

Improvements to the Subdivision Documents

Annotated Draft

The City's Planning Commission, with the help of City Staff, sought to improve upon the existing Subdivision Documents. Using input from the public, from private consultants and from development professionals, staff has modified the documents to make the process easier to understand, more user-friendly, and efficient for those seeking to subdivide property.

Attached is the March 18, 2009 Draft of the Proposed Subdivision Ordinance, with the improvements proposed shown in blue text. Proposed new language is shown underlined and the text ~~with the line stricken through it~~ is proposed to be removed. We have highlighted the more significant amendments on the list below and each is also numbered in the text in **large red numbers**.

The following proposed improvements are specifically called out for your attention:

1. The Subdivision Ordinance and the Submittal Requirements have been reformatted to be easier to understand and use. (See the Table of Contents, page 3)
2. The Submittal Requirements were split and renamed to the User's Guide to Subdivision in Lakewood for all users and to the Plat Specifications for the surveyors preparing plats. (These will be drafted separately)
3. To consolidate four chapters of the Ordinance into one to consolidate the processes for minor and major subdivisions (See the Table of Contents, page 3 and Article 4 starting on page 27)
4. To allow a Final Plat for a major subdivision to be administratively approved by the Director, if there are no significant changes from the Preliminary Plat approved by the Planning Commission at a public hearing. (See Section 16-4-8, page 29)
5. To allow staff to administratively approve a vacation of an easement that is no longer needed by the City on private property. (See Section 16-7-3, page 40)
6. To provide notification requirements in one Article and create a case type summary chart for easy understanding of the subdivision process. (See Article 8 and chart, pages 40-44)
7. To require applicants to notify nearby neighbors earlier in the process, after a submittal is made. (See Section 16-4-6, page 28)

8. To allow comments to be sent to the City before the Director's Review, which will be included in the staff report. (See Sections 16-4-6 and 7, page 28)
9. To modify the notice requirements for notice to be sent after the Director's Decision. (See Section 16-4-10, starting on page 29)
10. To require notice to be sent for final plats. (See Section 16-4-8, page 29)
11. To lengthen appeal periods to be counted in business days. (See Section 16-2-2, page 10)
12. To clarify who can file an appeal and appeal procedures. (See Section 16-4-13, page 30)
13. To modify appeals of a minor subdivision reviewed by the Director to the Planning Commission and then to Jefferson County District Court. (See Section 16-4-13, page 30)
14. To modify design requirements for gated private streets, minimum block length, and flag lots. (See Section 16-2-2, page 18, 19, and 25)
15. To clarify the relationship of subdivision review to the Comprehensive Plan, as an advisory document only, and is not a basis for approval or denial. (See Section 16-3-1, page 17)
16. To allow Preliminary Plats to be waived if required information is shown with other documents. (See Section 16-4-3, page 27)
17. To consolidate the two Articles on Vacations and dedications into one Article. (See Article 7, starting on page 38)

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3/18/2009

TITLE 16: SUBDIVISION ORDINANCE

TABLE OF CONTENTS #1

ARTICLE 1:	GENERAL PROVISIONS
ARTICLE 2:	DEFINITIONS
ARTICLE 3:	DESIGN STANDARDS
ARTICLE 4:	SUBDIVISIONS #3 (All of Articles 4-7 were consolidated into 1 article to address both Minor and Major Preliminary and Final Plats)
ARTICLE 5:	LOT LINE ADJUSTMENTS
ARTICLE 6:	ERROR CORRECTIONS
ARTICLE 7:	VACATION AND DEDICATION #17 (Combined into 1 Article)
ARTICLE 8:	NOTIFICATION PROCEDURES #6 (Added to combine all processes in one location)
APPENDIX:	CASE TYPE SUMMARY CHART #2, #6 (The Submittal Requirements document was removed as an appendix and replaced with the Separate User's Guide to Subdivision and the Plat Specifications documents)

ARTICLE 1: GENERAL PROVISIONS

- 16-1-1 TITLE: This ordinance shall be known and cited as the "Subdivision Ordinance" or the "Subdivision Ordinance of the City of Lakewood, Colorado."
- 16-1-2 AUTHORITY: Pursuant to the authority granted to the City of Lakewood City Council and Planning Commission by the Lakewood Municipal Charter, and according to the powers and authority vested in the Planning Commission pursuant to Title 31, Article 23, Parts 2 and 3, of the Colorado Revised Statutes, as amended, and other applicable laws, statutes, ordinances and regulations of the State of Colorado, the City of Lakewood City Council hereby adopts this Subdivision Ordinance and confers to the City Council, the Planning Commission and the Director of Community Planning and Development (Director) the powers set forth herein, including the power to review and approve or ~~disapprove~~deny plats for the subdivision of land.
- 16-1-3 PURPOSE AND INTENT:
- (1) The purpose and intent of this Subdivision Ordinance ~~for the City of Lakewood, Colorado, is to control and regulate the future growth of the City and to direct and control private and public land development in order~~is to provide for the health, safety, and welfare of the public, and to provide adequate and effective transportation and public utility systems, ~~land use arrangements, and other features of a reasonable living environment.~~ The City of Lakewood further desires to provide for the proper design and construction of the transportation system as indicated by the adopted Major Street Plan. This Subdivision Ordinance ~~establishes standards for design and~~ sets forth the procedures for the subdivision and ~~resubdivision~~re-subdivision of land ~~in proper relation to the type of land use and population to be served, and to ensure~~review for the use of proper legal descriptions, surveying, and monumenting of subdivided land.
 - (2) This Subdivision Ordinance shall be used by the subdivider to divide land within the City, by the staff as criteria for the review of subdivision plats, and ~~most importantly~~ by the City Council, the Planning Commission and the Director in judging the merits of plats submitted for approval. Not all criteria apply to all plats, and this Subdivision Ordinance may be amended from time to time; however, once a plat has been formally accepted for review it shall be judged against the Subdivision Ordinance existing at the time of the application acceptance date.
 - (3) ~~It is the intent of this Subdivision Ordinance that it be carried out simultaneously with the Zoning Ordinance of the City of Lakewood and other applicable regulations, ordinances, codes and rules.~~ All plats and plans submitted shall be in a form which satisfies this Subdivision Ordinance and associated User's Guide, the Zoning Ordinance, Colorado Revised Statutes, and all other applicable ordinances ~~and~~ regulations, codes, and rules.

16-1-4 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 division of land for any purpose including, but not limited to, the immediate or future purpose of sale or building development, whether residential, industrial, office, business or otherwise, shall make the transactions subject to the provisions of this Subdivision Ordinance. ~~A plat for the subdivision of land, including the resubdivision of land previously subdivided, shall be submitted to the City of Lakewood and shall be reviewed according to this Subdivision Ordinance.~~ This provision shall not apply to the following:
- (A) Any division of land to heirs through an estate proceeding.
 - (B) Any division of land by virtue of the foreclosure of a deed of trust.
 - (C) Any division of land created by the establishment of street rights-of-way or other lands for public purposes.
 - (D) Cemeteries Plots within cemeteries.
 - (E) Any division of land done by a valid and recorded instrument effective prior to the City adopting the original subdivision regulations on January 22, 1975.
 - (F) Any division of land through a judicial partition.
- (2) No subdivision plat shall be used for purposes of sale or development until approved and recorded under the provisions of this Subdivision Ordinance.
- (3) No building shall be erected on any lot, nor shall a building permit be issued for a new building unless the lot is part of a subdivision approved in accordance with this Subdivision Ordinance or prior Subdivision Regulations; however, a building permit may be issued on a lot/parcel created by a valid and recorded instrument of conveyance effective prior to January 22, 1975.
- (4) Every plat shall be recorded in the Office of the Jefferson County Clerk and Recorder at the applicant's expense.
- (5) Any application for a subdivision plat ~~or,~~ replat or lot line adjustment filed on or after the effective date of this Ordinance ~~0-99~~ shall be controlled by the provisions of this Ordinance ~~0-99~~. Any application for a subdivision plat ~~or,~~ replat ~~or,~~ lot line adjustment, error correction, vacation or dedication filed prior to and pending on the effective date of this Ordinance ~~0-99~~ shall be controlled by the provisions of the Subdivision Ordinance in effect at the time of the filing of the application, unless the applicant chooses to have the application processed under the provisions of this Ordinance ~~0-99~~.

- 16-1-5 JURISDICTION: This Subdivision Ordinance shall be ~~applicable within the following described areas~~ used as follows:
- (1) Areas inside the City limits: The territorial jurisdiction of the City Council, the Planning Commission and the Director ~~of Community Planning and Development (Director)~~ under this Subdivision Ordinance shall ~~include~~ include all lands located within the corporate limits of the City within which the provisions of the Subdivision Ordinance shall apply.
 - (2) Areas outside the City limits: All proposed subdivisions outside the ~~corporate~~ City limits, but within the territorial jurisdiction established under the Colorado Revised Statutes, 31-23-212, as amended, (Three-Mile Plan), shall be submitted to the City by the other jurisdiction, for its recommendations relating to the City of Lakewood Major Street Plan.
- 16-1-6 REPEAL: Upon the effective date of this Subdivision Ordinance, the Subdivision Regulations Ordinance of the City of Lakewood, Colorado, adopted ~~September 16, 1970~~ October 25, 1999, as amended, ~~are~~ is hereby repealed.
- 16-1-7 CONFLICT WITH OTHER ORDINANCES OR REGULATIONS: In the event any requirement of this Subdivision Ordinance conflicts with any other requirement, ordinance, regulation, restriction or limitation, the more restrictive requirement, or the one which imposes the highest standards, shall control.
- 16-1-8 SEVERABILITY:
- (1) If for any reason ~~any~~ one or more sections, headings, clauses or parts of this Subdivision Ordinance are held invalid by a court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remaining provisions of this Subdivision Ordinance. Such action shall be confined in its application to the specific sections, headings, clauses or parts of this Subdivision Ordinance held invalid. The invalidity of any section, heading, clause or part of this Subdivision Ordinance in any one or more instances shall not affect or prejudice in any way the validity of this Subdivision Ordinance in any other instance.
 - (2) If the application of any provision of this Subdivision Ordinance to any land shall be adjudged invalid by a court of competent jurisdiction, the same shall not affect, impair or invalidate this Subdivision Ordinance or the application of any provision thereof to any other land.
- 16-1-9 SAVING PROVISION: This Subdivision Ordinance shall not be construed as abating any action now pending under, or by virtue of, prior Subdivision Regulations. ~~subdivision regulations~~. This Subdivision Ordinance shall further not be construed as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue under previous Subdivision Regulations. ~~subdivision regulations~~, or as affecting the liability of any person, firm or corporation. The

City of Lakewood waives no rights under any section or provision existing at the time of the adoption of this Subdivision Ordinance, nor vacates or annuls any rights obtained by any person, firm or corporation by lawful action of the City of Lakewood except as is expressly provided for in this Subdivision Ordinance.

16-1-10 ENFORCEABILITY:

- (1) ~~It shall be unlawful for the~~ The owner or an agent of the owner of any land ~~to~~shall not transfer, sell or agree to sell any illegally divided or unsubdivided 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 of Lakewood and recorded in the Office of the Jefferson County Clerk and Recorder. The description of such lot, tract, or parcel by metes 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 Subdivision Ordinance.
- (2) It shall be unlawful to erect, construct, reconstruct, use or alter any building or structure or to use any land in violation of this Subdivision Ordinance.
- (3) The owner or agent of the owner of any land, building, or structure found to be in violation of this Subdivision Ordinance shall be subject, upon conviction thereof, to a maximum fine ~~of not~~ to exceed more than one thousand dollars (\$1,000) or imprisonment ~~for not~~ to exceed more than three hundred and sixty-five (365) days, or both such fine and imprisonment. Each day during which such violation continues shall be deemed a separate offense.
- (4) No building permits, permits to do work in the public rights-of-way or other permits will be issued for any property found to be in violation of this Subdivision Ordinance until a subdivision plat has been approved and recorded, except in instances when street rights-of-way or other lands for public purposes are established. Refusal to issue any such permit shall not be considered an exclusive remedy. The City, in addition to any other remedies provided in this Subdivision Ordinance or by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such violation. Such actions may be instituted in the District Court of Jefferson County.

16-1-11 DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT (DEPARTMENT):

- (1) It shall be the duty of the Director ~~of the Community Planning and Development Department~~ Department to enforce the provisions of this Subdivision Ordinance and the regulations contained herein.
- (2) The Director may delegate to any employee of the Department any of the responsibilities assigned to the Director by this Subdivision Ordinance. The designee shall be subject to the same restrictions and standards as are

applicable to the Director.

- (3) The Director and such persons as may be designated shall be considered ~~peace officers~~[Peace Officers](#) within the meaning of the Lakewood Municipal Code Section 1.04.010 solely for the purposes of enforcing the provisions of this Subdivision Ordinance.
- (4) No oversight or error on the part of the Director or any employee of the Department or on the part of any other official or employee of the City of Lakewood shall legalize, authorize, or excuse the violation of any of the provisions of this Subdivision Ordinance.

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ARTICLE 2: DEFINITIONS

16-2-1 GENERAL INTERPRETATION:

- (1) For purposes of this Subdivision Ordinance, 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) A "person" includes an individual, or any type of organization, including but not limited to a corporation, a limited liability or partnership, ~~and any incorporated or unincorporated association of persons.~~
 - (F) A "building" includes a "structure"; ; a "building" or "structure" includes any part thereof.
- (2) Where not defined herein or in the Lakewood Zoning Ordinance as amended, the words used in this Subdivision Ordinance shall have their common and customary meaning.

16-2-2 DEFINITIONS: As used within this Subdivision Ordinance, 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 (ACL) - A line described on a plat for the purpose of prohibiting ~~vehicular~~motor vehicle access directly from the subject property to the abutting right-of-way. ~~Access rights across such lines are dedicated to the City.~~
- (2) ALLEY - A public right-of-way, ~~dedicated in fee simple for public uses or private easement or tract~~, 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 - The owner of land proposed to be subdivided or the owner's legally designated representative. Also see SUBDIVIDER.
- (4) BLOCK - ~~A unit~~An area of land ~~within~~ created by a subdivision plat containing

one or more lots and/or tracts, which is ~~bounded~~bound by public or private streets, highways, railroad rights-of-way, ~~subdivision boundaries, property boundaries~~ or a combination thereof.

- (5) BUILDING - Any structure having a roof supported by columns or walls and used or intended for supporting or sheltering any use or occupancy.
- (6) BUILDING ENVELOPE - That portion of a lot within which the primary building may be constructed.
- (7) ~~CITY~~ - ~~The City of Lakewood, Colorado.~~
- (8) ~~CITY COUNCIL~~ - ~~The City Council of the City of Lakewood, Colorado.~~
- (9) ~~COLORADO REVISED STATUTES (CRS)~~ - ~~The Statutes of the State of Colorado, as amended.~~
- (10) ~~CONCEPTUAL SITE PLAN~~ - ~~A sketch of a proposed subdivision, drawn and submitted in accordance with the requirements of this Subdivision Ordinance, to evaluate feasibility and design characteristics at an early planning stage.~~
- (11) CUL-DE-SAC - A dead-end street providing, at the closed end, special enlarged turning and maneuvering space for vehicular traffic, as specified in the Engineering Regulations, Construction Specifications, and Design Standards, as amended.
- (12) DAYS - Consecutive ~~calendar~~business days, unless otherwise specifically designated. #11
- (13) DEPARTMENT - The Community Planning and Development Department of the City of Lakewood.
- (14) DEVELOPMENT - Any man-made change to improved or unimproved real estate ~~or property~~, including but not limited to construction of or substantial improvements to buildings, or other structures ~~such as, the placement of manufactured homes~~, mining, dredging, filling, grading, paving, excavation, or drilling operations.
- (15) DIRECTOR - The Director of the Department of Community Planning and Development or the Director's designee.
- (16) EASEMENT - An interest in real property generally established in a real estate document or on a recorded plat to reserve, 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, signage, pedestrian uses and solar exposure.

~~(17)~~ ENGINEERING REGULATIONS - The Engineering Regulations, Construction Specifications, and Design Standards, as adopted by the Lakewood City Council including all addendums~~addenda~~ and amendments thereto.

~~(18)~~ FINAL PLAT (PLAT) - A map of certain described land prepared in accordance with this Subdivision Ordinance and the Submittal Requirements in the Appendix~~Subdivision User's Guide~~, to be used as an instrument for the recording of real estate interests with the Jefferson County Clerk and Recorder. The plan by which a subdivision is created, adjusted or corrected, or by which property rights (excluding public rights-of-way) are vacated.

~~(19)~~ FRONTAGE – Frontage is that side of a lot or parcel abutting on a public right-of-way or private easement or tract designated for access to the subject lot or parcel.

HAZARD - Any condition either natural or fabricated, which presents danger to the public health, safety and/or welfare.

~~(20)~~ GATED PRIVATE STREET – A private residential street where accessibility is controlled by means of a gate, guard, barrier or other similar structure within or across a privately maintained street.

HOMEOWNERS ASSOCIATION (HOA) – An organization having a designated representative formed for the maintenance and ownership of common elements.

INFILL DEVELOPMENT - ~~The development of~~ Development that occurs on vacant ~~or partially~~ property or redevelopment that is within an area that is already largely developed ~~parcels which are surrounded by or in close proximity to areas that are substantially or fully developed or urbanized.~~

~~(21)~~ LOT - ~~A unit or area~~ Area of land created ~~a.) within.~~ Also see PARCEL and TRACT.

- a) Within a subdivision, or ~~b.) created~~
- b) Created by a valid and recorded instrument of conveyance effective prior to subdivision requirements adopted on January 22, 1975, or ~~c.) prior~~
- c) Prior to annexation to the City of Lakewood, or ~~d.) legally~~
- d) Legally subdivided by the City of Lakewood since January 22, 1975, or e.) asAs otherwise permitted by law, to be developed or built upon. Also see PARCEL and TRACT.

~~(22)~~ LOT - Following is a list of lot types:

~~(22)~~ a) CORNER LOT - A lot, at least two (2) adjacent sides of which abut for their full length upon a public right-of-way other than an alley, and at least one side of which ~~abutting abuts~~ either another property or a third public right-of-way, ~~is considered a rear lot line.~~

~~(23)~~ b) FLAG LOT-FLAG - A lot having access to a street by means of a parcel of land, (known as the flag pole), included as a part of the lot, having a depth greater than its frontage and a width less than the minimum required lot width.

~~(24)~~ LOT- c) INTERIOR LOT - A lot, other than a corner lot, abutting only one street, and generally having at least two sides abutting adjacent properties, and a rear lot line.

~~(25)~~ LOT- d) THROUGH LOT - An interior lot abutting on a street at both the front and rear lot line, or a corner lot abutting on a street on the front, one side, and the rear lot lines.

~~(26)~~ LOT- WIDTH - The shortest distance between any two (2) lot lines ~~of a lot~~ which are intersected by the front setback line, measured at a point of intersection parallel to the front property line.

~~(27)~~ LOT LINE ADJUSTMENT - An administrative process by which a portion of a one or more lot or tract ~~is transferred to and made a part of an immediately adjacent lot or tract.~~ lines are moved or removed.

~~(28)~~ LOT LINE- FRONT - The boundary lot line ~~of a lot~~ which immediately abuts a public right-of-way, or private street, or tract designated for access to the subject lot. Front lot lines may be either primary front lot lines or non-primary (secondary, or tertiary) front lot lines.

(a) Primary Front Lot Line: The front lot line closest to that face of the primary, principal or main building(s) on the lot which contains the primary entrance to the building(s), or, in the event the primary entrance does not face a front lot line, the front lot line which abuts the street used in the address assigned to the primary, principal or main building(s) on the lot.

(b) Non-Primary (Secondary, or Tertiary) Front Lot Line: A front lot line which is not the primary front lot line.

~~(29)~~ LOT LINE- REAR - The boundary lot line ~~of a lot~~ which is most nearly opposite the front line of the lot, ~~other than a~~ A through lot: does not have a rear lot line. (Also see Lot- Corner).

~~(30)~~ LOT LINE- SIDE - Any boundary lot line ~~of a lot~~, other than a front lot line or

rear lot line.

- (31) MAJOR STREET PLAN - The adopted street plan, as defined by the Colorado Revised Statutes, for the City of Lakewood, Colorado, showing existing plan designating local, collector and proposed state highways, major regional arterials, arterials, and major and minor collectors arterial streets within the City.
- (32) MAJOR SUBDIVISION - A preliminary map or final plat in which ten (10) or more lots are being created for the use of 10 single family detached homes or 10 units in duplex buildings.
- (33) MINOR SUBDIVISION - Any preliminary map or final plat which is not a major subdivision.
- (34) MUNICIPAL CHARTER - The Home Rule Charter of the City of Lakewood, Colorado, approved on November 1, 1983, as amended.
- (35) NEIGHBORHOOD HOMEOWNERS ORGANIZATION - An organization, comprised mostly of property owners and having a designated representative, which is registered on an annual basis with the Department for the purpose of land development application notification.
- (36) PLANNING COMMISSION - The Planning Commission of the City of Lakewood, Colorado.
- (37) PLAT - The plan by which a subdivision is created, adjusted or corrected; or by which property rights are vacated.
- (38) PARCEL - A contiguous area of land, except for intervening easements and rights-of way, with a continuous boundary recorded in the Office of the County Clerk and Recorder, by one of the following methods (also see Lot):
- a. An aliquot part of a section,
 - b. A metes and bounds description,
 - c. A book and page or reception number reference,
 - d. Any so-called "assessor's tract," or
 - e. A description which calls only for the owner's or adjoiner's name.

PLAT - See FINAL PLAT.

PLAT SPECIFICATIONS - A separate document that details the contents and format to be followed when creating subdivision plats for review and approval. It can be administratively amended by the Director.

PRELIMINARY MAP/PLAT - The map or maps(s) of a proposed subdivision, along with certain supporting materials, drawn and submitted in accordance

with the requirements of this Subdivision Ordinance ~~and the Submittal Requirements in the appendix~~ for the purpose of evaluating the proposed subdivision ~~prior to commencing final platting and detailed engineering and design.~~

~~(39) PROJECT MANAGER – The City of Lakewood staff member assigned by the Director to coordinate the subdivision process on behalf of the City.~~

~~(40) PROPERTY MANAGER – The City of Lakewood Property Manager.~~

~~(41) PUBLIC IMPROVEMENTS – Those improvements that are defined in Section 14.13 of the Lakewood Municipal Code.~~

~~(42) REGISTERED PROFESSIONAL LAND SURVEYOR - A person registered/licensed to practice land surveying in the state of Colorado, as set forth in Title 12, Article 25, Part 2 of the Colorado Revised Statutes, as amended.~~

~~(43) REGISTERED PROFESSIONAL ENGINEER - A person registered/licensed to practice engineering in the state of Colorado, as set forth in Title 12, Article 25, Part 1 of the Colorado Revised Statutes, as amended.~~

PROJECT MANAGER - The City of Lakewood staff member assigned by the Director to coordinate the subdivision process on behalf of the City.

~~(44) PROPERTY MANAGER - The City of Lakewood Property Manager.~~

PUBLIC IMPROVEMENTS - Those improvements that are defined in Chapter 14.13 of the Lakewood Municipal Code.

PUBLIC IMPROVEMENTS AGREEMENT (PIA) –An agreement as defined by Chapter 14.13 of the Lakewood Municipal Code.

RESUBDIVISION (REPLAT) - Any change in a final plat or lot line adjustment of an approved and recorded subdivision plat including any map or plat legally recorded prior to the adoption of any regulations controlling subdivisions.

~~(45) RIGHT OF WAY – An area or strip of land for the use of the general public.~~

SERVICE AND EMERGENCY VEHICLES - Vehicles such as ambulances, police cars, or fire fighting apparatus used to respond to emergency situations, or other vehicles used to deliver or pick up goods or provide maintenance.

~~(46) STAFF – Employee(s) of the City of Lakewood, Colorado.~~

~~(47) STATE HIGHWAY ACCESS CODE – The code adopted by the State Transportation Commission, of Colorado dated August 31, 1998 as amended.~~

- ~~(48)~~ STREET~~-1~~ PRIVATE - Any street that is not a public street.
- ~~(49)~~ STREET~~-1~~ PUBLIC - A public thoroughfare for vehicular traffic, other than an alley or a driveway, dedicated or conveyed and accepted for public use and maintained by the City of Lakewood or some other public agency.
- ~~(50)~~ STRUCTURE - Anything built or constructed and located on or in the ground or attached to something on or in the ground. An edifice or building of any kind, or any piece of work built or composed of parts joined together in some definite manner.
- ~~(51)~~ SUBDIVIDER - A person or entity proposing the subdivision of property owned by such person or entity.
- ~~(52)~~ SUBDIVISION - The division of land into two ~~(2)~~ or more lots, ~~tracts, or combination thereof. It also includes resubdivisions, lot line adjustments and, refers to the process of subdividing or to the land which has been subdivided.~~
- ~~(53)~~ SUBMITTAL REQUIREMENTS - ~~A document which details the contents and format to be followed when submitting subdivision documents for review and approval. The Submittal Requirements document is appended to this Subdivision Ordinance but is a separate document which can be administratively amended by the Director.~~
- ~~(54)~~ TRACT - ~~A portion of land that is part of a subdivision and~~ SUBDIVISION, MINOR - A division of land by which nine (9) or fewer single-family homes and nine (9) or fewer units in duplex buildings are being created or any division of any, non-residential zoned properties.
- SUBDIVISION, MAJOR - A division of land by which ten (10) or more additional lots are being created for the use of ten (10) or more single-family homes and 10 or more units in duplex buildings.
- TRACT - An area of land created by a PLAT, which is designated for some purpose other than a building site, lot or easement. lot. (Also see LOT and PARCEL.)
- ~~(55)~~ ZONING ORDINANCE - ~~The Zoning Ordinance of the City of Lakewood, Colorado, as amended.~~
- USER'S GUIDE TO SUBDIVISIONS IN LAKEWOOD - A separate document that outlines the purpose, process and procedures for a subdivision. It can be administratively amended by the Director.

ARTICLE 3: ~~SUBDIVISION~~ DESIGN STANDARDS

16-3-1 GENERAL STANDARDS:

- (1) In addition to the requirements established herein, all subdivision plats shall comply with, but not ~~by way of limitation~~ be limited to, the following laws, ordinances and regulations:
- (A) All applicable provisions of the Colorado Revised Statutes, (C.R.S.), as amended.
 - (B) The City of Lakewood Municipal Charter, ~~and Municipal Code, including, but not limited to the~~ Zoning Ordinance, ~~Municipal Code~~, Building and Housing Codes, and all other applicable ordinances of the City of Lakewood.
 - (C) ~~The Comprehensive Plan, Major Street Plan, and Bicycle System Master Plan,~~ Capital Improvements and Preservation ~~Program Plan, and Community Resources Master Plan~~ of the City of Lakewood.
 - (D) The regulations of the Jefferson County Health Department and the Colorado ~~State Health~~ Department: of Public Health and Environment
 - (E) The requirements of the Colorado Department of Transportation if the subdivision or any lot contained therein abuts a state highway or connecting street.
 - (F) The Engineering Regulations ~~Construction Specifications and Design Standards of the City of Lakewood.~~
 - (G) ~~(G)~~—The ~~Submittal Requirements which are approved by~~ User's Guide to Subdivisions in Lakewood.
 - (H) ~~The requirements of the Director of Community Planning~~ fire district and ~~Development and are an appendix to this utility companies serving the subject property.~~
- (2) All subdivision plats shall be in general compliance with the Comprehensive Plan, which shall serve as an advisory document. #15
- (3) Subdivision Ordinance design should promote pedestrian and street connectivity, and consider adjacent land lot patterns and topography to further sustain any future land development.
- (24) Land on which the Director, or Planning Commission, or City Council finds evidence of hazards such as, but not limited to, flooding, swelling soils, subsidence, improper drainage, steep slopes (15%+), adverse geological formations, topography, ~~utility easements,~~ contamination, or other 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 until an engineering design ~~sufficient to~~ alleviate/sufficiently mitigate the ~~foregoing hazard(s)/potential harm~~ has been submitted by the applicant and approved by the ~~Director, or Planning Commission, or City Council.~~ Engineer.

- (35) When land is subdivided into blocks, lots, or tracts larger than necessary to accommodate the proposed uses, a provision for potential future ~~resubdivision/re-subdivision~~ and development 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 Major Street Plan and the Comprehensive Plan.
- (46) All ~~subdivisions shall result in the creation of~~ lots ~~which are shall be~~ developable and capable of being built upon. ~~However, subdivisions~~ Subdivisions may also contain tracts, which are ~~not intended as building lots but are~~ necessary for ~~other purposes other than buildings~~. All such tracts shall be shown on the plat and designated as to their purpose, maintenance and ownership.

16-3-2 RESIDENTIAL SUBDIVISION STANDARDS:

- (1) Blocks in residential developments shall have sufficient length, and width, and appropriate shape to allow the ultimate design of lots suited for the planned land use, the requirements of the Zoning Ordinance, and traffic and safety controls consistent with the Engineering Regulations.
- (A) Residential local street block lengths shall ~~generally~~ be a minimum of ~~threetwo~~ hundred (~~300~~200) feet in length and ~~be~~ a maximum of ~~1400~~1,400 feet in length between street center lines ~~unless except when~~ constrained by exceptional topography or other limiting ~~factor~~factors. **#14**
- (B) 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.
- (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 extra width to ~~permit~~accommodate appropriate building setbacks and ~~orientation~~driveway spacing to ~~both streets~~the intersection.
- (B) Side lot lines shall be at substantially right angles or radial to street center lines, whenever practicable.
- (C) ~~Through Residential through~~ lots shall not be permitted ~~except as necessary to provide separation from on any collector or~~ arterial streets or where the second frontage contains any incompatible land uses.
- (D) In the event that residential lots are adjacent to an arterial street, an access

control line may be placed on the plat as required by the City Traffic Engineer.

16-3-3 NONRESIDENTIALNON-RESIDENTIAL 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 Director, or Planning Commission, or City Council 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 carrying nonresidentialnon-residential traffic shall conform to the Major Street Plan Standards, and shall be fully constructed to the subdivision boundary unless otherwise specified by the City Engineer.
 - (C) Subdivision for proposed nonresidential development Where necessary as determined by the City Traffic Engineer and Fire Protection District, subdivisions shall specifically designate all areas proposed for emergency and service and emergency vehicle circulation.

16-3-4 **#14** FLAG LOTS: In order to provide for efficient new development as well as infill development in appropriate locations, flag lots may be platted under the following regulations: Flag lots are discouraged within the City. In unusual circumstances they may be appropriate when there is a neighborhood with uniform single-family lot sizes but with an occasional larger parcel suitable for flag lot development. Flag lots are not appropriate in situations where a series of large lots could be converted to flag lot developments.

- (1) (A) Resubdivisions utilizing If the Director determines the proposal is appropriate, flag lots may be permitted in subdivisions platted only for any lot or legal parcel created prior to the effective date of this Ordinance June 14, 2009, in the R-1A, RR, 1-R, 2-R, and 3-R and 6-R zone districts, when under the following criteria are met regulations:
 - (4A) The minimum width of the flag lot abutting a public or private right-of-way street (flag pole) shall be twenty-five (25) feet.
 - (2B) All lots created by the resubdivision re-subdivision shall meet the requirements of the Zoning Ordinance.
 - (3C) The area of the flag lot drive pole is not considered part of the lot area for the purpose of meeting the minimum lot area.
 - (4D) Access for to all lots created by the resubdivision re-subdivision shall be from streets classified as local streets.

- (5E) A cul-de-sac shall be platted in lieu of three or more flag lots.
- ~~(B) New subdivisions in the RA, RR, 1-R, 2-R, 3-R and 6-R zone districts, which are not infill development resubdivisions, may utilize flag lots as part of the subdivision design when the following criteria are met:~~F) Homes on flag lots that are located away from the street shall maintain a street presence, be oriented toward the street, and be visible from the street.
- ~~(1) The minimum width of the flag lot abutting public or private right-of-way shall be twenty-five (25) feet.~~
- ~~(2) The subdivider shall demonstrate to the satisfaction of the Director, or Planning Commission, or City Council 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:~~
- ~~(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 is not considered excessive for clear addressing or visibility from an emergency or service vehicle.~~
- (2) ~~(C)~~ Flag Lot subdivisions are permitted in the 4-R, 5-R, OF, 1-C through 5-C inclusive, ~~IN and P.D., or PD~~ zone districts, when it is the most appropriate development option as determined by the Director. In such cases, the following criteria ~~are~~must be met:
- ~~(1A)~~ The minimum width of the flag lot abutting public or private right-of-way street (flag pole) shall be thirty (30) feet.
- ~~(2B)~~ The subdivider shall demonstrate to the satisfaction of the Planning Commission Director that the use of a flag lotslot is necessary tofor the effective development of the land and that the proposed design poses no hazard to public safety in accordance with the following:
- ~~(a)~~ Access is clearly defined and joint use of traffic controls and measures is shown where appropriate.
- ~~(b)~~ There are no visual obstructions at the intersection of the access point(s) and the public or private streets.
- ~~(c)~~ Adequate service and emergency ~~and service~~ vehicle access is provided.

16-3-5 COMMON SPACE, TRACTS OR BUILDINGS:

(1) ~~In order to give flexibility in the design and placement of common space, tracts or buildings that are situated on land that is conveyed with the remaining land held as a limited common element and to prevent repetitive replats, the following method of establishing the tracts or lots are to be used at the subdivider's option in the 3-R, 4-R, 5-R, OF, 1-C through 4-C, or P.D. zone districts. When common space tracts or lots are created, the property owner shall create a Homeowner either an Owners Association (e.g. Homeowners, Business, etc.) or an easement agreement as determined by the City, which shall be in existence prior to issuance of any building permits for any building in the development.~~

~~(A) Within the parameters of the zone district regulations, building envelopes may be established on the plat and consecutively numbered as blocks. Typical building footprints shall also be displayed on the plat. As foundations are constructed, the foundation outline and any appropriate appurtenances such as patios, porches, or entryways become the lot and are consecutively numbered as lots within the block.~~

~~(B) Any limited common elements left within the block after full establishment of the lots pursuant to subparagraph (A) above shall then be conveyed to the homeowners' association.~~

~~(C) The following language, or similar language as may be appropriate to fit the circumstances of individual developments, shall also be displayed on the plat:~~

~~(1) It is hereby agreed that location and changes of building unit footprints within the block envelopes are considered minor modifications and require only the written approval of the Director. These minor modifications will be in accordance with this Subdivision Ordinance.~~

~~(2) The limited common area outside of the building units shown on this plat or any amended plat of any block shall be conveyed to the homeowners' association as and for part of the common area upon completion of construction of the units therein.~~

~~(D) An as-built drawing, suitable for recording, and signed by a Registered Land Surveyor certifying that the lots have been properly placed within the approved building envelope shall be submitted to the Director, together with the required recording fee, for recording with the Jefferson County Clerk and Recorder thirty (30) days prior to any Certificate of Occupancy being issued by the City of the construction of the foundations. The drawing shall be reviewed by the Director for compliance with the approved plat and upon a finding of compliance, the drawing will be recorded pursuant to this Ordinance. If the construction has not been in compliance, then a resubdivision shall be required pursuant to this Ordinance of the plat. The entity formed or party specified in the easement agreement shall own and maintain the common space, tracts or lots.~~

16-3-6 EASEMENTS:

- (1) ~~Utility easements shall be delineated as required, and shall be designed to minimize the encumbrance to the lot, and to minimize maintenance problems.~~
- (2) Drainage easements shall be established in the configuration required by the City Engineer based on the approved drainage report as required by the Engineering Regulations. When easements serve both utility and drainage functions, the easements shall be so designated.
- (3) ~~When Service and emergency and service vehicle access lanes are required, an easement not less than twenty five feet (25') in width and with twenty five foot (25') turnaround radii easements shall be shown and dedicated to the City. Additional regulations for emergency access lanes are in comply with the City's Transportation Engineering Design Standards, and the Fire Protection District's regulations.~~
- (4) When ~~storm-stormwater detention and~~ water detention/retentionquality areas or easements are required, all such areas or easements shall be shown. ~~Storm water easements shall be and/or noted as determined by the City Engineer. In single-family and duplex developments, stormwater detention areas shall be placed in an easement(s) dedicated to the City in accordance with the Engineering Regulations. In single-family developments, detention/retention areas shall be placed in designated, or within tracts and be dedicated to the City.~~

~~16-3-7 STREETS, ACCESS AND TRANSPORTATION: (1) The subdivision design shall conform to the pattern of streets designated in the Major Street Plan or any portion thereof and to any future street right-of-way designated by the Planning Commission as allowed.~~

- ~~(2) All lots in single-family detached, duplex, and mobile home subdivisions shall have frontage upon a public street or approved private street.~~
- ~~(3) All lots or tracts in multi-family, office, commercial, and industrial subdivisions shall have access to a public street or approved private street or drive.~~
- ~~(4) All public rights-of-way and streets shall meet the minimum specifications of the Engineering Regulations; however, increased rights-of-way and street widths may be required by the City Engineer where a traffic study approved by the City Traffic Engineer determines the public need reasonably necessitates the increased rights-of-way in order to accomplish the public purpose. In addition, the City Engineer shall determine whether the increased rights-of-way are not unduly oppressive upon the property owner. The determination made by the City Engineer may be appealed by the property owner to the Planning Commission for a final decision.~~
- ~~(5) Proposed private street designs and construction standards shall be subject to~~

~~approval by the City Engineer. Gated entries for single-family attached or detached developments shall not be approved by the Director in a minor subdivision proposal and must be referred to the Planning Commission for review. In a major subdivision proposal the Planning Commission shall not approve a gated development with more than 30 lots.~~

- ~~(6) 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; i.e., pedestrian, bicycles, buses, etc. Access must be adequate for emergency and service vehicles as determined by the City Traffic Engineer.~~
- ~~(7) Where access to adjacent streets must be controlled for traffic safety reasons, an Access Control Line (A.C.L.) shall be clearly delineated and dimensioned as to location and length at locations specified by the City. Such A.C.L.'s shall be designated by the letters A.C.L. and be consecutively numbered, and access rights across such lines shall be dedicated to the City.~~
- ~~(8) Pedestrian, bicycle and equestrian trail rights-of-way plus open space access rights-of-way, or appropriate 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. Construction of such facilities shall be addressed in the Public Improvements Agreement.~~
- ~~(9) Access to and from the subdivision on State Highways shall conform to the State Highway Access Code.~~

~~16-3-87~~ UTILITIES:—

- ~~(1) All public and private utilities shall be placed underground, except when not appropriate for infill development.~~

~~16-3-9~~ RESIDENTIAL BUILDING STANDARD:

~~(A) Purpose/Applicability. The following standards are intended to promote variety and visual interest in zone districts where the predominate land use is residential (all residential zone districts). Any development plat of fifty (50) or more single-family detached dwelling units shall contain at least four (4) different types of housing models. Any development of fewer than fifty (50) and more than ten (10) single-family dwelling units shall contain at least three (3) different types of housing models. The applicant shall include in the application for~~

~~approval of the project development plan documentation showing how the development will comply with the requirements. Each model shall have at least three characteristics which clearly and obviously distinguish it from the other housing models. Characteristics include different floor plans, exterior materials, rooflines, garage placement, placement of the footprint on the lot, and building facade.~~

- (2) ~~16-3-10~~ All subdivisions must comply with the serving utility entities' requirements, and receive service availability confirmation from the serving utility entities.

16-3-8 STREET AND TRANSPORTATION PATTERN & CONNECTIVITY
STANDARDS:

- (A1) Purpose.- This Section is intended to ensure that the local street system is well-designed with regard to safety, efficiency, and convenience for pedestrian, bicycle, automobile, bicycle, pedestrian and transit ~~other transportation~~ modes of travel.
- (B)2) General Standard. The street and transportation system of any proposed development shall be designed to be used by serve all modes of transportation that will use the system (including, but not limited to cars, trucks, buses, bicycles, pedestrians and emergency vehicles). The system shall provide more than one direct connection to and between local destinations such as parks, schools, and shopping. Streets must provide for both intra- and inter-neighborhood connections within the subdivision and to adjoining properties to knit developments together, ~~rather than forming barriers between them and to disperse traffic.~~
- (C) ~~Spacing of Full Movement Collector, and Local Street Intersections With Arterial Streets. Optimally, full-movement intersections of collector, or local streets with arterial streets should be provided every 1,320 feet or 1/4 mile along arterial streets. The State Highway Access Control Code or specific access control plan adopted according to that code shall determine location of collector, or local streets intersections with State highways.~~
- (D) ~~Spacing of Limited Movement Collector, or Local Street Intersections With Arterial Streets. Additional non-signalized, potentially limited movement, collector, or local street intersections with arterial streets may be provided every 660 feet between full movement collector, or local street intersection.~~
- (E3) Distribution of Local Traffic Street Network. All development plans subdivision plats shall include a local street system that will allow access to and from the proposed development subdivision, as well as access to all existing and future adjacent development, preferably from at least two major arterial streets.
- (F4) Utilization and Provision of Local Street Connections to and from Adjacent Developments and Vacant Parcels. All development plans plats should incorporate and continue all streets stubbed to the boundary of the development plan property

by previously approved development plans/plats or existing development or as determined by the City Engineer. All development plans/plats should provide for future public street connections to adjacent vacant parcels by providing a local street connection at least six hundred sixty (660) feet along each development plan boundary that abuts vacant land.

16-3-9 STREETS, ACCESS AND TRANSPORTATION

- (1) The subdivision design shall conform to the pattern of streets designated in the Major Street Plan or any portion thereof and to any future street rights-of-way designated by the City Engineer.
- (2) All lots in single-family detached, duplex, and mobile home subdivisions shall have frontage upon a public street or an approved private street.
- (3) All lots or tracts in multi-family, office, commercial, and industrial subdivisions shall have access to a public street or an approved private street or drive.
- (4) All public rights-of-way and streets shall meet the minimum specifications of the Engineering Regulations or as determined and approved by the City Engineer.
- (5) Proposed private street designs and construction standards shall be subject to approval by the City Engineer. Gated private streets are allowed in all residential zone districts. Gated public streets are prohibited. #14
- (6) The circulation pattern for the subdivision shall be designed to take advantage of the topography of the site, 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, bicycles, buses, etc.) Access must be adequate for service and emergency vehicles as determined by the City Traffic Engineer and Fire Protection District.
- (7) Where access to adjacent streets must be controlled for traffic safety reasons, an Access Control Line (ACL) shall be clearly delineated and dimensioned as to location and length as specified by the City. Motor vehicle access rights across such lines shall be dedicated to the City.
- (8) Pedestrian, bicycle and equestrian trail rights-of-way, and open space access rights-of-way, or appropriate easements, shall be dedicated when they are required. Additional rights-of-way or easements may be required when the Director, Planning Commission or City Council determines the paths are necessary for access to parks, schools, shopping areas or other public facilities.
- (9) Access between the subdivision and State Highways shall conform to the State Highway Access Code.

DRAFT

ARTICLE 4: SUBDIVISIONS #3(See existing ordinance for language. All text below is the proposed language.)

16-4-1 INTENT AND PURPOSE A subdivision is required for any division of land where one or more lots are created.

16-4-2 TYPES OF SUBDIVISION

- (1) MINOR SUBDIVISION - The intent of the minor subdivision process is to provide an administrative process for plat approval in situations where nine (9) or fewer residential lots or any non-residential lots are being created by the plat.
- (2) MAJOR SUBDIVISION - The intent and purpose of a major subdivision is to provide a review process for a division of land by which ten (10) or more additional lots are created for the use of ten (10) or more single-family homes or ten (10) or more units in duplex buildings.

16-4-3 PRELIMINARY PLAT - The purpose of the preliminary plat is to allow for Staff review of the proposed subdivision to determine whether it will meet the design standards contained in this Subdivision Ordinance, to determine the issues to be addressed, and to give interested parties an opportunity to examine and comment on the proposed subdivision.

(1) EFFECTIVE PERIOD OF PRELIMINARY PLAT:

A preliminary plat shall be effective for two (2) years from the date of approval. Extensions of the two (2) year approval period may occur when:

- (A) An application for a final plat has been filed with the City and is in the review process; or
- (B) Upon a written showing of cause, the Director grants an extension of time.

(2) **#16** WAIVER OF A PRELIMINARY PLAT: The Director may waive the requirement to submit a preliminary plat upon agreement by the applicant when any of the following criteria are met:

- (A) The subdivision request is processed with a rezoning application or site plan application and the documents to be submitted contain the information normally required by the preliminary plat.
- (B) The subdivision request involves property that has been legally platted and has access to or abuts an existing street.

SITE PLAN In lieu of or in addition to a preliminary plat, the Director may require the applicant to complete a site plan for the purpose of creating an enforceable streetscape and landscape plan for a proposed subdivision.

16-4-4 FINAL PLAT The purpose of the final plat is to review the proposed subdivision for proper final engineering and subdivision design, to ensure real estate interests are properly represented, to provide for dedication of lands required for public use and for the construction of public improvements, and for conformance with the preliminary plat.

16-4-5 APPLICATION To complete a subdivision, a preliminary plat and final plat must be reviewed and approved. These documents may be processed by one of the following methods:

- (1) The preliminary plat and final plat may be reviewed concurrently, provided that both the applicant and the Director agree to the concurrent review.
- (2) The preliminary plat may be waived by the Director as set forth in Section 16-4-3 (2).
- (3) A preliminary plat may be reviewed and completed prior to final plat review. Upon preliminary plat approval, application for a final plat may be filed.

16-4-6 NOTIFICATION OF APPLICATION The applicant shall mail notification as set forth in Section 16-8-1 within 14 days of the formal application submittal. The materials required for the notification shall be included in the formal application submittal. #7

Written comments in response to the application notification may be submitted to the Secretary to the Planning Commission. The written comments shall be included in the staff report that is presented for the Director's review and decision.

#8

16-4-7 REVIEW PROCEDURES
Based on observations, investigations and responses from staff, outside agencies, and other interested parties, a written report shall be prepared by the City's Project Manager once the proposal is acceptable for the Director's review. This report shall include staff's recommendations regarding approval or denial of the preliminary plat and final plat. Written comments submitted to the Secretary to the Planning Commission shall be included as part of the staff report. The staff report shall be presented to the Director. #8

One staff report may be written if the preliminary plat and final plat are reviewed concurrently. If these documents are reviewed separately, a separate staff report shall be written for each document.

16-4-8 APPROVAL AUTHORITY

- (1) MINOR SUBDIVISION – The Director shall approve or deny a preliminary plat and final plat or may refer it to the Planning Commission for review and decision as set forth in Section 16-4-9.
- (2) MAJOR SUBDIVISION -
- (A) PRELIMINARY PLAT -When a preliminary plat is required, it shall be approved or denied by the Planning Commission at a public hearing as set forth in Sections 16-4-12 and 16-8-1.
- (B) FINAL PLAT - If the preliminary plat is waived, the final plat shall be approved or denied by the Planning Commission at a public hearing as set forth in Sections 16-4-12 and 16-8-1. #10

When the preliminary plat is required and approved by the Planning Commission, and if there are no significant changes on the proposed final plat from the approved preliminary plat, the Director shall approve, deny or refer to the Planning Commission the final plat for a major subdivision as set forth in Section 16-4-9. Significant changes include, but are not limited to, modifications of street patterns, drainage ways, design elements, lot layout or an increase to the number of lots proposed. #4

16-4-9 DIRECTOR'S ACTIONS The Director shall take any of the following three actions:

- (A) APPROVAL. In the event of approval, the Director will sign a Record of Decision documenting the approval.
- (B) DENIAL. In the event of denial, the Director will sign a Record of Decision in which the reason(s) for such denial shall be set forth in writing. In the event of such denial, the application materials may be redrawn and resubmitted to the Department as a new application.
- (C) REFERRAL TO THE PLANNING COMMISSION. If it is the opinion of the Director that the plat should be reviewed by the Planning Commission for any reason, it shall be forwarded to the Planning Commission for review and decision at a public hearing as set forth in Section 16-4-12. No public hearing before the Planning Commission will be scheduled until the notice and fee for such hearing is completed by the applicant. Notification of the public hearing shall be in accordance to Section 16-8-1.

16-4-10 NOTIFICATION OF DIRECTOR'S DECISION #9

- (1) Mailed notification shall be sent in accordance with Section 16-8-1 of the Director's decision.

- (2) Within five (5) days after the Director's decision, the Secretary to the Planning Commission shall post a copy of the Record of Decision in the Lakewood Civic Center. Additionally, publication of the Director's decision shall be made in a newspaper of general circulation in the City at the applicant's expense at the earliest possible date after the decision is rendered.

16-4-11 NOTIFICATION OF A PLANNING COMMISSION HEARING Notification of Planning Commission hearings shall be sent in accordance with Section 16-8-1 of this Subdivision Ordinance.

16-4-12 ACTIONS TAKEN BY PLANNING COMMISSION The Planning Commission shall take any of the following three actions:

- (1) APPROVAL. In the event of approval, the Planning Commission shall adopt a resolution setting forth the reason(s) for such approval.
- (2) DENIAL. In the event of denial, the Planning Commission shall adopt a resolution setting forth the reason(s) for such denial.

16-4-13 APPEALS #12

- (1) An applicant, the property owner, or any property owner required to receive notice may appeal any decision.
- (2) Appeals of the Director's or Planning Commission's decision must be filed in writing with the Secretary to the Planning Commission within fourteen (14) days after the postmarked date of the notice of the Director's decision or of the Planning Commission Hearing
- (3) All appeals must be accompanied by the prevailing appeal fee, as established by a resolution of the City Council. The appeal fee must be paid by the appellant before the end of the fourteen (14) day appeal period.
- (4) All appeals must be accompanied by a brief summary of the grounds for the appeal filed.
- (5) Any appeal of the Director's decision shall be heard before the Planning Commission at a public hearing for review and decision as set forth in Sections 16-8-1 and 16-4-12. #13
- (6) Appeals of any decision of the Planning Commission for a Minor Subdivision shall be to Jefferson County District Court. Appeals of any decision of the Planning Commission for a Major Subdivision shall be to City Council. #13
- (7) Appeals of any City Council decision shall be to Jefferson County District Court.

16-4-14 RECORDATION OF THE FINAL PLAT

- (1) It is the responsibility of the applicant to provide to the Department a fully executed mylar of the final plat along with the appropriate accompanying documents and recording fees.
- (2) The plat must meet the requirements for recordation that have been established by the Jefferson County Clerk and Recorder and by the City.

16-4-15 SIGNIFICANT CHANGES #4

- (1) If there are significant changes on the proposed final plat from the form of either the approved preliminary plat or, in the case of re-subdivision, from the form of the recorded final plat of the subdivision, a new preliminary plat shall be submitted in accordance with the provisions of this Subdivision Ordinance. Significant changes include, but are not limited to, modifications of street patterns, drainage ways, design elements, lot layout or an increase in the number of lots proposed.
- (2) The Director shall have discretion in accordance with the criteria and standards in the Subdivision Ordinance to decide whether changes on the proposed final plat from either the preliminary plat or the approved and recorded final plat are significant enough to require the submittal of a new preliminary plat. Appeal of the Director's decision regarding the significance of changes is to the Planning Commission.

ARTICLE 85: LOT LINE ADJUSTMENT PLATS

16-85-1 INTENT AND PURPOSE OF LOT LINE ADJUSTMENTS: The purpose of lot line adjustment plats is to provide for an administrative procedure by which ~~all one or a portion of a block, more~~ lot or tract ~~may be transferred to an immediately adjacent block, lot or tract. This process is intended to be used when adjacent property owners wish to transfer small amounts of land between or among each other for mutual convenience. lines may be moved or removed.~~ It is not intended for adjusting large numbers of lot lines. Whether a lot line adjustment is the proper ~~vehicle by which a proposed land transfer is to be effected~~ process is at the discretion of the Director, subject to the criteria and standards in the Subdivision Ordinance.

16-85-2 CONDITIONS REQUIRED FOR LOT LINE ADJUSTMENTS: In order for ~~all or a portion of a block, lot or tract to be transferred through~~ complete the lot line adjustment process, all of the following conditions must be met:

(A1) All involved real property must be a part of an existing, recorded subdivision-~~(s)~~.

(B2) No additional block, lot, or tract may be created by the adjustment.

(C3) The areas and/or frontages of the blocks, lots, or tracts involved in the lot line adjustment shall not be reduced to less than the minimum required by the City of Lakewood Zoning Ordinance. ~~Variations may, however, be considered under the Zoning Ordinance, provided that the variance is granted prior to the consideration of the lot line adjustment.~~

(D)4) The ~~properties from which and to which the transfer is being made must be adjacent to one another.~~

(E) ~~The transfer~~ lot line adjustment does not conflict with any other ordinances, regulations, codes, rules or laws.

~~16-8-3~~ PRE PLANNING REVIEW:

~~(1) Applicants desiring to execute a lot line adjustment are required to apply for a pre-application review with the Department. The purpose of this review is to facilitate dialogue between the City staff and the applicant regarding the proposal and to determine if a lot line adjustment plat can be utilized for the land transaction contemplated.~~

~~(2) For the pre-application review of a proposed lot line adjustment plat, the applicant shall submit a conceptual site plan of the subject properties and other properties in the vicinity of the proposed adjustment. All contiguous property ownership must be shown on the conceptual site plan. The plan shall be prepared to adequately show the property and all surrounding~~

~~existing streets abutting the site, drainage channels, all types of existing easements, adjacent property ownerships and uses, and all proposed property ownerships and uses.~~

~~16-8-4 FORMAL SUBMITTAL:~~

~~(1) After the pre-application review with staff, the applicant may submit to the Department the formal lot line adjustment plat documents along with the applicable processing fee, the completed application form, and any other required supplemental materials indicated on the checklist obtained during the pre-application review. Formal submittal requirements for lot line adjustment plats are set forth in Submittal Requirements for Preliminary Maps, Final Plats and Other Subdivision Documents, adopted by the Director.~~

~~(2)~~(5) The lot line adjustment plat must be prepared and signed by a Registered Professional Land Surveyor licensed to practice in the State of Colorado.

~~16-8-5-3~~ APPROVAL AUTHORITY: A lot line adjustment ~~may~~ shall be approved or ~~disapproved~~ denied by the Director.

~~16-8-6 NOTIFICATION OF DIRECTOR'S REVIEW:~~

~~(1) The Secretary to the Planning Commission shall give written notice of the date of the Director's review by first class mail to the applicant.~~

~~(2) No notice to adjacent property owners or neighborhood organizations of the Director's review of the proposed lot line adjustment shall be required.~~

~~16-8-7~~

~~16-5-4~~ DIRECTOR'S ACTIONS: The Director ~~may~~ shall take ~~either one~~ of the following two actions regarding the proposed lot line adjustment plat:

~~(A1)~~ APPROVAL. In the event the lot line adjustment plat is approved, the Director will sign a Record of Decision regarding the ~~Lot Line Adjustment Plat~~ lot line adjustment plat indicating approval. However, the lot line adjustment plat will not be binding for any purpose until the following items, as applicable, take place:

~~(iA)~~ Formal acceptance of any required dedications or vacations noted on the lot line adjustment plat is made, in accordance with the provisions of ~~Articles 10 and 11~~ Article 7 of this Subdivision Ordinance.

~~(ii)~~ ~~Signed and notarized documents effecting the~~

~~(B)~~ Fully executed deeds of conveyance of land between or among the property owners are submitted to the City's Property Management Division.

(~~iii~~C) All applicable items, including the lot line adjustment plat itself, have been recorded with the Jefferson County Clerk and Recorder. The ~~landdeeds of conveyance documents~~ are to be recorded immediately after the lot line adjustment plat has been recorded. The applicant shall pay all recording fees.

(~~B~~) ~~DISAPPROVAL~~2) DENIAL. In case of ~~disapproval~~denial by the Director of the lot line adjustment plat, the Director will sign a Record of Decision ~~regarding the Lot Line Adjustment Plat~~ setting forth the reason(s) for such ~~disapproval in writing~~denial. Proposals which do not meet all of the conditions established for a lot line adjustment plat ~~transfer~~ in 16-85-2 above shall be ~~disapproved~~denied by the Director. ~~In addition to disapproving a proposed lot line adjustment plat on the basis of noncompliance with the requirements of 16-8-2, the Director shall have discretion in accordance with the criteria and standards in the Subdivision Ordinance in determining whether to approve or disapprove all proposed lot line adjustment plats.~~ If a proposed lot line adjustment plat is ~~disapproved~~denied by the Director, the ~~land transfer must be accomplished through the final plat process~~ must be utilized as described in ~~Articles~~Article 4 ~~and 5 of~~ this Subdivision Ordinance.

16-8-85-5 NOTIFICATION OF DECISION: Within five (5) days after the decision of the Director, the Secretary to the Planning Commission shall mail post a copy of the Record of Decision ~~regarding the Lot Line Adjustment Plat to the applicant via first class mail and shall post the results of the Director's review~~ in the Lakewood ~~Municipal~~Civic Center.

16-8-95-6 APPEALS: Any appeal of the Director's decision shall be to Jefferson County District Court.

16-8-105-7 RECORDATION: It is the responsibility of the applicant to provide to the Department a fully executed, ~~correction-free, photographic~~ mylar of the approved lot line adjustment plat, along with the appropriate accompanying documents and recording fees.

ARTICLE 96: ERROR ~~CORRECTION PLATS~~CORRECTIONS

16-~~96~~-1 INTENT AND PURPOSE OF ERROR CORRECTION PLATS: The purpose of error ~~correction plats~~corrections is to provide for an administrative procedure by which either minor or major errors found on recorded ~~subdivision plats or lot line adjustment~~ plats can be corrected in order to protect the interests of affected property owners, ~~including and~~ the City of Lakewood.

16-~~96~~-2 MINOR ERRORS: Minor errors include, but are not limited to, the following:

- (1) Typographical and spelling errors or transpositions~~;~~
- (2) Missing or incorrect Reception Number references~~;~~
- (3) Missing or incorrect date(s)~~;~~
- (4) Survey monumentation incorrectly noted or drawn~~;~~
- (5) Incorrect or missing interior bearing(s) and/or dimension(s)~~;~~
- (6) Missing or incorrectly displayed arrows or symbols~~;~~
- (7) Misnumbered or mislabeled Block, Lot, or Tract designation~~;~~
- (8) Street name changes ~~corrections~~;
- (9) Title of plat already in use or too similar to that of another subdivision~~;~~
- (10) Other items of a similar nature, as determined by the Director.

16-~~96~~-3 APPLICATION REVIEW: ~~If a recorded plat is found to contain one or more errors which appear to be minor in nature, the property owner(s) will be required to submit a redlined copy of the plat clearly showing all errors intended to be corrected. If the error(s) is/are found by the City, the Property Management Division can prepare such redlines for submittal to the affected property owner(s) for their acknowledgment and use in the submittal.~~

~~16-9-4~~ SUBMITTAL REQUIREMENTS: Formal submittal requirements for minor error corrections shall consist of an 8 ½" by 11" Affidavit of Correction prepared by the Property Management Division on a form approved by the City Attorney which has been signed and ~~notarized, then~~ sealed by the surveyor who prepared the plat.

16-~~9-56-4~~ APPROVAL AUTHORITY: A minor error correction may shall be approved or

~~disapproved~~denied by the Director.

16-9-6-5 MINOR ERROR CORRECTION PROCEDURE: In the event the minor error correction is approved, the Director will sign a Record of Decision regarding the ~~Minor Error Correction~~minor error correction indicating approval. However, the error correction will not be binding for any purpose until all applicable items, including the Affidavit of Correction, have been recorded with the Jefferson County Clerk and Recorder, ~~and a note is entered by Jefferson County in the left hand margin of the original plat indicating the existence of a minor error correction.~~ The applicant shall pay all recording fees.

16-9-76-6 MAJOR ERRORS: Major errors may include, but are not limited to, the following:

- (1) Additions to or deletions from the legal description or dedicatory~~dedication~~ language that are not typographical in nature.
- (2) Incorrect or missing Notary seals, certificates, signature blocks or proper forms of the signature (i.e.g., Power of Attorney).
- (3) Missing or incorrect subdivision boundary line dimension(s) and/or bearing(s).
- (4) Discrepancies between the legal description and the drawing.
- (5) Missing one or more signatures of property ~~with multi-~~owners.
- (6) Survey monumentation evidence missing.
- (7) ~~Numerous~~Excessive minor errors (~~e.g., more than five~~)as determined by the Director that would be better clarified with a corrective plat.
- (8) Other items of a similar nature, as determined by the Director.

~~16-9-8~~ APPLICATION REVIEW:

- ~~(1) If a recorded plat is found to contain one or more errors which appear to be major in nature, the property owner(s) will be required to submit a redlined copy of the plat clearly showing all errors intended to be corrected. If the error(s) is/are found by the City, the Property Management Division can prepare such redlines for submittal to the affected property owner(s) for their acknowledgment and use in the submittal.~~
- ~~(2) For the pre-application review of a proposed major error correction, the applicant shall submit a copy of all land ownership documents and a redlined copy of the final plat showing all corrections to be made.~~

~~16-9-96-7~~ SUBMITTAL REQUIREMENTS: Formal submittal requirements for a major

error correction consists of an error correction plat, prepared to the specifications and satisfaction of the City's Property Management Division.

16-9-406-8 APPROVAL AUTHORITY: A major error correction plat ~~may~~ shall be approved or ~~disapproved~~denied by the Director.

16-6-9-44 DIRECTOR'S ACTIONS: The Director shall have discretion in accordance with the criteria and standards in the Subdivision Ordinance in determining whether to approve or deny any proposed major error correction plats. The Director may take either of the following two actions regarding the proposed major error correction:

(A)1 APPROVAL. In the event the major error correction plat is approved, the Director will sign a Record of Decision regarding the Major Error Correction Plat indicating approval. However, the major error correction plat will not be binding for any purpose until the following items, as applicable, take place:

(i) ~~(A)~~ Formal acceptance of any required additional dedications or vacations noted on the major error correction plat is made, in accordance with the provisions of ~~Articles 10 and 11 of~~ this Subdivision Ordinance.

(ii) ~~An Amended Public Improvements Agreement has been executed.~~

(iii) (B) All applicable items, including the approved major error correction plat itself, have been recorded with the Jefferson County Clerk and Recorder. The applicant must pay all recording fees.

~~(B)DISAPPROVAL. In the event 2) DENIAL. If~~ the major error correction plat is ~~disapproved~~denied by the Director, the Director will sign a Record of Decision ~~regarding the Major Error Correction Plat~~ setting forth the reason(s) for such ~~disapproval in writing.~~ ~~The Director shall have discretion in accordance with the criteria and standards in the Subdivision Ordinance in determining whether to approve or disapprove all proposed major error correction plats~~denial. If a proposed major error correction plat is ~~disapproved~~denied by the Director, the errors in the subdivision must be corrected through the applicable preliminary ~~map~~plat and final plat processes described in ~~Articles 4 through 7~~Article 4 of this Subdivision Ordinance.

16-9-426-10 APPEALS: Any appeal of the Director's decision on the Major Error Correction Plat shall be to Jefferson County District Court.

ARTICLE ~~407~~: VACATION AND DEDICATION #17

16-~~407~~-1 VACATION BY PLAT:

(~~A~~)A1) The duly approved and recorded replat of a previously platted subdivision or portion thereof shall operate to vacate those certain easements which were reflected on the previous plat, but ~~which are not~~ shown on the replat~~vacation of easements sheets~~, under the following conditions:

(~~1A~~) Public easements held by the City of Lakewood for public use which were reflected on the previous plat ~~but not included on the replat~~ because the City of Lakewood has made a finding that such public easements are no longer used or required shall be deemed vacated upon the recording of the replat.

(~~2B~~) Public easements held by the City of Lakewood for public purposes for use by a service provider such as water, sewer, telephone, gas, power and cable television utility providers, which were reflected on the previous plat ~~but not included on the replat~~, shall be deemed vacated upon the recording of the replat if the service provider ~~has(s)~~ have agreed in writing to relinquish all rights in the easement.

(~~3C~~) Recorded private easements originally granted to a grantee by the property owner which were reflected on the previous plat shall ~~not be included in the replat, and thereby~~ be acknowledged as vacated upon the recording of the replat, if the property owner provides evidence the grantee has reconveyed its easement interest to the property owner by a duly executed, acknowledged instrument of conveyance.

(~~B~~)~~(1-2)~~) Property owned by, or which was conveyed or dedicated to, the City of Lakewood for public right-of-way ~~such as streets and sidewalks~~ shall be vacated pursuant to the provisions of C.R. S. 43-2-301, et seq.

~~(2) Property owned by, or which was conveyed or dedicated to the City of Lakewood, as reflected on the previous plat, for any purposes other than public easement or public right-of-way, but which is not included on the replat because the City of Lakewood has made a finding that such property is no longer used or required shall be deemed vacated upon the recording of the replat.~~

16-7-2.1 ~~16-10-2~~VACATION BY ORDINANCE: Vacations of easements or right~~rights~~-of way ~~other than~~ by platOrdinance shall be as follows,

(~~A~~)(1) The vacation of an easement, ~~street~~ or ~~other~~ right-of-way may be

granted by ordinance of the ~~city~~ City Council after notification ~~to:~~

~~(1) The registered owners of property within a 500-foot radius of the subject property, measured from the opposite side of adjacent rights-of-way or publicly-owned property;~~

~~(2) All mineral rights owners, and lessees of mineral rights owners;~~

~~(3) Neighborhood homeowners associations registered within the City within a 1,000-foot radius of the subject property, measured from the opposite side of adjacent rights-of-way or publicly owned property.~~

~~(B) An applicant seeking a vacation of an easement, street or other right-of-way shall submit an application to the City on forms provided by the City along with the appropriate processing fee and other submittal requirements required by the City.~~

~~(C) After the applicant has met with staff, had a neighborhood referral meeting (if necessary) and provided notification to the parties listed in (A)(1)-(3) above, the matter may be referred to the Planning Commission which shall make a recommendation to City Council or the matter may be referred to City Council directly. The City Council may either approve, deny, or remand the case to the Planning Commission accordance to Section 16-8-1.~~

~~(D)~~

(2) Notification is required as set forth in Section 16-8-1 for a public hearing before the City Council. The City Council may approve or deny the case.

(2) Criteria for vacation:

1)(A) Whether the easement, ~~street other~~ or right-of-way has been abandoned; or is no longer needed; and

2)(B) Whether the vacation meets the requirements of the provisions of C.R.S. 43-2-301, et seq., if appropriate; and

3)(C) Whether the vacation meets the purposes of the Lakewood Zoning Ordinance and Subdivision Ordinance; and

4)(D) Whether the vacation promotes the health, safety and welfare of the City.

~~(E) A denial by the Planning Commission may be appealed to the City Council by filing a notice of appeal within fifteen days of the denial. 4) A denial by City Council shall be appealed to Jefferson County District Court.~~

(F) ~~At the discretion of the Director, a~~

16-7-3 VACATION BY ADMINISTRATIVE REVIEW #5

(1) A vacation of an easement may be processed by an applicant without notification as set forth and approved administratively by the Director or the Director's Designee when it meets all the criteria in (A)(1)-(3) above if 16-7-2. The Director has the discretion to require the easement vacation to be completed by Ordinance and follow the rights procedures listed in Section 16-7-2.

(2) Public easements held by the City of Lakewood for public purposes for use by a service provider such as water, sewer, telephone, gas, power and cable television utility providers, shall require dully executed abandonment letters from the service providers.

(3) Notification will be at the Director's discretion.

(4) Upon approval of an administrative easement vacation, a quit-claim deed shall be prepared by Property Management, signed by the City Manager and recorded with the Jefferson County Clerk and Recorder at the applicant's expense.

16-7-4 NOTIFICATION OF DIRECTOR'S DECISION Within five (5) days after the Director's decision, the Secretary to the Planning Commission shall post a copy of the Record of property owners other than the applicant are not affected Decision in the Lakewood Civic Center. Publication of the Director's decision shall also be made in a newspaper of general circulation in the City at the earliest possible date after the decision is rendered at the applicants cost.

ARTICLE 11: 16-7-5 APPEALS Any appeal of the Director's decision shall be to Jefferson County District Court.

16-7-6 DEDICATION AND ACCEPTANCE OF LAND

16-11-1 DEDICATION OF LAND

(1) Dedications of rights-of-way, easements, access rights, and all other interests in real property conveyed to the city City by an applicant as part of the applicant's public improvement requirements shall be submitted to the City's Property Management Division and be approved by the City Manager or his or her designee. Acceptance Approval by the City Manager or his or her designee shall constitute acceptance by the city. The face page of the conveyance instrument shall contain a reference to the appropriate tax schedule number to aid the County Assessor in removing the property from the county tax rolls. City.

(2) Dedications of land for Park and Open Space is, Public Schools, Rights of Way

and Easements may be required by the City of Lakewood in accordance with Chapter 14.16 of the Lakewood Municipal Code.

~~(3) Dedication~~

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ARTICLE 8: NOTIFICATION PROCEDURES #6

16-8-1 NOTIFICATION PROCEDURES OF THE DIRECTOR'S DECISION AND FOR A PUBLIC HEARING

- (1) It shall be the obligation of land the applicant to provide written notice of the Director's decision and for any scheduled public hearing to the following people or entities:
 - (A) The fee owners of the subject property(ies). In the case of multiple properties or ownership by more than one person or entity, at least one owner of each property must be notified.
 - (B) The fee owners of property within 500 feet from the boundary of the subject property(ies). In the case of ownership by more than one person or entity, at least one owner of each property must be notified.
 - (C) ~~the Public Schools is~~ The registered representative of neighborhood homeowners organizations, as shown on the map registered with the Department, within 1,000 feet of the subject property(ies).
 - (D) Mineral Rights Owner(s) of the subject property, as required by per state statutes.
- (2) It is the responsibility of the applicant to obtain and submit the lists of the correct names and addresses of the people and entities to be notified in accordance with 16-8-1 above from the current records of the county assessor of the appropriate jurisdiction. Current records shall mean records existing no more than ninety (90) days prior to the date of the Director's decision or scheduled public hearing. The applicant shall provide evidence reasonably acceptable to the City of Lakewood in accordance with Chapter 14.17 of the Lakewood Municipal Code that the property ownership records to be used for notification are not more than ninety (90) days old.
- (4) ~~Dedication of Right of Way and easements is required by the City of Lakewood in accordance with Chapter 14.13 of the Lakewood Municipal Code.~~
- (3) The applicant shall be responsible for making a sufficient number of copies of the notification letter prepared by the City and shall mail the letters, via first class mail at least fourteen (14) days prior to the date of the scheduled public hearing.
- (4) At the time of mailing, the applicant shall certify in writing that the lists of property owners to be notified were obtained from current records of the applicable county assessor's office and the date that the letters were mailed.
- (5) Failure to observe the notification procedure described herein shall result in the postponement of the Director's decision or scheduled public hearing until such time as compliance with all notification provisions occurs.

APPENDIX #6

The following chart is a summary of the process for the various case types. Complete and detailed information is found within Articles 1-8 of the Subdivision Ordinance.

<u>Case Type</u>	<u>Notification Requirements</u>	<u>Approval Authority</u>	<u>Immediate Appeal Authority</u>	<u>Plat Recordation at County</u>	<u>Record of Decision</u>
<u>Preliminary Plat, Minor Subdivision</u>	Neighbors within 500 feet of the property, neighborhood homeowners organizations 's within 1,000-ft & Mineral Estate Owners of subject property	Director	Planning Commission	No	Yes
<u>Final Plat, Minor Subdivision</u>	No notification required, unless Preliminary Plat waived	Director	Planning Commission	Yes, mylar of plat recorded	Yes
<u>Preliminary Plat, Major Subdivision</u>	Neighbors within 500 feet of the property, neighborhood homeowners organizations within 1,000-ft & Mineral Estate Owners of subject property	Planning Commission	City Council	No	No ROD but PC resolution
<u>Final Plat, Major Subdivision</u>	Neighbors within 500 feet of the property, neighborhood homeowners organizations within 1,000-ft & Mineral Estate Owners of subject property	Director or Planning Commission	Planning Commission or City Council	Yes, mylar of plat recorded	Either ROD or PC resolution
<u>Lot Line Adjustment</u>	No notification required	Director	Jefferson County District Court	Yes, mylar of plat recorded	Yes
<u>Minor Error Correction</u>	No notification required	Director	None	No plat, but affidavit of correction recorded	Yes
<u>Major Error Correction</u>	No notification required	Director	Jefferson County District Court	Yes, mylar of plat recorded	Yes
<u>Vacation by Plat</u>	Per plat requirement	Director	Planning Commission	Yes, mylar of plat recorded	Yes, as part of plat
<u>Vacation by Ordinance</u>	Neighbors within 500 feet of the property, neighborhood homeowners organizations within 1,000-ft & Mineral Estate Owners of subject property	City Council	Jefferson County District Court	No plat, but ordinance recorded	No
<u>Vacation by Administrative Review</u>	Director's Discretion	Director	Jefferson County District Court	No plat, but quitclaim deed recorded	Yes