

TITLE X

LAND USE REGULATIONS

Chapter 5

Subdivision Regulations

Section:

- 10-5-1: General Provisions
- 10-5-2: Interpretation
- 10-5-3: Enforcement
- 10-5-4: Definitions
- 10-5-5: Subdivision Procedure
- 10-5-6: Required Improvements and Land Dedication
- 10-5-7: Design Standards
- 10-5-8: Alternative Procedure
- 10-5-9: Assessment of Town Costs

10-5-1: General Provisions

- A. These Regulations shall be known and may be cited as the "Town's Subdivision Regulations".
- B. These Regulations shall apply within the corporate limits of the Town.
- C. The purposes of these Regulations are to:
 - 1. Promote and protect the public health, safety and welfare.
 - 2. To insure that new development bears its fair share of the cost of providing improvements and services resulting from the development of subdivisions.
 - 3. To set forth uniform procedures and standards for the handling of subdivisions.
 - 4. To insure adequate and safe public services such as water, sewer, fire protection, streets and storm drainage.
 - 5. To implement the Town's Master Plan and Development Regulations.
 - 6. To encourage development which limits hazards due to erosion, flood, soil conditions, and excessive slopes.
 - 7. To obtain land for parks, schools, and other public purposes.

8. To protect the quality of the water, air and environment.
9. To encourage energy conservation, use of solar energy, clustered development, and infilling.
10. To encourage development which will not adversely affect adjacent property, or historical or recreational values.
11. To discourage development inconsistent with existing services and infrastructures.
12. To provide for safe and efficient flow of vehicles and pedestrian traffic.

10-5-2: Interpretation

- A. In interpreting and applying provisions of these Subdivision Regulations they shall be regarded as a minimum required for the protection of the public health, safety and welfare. They shall be liberally construed to further the purposes specified in Section 10-5-1 above.
- B. Whenever a provision of these Regulations and any other provision found in another Town ordinance or applicable law contains any restrictions or regulations covering the same subject matter, the restriction or regulation, which is more restrictive or imposes a higher standard or requirement shall govern.
- C. The word "shall" is mandatory the word "may" is permissive.
- D. Words used in the present tense include the future, words used in the singular include the plural, and words of one gender include all other genders unless the context indicates the contrary.

10-5-3: Enforcement

- A. Whoever, being the owner or agent of the owner of any land located within a subdivision transfers or sells, agrees to sell, or negotiates to sell any land by reference to or exhibition of, or by use of a plat of a subdivision before such plat has been approved by the Planning Commission and recorded or filed in the office of the Montrose County Clerk and Recorder, shall pay a penalty of \$100 to the Town of Olathe for each lot or parcel so transferred or sold, or agreed or negotiated to be sold. The description of such lot or parcel by meets and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties, or from the remedies provided in this Section. The Town may enjoin such transfer of sale or agreement by an action for injunction brought in any court of competent jurisdiction and may recover the penalty by civil action in any court of competent jurisdiction.

- B. It shall be unlawful to violate any provision of these Subdivision Regulations or any provision of a Subdivision Improvements Agreement approved pursuant to these Regulations. Any person convicted of such a violation may be sentenced to a term of imprisonment not to exceed 90 days, or fined an amount not to exceed \$300, or sentenced to both such fine and imprisonment. A separate offense shall be deemed committed during each day during which any violation continues; provided however, any violation subject to the provisions of Subsection (A) above shall not be subject to the provisions of this Subsection (B).
- C. No water tap, sewer tap, septic tank permit, building permit or occupancy permit shall be issued for the development of property with respect to which a violation of these Subdivision Regulations or a Subdivision Improvements Agreement approved pursuant to these Regulations has occurred until the violation has been remedied satisfactorily to the Town.
- D. The Town may bring an action in a court of competent jurisdiction to enjoin any violation of these Subdivision Regulations or of a Subdivision Improvements Agreement entered into pursuant to these Subdivision Regulations.

10-5-4: Definitions

For the purpose of these Regulations the following definitions shall apply.

- A. "Subdivision" means the division of a lot, tract or parcel of land into 2 or more lots, plats, sites or other division of land for the purpose, whether immediate or future, of sale or of building development; however the following will not be considered a subdivision unless the method of disposition is used to avoid the purposes of these Regulations;
 - 1. A division of land, which is created by order of any court in this State or by operation of law or by the process of eminent domain.
 - 2. A division of land, which creates cemetery lots.
 - 3. A division of land, which is created by the acquisition of an interest in land in the name of husband and wife or other persons in joint tenancy or as tenants in common.
 - 4. A division of land created by acts of the Town.
- B. "Sub-divider" means any person engaged in the planning, development or sale of a subdivision or subdivided land.
- C. "Lot" means a unit, into which land is divided on a subdivision plat, including a condominium unit.

- D. "Town" means Town of Olathe, Colorado, and any authorized officer, employee or agent thereof.
- E. "Person" means any individual, corporation, partnership or other entity.
- F. "Building line" means a set back line beyond which no portion of a building may extend above the surface.
- G. "Collector Street" means a street designed to carry traffic from local streets to arterial streets.
- H. "Arterial Street" means a street designed to carry large traffic volumes at efficient speeds with few stops.
- I. "Local Street" means a street designed to provide access to individual lots.
- J. "Cul-de-sac" means a street which dead ends with a circular turn-around.

10-5-5: Subdivision Procedure

The subdivision of land shall be accomplished in accordance with the following procedures.

- A. "Sketch Plan"
 - 1. The purpose of submitting a sketch plan is to present and develop a conceptual plan of the subdivision which conforms with the Town's Master Plan and Zoning Regulations and is consistent with existing streets, utilities, and topography and promotes the purposes of these Regulations. The sub-divider is encouraged to consult informally with the Planning Commission and the Town's administrative officials before and during the sketch plan phase.
 - 2. The sub-divider must submit a sketch plan to the Town at least 10 days prior to the meeting at which the plan is scheduled to be heard. (Ord. 2011-04)
 - 3. Three copies of the sketch plan shall be submitted with a scale no less than 1" equals 50 ft. The sketch plan shall contain the following:
 - a. Subdivision boundaries, total area, true north, and proposed subdivision name.

- b. An indication of proposed lots and their sizes.
 - c. Proposed and existing roads, utility easements, other easements, and land proposed for public dedication.
 - d. An indication of any areas with a slope greater than 15° and any areas with a slope greater than 30°.
4. A list of the names and addresses of the owners of adjacent property shall be submitted with the sketch plan.
 5. Following its review, the Planning Commission shall make its comments and suggestions concerning the sketch plan. The Commission's comments and suggestions shall be based upon the Town's Master Plan, existing roads and services, the purposes and objectives of these Subdivision Regulations, and upon compliance with the requirements of these Regulations.

B. Preliminary Plat:

1. The purpose of the Preliminary Plat is to present and develop the subdivision layout in detail, including lots, utilities, streets, other improvements and details of site planning. Adjustments to comply with these regulations shall be expected at this time and the sub-divider is encouraged to provide complete information.
2. The preliminary plat shall be submitted to the Planning Commission consistent with the sketch plan and the Planning Commission's recommendations concerning it at least 3 weeks before the regular meeting of the Planning Commission at which the sub-divider desires it to be considered.
3. Ten copies of the preliminary plat shall be submitted along with one copy of supporting plans and data, accompanied by a preliminary plat review fee in the amount of \$300.00. (Ord. 2011-04)
4. The Town may send copies of the plat to the School District, District 10 Regional Planning Commission, Soil Conservation Service, the power, gas and telephone companies, Uncompahgre Valley Water Users Association, and any other entities as appropriate.
5. The preliminary plat and proposed improvements shall comply with all of the requirements of these Subdivision Regulations and other applicable Town Design and Construction Specifications and Standards. The plat shall be drawn to a scale of not less than 1" equals 50 ft.

6. The preliminary plat shall contain at a minimum the following:
 - a. The name of the subdivision, date of the preparation of the map, name and address of the engineer or surveyor preparing the plat, total area of the subdivision and area excluding streets and alleys.
 - b. The scale used and direction of true north.
 - c. The location and dimensions of all existing and proposed streets, alleys and easements, streetlights, street signs and other improvements.
 - d. The location of water courses, including lakes, swamps, ditches, flood prone areas; the location of existing utility lines, pipes, poles, towers, culverts, drains and drainage ways.
 - e. The location, size and dimension of all lots and blocks, and the location of sites to be reserved for particular uses or to be dedicated to the public.
 - f. Two foot elevation contours.
 - g. Building lines, height restrictions, and any restrictions designed to assure access to sunlight for solar energy devices.
7. Accompanying the preliminary plat shall be plans, drawings or information for the following:
 - a. Estimated water and sewer consumption and usage.
 - b. Description of geological hazards.
 - c. Plans for the proposed sanitary sewer system showing location, grade, pipe sizes and invert elevations and the connection points to the existing Town system.
 - d. Plans for the water system and fire protection system showing locations, pipe sizes, valves, fire hydrants and connection points to the existing Town system.
 - e. Plans for the storm drainage system showing locations, pipe sizes, drains, surface drainage ways and discharge points. Design of storm sewer and/or storm water systems shall be in accordance with the Town of Olathe's Stormwater Requirements for Development Manual. (Resolution 2011-05)
 - f. Plans for proposed streets, sidewalks, curb and gutter, bike paths, and walkways showing the grade and cross section.

- g. The name, address and telephone number of all surface owners, mineral owners and lessees of mineral rights as their names appear upon the plats or records in the Montrose County Clerk's office. Addresses shall be used as listed most recently in a telephone directory or other directory in general use or as on the tax records of Montrose County.
 - h. Any proposed covenants, condominium declaration or articles of incorporation and by-laws for any homeowners' association.
 - i. A soils report and plans for any other proposed public improvements.
 - j. Written approval of the State Department of Highways of any access to highways under their jurisdiction.
- 8. The sub-divider shall submit at or before the Planning Commission meeting at which the Plat is considered an affidavit that he has sent a notice of the hearing to the persons listed pursuant to Subsection (5)(B)(7)(g) above, by registered mail at least 10 days prior to such meeting. The sub-divider is responsible to send such notice.
- 9. The Planning Commission shall recommend approval or denial of the preliminary plat after conducting a hearing thereon within 30 days after the preliminary plat has been submitted to the Commission. The Planning Commission shall state the reasons for its recommendation and provide its findings to the applicant in writing upon request. The time to issue a decision may be extended if the applicant agrees to such an extension. The Planning Commission shall recommend denial of the plat if the plat or the proposed improvements do not comply with the requirements of these Regulations. (Ord. 2011-04)
- 10. Following the Planning Commission's decision, the preliminary plat shall be submitted to the Town Board for review. The Town Board shall either, approve the preliminary plat, conditionally approve the preliminary plat, or disapprove the preliminary plat. The Town Board shall deny the preliminary plat if the preliminary plat or the proposed improvements do not comply with these requirements. (Ord. 2011-04)
- 11. **Assessment of Town Costs** (Ord. 97-12)

In addition to any other required fees, the sub-divider shall reimburse the Town for all out-of-pocket costs incurred during review of the subdivision, including legal fees, postage, notice and

publishing costs, map costs, engineering fees, etc., plus 10% to cover overhead and administration. The Town shall bill the applicant periodically as such costs are incurred. No plat shall be recorded, improvements accepted, lien released, building permit issued, tap approved, or other approval action taken until all fees then due are paid to the Town. Such fees may be certified to the County Treasurer for collection as delinquent charges against the property being subdivided. (Ord. 2011-04)

C. Final Plat:

1. No land shall be subdivided nor shall any subdivided lot be sold or conveyed until the final plat has been approved in accordance with this Subsection. No final plat may be submitted more than 2 years after approval of the preliminary plat without resubmitting the preliminary plat for re-approval. The final plat shall be substantially consistent with the preliminary plat as approved.
2. Two duplicate reproducible originals of the final plat shall be filed with the Town along with four copies thereof, at least 10 days prior to the next regularly scheduled Planning Commission meeting at which the sub-divider wishes to have the plat considered.
3. The final plat shall comply with the requirements for the preliminary plat, except as modified by this Subsection, and shall include the following additional information:
 - a. A legal description of the subdivision and sufficient data to determine easily and reproduce on the ground the location, bearing and length of every street line, boundary line, block line, lot line, and building line, whether curved or straight, including the radius, central angle and tangent distance for the center line of curved streets. Other curved lines shall show arc or cord distance and radius. All dimensions shall be to the nearest 100th of a foot and all angles to the nearest minute.
 - b. Total acreage, acreage excluding public streets and alleys, designation of easements and parcels dedicated for public use, along with streets dedicated for public use.
 - c. Lot and block numbers and lot areas.
 - d. Certificates of recommendation and approval for the Planning Commission and Board of Trustees. (Ord. 2011-04)
 - e. A certificate of ownership and dedication notarized and executed by all surface owners and lien holders.

- f. The location of all monuments and a certificate of a registered land surveyor attesting to the accuracy of the survey and plat and placement of monuments.
 - g. A certificate of an attorney that the title to the property is in the name of those parties executing the certificate of ownership and dedication.
 - h. A certificate of a licensed professional engineer that the water and sewer systems and streets meet all applicable requirements of the Town and State law.
 - i. A certificate of recording to be executed by the County Clerk and Recorder.
 - j. A vicinity sketch map.
- 4. The final plat shall be accompanied by a computation showing the closure of the tract boundary to 1 foot in 5,000 feet or better.
 - 5. The final plat and accompanying plans shall be drawn to a scale of not less than 1" equals 50 ft.
 - 6. Accompanying the final plat shall be the following.
 - a. A certificate of taxes due for the property.
 - b. As-built plans for sanitary sewers, storm sewers, drainage systems, water and fire systems showing grades, pipe sizes, outlets, connection points, and other information as required by the Town. As-built plans for any improvements not complete at the time the final plat is submitted shall be submitted prior to inspection and approval of the improvement by the Town.
 - c. Payment of any amount required in lieu of land dedication.
 - d. A subdivision improvements agreement on a form provided by the Town.
 - e. A copy of any restrictive covenants, condominium declarations, and articles of incorporation and by-laws of any homeowners' association applicable to the subdivision or lots therein.
 - f. An update to the list of the owners submitted with the preliminary plat pursuant to Section (5)(B)(7)(g).

infrastructure, storm water drainage system, trails and park development. (Ord. 2011-04)

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

11. Assessment of Town Costs (Ord. 97-12)

In addition to any other required fees, the applicant shall reimburse the Town for all out-of-pocket costs incurred during review of the subdivision, including legal fees, postage, notice and publishing costs, map costs, engineering fees, etc, plus 10% to cover overhead and administration. The Town shall bill the applicant periodically as such costs are incurred. No plat shall be recorded, improvements accepted, lien released, building permit issued, tap approved, or other approval action taken until all fees then due are paid to the Town. Such fees may be certified to the County Treasurer for collection as delinquent charges against the property being subdivided. (Ord. 2011-04)

10-5-6: Required Improvements and Land Dedication. (Ord. No. 1-2006)

- A. All subdivisions shall be provided, at the expense of the subdivider, with the following improvements as required to serve the subdivision and to mitigate its impacts, including but not necessarily limited to the following:
 1. Street improvements:
 - a. Paved streets;
 - b. Paved alleys, if required by the Town;
 - c. Street signs;
 - d. Street lights found in the Specifications for Street Design and Construction as adopted by the Town of Olathe in March 1998. (Ord. 2011-04);
 - e. On and off-site traffic mitigation improvements;
 - f. State highway intersection improvements required by CDOT to serve the development.
 2. Curbs, gutters, sidewalks and ADA accessibility ramps.

3. Public Utilities:
 - a. A water system including fire hydrants and fire mains;
 - b. A sanitary sewer system;
 - c. A storm water system;
 - d. Other public utilities, including if available, gas, electricity, telephone and CATV;
4. Parks, open space, bike paths, pedestrian and recreation trails;
5. Piped drainage facilities and waterways.
6. Survey monuments.
7. Berms, screening and buffers, if applicable.
8. Off-street parking, mailbox location areas and school bus stops, if applicable.
9. Piped ditches.

B. Subdivision Improvements Agreement.

1. A subdivider may provide, at the subdivider's expense, certain private improvements including, but not limited to recreational facilities, open space, parks, pedestrian walkways, trails, drainage facilities, ponds and waterways, berms, screening and buffers, ect. to serve the subdivision or to mitigate its impacts, in accordance with duly adopted Town standards, if applicable.
2. Land proposed to be left as substantially undeveloped open space must be designed, located, altered, owned and maintained as appropriate to eliminate trash, weeds, litter, nuisances or junk, dumping, and to mitigate any safety or fire hazard.
3. The Town may require the installation of ditch, storm drainage, flood protection improvements, retention or detention areas, waterway piping or other improvements to be privately owned and maintained, as appropriate to serve to protect the subdivision and other properties.
4. An area shall be provided for mail boxes and school bus stops when due to subdivision size or location, they are deemed necessary.

5. The plat shall contain for all privately owned improvements, appropriate restrictions on the use and covenants for ownership and maintenance, in perpetuity, enforceable by the Town, providing for recovery of the Town's costs by liens or assessment against the property in the subdivision.
 6. Construction of any such improvements shall be completed or secured similar to public improvements prior to final plat approval.
- C. Other improvements may be required as a condition of approval when found to be roughly proportional to the impacts being mitigated.
 - D. All improvements shall be constructed in accordance with these regulations, other applicable Town design and construction specifications and standards and other applicable Town ordinances or regulations, in substantial conformity with the preliminary plat as approved and in accordance with good engineering and construction practices.
 - E. Following the completion of any required improvements and submission of the as-built plans (record drawing), the Town shall conduct an inspection and if the improvements are in accordance with the requirements of these and other applicable regulations and good engineering and construction standards, the Town shall issue a certificate of completion, and shall thereafter own all public improvements. For a period of one year thereafter, the subdivider shall be responsible to correct all defects or failures, which appear in such improvements. The Town may make warranty inspections of the improvements. The Town shall give the subdivider a list of any corrections to be made. The warranty shall continue, however, until all corrections are made and approved.
 - F. All property, and easements dedicated to the Town on any plat shall become property of the Town upon approval and execution of the plat by the Town, free and clear of all mortgages, liens, and encumbrances. All property and easements necessary for public improvements must be dedicated to the Town or other governmental agency as applicable, free and clear of all liens and encumbrances by the owners of any interest therein except the owners of severed mineral interests.
 - G. Security for Completion of Improvements:
 1. A subdivision Improvements Agreement on forms approved by the Town shall be recorded with any final plat for all subdivision improvements. If the subdivider wishes to have the final plat approved prior to the installation inspection and approval of all required improvements, security must be provided to guarantee the completion of all improvements within 2 years after approval of the

final plat in accordance with this Subsection, incorporated into the Subdivision Improvements Agreement. Said security shall be in the form of the following:

- (a) A subdivision improvements and lien agreement placing an adequate lien on subdivided lots, with an escrow account with the Town into which the subdivider shall pay, prior to the sale of any lot in the subdivision, an amount to be verified by the Town (with cost estimates provided by the subdivider), equal to one hundred fifty percent (150%) of the pro rata cost to complete the improvements necessary to serve that lot, or;
 - (b) A cash escrow deposited with the Town or a clean irrevocable letter of credit in an amount to be verified by the Town (with cost estimates provided by the subdivider) equal to one hundred and fifty percent (150%) of the pro rata cost to complete the subdivision improvements necessary to serve the subdivision.
 - (c) Security shall not be required for payment in lieu of parks, or school land dedication, as such money payment shall be collected prior to recording the final plat.
2. Funds in any escrow account shall be returned to the subdivider upon the improvement secured, submission of record drawing, and acceptance by the Town.
 3. The subdivider shall complete all improvements by any stated completion date or within 2 years of the approval of the final plat by the Town. In the event that all required improvements are not completed, inspected and approved within 2 years of the date of the approval of the final plat by the Town, the Town may withhold further building or occupancy permits, or water taps or sewer taps in such subdivision until such improvements are completed. It shall then be unlawful to sell any further lots in the subdivision until all improvements are completed. The Town may take any other lawful action to enforce completion of the improvements.
 4. The Town Board may authorize extensions of time to complete all improvements beyond the 2 year limitation as set forth herein.

H. School Land Dedication:

1. The subdivider shall dedicate to the Montrose County School District RE-1J, land for development of schools, based upon 17.83 acres of vacant land per one thousand residential dwelling units, calculated at build-out of the proposed subdivision. This is based upon an average of 0.64 students per residential unit.

2. All of the dedicated land shall be a single parcel, meet the minimum size requirements for the intended use and be suitable for construction of school facilities. The RE-1J School District shall review the subdivider's request to dedicate land or pay cash-in-lieu of land dedication, and shall provide its recommendation to the Town. Minimum size for an elementary school is generally 15 acres, for a middle school or junior high school is 30 acres, and for a high school is 55 acres.
3. For those subdivisions where the dedication of school land will not meet the minimum sizes or is not practicable, such as subdivisions involving small land area, or where the area of the land is not suitable or sufficient for purposed construction of school facilities, the Town shall require a payment-in-lieu of calculated, based upon Montrose County land values, currently assumed to be in excess of \$18000 per acre, and calculated as follows:

School	Student Per Lot	Acres Per Student	Dollars Per Acre	In-Lieu Fees/ Unit
Elementary	.294	.033	\$18,000	\$175
Middle	.154	.067	\$18,000	\$185
High	.192	.037	\$18,000	\$128
TOTAL				\$488

4. Payments in lieu of school land dedication shall be collected with the final plat, based on the maximum number of residential units allowable, and paid over to the RE-1J School District pursuant to an Intergovernmental agreement.
5. The following shall be exempt from school land dedication requirements or payment-in-lieu of fees:
 - (a) Nursing homes;
 - (b) Town approved subdivisions that are subject to recorded covenants restricting the age of the residents such that the dwelling may be classified as "housing for older persons" pursuant to the Federal Fair Housing Amendments Act of 1988.
 - (c) Travel Home parks and other uses that are limited to short term rentals.
 - (d) Lots restricted to non-residential use.
 - (e) Units occupied prior to January 1, 2006.

6. The requirements may be met by a combination of land dedication and payments in lieu when that is appropriate.

10-5-7: Design Standards. (Ord. 99-04 and Resolution 2010-07)

- A. All subdivisions shall conform to the minimum design standards of this Section. The Planning Commission may allow deviation from these standards if it determines that unusual topography or a hardship exists, or that alternative standards will more effectively protect the quality of the subdivision and the public welfare, or more effectively achieve the purposes of these Subdivision Regulations.
- B. All subdivisions shall be developed in accordance with the Town's Master Plans, Zoning Regulations, Flood Plain Regulations, and other applicable Town ordinances, regulations and specifications.
- C. Streets and Alleys:
 1. All streets shall be constructed and designed in accordance with Town specifications. (Ord. 99-04 pavement and Resolution 2010-07 concrete)
 2. All lots shall have access to a dedicated, improved street connected to the Town's public street system. All access points shall require a driveway permit. No access shall be allowed directly from a residential lot to a collector or arterial street. (Ord. 99-04)
 3. All streets shall have a minimum straight distance of 150 ft. from any intersection or 90-degree turn.
 4. Any cul-de-sac shall have a minimum 100-foot diameter right-of-way with 90 feet diameter of pavement at the end of the cul-de-sac. No cul-de-sac shall be longer than 500 feet. (Ord. 99-04)
 5. Streets shall be classified as required by the Town's Street Plan or as required by the Town. The minimum dedicated right-of-way and pavement width shall be as follows: (Ord. 99-04)

<u>Street Classification</u>	<u>Minimum Right-of-Way</u>	<u>Minimum Pavement</u>
Arterial	80 ft.	40 ft.
Collector	60 ft.	40 ft.
Local	60 ft.	40 ft.
Alley	20 ft.	none

6. No street or alley shall have a street grade less than one-half of one percent or more than seven percent. No arterial street shall have a grade of more than five percent. (Ord. 99-04)
7. Access to any public highway under the jurisdiction of the State Department of Highways shall be subject to the provisions of the State Highway Access Code.
8. All street intersections shall be at substantially right angles. Half streets are prohibited. (Ord. 99-04)
9. The block length and width shall be suitable for the use contemplated, and the maximum length of the block should not exceed 600 feet. Alleys shall be required in commercial zones. (Ord. 99-04)
10. All subdivisions with more than 10 lots in the R Zone, or more than 15 lots in the RR zone, shall provide a minimum of two street intersections with the existing Town street system. (Ord. 99-04)
11. Subdivider shall be required to make and install improvements to existing streets within and abutting the subdivision and in other areas outside the subdivision, including but not limited to curbs, gutters, sidewalks and street paving improvements, when the subdivision will create a need for said improvements outside the subdivision itself, or a need to expand or improve existing public improvements to current standards in order to properly serve the subdivision, or if the subdivider or their predecessors of interest by virtue of their actions and the timing and scope of development of the subdivision or other property have created a situation where the needed improvements were not previously improved or installed. It shall be presumed that existing streets and sidewalks directly abutting the subdivision must be improved to current Town standards in order to properly serve the subdivision.
(Ord.No.1-2006)
12. In those cases where the Town determines that the immediate improvement of the abutting street, or other on-site- improvements, is not currently practical, or should be delayed, or the cost of such improvements should be shared with additional property likely to use and be benefited by the improvements, such as future State highway intersection improvements mandated by CDOT, the developer may be allowed to execute recordable covenants on the plat or separately on a form provided by the Town, binding the lots in the subdivision to future assessments or participation in an improvement district for the construction on such improvements.
(Ord. No. 1-2006)

D. Public Utilities and Utility Easements:

1. Utility easements shall be a minimum of 20 ft. centered on the rear or side lot lines, and a minimum ten foot easement shall be provided along the front lot line and adjacent to any abutting street. (Ord. 99-04)
2. All public utilities shall be installed underground.
3. Evidence that adequate provision has been made for facility sites, easements and rights of access for electrical and natural gas service sufficient to ensure reliable and adequate electrical and natural gas service shall be submitted. Submission of a letter agreement between the sub-divider and the utility company shall be sufficient. (Ord. 00-08)

E. Water and Sewer Systems: (Ord. No. 1-2006)

Water and sewer systems shall be designed by a professional engineer, and constructed in accordance with good engineering practices and Town design and construction standards and specifications. Individual sewage disposal systems may be used instead of Town sewer service only on the following conditions:

1. More than a $\frac{1}{4}$ mile extension of Town sewer main would need to be constructed at the developer's cost in order to reach the closest point of the subdivision, or use of the Town sewer system is prohibited in the 100 year flood area by federal grant conditions.
2. Each lot shall be subject to a covenant to participate in the cost of a sewer extension project to serve the lot, payment of tap fees, system improvement fees and other charges, by assessment, improvement district or otherwise, and to connect to Town sewer upon the Town's request.
3. Lots shall conform to by State ISDS requirements.
4. Uses are restricted to uses eligible for ISDS systems.
5. The plat shall contain notes in a Town approved form implementing these provisions.

F. Curb, Gutter and Sidewalks:

Curb, gutter and sidewalk shall be designed and constructed in accordance with Town design and construction standards and specifications.

G. Monuments: (Ord. 99-04)

Monuments shall be set in concrete and placed at the corners of all street intersections, at the intersections of the boundaries of the subdivision with street right-of-way lines, at angle points and points of curve in each street, and along the centerline of each street at angle points and points of curve, and at points of change in direction of the exterior of the subdivision. The top of the monument shall have a metal cap set flush to identify the location. Lot corners shall be marked as required by law.

H. Drainage Systems:

Drainage systems shall be provided in accordance with the final plat as approved. Drainage easements shall generally direct the flow to the front of the lots or to natural drainage ways as such exist, utilizing a minimum 20-foot easement. Where water courses or ditches traverse the subdivision, lots and improvements shall be designed and provided to protect against flooding in accordance with the Town's Flood Plain Regulations.

I. Other Improvements:

Any other improvements provided shall comply with any applicable Town standards and specifications and shall be designed and constructed in accordance with good engineering practices.

J. Irrigation Water (Ord. 99-04)

New and existing irrigation supply and waste water ditches and facilities shall be piped. Any ditches on streets or alleys shall be relocated off of the right of way.

K. Alternative standards for Rural Residential zoned subdivisions:
(Ord. 99-04)

1. Streets shall either have a 60-foot wide right-of-way with 32-foot wide pavement, without curb or gutter and a minimum 1% slope, pursuant to the Rural Residential Road Specifications, or comply with standard requirements set out hereinabove.
2. Either a 6-foot sidewalk shall be installed on one side of the street connected to existing or planned elements of the Town's sidewalk or trail system on the perimeter of the subdivision, or four foot wide sidewalks shall be installed on both sides in compliance with standard requirements set out hereinabove.
3. 10 foot wide utility easements on the front and 5 foot wide easements on the sides of the lot shall be provided.

L. Mail box areas: (Ord. No. 1-2006)

An area shall be provided for mail boxes acceptable to the Post Office, which reduces traffic hazards, with appropriate maintenance covenants on the plat.

M. School bus stops: (Ord. No. 1-2006)

An area for the safe use of school buses acceptable to the School District shall be provided in residential subdivisions if requested by the School District.

N. Agricultural protection: (Ord. No. 1-2006)

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

O. Plat notes: (Ord. No. 1-2006)

1. Plat notes and covenants may be required by the Town as appropriate to implement the provisions of these regulations. Plat notes shall run with the land and bind all successors in interest thereto.
2. Any plat notes on prior County Subdivision or PUD plats, or plats of survey which created new parcels, including those notes requiring release by the County Commissioners, shall not be enforceable by the Town, and are superseded unless reiterated on the plat. Plat notes which are intended to benefit lot owners within the subdivision will be reiterated unless such owners sign a document to indicate their concurrence with the proposed plat notes.
3. Plat notes on prior Town plats are superseded unless reiterated, or incorporated by reference on the plat.

P. State Highway Access: (Ord. No. 1-2006)

Access to State Highways shall be in accordance with the State Highway Access Code. The subdivider shall be responsible to submit the application to CDOT, following Town approval.

Q. Parks, Trails, Open Space, Recreation Facilities, Common Areas: (Ord. No. 1-2006)

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

2. All non-public common areas or elements and open spaces will be owned, located, constructed, installed and maintained in perpetuity, with appropriate Town approved plat restrictions on use and covenants for ownership and maintenance. All non-public common areas shall be located, constructed and installed in compliance with plans as reviewed and approved pursuant to these regulations.
3. Public parks, sidewalks, bike paths, recreation trails, pedestrian walkways and parkways shall be provided consistent with the Town's Comprehensive Plan, integrated with existing and planned sidewalks, bike paths, parks, recreation trails, pedestrian walkways and parkways whenever feasible and shall be designed and constructed in accordance with Town design and construction standards.
4. Unless otherwise authorized, areas which will be available for use by the public in addition to the residents of any subdivision shall be conveyed by easement or dedication to the Town. Sidewalk and recreation trails shall conform to the Americans with Disabilities Act where applicable.
5. Unless otherwise authorized, parks developed in accordance with the Town standards and specifications at least two acres in size, shall be available for use by the public and shall be dedicated to the Town. Parks of less than two acres shall be owned and maintained under common ownership, and must be a minimum of 1 acre in size.
6. Natural watercourses shall be developed and preserved consistent with Town Floodplain Management Regulations, Storm Drainage Requirements and Federal Clean Water Act Section 404 Permit requirements, to minimize safety, environmental, and other hazards, and shall be integrated with the Town's Comprehensive Plan for such watercourses whenever feasible. Parks, open space and trails shall be sited in flood plains instead of developed lots when reasonable to do so.
7. Developed, dedicated parks shall be provided at the developer's expense for all subdivisions, except those processed as a minor subdivision, boundary adjustments, amended plat or replat pursuant to these regulations, those with plat restrictions prohibiting residences, or within I zones. In accordance with the National Parks Standards, subdividers shall dedicate developed park land based upon a formula of ten (10) acres of developed and usable park land per density of one thousand (1,000) residents, calculated at build-out of the proposed subdivision. For purpose of

this calculation, it shall be assumed that each residential unit shall house two and one-half (2.5) residents.

8. For purposes of these provisions, developed park land shall require submittal and approval of a park plan (as part of the preliminary plat submittal) by the Town, which plan shall address grading and topsoil preparation, access, irrigation system, park access, equipment, and landscape plantings.
9.
 - a. For those subdivisions where the dedication of park land or open space is not practicable, such as subdivisions involving small land area or few lots or other unusual circumstances, or when the required acreage computed by the formula of paragraph 7 above is less than one acre, the Town may require or accept a cash payment in lieu of construction of developed parks based upon the Town's average park development costs and land acquisition costs as stated below. Payment in lieu of shall be calculated as follows:

Number of additional Lots or Units created x 0.025 (acres park land per lot or unit) x \$48,120.00 (value per developed park land acre based upon \$15,000 per acre land value plus \$33,120 park land development cost) = \$1203.00 per lot or unit
 - b. Such payments shall be collected prior to recording the final plat and used by the Town for park acquisition and development purposes. Such payment may be subject to a Town discount established by Town Council from time to time to recognize a Town wide contribution toward regional parks.
 - c. The Town may also require development of only a portion of the park requirement as appropriate to meet the need for a neighborhood park and require a payment in lieu for the remainder of the obligation to be utilized by the Town for community parks. In determining which of the combination of the above policies to implement the Town will consider the following: The size of the development and its adequacy for accommodating a suitable public use site; existing parks and other public uses in the area; the topography, geology and location of land in the subdivision available for dedication; the needs of the people in the subdivision; and any other appropriate factors.
10. When authorized by the Town, requirements for developed park land may be partially or wholly met all or in part by alternative or

provision of public access open space areas such as riparian habitat, floodplains, wetlands habitat, view corridors or trails or dedication of sites needed by other governmental agencies. The appraised land value of such an alternative dedication shall be equal to the total value of the developed park land which it replaces based on values as calculated pursuant to paragraph 9 (a) above.

11. All developed park areas shall be designed and constructed so that they are accessible to both pedestrians and vehicles.
- R. Street lighting: Found in the Town's Specification for Street Design and Construction as adopted by the Town of Olathe 3/98. (Ord. 2011-04)
- S. Screening shall be required to be installed by the subdivider along the exterior of the subdivision to buffer adjacent agricultural areas, or to buffer existing adjacent residences from non-residential uses. Screening may consist of any combination of fences, walls, berms or landscaping as long as it is adequate to achieve its intended purpose and provides year round screening. Screening shall comply with setback requirements and Section 10-4-6-G of this Code. Fence construction may be deferred, to be done at the time of a building permit for any lot in accordance with and overall fence plan. (Amended 10-08-2012 by Ordinance 2012-02 effective date 11-07-2012)

10-5-8: Alternative Procedures:

- A. Minor Subdivisions:
 1. Subdivisions, which meet all of the following criteria, may be processed in accordance with the procedures outlined in this Subsection.
 - a. The subdivision results in no more than two (2) tracts, lots or interests.
 - b. All lots or tracts are adjacent to a dedicated and accepted public street.
 - c. The improvements required by Section 6 of these regulations are already in existence and available to serve each lot.
 - d. Each lot will meet the requirements of the Town's zoning regulations without the necessity for any variance and no variance has been granted within the three (3) previous years.
 - e. No part of the subdivision has been approved as part of a minor subdivision within three (3) years prior to the date of submission of the minor subdivision plat.

2. Upon receipt of an application for approval of a minor subdivision accompanied by a fee of two hundred fifty dollars (\$250.00), the Planning Commission will hold a hearing at which the applicant will have the burden of showing that the conditions specified in subsection (1) above have been met. (Ord. 2011-04)
3. Upon a determination by the Planning Commission that those conditions specified in subsection (1) herein have been met, the applicant shall submit two (2) reproducible originals and five (5) copies of a subdivision plat in accordance with Section 5(C).
4. The Planning Commission may either recommend approval, conditional approval or denial of the plat subject to compliance with any minimum design standards; to dedication of additional right-of-way, easements, open space or park land; (or payment of costs in lieu thereof) or to installation of additional improvements. (Ord. 2011-04)
5. The Planning Commission shall state the reasons for its recommendation and provide in writing, the reasons for its recommendation to the subdivider upon request. (Ord. 2011-04)
6. Following the decision by the Planning Commission, it shall be submitted to the Board of Trustees. The Board may approve, conditionally approve or disapprove the minor subdivision, following notice and a public hearing. (Ord. 2011-04)
7. Following approval by the Board, the plat shall be recorded with the County Clerk and Recorder.

B. Lot Splits:

1. A lot previously created by a subdivision plat which has been approved and accepted by the Town and recorded in the Montrose County Records may be subdivided or split by deed or other instrument, if the criteria of this Subsection are met, the split has been approved by the Town, and an indication of Town approval is included upon the deed or other instrument prior to recording.
2. The following criteria shall apply for an allowable split:
 - a. Any parcels created by the split whether consisting of separately described lots or parts of lots, shall comply with the minimum design standards of these regulations for lots and with the applicable dimensional requirements of the Town Zoning Regulations, shall abut a dedicated street, and shall have Town water and sewer available to each lot.

- b. The deed or other instrument creating the split shall reserve and be subject to existing easements.
3. Any person desiring to split a lot by deed or other instrument shall submit the deed or other instrument to the Town for review for compliance with this Subsection. If the Town determines that the split will be in compliance with the criteria of this Subsection, the deed or other instrument shall be appropriately marked by the Town.
4. The Town may require an improvements survey to be submitted if necessary to determine if the criteria of this Subsection have been met.
5. It shall be unlawful to sell any tract of land, including an entire platted lot or separately described tract, if a violation of the applicable dimensional requirements of the Town's Zoning Regulations will result from such sale by virtue of a change in dimensions of any building site.

C. Re-plats and Amended Plats:

1. Re-plats which reduce the number of separately described contiguous parcels of property may be approved and recorded pursuant to this Subsection in lieu of other procedures for subdivision provided in these regulations.
2. Amended plats of subdivision plats previously approved by the Town, or parts of such plats, which do not make or require a material change in the extent, location, or type of public improvements and easements provided, may be submitted, approved, and recorded in accordance with the provisions of this Subsection in lieu of other procedures provided for subdivision by these regulations.
3. Requirements:
 - a. "Re-plats" or "amended plats" meeting the requirements of subsections (1) and (2) may be submitted to the Planning Commission for consideration at a regular meeting.
 - b. Any such plats shall conform to the applicable requirements for final plats as provided in these subdivision regulations, including the minimum design standards, and shall conform to applicable dimensional requirements of the Town's Zoning Regulations.
4. The Planning Commission may either recommend approval, approval with conditions or denial of the plat. (Ord. 2011-04)

5. Following the decision by the Planning Commission, the re-plat or amended plat shall be forwarded to the Board of Trustees for consideration at its next regular meeting. Following approval by the Board, such plats shall be recorded at the expense of the parties in interest. (Ord. 2011-04)

10-5-9: Assessment of Town Costs (Ord. 97-12)

In addition to any other required fees, the sub-divider shall reimburse the Town for all out-of-pocket costs incurred during review of the subdivision, including legal fees, postage, notice and publishing costs, map costs, engineering fees, etc., plus 10% to cover overhead and administration. The Town shall bill the sub-divider periodically as such costs are incurred. No plat shall be recorded, improvements accepted, lien released, building permit issued, tap approved, or other approval action taken until all fees then due are paid to the Town. Such fees may be certified to the County Treasurer for collection as delinquent charges against the property being subdivided.