested by the applicant in order to facilitate dialogue between the City and the applicant regarding the proposed development.
- (2) The department shall informally review the feasibility, location, and potential process of the development. Within thirty (30) days of the presubmittal conference, the applicant will be sent a letter containing the items to be included with the application as well as an explanation of the subdivision procedures, and any likely public dedications as may be required in the subdivision process.
- (3) At the time of a request for a presubmittal conference and review, the applicant shall submit a sketch plan of the site and vicinity map of the proposed subdivision. All contiguous property that is under the ownership of the applicant is to be included. The plan should be prepared to scale and it shall show existing streets abutting the site, drainage channels, adjacent land uses, proposed lots, tracts, and land uses on the site.

**Sec. 55-12. Lot Line Adjustment Process.**

- (1) Authority to approve Lot Line Adjustments is expressly delegated and granted to the City Manager. The authority granted and delegated hereby shall include the authority to execute and file with the office of the county clerk and recorder a subdivision plat conforming to the requirements of this Chapter.
- (2) The authority granted and delegated hereby is subject to the following conditions and limitations:
  - (a) No lot split shall be permitted unless both resulting lots abut a street or road on a least one (1) entire side of such lot.

- (b) Not lot split shall be permitted unless both resulting lots meet the minimum lot size requirements of the zone district in which the lots are located.
  - (c) The construction of public improvements, or dedication of public right-of-way or easements will not be required to serve the resulting lots with municipal services.
  - (d) The Lot Line Adjustment is not being utilized to circumvent other provisions of the Subdivision Ordinance particularly as it pertains to the number of lots created by the process itself or in conjunction with other Lot Line Adjustment applications.
- (3) *Application Procedure and Requirements.* All owner(s) of the fee interest of the land, or an authorized agent of the owner(s) requesting review and approval of a Lot Line Adjustment plan shall submit an application which shall:
- (a) Be made on forms available from the City.
  - (b) Contain all materials specified in Sections 55-46, 55-48, 55-49 and 55-50 of this Chapter, unless waived by the City Manager.
  - (c) Be accompanied by a fee which shall be established by City Council resolution.
- (4) *City Manager Action.* The City Manager will review the Lot Line Adjustment application as presented giving consideration to any applicable staff report and review comments, the arrangement, location and size of the resulting lot(s), the relationship of the subdivision to the natural topography, the adequacy of utility and drainage systems proposed to serve the subdivision, the relationship of the proposed subdivision to adjacent subdivided and unsubdivided property, and the compatibility of the proposed subdivision with this ordinance, with other adopted city codes and policies, and the various functional elements of the adopted City of Sheridan Comprehensive Plan. The City Manager shall approve, approve with conditions, deny the Lot Line Adjustment application, as presented, or refer the application to the Sheridan Planning Commission, to be processed and considered as if an application for a Minor Subdivision within thirty (30) days of the submission of a completed application.
- (5) *Appeal.* Any applicant aggrieved by a decision of the City Manager to approve of conditions of, or denial of an application for a Lot Line Adjustment plat may appeal such decision to the City Council by filing an appeal with the City Clerk within fourteen (14) calendar days of such decision. City Council shall consider the appeal within thirty (30) days of the notice of appeal. City Council shall determine whether the Lot Line Adjustment plat application meets the requirements of these regulations and other city codes and shall vote to approve, approve with conditions, or deny the application. Recordation of the plat shall be deferred until the appeal process has been completed, or the period to initiate an appeal has run with no appeal being filed.
- (6) *City Council Call Up.* The City Council shall be advised in writing by the City Manager

of any approval, or conditionally approved Lot Line Adjustment, and no such application shall be deemed to be finally approved, nor shall it be recorded, until the City Council has had an opportunity to review the written report required herein as a part of a regular or special City Council meeting. City Council approval of any such resubdivision shall be conclusively presumed unless the City Council, by majority vote of those members present and voting, approves a motion requiring the submission of such resubdivision proposal to the City Council for public hearing at the next regular City Council meeting. In the absence of such an adopted motion, the resubdivision shall be conclusively deemed to be approved, and may be recorded as herein provided, and any building or development permits required to construct the requested single building may be issued.

**Sec. 55-13. Minor Subdivision Procedure.**

(1) *Application procedure and requirements.* All owner(s) of the fee interest of the land, or an authorized agent of the owner(s) requesting review and approval of a Minor Subdivision plat, shall submit an application which shall:

- (a) Be made on forms available from the City.
- (b) Contain all materials specified in this Chapter, unless waived by the City Manager.
- (c) Be accompanied by a fee which shall be established by City Council resolution.
- (d) Be accompanied by a list of the names and current addresses of the owners of all real property within 300 feet of the exterior boundaries of the proposed subdivision as shown by the records of the county assessor's office.

(2) *City Manager Review.* Upon receipt of an application for Minor Subdivision plat, the City Manager shall:

- (a) Determine if the material meets the requirements of this Chapter. If the material submitted does not meet such requirements the submittal shall not be considered a complete application, and the subdivider shall be notified in writing of the deficiencies, and no further action will be taken until the subdivider corrects the deficiencies.
- (b) Forward a copy of the completed application material for review and comment to appropriate agencies or officials of the City (including the fire, police and public works departments), Arapahoe County, Sheridan School District, special districts, public utilities, fire department, and other agencies and organizations as appropriate to facilitate a comprehensive review of the Minor Subdivision plat. The transmittal shall include a time limit for return of comments.

(c) Compile the review comments returned by the officials and agencies and submit a summary report to the Planning Commission at least seven (7) days prior to the scheduled public hearing on the Minor Subdivision plat.

(d) Mail notices to the owners of all real property within three hundred feet (300') of the boundary of the proposed subdivision based on the list supplied by the applicant; publish a notice in the official newspaper; and post the property. Such notice and posting shall indicate the date(s), time(s), and place(s) of the Planning Commission and City Council public hearings. All notices according to this section shall occur at least fourteen (14) days prior to the public hearings. The notice shall be posted on the property continuously at least 14 days prior to the hearings.

(3) *Planning Commission Public Hearing.* The Planning Commission shall hold at least one public hearing on the submitted Minor Subdivision plat. During the public hearing, the Planning Commission shall:

(a) Receive presentation testimony and exhibits from the subdivider or representative to describe the elements of the Minor Subdivision plat.

(b) Receive presentation testimony and exhibits from the City staff to summarize the review comments of the solicited agencies and officials.

(c) Receive written and oral comments, testimony, and exhibits from the public.

(d) Review the Minor Subdivision plat as presented, and consider the testimony, giving consideration to the arrangement, location, and size of streets, the relationship of the subdivision to the natural topography, the adequacy of utilities, grading and drainage systems proposed to serve the subdivision, the relationship of the proposed subdivision to adjacent subdivided and unsubdivided land, and the compatibility of the proposed subdivision with this ordinance, with other adopted City codes and policies, and with the various functional elements of the Comprehensive Plan.

(4) *Planning Commission Action.* Within thirty-five (35) days of the close of the public hearing on the Minor Subdivision plat, the Planning Commission shall recommend to City Council, approval, approval with conditions, or disapproval of the Minor Subdivision plat as presented. The Planning Commission shall cause the hearing to be recorded by a reporter or by an electronic recording device. Any person requesting a transcription of the hearing shall pay the cost of the transcription.

(a) *Approval.* If the recommendation of the Planning Commission is to approve the Minor Subdivision plat, or approve with conditions, the Planning Commission shall transmit to the City Council a copy of its written findings and recommendation. The applicant may request that such materials not be transmitted to the City Council for a period of time not to exceed six (6) months from the date of the Planning Commission's written findings and recommendation, or the applicant may withdraw the application at any time prior to council action.

(b) *Disapproval.* In the case of a recommendation of disapproval of the Minor Subdivision plat by the Planning Commission, the written decision shall specify the grounds which led to that action. The application materials shall be transmitted to the City Council for action only upon written request of the applicant filed with the City Manager not later than thirty (30) days after the notification to the applicant by the Planning Commission regarding the Planning Commission's recommendations. Within 30 days, the applicant may choose to resubmit a Minor Subdivision plat application recommended for disapproval for reconsideration by the Planning Commission, with a showing that the deficiencies have been corrected. The failure of the applicant to timely request transmission of the application to City Council for action, or to resubmit the application with correction of deficiencies shall constitute withdrawal of the application.

(c) The department shall within seven (7) days of the action mail a copy of the Planning Commission decision to the applicant.

(5) *City Council action.* The City Council has final authority to approve, approve with conditions, or disapprove the Minor Subdivision plat or to refer the Minor Subdivision plat back to the Planning Commission. The City Council shall consider, following a public hearing, noticed in the same manner as the public hearing is for Planning Commission, the findings of the Planning Commission, presentation testimony and exhibits from the applicant (or representative), City staff, and public, and shall approve, approve with conditions, or disapprove the Minor Subdivision plat or refer the Minor Subdivision plat back to the Planning Commission.

(6) *Recordation.* Recordation of the Minor Subdivision plat shall follow the same procedure as recordation of a Final Major Subdivision plat [see Section 55-16 (6)].

#### **Sec. 55-14. Sketch Plan review.**

(1) *Sketch plan application procedure and requirements.* Following the presubmittal conference for a major plat, an application shall be submitted for a sketch plan review by all owner(s) or the authorized agent of all owner(s) of land subject to the subdivision request. Sketch plan application and review is required prior to preliminary plat. The application shall:

(a) Be made on forms available from the City.

(b) Contain all material specified in this Chapter, unless waived.

(c) Be accompanied by a fee which shall be established by City Council resolution.

(d) Be submitted no less than thirty (30) days prior to the regularly scheduled Planning Commission meeting at which the sketch plan is to be considered.

(e) Be accompanied by the list of the names and current addresses of the owners of all real properties within three hundred (300) feet of the exterior boundaries of the subdivision as shown by the records of the county assessor's office.

(2) *City Manager Review.* Upon receipt of an application for sketch plan review, the City Manager shall determine if the material meets the requirements of this Chapter. If the application submitted does not meet such requirements the submittal shall not be considered a complete application, and the applicant shall be notified in writing of the deficiencies, and no further action will be taken until the applicant corrects the deficiencies. If the requirements of this Chapter are met, the Planning Commission shall schedule the item for Planning Commission consideration. All owners of real property within 300 feet of the exterior boundaries of the subdivision shall be mailed notice of meeting.

(3) *Planning Commission meeting.* The Planning Commission shall hold at least one public meeting during which it considers the submitted sketch plan, the staff report, recommendation, and public comment. At the public meeting, the Planning Commission may give input to the applicant as to the arrangement, location, and size of uses and streets, relationship of the subdivision to the natural topography, relationship of the proposed subdivision to adjacent subdivided and unsubdivided land, and compatibility of the proposed subdivision with this ordinance, with other adopted City codes and policies, and with the various elements of the Comprehensive Plan. Such input shall not be binding on Planning Commission or City Council during subsequent procedures on the application.

#### **Sec. 55-15. Preliminary subdivision plat review and approval.**

(1) *Preliminary plat application procedure and requirements.* Following the presubmittal conference for a major plat, an application may be submitted for a preliminary plat by all owner(s) or the authorized agent of all owner(s) of land subject to the subdivision request. The application shall:

- (a) Be made on forms available from the City.
- (b) Contain all material specified in this Chapter, unless waived.
- (c) Be accompanied by a fee which shall be established by City Council resolution.
- (d) Be submitted no fewer than thirty (30) days prior to the regularly scheduled Planning Commission meeting at which the preliminary plat is to be considered.
- (e) Be accompanied by a list of the names and current addresses of the owners of all real properties within three hundred feet (300') of the exterior boundaries of the proposed subdivision as shown by the records of the county assessor's office.

(2) *City Manager Review.* Upon receipt of an application for preliminary plat, the City Manager shall:

- (a) Determine if the material meets the requirements of this Chapter. If the material submitted does not meet such requirements the submittal shall not be considered a

complete application, and the subdivider shall be notified in writing of the deficiencies, and no further action will be taken until the subdivider corrects the deficiencies.

(b) Forward a copy of the completed application materials for review and comment to appropriate agencies or officials of the City (including the fire, police and public works departments), Arapahoe County, Sheridan School District, special districts, public utilities, fire department, and other agencies and organizations as appropriate to facilitate a comprehensive review of the preliminary plat. The transmittal shall include a time limit for return of comments.

(c) Compile the review comments returned by the officials and agencies and submit a summary report to the Planning Commission at least seven (7) days prior to the scheduled public hearing on the preliminary plat.

(d) Mail notices to the owners of all real property within three hundred feet (300') of the boundary of the proposed subdivision based on the list supplied by the applicant; publish a notice in the official newspaper; and post the property. Such notice and posting shall indicate the date(s), time(s), and place(s) of the Planning Commission and City Council public hearings. All notices according to this section shall occur at least fourteen (14) days prior to the public hearings. The notice shall be posted on the property continuously at least 14 days prior to the hearings.

(3) *Planning Commission Public Hearing.* The Planning Commission shall hold at least one public hearing on the submitted plat. During the public hearing, the Planning Commission shall:

(a) Receive presentation testimony and exhibits from the subdivider or representative to describe the elements of the preliminary plat.

(b) Receive presentation testimony and exhibits from the City staff to summarize the review comments of the solicited agencies and officials.

(c) Receive written and oral comments, testimony, and exhibits from the public.

(d) Review the preliminary plat as presented, and consider the testimony, giving consideration to the arrangement, location, and size of streets, the relationship of the subdivision to the natural topography, the adequacy of utilities, grading and drainage systems proposed to serve the subdivision, the relationship of the proposed subdivision to adjacent subdivided and unsubdivided land, and the compatibility of the proposed subdivision with this ordinance, with other adopted City codes and policies, and with the various functional elements of the Comprehensive Plan.

(4) *Planning Commission Action.* Within thirty-five (35) days of the close of the public hearing on the preliminary plat, the Planning Commission shall recommend to City Council, approval, approval with conditions, or disapproval of the preliminary plat as presented. The Planning Commission shall cause the hearing to be recorded by a reporter or by an electronic recording device. Any person requesting a transcription of the hearing shall pay the cost of the transcription.

(a) *Approval.* If the recommendation of the Planning Commission is to approve the preliminary plat, or approve with conditions, the Planning Commission shall transmit to the City Council a copy of its written findings and recommendation. The applicant may request that such materials not be transmitted to the City Council for a period of time not to exceed six (6) months from the date of the Planning Commission's written findings and recommendation, or the applicant may withdraw the application at any time prior to council action.

(b) *Disapproval.* In the case of a recommendation of disapproval of the preliminary plat by the Planning Commission, the written decision shall specify the grounds which led to that action. The application materials shall be transmitted to the City Council for action only upon written request of the applicant filed with the City Manager not later than thirty (30) days after the notification to the applicant by the Planning Commission regarding the Planning Commission's recommendations. Within 30 days, the applicant may choose to resubmit a preliminary plat application recommended for disapproval for reconsideration by the Planning Commission, with a showing that the deficiencies have been corrected. The failure of the applicant to timely request transmission of the application to City Council for action, or to resubmit the application with correction of deficiencies, shall constitute withdrawal of the application.

(c) The department shall within seven (7) days of the action mail a copy of the Planning Commission decision to the applicant.

(5) *City Council action.* The City Council has final authority to approve, approve with conditions, or disapprove the preliminary plat or to refer the preliminary plat back to the Planning Commission. The City Council shall consider, following a public hearing, noticed in the same manner as the public hearing is for Planning Commission, the findings of the Planning Commission, presentation testimony and exhibits from the applicant (or representative), City staff, and public, and shall approve, approve with conditions, or disapprove the preliminary plat or refer the preliminary plat back to the Planning Commission.

(6) *Phasing Final Plat Submittals:*

(a) The applicant, as part of the preliminary plat approval, may propose to delineate on the preliminary plat two (2) or more final plat filing phases, and establish a schedule for the submittal of the phases. When submitting final plat filings according to the approved phasing and schedule, the individual filings may be limited to one lot for multifamily, commercial, and industrial land uses.. The phasing plan shall denote, at a minimum, the limits of the grading, public improvements, and specific lots to be developed with each phase.

(b) When phasing is not indicated on the preliminary plat, the final plat shall be submitted for the entire area shown on the preliminary plat. If the applicant desires to establish phases following approval of the preliminary plat, a new preliminary plat delineating the phases and establishing the schedule must be submitted and approved according to this Chapter. Modifications to an approved phasing plan or schedule which

do not change impacts on adjoining property may be approved by the City Manager. Appeal of a denial by the City Manager is to the City Council.

(7) *Effective period of preliminary plat approval.* Approval of any preliminary plat shall be effective for a period of one (1) year unless a phasing plan and schedule for final platting is approved with the preliminary plat. Approval of the preliminary plat remains in effect continuously if final plats are being filed and approved in accordance with the approved phasing and schedule, and this ordinance. In the event that the final plat has not been submitted within the time set forth herein, or subsequent phases are not submitted in accordance with the approved schedule, the preliminary plat shall be deemed null and void and the applicant shall be required to submit a new preliminary plat in accordance with this Chapter.

(8) *Preliminary plat approval restrictions.* Approval of the preliminary plat does not constitute approval of the final plat. The preliminary plat shall not be recorded and use of the preliminary plat for the purpose of selling or transferring interests in real estate shall be deemed a violation of this subdivision ordinance.

#### **Sec. 55-16. Final subdivision plat review and approval.**

(1) *Purpose.* The purpose of the final plat is to review the proposed subdivision for proper final engineering subdivision design; for legal requirements to properly represent real estate interests; to provide for dedication of lands required for public use and for the construction of public improvements; and for conformance with the form of the preliminary plat. The applicant may proceed with the preparation of the final plat and other documents to be submitted with the application simultaneously with, or following approval of the preliminary plat.

(a) If there are significant changes on the final plat from the form of the preliminary plat, a new preliminary plat shall be submitted to the Planning Commission. Significant changes include, but are not limited to, modifications of street patterns, lot layout, drainage ways, grading, density, utility systems or public improvements. The City Manager shall review the final plat changes to determine the conformance to the preliminary plat, and shall determine if the changes are sufficiently significant to require a new preliminary plat submittal. The subdivider may appeal the City Manager's decision to the Planning Commission within fourteen (14) days of the decision.

(2) The application shall:

(a) Be made on forms available by the City.

(b) Contain all material specified in this Chapter, unless waived.

(c) Be accompanied by a fee which shall be established by City Council resolution.

(d) Be submitted no fewer than thirty (30) days prior to the regularly scheduled meeting at which the final plat is to be considered.

(e) Be accompanied by the list of the names and current addresses of the owners of all real properties within three hundred feet (300') of the exterior boundaries of the subdivision as shown by the records of the county assessor's office.

(3) *City Manager Review.* Upon receipt of an application for final plat, the Planning Commission shall:

(a) Determine if the material submitted meets the requirements of this Chapter. If the material submitted does not meet the specification to be considered a complete application, the subdivider shall be notified in writing of the deficiencies, and no further action will be taken until the subdivider corrects any deficiencies.

(b) Forward a copy of the completed application material for review and comment to appropriate agencies, or officials of the City (including the fire, police and public works departments), and Arapahoe County, Sheridan School District, special districts, public utilities and other agencies and organizations as appropriate to facilitate a comprehensive review of the final plat. The transmittal shall include a time limit for return of comments.

(c) Compile the review comments returned by the officials and agencies and submit a summary report to the Planning Commission and City Council seven (7) days prior to the scheduled public meeting(s) on the final plat.

(d) Mail notices to the owners of all real property within three hundred feet (300') of the boundary of the proposed subdivision based on the list supplied by the applicant; publish a notice in the official newspaper; and post the property. Such notice and posting shall indicate the date(s), time(s), and place(s) of the public hearings. All notices according to this section shall occur at least fourteen (14) days prior to the public hearings. The notice shall be posted on the property continuously at least 14 days prior to the hearings.

(4) *Planning Commission Action.* The Planning Commission shall review at a public meeting the final plat for conformance with the preliminary plat, this title and other adopted city ordinances, standards and regulations. The Planning Commission shall make a recommendation to City Council to approve the final plat, approve the plat with conditions, or disapprove the plat.

(5) *City Council Action.* City Council has final authority to approve, approve with conditions, or disapprove the final plat, and to enter into a development agreement associated with the final plat or to refer the plat to the Planning Commission. City Council shall consider, following a public hearing, presentation of testimony and exhibits from the applicant (or representative), City staff, and public, and shall review the final plat for conformance with the preliminary plat, this title, and other adopted City ordinances, standards, and regulations. City Council shall approve, approve with conditions or disapprove the final plat, accept the dedications and authorize the execution of a development agreement or refer the final plat to Planning Commission. Said referral of the plat to the Planning Commission shall outline the reasons for this referral.

(6) *Recordation.* Within sixty (60) days of City Council approval the applicant shall provide to the City two fully executed mylars of the approved final plat along with such other documents and fees as may be required by this ordinance. The city clerk shall obtain the approval signatures and seals of the Planning Commission and mayor, respectively.

(a) In addition to meeting the requirements for recording that have been established by the Arapahoe County Clerk and Recorder, the final plat format shall comply with the following:

(i) The plat shall be on material meeting the definition of mylar.

(ii) Sheet size and minimum lettering height shall be as specified in this ordinance.

(iii) Plats shall be correction free at the time of signing.

(iv) Signatures shall be properly affixed after the mylar has been made.

(b) Following receipt from the applicant of the approved final plat and accompanying documents and fees, and after approval and acceptance has been given by City Council, the City Manager shall transmit the materials to the city clerk. The city clerk will submit the fully executed final plat and development agreement to the Arapahoe County Clerk and Recorder for recordation. Recording fees shall be paid by the applicant.

(c) The time periods provided for in this section may be extended for an additional sixty (60) days by the City Manager upon written request and a showing of good cause.

(d) City Council approval of any final subdivision plat shall be void if the applicant fails to comply with the time requirements of this section.

#### **ARTICLE IV. SUBDIVISION DESIGN STANDARDS**

##### **Sec. 55-17. General standards.**

(1) In addition to the requirements established herein, all subdivision plats shall comply with, but not by way of limitation, the following laws, ordinances and regulations:

(a) All applicable provisions of the Colorado Revised Standards, as amended.

(b) The zoning ordinance, building code, fire code, and all other applicable ordinances of the City.

(c) The Comprehensive Plan.

(d) The regulations of the Arapahoe County Health Department and the State Health Department, and Federal Environmental Protection Agency.

(e) The requirements of the Colorado Department of Highways if the subdivision or any lot contained therein abuts a state highway or connecting street.

(f) The City's engineering regulations.

(2) Land on which the Planning Commission finds evidence of hazards such as, but not limited to, flooding, swelling soils, subsidence, improper drainage, slopes of fifteen percent (15%) or greater, adverse geological formations, topography, utility easements, or features which will be harmful to the health, safety and/or welfare of the present or future inhabitants of the subdivision or its environs shall not be approved for subdividing unless a design sufficient to alleviate the foregoing hazard(s), certified by an engineer licensed to practice in Colorado, has been submitted by the applicant and approved by the Planning Commission. Planning Commission's approval of such design will take into account the recommendation of the City Manager or other City-retained consultants.

(3) When land is subdivided into blocks, lots, or tracts larger than necessary to accommodate the proposed uses, provision for potential future resubdivision shall be taken into account. Provisions shall be made for future utilities and the subdivision arrangement shall be such that the location and opening of future streets is in conformance with the Comprehensive Plan.

(4) All subdivisions shall result in the creation of lots which are developable and capable of being built upon in compliance with all engineering regulations. Subdivisions may also contain tracts which are not intended as building lots but are necessary for other purposes. All such tracts shall be shown on the plat and designated as to their purpose.

(5) All subdivisions shall be designed to minimize the disruption or reshaping of existing topographic land forms. Grading plans for subdivisions will be reviewed to determine the impact to the proposed subdivision as well as to adjacent and nearby properties.

**Sec. 55-18. Residential subdivision standards.**

(1) Blocks in residential developments shall have sufficient length, width, and shape to allow the ultimate design lots suited for the planned land use, the requirements of the zoning ordinance, and traffic and safety controls consistent with the engineering regulations.

(a) Except as provided herein, lot area and width shall comply with the bulk and density requirements of the City of Sheridan Zoning Code, or an applicable PUD Official Development Plan. Following the completion of the public hearing with notice as provided in Article III of this chapter, the Planning Commission shall have the authority to recommend, and City Council to approve variations from lot width or area requirements, provided that the criteria and requirements of this Code for a zoning variance are established.

- (b) Block lengths shall be a minimum of four hundred (400) feet in length and not exceeding fourteen hundred (1,400) feet in length between street center lines unless constrained by exceptional topography or other limiting factor.
  - (c) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic or when adjacent to open space or other designed solutions.
  - (d) Utilization of cul-de-sac dead end streets should be avoided unless required to address topographic or other constraints.
- (2) The size, shape, and orientation of the lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- (a) Corner lots shall have sufficient width to permit appropriate building setbacks and orientation to both streets, and to meet all yard and sight distance triangle requirements.
  - (b) Side lot lines shall be at substantially right angles or radial to street lines.
  - (c) Lot layouts should address opportunities for solar access as well as significant views.
  - (d) In the event that residential lots are adjacent to an arterial street or a major collector, these lots shall not have access to the major street.
- (3) When individual residential lots back up to a collector or arterial street, the subdivision design will provide for a landscaped strip an average of not less than twenty (20) feet but in no case less than twelve (12) feet in width between the rear lot lines and the eventual curb location of the street. Landscape design for this area shall be submitted by the subdivider at the time of final plat, and will meet the following criteria:
- (a) The design shall be dry land based following xeriscape design principles. No irrigated turf will be permitted without a permanent maintenance district committed to perpetual maintenance.
  - (b) Plant material location and spacing will vary by the specifics of the proposal but will be calculated as at least one (1) deciduous street tree, one (1) evergreen tree and five (5) shrubs for each fifty feet (50') of frontage along the collector or arterial street and at least fifty percent (50%) living ground cover after the third (3rd) growing season. Plant materials shall conform to the requirements of the site development standards of the zoning ordinance.
  - (c) If a privacy fence adjacent to the rear lot lines is proposed, it shall be constructed by the subdivider to assure a consistent appearance and shall follow the City's fence standards.
  - (d) The subdivider shall provide for maintenance of the landscape area for no less than five (5) full years from installation by means of a maintenance agreement authorized

with the final plat. The maintenance agreement shall provide for a property tax supported maintenance district, viable homeowners association, or subdivider maintenance responsibility, and City recourse if maintenance is not performed.

**Sec. 55-19. Nonresidential subdivision standards.**

(1) In addition to the design standards in this ordinance which are appropriate to the planning of all subdivisions, the subdivider shall demonstrate to the satisfaction of the Planning Commission that the street and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following design standards apply:

(a) Proposed blocks, lots, and tracts shall be suitable in area and dimension to the type(s) of development anticipated.

(b) Streets shall conform to the Street, Sidewalk and Stormwater specifications of the Sheridan Municipal Code (Chapters 70 and 74), and shall be fully constructed to the subdivision boundary. Local streets shall not be extended to the boundaries of adjacent existing or potential residential areas, or connected to streets intended for predominantly residential traffic, unless the necessity of the connection is demonstrated by a traffic study submitted by the applicant and approved by the City Manager.

(c) Subdivision for proposed nonresidential development shall specifically designate all areas proposed for emergency and service vehicle circulation.

**Sec. 55-20. Flag lots.**

(1) Flag lots will only be allowed when the Planning Commission determines that they are necessary for the efficient use of land, and in conformance to the following regulations:

(a) Residential subdivisions utilizing flag lots may be permitted when the following criteria are met:

1. The minimum width of the flag lot drive shall be twenty (20) feet.
2. All flag lots created by the subdivision shall meet the requirements of the zoning ordinance; however, the area of the drive is not considered part of the lot area.
3. Access for all flag lots created by the resubdivision shall be from streets classified as local streets.
4. A cul-de-sac shall be platted in lieu of three or more adjacent flag lots.

5. The subdivider shall demonstrate to the satisfaction of the Planning Commission that the use of the flag lots is necessary to the effective development of the land and that the proposed design poses no hazard to public safety; to-wit:

- a. Access is clearly defined and does not create access conflicts with adjacent lots.
- b. There are no visual obstructions at the intersection of the flag lot drive(s) with the street.
- c. The length of the flag lot drive does not negatively impact clear addressing or visibility from an emergency or service vehicle.

(b) Nonresidential flag lot subdivisions are permitted when the following criteria are met:

- 1. The minimum width of the flag lot drive shall be thirty (30) feet.
- 2. The subdivider shall demonstrate to the satisfaction of the Planning Commission that the use of flag lots is necessary to the effective development of the land and that the proposed design poses no hazard to public safety; to-wit:
  - a. Access is clearly defined and joint use of traffic controls is shown where appropriate.
  - b. There are no visual obstructions at the intersection of the access point(s) and the street.
  - c. Adequate emergency and service vehicle access is provided.

**Sec. 55-21. Hillside standards.**

(1) Subdivisions or portions of subdivisions where the average slope is in excess of fifteen percent (15%) grade shall also conform to the following standards:

- (a) Minimum lot sizes and frontages for residential subdivisions shall be increased by a minimum of twenty five percent (25%) over the requirements of the zoning ordinance. In no case shall a single family detached residential lot be less than 8,000 square feet.
- (b) Utility and/or drainage easements shall be increased in width as required by the City engineer to assure access by maintenance vehicles. Easements for utility and/or drainage shall not be steeper than 8% grade.
- (c) Lot design must allow driveway access to meet the engineering regulations.
- (d) All hillside subdivision shall be designed to minimize the disruption or reshaping of existing topographic land forms.

(e) Drainage and grading plans for hillside lots shall indicate lot specific grading and water flow requirements. The subdivision plat will include a note indicating that lots meeting the definition for hillside regulation shall be required to submit a final grading plan for City approval prior to building permit issuance. The subdivision plat will specify which lots require the lot specific grading plan..

**Sec. 55-22. Easements.**

- (1) All utility easements shall be designed to minimize the encumbrance to the lot, and to facilitate maintenance. Any easement containing sanitary sewer, storm drainage, or water lines shall be accessible by maintenance vehicles at all times.
- (2) Drainage areas and easements shall be established in the configuration required by the City engineer based on the approved drainage report as required by the engineering regulations.
- (3) Emergency and service vehicle access easements shall be not less than twenty feet (20') in width and with a forty-five foot (45') turn radius, unless modifications to the width or turn radius are authorized or required, pursuant to the adopted City of Sheridan Fire Code.
- (4) The purpose and use of all easements and maintenance responsibilities therefore shall be clearly delineated on the final plat by note.

**Sec. 55-23. Mitigation of highway noise.**

(1) Unless specifically waived or modified by City Council based upon the general criteria contained in Article I of this Chapter, approval of all new subdivisions, any portion of which is located adjacent to or within 500 feet of the right of way for US 285, Federal Boulevard, or Santa Fe Drive, shall require the applicant to demonstrate compliance with the Highway Noise Standards in this section and to submit a Highway Noise Mitigation Plan in accordance with Section 18.4(d)(24), Chapter 56 of the Sheridan Municipal Code. The construction and maintenance of highway noise mitigation measures necessary to meet these standards shall be included in the Subdivision Development Agreement required by Article V.

- (4) *City parks, school playgrounds.* The maximum outdoor DNL for City parks and school playgrounds shall not exceed 65 dB(A).
- (5) *Commercial shopping areas.* The outdoor DNL for commercial shopping areas shall not exceed 65 dB(A).
- (6) *Industrial areas.* The maximum outdoor DNL for industrial areas shall not exceed 70 dB(A).

**Sec. 55-24. Streets, access and transportation.**

- (1) The subdivision design shall conform to the pattern of streets designated in the Comprehensive Plan.

- (2) Local streets shall serve as connections for private property to collector streets. Local streets should be designed to discourage use for through traffic.
- (3) All lots or tracts in residential subdivisions shall have frontage upon a public street.
- (4) All lots or tracts in multifamily residential subdivisions shall have access to a public street.
- (5) All lots or tracts in office, commercial, and industrial subdivisions shall have access to a public street.
- (6) All rights-of-way and streets shall conform to the minimum specifications of the engineering regulations. Increased right-of-way width may be required where a traffic study approved by the City engineer determines the public need reasonably necessitates the increased rights-of-way width.
- (7) Proposed private street designs and construction standards shall be subject to approval by the City engineer, and must conform to the construction standards for public streets, as listed in the engineering regulations.
- (8) The circulation pattern for the subdivision shall be designed to take advantage of the topography of the site, and should function in a logical manner and should be designed to accommodate the circulation demands of the proposed development based on the proposed land uses and external demands to be placed on the land. The circulation system should also take into account, when appropriate, various modes of transportation, e.g., pedestrian, bicycle and buses, etc. Access must be adequate for emergency and service vehicles. The following criteria shall apply:
  - (a) Proposed continuous streets shall be in alignment with existing, planned or platted streets with which they are to connect unless geographic conditions or design considerations indicate otherwise. The center line of streets not in alignment shall be offset at least one hundred fifty feet (150');
  - (b) Proposed streets shall be extended to the boundary lines of the land to be subdivided, unless prevented by topography or other physical conditions, or unless the City determines that such extension is not necessary or desirable for the coordination of the proposed street layout with existing or future development of adjacent tracts;
  - (c) Where required by the Planning Commission, a temporary connection to another street shall be provided by the subdivider. All dead end streets shall be provided with a turnaround in conformance with the requirements of the engineering regulations. Temporary portions of a turnaround shall be labeled as tracts to facilitate the ultimate vacation of same;
  - (d) Proposed streets shall intersect one another as nearly at right angles as topography and other limiting factors of sight distance and design permit.

- (e) Long straight residential streets, conducive to high speed traffic, shall be minimized.
  - (f) Sidewalks in residential and non-residential subdivisions shall be detached from the face of the curb by a minimum of seven feet (7') unless otherwise approved or granted a variance in accordance with the terms and requirements of the subdivision application and review procedures of this chapter, except that, in the interest of efficiency, safety, and accessibility, and if approved by the City Manager, sidewalks may be attached to the street in any direction within twelve feet (12') of any intersection. All sidewalk construction shall conform to the engineering regulations of the City, including, but not limited to Street, Sidewalk, and Stormwater Specifications (Chapters 70 and 74 of the Sheridan Municipal Code) including all addendums and amendments thereto.
- (9) The following design principles and standards shall apply to subdivisions adjacent to existing or proposed principal arterials and freeways:
- (a) Residential street design shall mitigate the impact of heavy traffic, and minimize the interference with traffic on such principal arterials and freeways.
  - (b) Frontage roads are not a desired design. They will only be permitted when required by the City Manager, and shall conform to the standards specified in the engineering regulations.
- (10) All streets shall be located such that grades, curves and sight distances will facilitate proper drainage and/or safety for vehicles and pedestrians. The following principles and minimum standards in addition to those set out in the engineering regulations shall be observed:
- (a) Grades of streets shall not be less than five-tenths of one percent (0.5%), nor greater than six percent (6%), except where, based upon criteria in the engineering regulations, the City Manager determines that conditions warrant steeper grades;
  - (b) At street intersections, property line corners shall be rounded by an arc, the radius of which shall be not less than twenty-five feet (25');
  - (c) The radii of curvature shall not be less than nine hundred fifty-five feet (955') on the center line of arterials and six hundred feet (600') on the property line of major collector streets, nor less than two hundred feet (200') on the center line of local streets.
- (11) Where access to adjacent streets must be restricted or prohibited for traffic safety reasons, an access control line shall be delineated on all plats and dimensioned as to location and size as specified by the City. Access rights across such lines shall be dedicated to the City.
- (12) Pedestrian, bicycle and trail rights-of-way and/or open space access rights-of-way, or easements, shall be dedicated when such rights-of-way or easements are required by the Comprehensive Plan. Additional rights-of-way or easements may be required by the Planning Commission when in its opinion the paths are necessary for access to parks, schools, shopping areas or other public facilities.

(13) All subdivisions shall provide a sufficient number and location of dedicated access roads to existing public streets to assure access to the subdivision by private, service, and emergency vehicles.

(14) The naming of streets within new subdivisions shall conform to the City street grid or the Arapahoe County street naming guide as appropriate, unless an alternate method is approved by the Planning Commission.

(15) As a part of the required street and non-vehicular system improvements, public transit stop improvement shall be provided adjacent to streets at appropriate locations. These improvements may include bus pullouts, concrete waiting platforms, benches, and bus shelters. Any improvements will require approval by RTD as part of the referral process.

## ARTICLE V. SUBDIVISION DEVELOPMENT

### Sec. 55-28. Construction and Development.

The construction and development of subdivisions in accordance with this Chapter shall follow the requirements of this Article.

### Sec. 55-29. Utilities.

(1) All public and private utilities shall be designed and constructed in accordance with the engineering regulations of the City, or the utility provider if not the City.

(2) Utilities in all new subdivisions shall be placed underground.

(3) *Water Facilities:*

(a) The developer shall be responsible for the extension and/or creation of water transmission facilities to the proposed subdivision to provide sufficient water for potable use, landscape watering, fire suppression and other uses permitted by the zoning classification of the land.

(b) The water system shall be designed and installed by the developer in accordance with the requirements of the City's engineering regulations.

(c) Water lines shall be installed to serve each subdivision lot.

(d) All nontributary groundwater shall be dedicated to the City.

(e) The developer shall install and maintain the exterior fire suppression system, including fire hydrants, for the subdivision in accordance with the requirements of the City, such maintenance to continue until final acceptance by the City.

- (f) The fire suppression system design shall be detailed in the construction drawings submitted to, and approved by, the City and the Fire Department.
- (4) *Sewage facilities:*
- (a) The developer shall be responsible for the extension and/or creation of sanitary sewage facilities to the proposed subdivision which are sufficient for uses permitted by the zoning classification of the land.
- (b) The sanitary sewage system shall be designed and installed by the developer in accordance with the requirements of the city's engineering regulations.
- (c) Sewage lines shall be installed to serve each subdivision lot.
- (5) *Other utility facilities:*
- (a) All new utility lines, including but not limited to gas, electric power, telephone and cable television lines shall be located underground throughout the subdivision.
- (b) Existing overhead utility lines shall be buried with the exception of major transmission line facilities.
- (c) Utility appurtenances, where feasible, shall be located underground and away from public activity areas such as parks, playgrounds and schools within the subdivision.
- (d) If utility appurtenances must be located above ground in public activity areas such as parks, playgrounds and schools or in areas subject to public assembly, they shall:
1. Be located in areas where they are visually unobtrusive; and
  2. Sufficiently away from public rights-of-way to avoid potential danger to the public.
- (e) Underground service connections to the street right-of-way line of each platted lot and other utility improvement required by the City and/or utility provider shall be installed and maintained at the developer's expense until a new property owner or owners' association assumes the perpetual maintenance responsibilities for the utility improvement.
- (f) The utility plans shall be prepared by the developer in coordination with the utility provider and the City and shall adhere to all requirements of this Article, the City, and the utility provider.
- (6) *Stormwater Facilities:* The developer shall be responsible for the planning and construction of all on-site and off-site stormwater improvements as necessary to serve the subdivision, and stormwater quality control measures as required by Chapter 70 (Stormwater) of the Sheridan Municipal Code.

**Sec. 55-27. Installation of utility facilities.**

Services from public utilities, water mains and from sanitary sewers shall be made available for each lot in such manner as will obviate the necessity for disturbing the street pavement, gutter, curb, and sidewalk, when service connections are made. Exceptions to this provision shall be granted only by the City Manager. The subdivider shall make the necessary advance arrangements with City officials and public utilities, including arrangement for construction and for installation charges, in order to achieve this result.

**Sec. 55-28. Subdivision monumentation.**

The external boundaries of all subdivisions shall be monumented by permanent monuments solidly embedded in the ground. Affixed securely to the top of each such monument shall be the Colorado registration number of the land surveyor responsible for the establishment of the monument. These monuments shall be set not more than fourteen hundred feet (1,400') apart along any straight boundary line, at all angle points, and at the beginning and end points of a change of direction or change of radius of any curved boundaries. All the monuments shall be set prior to recording of the final plat.

Surveying, staking and monumenting of the subdivision shall comply with the provisions of Title 38, Colorado Revised Statutes.

Concrete and metal monuments depressed below street grade with cast iron ring and cover, of a type approved by the engineering regulations, shall reference intersections of street center lines.

**Sec. 55-29. Development agreement.**

(1) In conjunction with final approval of a final plat by the City Council, the subdivider shall enter into a development agreement with the City providing for the construction and/or provision of public improvements. The agreement shall require the subdivider to construct or improve all streets, thoroughfares, public ways, drainage structures and water and sanitary sewer systems, and stormwater quality improvements both within and outside the subdivision. No public improvement work shall be commenced until improvement plans and profiles have been approved by the City Manager. Improvements shall be installed to the satisfaction of the City Manager and in accordance with the engineering regulations as directed by the approved construction plans. The public improvements which the subdivider shall construct or otherwise provide shall include, but not be limited to the following:

- (a) Grading, paving, drainage, drainage structures, revegetation, and construction of storm water quality controls necessary for the proper use and drainage of streets, highways and public ways and/or for the public safety;
- (b) Curbs and gutters;
- (c) Street name signs;
- (d) Sidewalks and/or trail improvements;
- (e) Fire hydrants, placed in accordance with the fire code and engineering regulations;
- (f) Water system development;
- (g) Traffic control devices;
- (h) Right-of-way landscaping;
- (i) Sanitary sewer facilities and connections for each lot;
- (j) Street lighting facilities;
- (k) Railroad crossing. Provision shall be made for any and all railroad crossings necessary to provide access to or circulation within the proposed subdivision, including the authorization for the establishment and improvement of such crossings;
- (l) All monuments as required by the engineering regulations.

(2) The development agreement may address requirements for the installation and maintenance of private improvements that will not become the maintenance responsibility of the City, such as landscaping in or adjacent to a public right of way or landscape and/or buffering improvements between the subdivision and adjacent land uses, or permanent privately owned and maintained stormwater quality facilities.

(3) The development agreement shall be recorded concurrently with the recording of the final plat.

**Sec. 55-30. Restriction of conveyance and certificates of occupancy.**

In order to secure the performance of the work to be done by a subdivider, there shall be no conveyance, sale, or transfer of title of the entire subdivision, or any individual lot, lots, tract or tracts of land within the subdivision nor will the City issue any certificates of occupancy for any lots therein until all improvements which are the subject of the development agreement are fully completed and initially accepted by the City for public improvements and acknowledged by the City for private improvements, and the City issues a Certificate of Compliance releasing this prohibition. The foregoing notwithstanding, the subdivider may convey to a single developer 100% of the lots in the subdivision, with the prior written consent of the City Manager, provided,

however, that such conveyance shall be subject to all provisions of the development agreement and this section, including restrictions upon subsequent conveyances and restrictions upon certificates of occupancy. Restrictions on conveyances and certificates of occupancy shall be noted on the final subdivision plat unless substituted contract security is posted as provided by this Article. This provision shall not restrict the subdivider from accepting financial deposit for lot reservations nor shall it restrict the issuance of building permits upon lots held by the subdivider.

**Sec. 55-31. Substitution of contract security.**

(1) At any time, the subdivider may offer substituted contract security to assure completion of the developer's obligations as set forth in the development agreement, and to release the restrictions of conveyances and certificates of occupancy as provided in this Article. The contract security shall be an irrevocable letter of credit, cash escrow, performance bond, or such other form of contract security as may be approved by the City Manager that will satisfy the objectives of this section. The form of contract security, and the issuing entity shall be subject to approval by the City Manager.

(a) The contract security required for the development agreement shall be one hundred twenty-five percent (125%) of the City engineer's estimate of the total cost of the required improvements.

(b) If the applicant has, in the sole discretion of the City Manager, satisfactorily completed one development agreement, including issuance of a certificate of initial acceptance, successful completion of the one-year warranty period, and the release or return of all contract security by the City, the contract security amount may be reduced to fifty percent (50%) of the City engineer's estimate of the total cost of the required improvements.

(c) After satisfactory completion of two consecutive development agreements by the applicant, including issuance of a certificate of initial acceptance, successful completion of the one-year warranty period and the release or return of all contract security by the City, the contract security amount may be reduced to twenty five percent (25%) of the City engineer's estimate of the total cost of the required improvements.

(d) Notwithstanding the provisions of subsection (b) and (c) above concerning possible contract security reductions, an applicant shall always be required to post contract security in the amount equal to one hundred twenty-five percent (125%) of the estimated total cost of improvements if the applicant, or any subdivider with an identity of ownership interest with the applicant of greater than fifty percent (50%), has failed to substantially comply with all provisions of all prior development agreements with the City, unless City Council provides otherwise in the resolution approving the subdivision.

**Sec. 55-32. Initial acceptance of public improvements.**

Upon completion of the public improvements the developer shall submit to the City "as built" drawings of the improvements, proposed documents of conveyance, certified cost estimates of the public improvements, and a statement certifying that the improvements are fully complete, have been fully paid for, and the developer has fully paid all persons or entities having furnished labor or materials for the design and construction of the improvements. Upon inspection and finding of satisfactory completion of the improvements in compliance herewith and all applicable standards and ordinances of the City, and upon submission and approval of an acceptable warranty performance guarantee, the City shall issue a "Certificate of Initial Acceptance" to the developer which shall commence the running of the warranty period.

**Sec. 55-33. Acknowledgement of private improvements.**

Upon completion of any improvements required by the development agreement other than public improvements, the developer shall request a final inspection by the City of said improvements. Upon inspection and finding of apparent completion of the private improvements in compliance herewith the development agreement and all applicable standards and ordinances of the City, and upon submission and approval of an acceptable warranty performance guarantee, the City shall commence the running of the warranty period for private improvements.

**Sec. 55-34. Warranty.**

- (1) The developer shall warrant that all improvements are free from defects, including but not limited to defects of materials, workmanship or design, and that the improvements otherwise fully comply with the applicable approved plans and profiles, and City standards and specifications.
- (2) The developer will repair or replace any improvement that fails during the first full year following initial acceptance, without regard to whether such failure is due to a defect or otherwise. A repair/replacement performance guarantee shall be posted and shall be equal to ten percent (10%) of the total cost of the improvements, excluding landscape improvements, as certified to the City, plus twenty percent (20%) of the total cost of landscape improvements, including all vegetative materials and irrigation and recreation facilities. The repair/replacement guarantee shall be in such form and issued by such institution as provided in this Article. The repair/replacement guarantee shall provide security for the cost which may be incurred in repairing and/or replacing improvements during the repair/replacement period of one (1) year following initial acceptance by the City, and in defending or removing claims of unpaid laborers, material suppliers and/or subcontractors who may attempt to assert a lien upon the property. The repair/replacement performance guaranty shall not be subject to reduction, pursuant to this Article.
- (3) In the event that any substantial repair or replacement is required to any of the improvements during the repair/replacement period and such repair or replacement is not timely

made upon notice of defect or in any event before expiration of the guaranty period, the City, may, in addition to any other legal remedies available to the City:

- (a) Extend the repair/replacement period for up to one (1) year following initial approval of the completed repair or replacement; and/or
- (b) Require that the developer adjust the amount or term of the repair/replacement guarantee as may be appropriate; and/or
- (c) Call the repair/replacement guarantee and, at the City's discretion, secure repair or replacement of the nonconforming improvements; and/or
- (d) Order denial or suspension of building permits, utility services or certificates of occupancy outstanding until repair or replacement of any nonconforming improvements have been performed.

**Sec. 55-35. Procedure for final acceptance of public improvements.**

No earlier than sixty (60) days prior to the expiration of the repair/replacement period, the developer shall submit a written request for final acceptance of the public improvements. The City shall conduct a final inspection of the improvements and if such improvements appear to fully conform to the development agreement and the applicable City standards and specifications, and/or all repairs, if any, that are needed, have been made to bring the same into such conformance, then the City shall issue a "Certificate of Completion" and certified final acceptance of the public improvements and the City shall release the performance and/or repair/replacement guarantee provided no lien claims or statements have been filed with respect to the project. Neither the City's final acceptance, nor release of the performance or repair/replacement guarantee, shall relieve the developer from the obligation to construct the improvements and warrant them as provided herein.

**Sec. 55-36. Procedure for completion of repair/replacement performance guarantee period for private improvements.**

No earlier than sixty (60) days prior to the expiration of the repair/replacement period, the developer shall submit a written request for release of the guaranty for private improvements. The City shall conduct a final inspection of the improvements and if such improvements appear to fully conform to the agreement and the applicable standards and specifications, and/or all repairs, if any, that are needed, have been made to bring the same into such conformance, then the City shall release the performance repair/replacement guarantee, provided no lien claims or statements have been filed with respect to the project. Release of the performance repair/replacement guarantee, shall not relieve the developer from the obligation to construct the improvements and warrant them as provided herein. Neither the City's initial acknowledgement of completion of private improvements, nor the release of the repair/replacement performance

guarantee for private improvements shall create a liability of, or cause action against, the City by third parties.

## **ARTICLE VI. DEDICATIONS**

### **Sec. 55-37. Public dedications.**

The subdivider of property for residential or non residential purposes shall dedicate or reserve land for public purposes as described below, except to the extent previously required and satisfied in conjunction with an annexation or zoning action.

### **Sec. 55-38. Streets.**

Street and any other vehicular or pedestrian public rights-of-way shall be dedicated to the City free and clear of liens and encumbrances.

### **Sec. 55-39. Drainage.**

Adequate easements or fee ownership rights, as delineated by the subdivider's engineer and approved by the City Manager, shall be dedicated to the City free and clear of liens and encumbrances for the high hazard floodway of the 100 year flood plain as delineated by the Urban Drainage and Flood Control District or the applicant's drainage report, as approved by the City Manager for any water course, stream, creek or natural drainage course which may traverse the subdivision. Dedication of easements for secondary storm drainage channels shall be provided, as required, to provide adequate drainage or storm water detention facilities.

### **Sec. 55-40. Public sites.**

Reservation of sites for schools, fire stations, pump stations and similar public uses, upon recommendation from the public agency therein involved, and approved by the City, shall be delineated on the final subdivision plat and reserved for public purchase. Said reservation shall be an irrevocable option to purchase for one year, with a right in the public agency to extend it on an annual basis for two additional years. Each extension shall be granted by the subdivider after receiving notice of such election from the public agency involved at least fifteen days prior to the date of expiration. If the option is not so extended, the site so reserved will be free and clear of any and all claim of said public agency. During the reservation period:

(1) The public agency shall pay to the subdivider the amount of the taxes assessed against the reserved area on an annual basis;

(2) The public agency shall pay to the subdivider at the time of renewal of each one (1) year's irrevocable option, five percent (5%) of the fair market value. The fair market value shall be based upon the land value of the reserved area as developed and improved immediately before final plat approval, and shall be agreed upon, if possible, by the subdivider and the public agency concerned prior to final subdivision plat approval. If the parties are unable to agree, they shall select a mutually acceptable appraiser who shall determine such value. If the parties fail to agree upon an appraiser, court action instituted within ninety (90) days after plat approval shall determine the fair market value upon such terms as the court shall decree.

Refusal to reserve a designated area shall be grounds for denying approval of the plat; however, failure to arrive at a mutually agreed value for the reserved area shall not be grounds for denying approval of the plat.

**Sec. 55-41. Parkland dedication requirements.**

(1) Subdivider shall dedicate to the City free and clear of liens and encumbrances, land within the subdivision in an amount equal to five percent (5%) of the area of the subdivision for public park and recreation purposes.

(2) If there is insufficient acceptable land available to satisfy the dedication requirement based upon the standards in this Article, the subdivider shall pay a cash fee in lieu of dedication. This cash-in-lieu of dedication fee will be calculated at the time of payment based upon the fair market value of the land which was otherwise to be dedicated. A per square foot land value will be determined by the City by means of an appraisal, if available, or by comparing the cash value of comparably zoned land in the county. The cash-in-lieu fee shall be collected prior to the recording of the final plat, or as provided in the development agreement. Cash in lieu monies shall be deposited in a City account to be used solely for the purchase or improvement of parks and recreation facilities.

**Sec. 55-42. Parkland standards.**

(1) The following criteria apply to land to be dedicated for park purposes.

(a) The area dedicated shall be no less than three (3) contiguous acres unless an addition to an existing park.

(b) It shall not be more than ten percent (10%) average slope.

(c) Wetlands, land within a floodway and/or drainage detention areas will not count toward the required acreage, unless otherwise acceptable to City Council.

(d) The dedicated land must be consistent with the Comprehensive Plan.

- (2) Notwithstanding the requirements set forth in this section, undisturbed natural open space areas may be acceptable for a portion of the dedication requirement as publicly owned open space. The following criteria apply:
- (a) Open space areas will be applied at the ratio of four (4) acres of open space for each one (1) acre of active parkland dedication credit received.
  - (b) The maximum credit will equal twenty five percent (25%) of the dedication requirement.
  - (c) The open space area must consist of ten (10) or more contiguous acres, and should not include any disturbed lands, improved channelized drainage ways, or detention or retention ponds.
- (3) The ownership and maintenance of all park(s), open space and any other undeveloped land within a development will be specified in the final plat, or development agreement as appropriate.
- (4) Except as required in the development agreement, or outlined below, park areas to be dedicated to the City shall be graded by the developer to their design rough grade as a part of any overlot grading of the subdivision. Additionally, vegetative cover shall be provided to ensure stabilization and prevent erosion until finish grading and park development occurs. These requirements may be waived by the City Manager to accommodate timing of park improvements, or modified through agreements with the developer and City, acting through the City Manager. In the event of an agreement with the City to accept the park without grading, the land to be dedicated to the City shall be preserved and protected during the development process. The developer shall not disturb the topsoil or vegetation on the land during the development process unless approved in advance by the City. If the topsoil or vegetation is damaged or disturbed, the City may require the developer to pay to the City the cost of restoring such vegetation and topsoil.
- (5) If there is a land dedication requirement for a school site development that dedication may fulfill up to 25% of the City's park dedication requirements when the school site to be dedicated is contiguous to the parkland, and if an intergovernmental agreement between the City and the school district, assuring public access satisfactory to City Council is executed. Only the school land devoted to usable play area may be counted toward the City's park dedication requirement.
- (6) Privately held recreational lands or facilities will not be considered in lieu of parkland dedication requirements.
- (7) City Council in its sole discretion, may accept dedication in an area outside of the subdivision in lieu of dedicating land within the subdivision.

**Sec. 55-43. School dedication.**

When requested by the Sheridan School District, residential subdivisions shall dedicate land equal to four (4.0) acres per one thousand (1,000) additional population generated by the subdivision. Land dedications shall be made to the City in fee simple, to be transferred to the school district upon designation of funding for a school construction project. At the option of the school district, a cash fee in lieu of dedication may be substituted according to the provisions of Subsection 55-42 above. Such cash in lieu fee shall be deposited by the City in a separate account to be transferred to the school district upon designation and funding of a school construction or improvement project serving the development. Calculation of population shall be based upon an assumed three (3.0) persons per single family dwelling and two (2.0) persons per multifamily dwelling.

## **ARTICLE VII. SUBMITTAL REQUIREMENTS**

### **Sec. 55-44. Sketch plan application requirements.**

In addition to the requirements found in Section 55-14, the following shall be required:

- (1) A vicinity map shall be provided by the applicant which clearly delineates the limits of the property which is to be subdivided. A copy of the County Assessor's map will suffice as a base map.
- (2) A context map or maps showing characteristics of the surrounding area including approved and existing residential and non-residential developments, surrounding streets, vehicular and transit system characteristics, destinations and connections for travel to and from the surrounding area, parks, and other features. Additional information should be provided if available, including but not limited to topography and wildlife.
- (3) A general sketch of the layout and uses being considered for the site, showing information including but not limited to use areas, pedestrian and vehicular circulation, and open space areas. A rough grading concept with estimated maximum street grades should also be included.
- (4) A map illustrating general site constraints including but not limited to areas within floodplains and areas of slope greater than fifteen percent (15%).

### **Sec. 55-45. Preliminary plat requirements.**

In addition to the requirements found in Section 55-15, the following shall be required:

- (1) *Preparation.* The preliminary plat and accompanying documents shall be prepared by a registered surveyor or professional engineer licensed to practice in the State of Colorado, as appropriate.

(2) *Format.*

(a) The preliminary plat shall be on a sheet size of 24" x 36". The scale of the map shall be one inch (1") equals fifty feet (50'), unless waived by the City Manager. If more than one sheet is needed to accommodate the entire subdivision, an index map shall be included on each sheet showing the total number of sheets and their relationship. Match lines shall be indicated on each sheet. A reproducible mylar of the preliminary plat shall be required upon approval by Planning Commission.

(b) A vicinity map showing the geographic relationship of the proposed subdivision to the surrounding area shall be drawn on the preliminary plat. The vicinity map shall show streets adjacent to or which serve the subdivision, and known natural or man made features so that the proposed subdivision can be easily located.

(c) The name of the proposed subdivision shall not duplicate the name of any existing subdivision recorded in Arapahoe County, nor any subdivision presently being processed by the city. When the subdivision is a part of a Planned Unit Development, or is a resubdivision of previously subdivided land, it shall be designated with a name reflecting the original title.

(3) *Required information.* Unless waived by the City Manager pursuant to the provisions of this Chapter, the following information shall be shown on the preliminary plat or if so indicated may be contained in a written statement or supplementary drawing accompanying the plat. Waiver by the City Manager under the provisions of Article I, of this chapter shall not preclude Planning Commission or City Council from requiring any item listed below:

(1) The name, address, and phone number of: the owner(s) of record of the property being subdivided, the applicant, and the person(s) preparing the plat.

(2) A legal description and gross acreage of the land to be subdivided, and, if applicable, the gross acreage of contiguous land under the applicant's ownership.

(3) A north arrow (true north); scale, both graphic and written, and date of preparation.

(4) The location and dimensions of all adjoining subdivisions including names, unplatted land, existing public improvements, streets, alleys, curb cuts, public and private easements, irrigation ditches and laterals, drainageways, and all other significant features within or adjacent to the tract, including those across adjoining streets.

(5) The location and dimensions of all proposed streets including names, rights-of-way, alleys, curb cuts, public and private easements, lot lines, access control lines, and public areas. Street center line, lengths, widths, curve radii, and approximate grades are required.

- (6) The location, dimensions, and surface finish of all non-vehicular circulation areas within the subdivision, including sidewalks, trails, and other pedestrian circulation areas.
- (7) The boundaries of the subdivision clearly defined by a heavy line around the perimeter of the site.
- (8) The surface contours at two foot (2') intervals for slopes within the property, and within one hundred feet (100') of the property.
- (9) The locations, size and ownership of all existing utilities in or adjacent to the tract, including water, sanitary sewer, storm sewer, electricity, gas, telephone, and cable television. This information may be submitted on a separate sheet.
- (10) The proposed private and public utility systems including water, sewer, electric, gas, telephone, cable television, storm drainage, and/or any other services which shall supply the area being subdivided. This may be submitted on a separate sheet. Evidence shall be supplied that the provision has been made for facility sites, easements, and rights of access for electrical and natural gas utility service sufficient to ensure reliable and adequate electric and/or natural gas service. A letter of agreement between the subdivider and utility serving the site shall be deemed sufficient evidence.
- (11) A statement of the present zoning and proposed use or uses and densities of the property. If a change of zoning is contemplated before the final plat is approved, the proposed zoning classifications must be stated
- (12) The outline of any existing buildings to remain on the property and their locations in relation to existing or proposed streets and lot lines.
- (13) The approximate boundaries of the one hundred (100) year flood plain (both existing and as modified by the proposed development) and the location of all water courses shall be shown.
- (14) The number of lots, the square footage of all lots, the width of all lots, acreage of area to be subdivided, acreage of public right-of-way, and acreage of public areas shall be shown.
- (15) Preliminary calculations of the required park, open space, or school dedication or the amount of the fee-in-lieu of the land dedication. This information may be submitted on a separate sheet.

**Sec. 55-46. Documents to be submitted with the preliminary plat.**

Unless waived by the City Manager pursuant to the provisions of Article I of this chapter, at the time of submittal of the preliminary map to the Planning Commission, the applicant shall also submit the following. Waiver by the City Manager under the provisions of Article I of this

chapter shall not preclude Planning Commission or City Council from requiring any item listed below:

(1) *Preliminary Geological Report:* A Preliminary Geological Report that indicates the degree of compatibility of the existing geologic, topographic, and drainage features of the area within the proposed development and the effects of subsequent modification of these features by such development to ensure adequate protection from potential geologic, topographic, and drainage hazards. The report shall be for approval by the department of public works and/or the Building Department. Appeal of a final denial of approval of the report is to the Planning Commission. Such report should include, but not be limited to, what is generally referred to as an "Engineering Geologic Report with Supplemental Report of Soils Investigation" with the following specific items:

- (a) Stratigraphic and engineering geological and topographic maps.
  - (b) Geological cross sections.
  - (c) Geological hazards and engineering problems.
    - 1. Identification and description.
    - 2. Location and distribution.
    - 3. Mitigation procedures.
  - (d) Potential, present, and past mineral extraction areas.
  - (e) Rock and soil descriptions oriented to engineering.
  - (f) Ground water elevation.
    - 1. Indicate with a map where the high groundwater table exists and if these areas would permit basements.
  - (g) Foundation design information, including depths to bedrock.
    - 1. Swell pressures of soils and bedrock should be listed so that verification can be made of the individual foundation designs.
    - 2. If the area has clay soils which expand when wetted, the report should substantiate with proper design evaluation that the expansive clay problems have been mitigated.
  - (h) Additional engineering geological studies to be performed before submission of the final plat.
- (2) *Title Company proof of ownership issued within the last thirty (30) days.*

- (3) *Preliminary Drainage Report*: The drainage report shall be of the type and in the form specified and in conformance with the engineering regulations.
- (4) *Preliminary Traffic Study*: The traffic study shall be of the type and in the form specified in and in conformance with the engineering regulations, unless waived by the City Manager.
- (5) *Preliminary Utility Construction Plans*: Preliminary construction plans for sanitary sewer and water facilities shall be in the form specified in and in conformance with the Water and Sanitary Sewer Specifications.
- (6) *Highway Noise Mitigation Plan*: A highway noise and mitigation evaluation plan shall be prepared and submitted for all proposed subdivisions located adjacent to or within 500 feet of the right of way for US 285, Federal Boulevard, or Santa Fe Drive. Such requirement for a Highway Noise Mitigation Plan can be waived by the City Manager for a Minor Plat, or Planning Commission for a Major Plat where, based upon the size of the subdivision and the existence of a community noise mitigation plan, the subdivider proposes and agrees to install highway noise mitigation measures consistent with the community plan. A Highway Noise Mitigation Plan should contain the following elements:
- (a) Description of existing conditions: The existing acoustical environment at the project site including the type of land uses that are near the site.
  - (b) Noise measurements: Noise measurements performed at the site to quantify the existing noise level at the location of proposed lots and outdoor use areas. The measurements shall be based upon at least one continuous 24 hour noise measurement to allow a determination of the DNL at the site. Supplemental short term measurements (no less than 15 minutes) can be used to help determine noise levels throughout a larger site by comparing the short term measurements with simultaneous measurements at the long term measurement location.
  - (c) Future Noise Levels: Calculations showing anticipated future noise levels on the site after development. If a traffic study is not warranted, then estimates can be used if they are approved by the City public works or planning department.
  - (d) Noise Impact Assessment: If the noise levels are anticipated to exceed accepted standards, mitigation recommendations that will enable the project to meet the standard must be provided.
    - 1. For outdoor areas the options to mitigate noise may include site orientation, building layout or noise barriers or any other means demonstrated to mitigate the noise. For indoor noise, sound rated building constructions such as sound rated windows, may be used.
    - 2. The report must describe in detail the height, length and location of any suggested noise barriers. Similarly, the location of any sound rated building elements must also be provided. The report must have a table showing existing

noise levels and future noise levels with and without any proposed mitigation measures.

Detailed design information can be provided at a later date provided the initial study has clear evidence that the City's standards can be met.

(7) *Notice to Mineral Estate Owners:* Certification of notice to mineral estate owners of record pursuant to C.R.S. § 24-65.5-103. Such notice shall include all information required by such statute, as well as the time and place of the initial public hearing, the nature of the hearing, the location of the property that is the subject of the hearing, and the name of the applicant.

(8) *Additional information:*

(a) The City Manager may request any other pertinent information as may be required to adequately describe proposed utility systems, drainage plans, public improvements, or other information concerning the area to be subdivided in order to assure that the subdivision is capable of being adequately and safely developed.

(b) Refusal by the applicant to furnish the information requested by the City Manager or his designee shall not be grounds for refusal to accept the preliminary plat for review; however, it shall be noted on the staff report to the Planning Commission. The Planning Commission may elect to require the information and refusal to provide it may be grounds for denial.

#### **Sec. 55-47. Final plat requirements.**

In addition to the requirements found in Section 55-16, the following shall be required:

(1) *Preparation:* The final plat, including Lot Line Adjustments or Minor Subdivision plats, and accompanying documents, shall be prepared by a registered professional surveyor or engineer licensed to practice in Colorado.

(2) Title company proof of ownership issued within the last thirty (30) days.

(3) *Format:*

(a) The final plat shall be clear and legible. The scale of the plat shall be one inch (1") to fifty feet (50') or greater (e.g. 1" = 40'), unless otherwise approved by the City Manager. If more than one sheet is needed to accommodate the entire subdivision, an index map shall be included on each sheet showing the total number of sheets and their relationship. Match lines shall be indicated on each sheet.

(b) The sheet(s) size shall be twenty four inches (24") by thirty six inches (36").

(c) There shall be a two inch (2") blank margin on the left side of the sheet, and a one half inch (1/2") blank margin on the other three sides.

- (d) The line work, type and size of lettering used must be such to allow a clear, legible reduction of the plat, by photographic means, of at least 1/2 size. Such lettering shall be a minimum of LeRoy size 100 or the equivalent (one tenth [1/10] of an inch).
- (e) All pertinent information inside the subdivision shall be drawn with solid lines excepting easements which shall be shown with dashed lines. Abutting existing subdivisions, streets, alleys, easements and lot lines shall be drawn with dashed lines finer than those within the subdivision.
- (f) There shall be a systematic, logical identification system for all blocks, lots, and tracts in the subdivision
- (g) The name of the subdivision is to be prominently displayed at the top center of each sheet. Plats which are part of a planned development district, or which are a resubdivision of previously subdivided land shall be designated with a name reflecting the original title.
- (h) The boundary of the subdivision shall be clearly indicated on the final plat. All lines shown on the plat which do not constitute a part of the subdivision shall be dashed. Any area enclosed by the subdivision, but not a part thereof, shall be labeled "NOT A PART OF THIS SUBDIVISION".
- (i) A vicinity map showing the geographic relationship of the proposed subdivision to the surrounding area shall be drawn on the final plat. Such vicinity map shall show streets adjacent to or which serve the subdivision, and known natural or man made features so that the proposed subdivision can be easily located.
- (j) The City subdivision application case file number, City Council resolution number, and if applicable, rezoning application case file number and ordinance number shall be shown in the lower right hand corner.
- (k) In the upper right hand corner of each page place the following:  
Book \_\_\_\_\_ , Page \_\_\_\_\_ , Reception Number \_\_\_\_\_  
Date of recording \_\_\_\_\_ .

(4) *Required information.* The following information shall be shown on the minor or final plat:

- (a) North arrow (true north); scale, both written and graphic; and the date the plat was prepared.
- (b) Date of field survey and date of preparation of the plat.
- (c) The names of adjoining subdivisions and if the adjoining land is unplatted, it shall be designated as such.

- (d) The widths of rights-of-way and names of abutting streets and alleys.
- (e) The final plat shall indicate all stakes, monuments, aliquot corners and/or other evidence as was used to determine the boundaries of the legal description of the subdivision, and were found on the ground or were set on the ground. All survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing on the plat including bearings or angles, distances of straight lines, radii, arc lengths, and internal or central angles for all circular curves shall be shown.
- (f) All lands and/or rights offered for dedication to the city for any purpose shall be particularly delineated and designated with all acreage, dimensions, boundaries, and courses clearly shown and defined in every case. Tracts offered for dedication other than for streets or easements shall be designated by letter or number. Sufficient linear, angular and curve data shall be shown to determine readily the bearing and length of the boundary lines of every block, lot, parcel and tract, which is a part thereof, and shall be shown in their entirety on one sheet. No ditto marks shall be used for lot dimensions. All lots and blocks shall be numbered systematically.
- (g) The right-of-way lines of each street, and the width and other dimensions of any portion being dedicated, and widths of all existing rights-of-way shall be shown. The widths and locations of adjacent streets and other public properties within fifty feet (50') of the subdivision shall be shown. If any street in the subdivision is a continuation of existing streets, the alignment of the proposed streets to the existing streets shall be shown.
- (h) Existing and proposed easements shall be shown by fine dashed lines and labeled as to type. All previously existing easements of record shall be shown, labeled as to type, and dimensioned with recording information given. 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 of lots which are cut by easement lines must be arrowed or shown so that the plat indicates the actual length of the lot lines. The widths of all easements and sufficient ties to definitely locate the same with respect to the subdivision shall be shown. If an easement is being dedicated by the plat, it shall be set out in the owners certificate of dedication and dedicated to the City.
- (i) The flood plain limits of the one hundred (100) year flood (both existing and as modified by the proposed development) shall be identified by a fine line around the area with arrow(s) indicating direction of the 100 year inundation flow.

**Sec. 55-48. Documents to be submitted with final plat.**

Unless waived by the City Manager pursuant to the provisions of Article I of this chapter, at the time of submittal of the final plat to the City, the applicant shall also submit the following

documents, provided, however, that only items (1) and (2) need be submitted for Minor Subdivision plats and Lot Line Adjustments. Waiver by the City Manager under the provisions of Article I of this chapter shall not preclude City Council from requiring any item listed below:

(1) *Subdivision boundary traverse sheets*: One copy of the computed closure sheets for the entire subdivision including but not limited to the exterior subdivision boundaries, interior lot lines, rights-of-way, easements, etc. A computer readable copy maybe submitted on a CD or appropriate storage device.

The information should be submitted in one of the following formats (in order of preference)

1. CGDEF
2. DXF (Drawing exchange file format)
3. Arc/Info generate
4. DLG 3
5. Atlas graphics
6. Geo names (U.S.G.S.)
7. World Data Bank II

The maximum acceptable error will be one foot to twenty five thousand feet (1:25,000').

(2) *Report and guarantee of clear title*: The plat document shall be accompanied by either a report prepared by a title insurance company authorized to do business in the State of Colorado, or a report prepared by an attorney licensed to practice in the State of Colorado, giving the name and current mailing address of all persons having any record interest in the land being subdivided and describing the nature of each such interest. The report may be a current title insurance commitment dated no more than two weeks prior to the date of submittal. An update of the report shall be provided upon submittal of the signed plat for recording.

(3) *Environmental audit*: When ownership of lands is to be dedicated to the City, an environmental audit prepared by a licensed engineer showing that any land to be dedicated to the city is free of "Hazardous Substance" as that term is now or hereinafter defined in the Comprehensive Environment Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601, et seq.), as amended. A level one environmental audit shall be the minimum submission required to meet this requirement.

(4) *Final Plat Geological Report*: If further, more detailed work is recommended in the preliminary geological report required under the provisions of Section 3 of this Article, or is considered to be necessary by the Planning Commission, a detailed "Engineering Geologic Report with Supplemental Report of Soils Investigation" prepared by a professional geologist, as defined in Section 34-1-201(3), Colorado Revised Statutes, as amended, shall be required to be

filed by the applicant with the final plat. Approval of the report shall be by the engineering division of the department of public works. Appeal of a final denial of the report is to the Planning Commission.

(5) *Final drainage report*: A final drainage report of the type and in the form specified in the engineering regulations.

(6) *Final traffic study*: A final traffic study of the type and in the form specified in the engineering regulations.

(7) *Final grading plan*: A final grading plan of the type and in the form specified in the engineering regulations.

(8) *Public improvements plan and quantities estimate*: A plan of proposed public improvements and a quantities estimate for all public improvements to be constructed. Preliminary plans and cross sections, in sufficient detail to estimate construction quantities, shall be submitted with the quantities estimate.

If phasing of the construction of the public improvements is requested, a proposed construction schedule and phasing map shall be submitted. Such proposal shall include a schedule of development by blocks or lots, or other suitable unit, showing the completion of the public improvements in relation to completion of buildings and appurtenant facilities on the individual sites. Each phase shall be an integrated, self-contained project consisting of all public improvements necessary to serve the property to be developed during the phase.

In the event the applicant's phasing proposal is rejected, written notice thereof shall be provided to the applicant specifying the reasons the proposal is inadequate. If accepted, the proposal shall be incorporated into a public improvements agreement.

#### **Sec. 55-49. Certificates, acknowledgments and descriptions.**

The following certificates, acknowledges, and descriptions shall appear on the title sheet of the final subdivision plat. Certificates may be combined where appropriate.

(1) Ownership certificate for fee owners and deed of trust holders, if any.

(2) Attorney's certificate, certifying the status of title to property interests dedicated to the City, if any.

(3) Dedication certificate conveying required dedications to the City, if any.

(4) Surveyor's certificate.

(5) Construction covenant, if appropriate.

(6) Approval blocks for the City Manager, the Planning Commission and City Council, as appropriate, with acceptance of any public dedications, if any.

(8) Clerk and recorders certificate.

**Sec. 55-50. Additional information.**

(1) The City Manager may request any other pertinent information as may be required in order to adequately describe proposed utility systems, site grading, stormwater quality control measures, drainage plans, public improvements or other information concerning the area to be subdivided in order to assure that the subdivision is capable of being adequately and safely constructed.

(2) Refusal by the applicant to furnish the information requested by the City Manager shall not be grounds for refusal to accept the final plat for review; however, it shall be noted in the City Manager report to the City Council. The City Council may elect to require the information and refusal to provide it may be grounds for denial.

Section 2. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

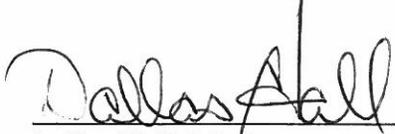
Section 4. The repeal or modification of any provision of the Municipal Code of the City of Sheridan by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 5. This ordinance is deemed necessary for the preservation of the public property, health, welfare, peace and safety.

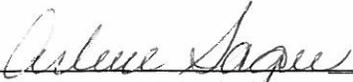
Section 6. Violations of this ordinance shall be punishable in accordance with the provisions of Section 1-14 of the Sheridan Municipal Code.

PASSED AND APPROVED on first reading the 24<sup>th</sup> day of March 2010, and ordered published.

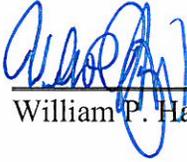
PASSED AND APPROVED on second reading the 14<sup>th</sup> day of April 2010 and ordered published.

  
\_\_\_\_\_  
Dallas Hall, Mayor

ATTEST:

  
\_\_\_\_\_  
Arlene Sagee, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
William P. Hayashi, City Attorney