

SUBDIVISION REGULATIONS
OF
THE CITY OF FORT MORGAN, COLORADO

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SUBDIVISION REGULATIONS

ARTICLE 1. GENERAL PROVISIONS

- Section 1-1. CITATION. These regulations shall be known and may be cited as the “Subdivision Regulations of the City of Fort Morgan, Colorado”.
- Section 1-2. AUTHORITY. No final plat of a subdivision shall be approved and accepted by the Planning Commission or City Council unless it conforms to the provisions of these regulations.
- Section 1-3. APPLICATION OF REGULATIONS.
- (a) Whoever divides, or participates in the division of a lot, tract, or parcel of land into two or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development, whether residential, industrial, office, business or other use, shall make such division of land in conformity with these regulations, and a plat thereof must be submitted to and accepted by the City of Fort Morgan in the manner and according to the provisions of these regulations.
 - (b) No plat of a subdivision of land shall be used for purposes of sale or building development or recorded until approved by the Planning Commission and City Council and signed by duly authorized representatives of such bodies, or approval is received under the “Minor Subdivisions” provision of these regulations.
 - (c) No building shall be erected on any lot, nor shall a building permit be issued for a building unless there is access to a public street.
 - (d) Every plat which contains thereon a dedication for public use, whether to the City of Fort Morgan, US West, TCI Cablevision of Colorado, or other municipally franchised utilities, shall be recorded in the office of the Clerk and Recorder, County of Morgan, State of Colorado.
 - (e) Any plat for a subdivision or planned development filed in accordance with City regulations in effect at the time of filing such plat may, at the subdivider’s request, be processed and completed under the laws in effect when the application was filed.

- (f) Minor subdivisions as defined in Article 5 of these regulations, shall be processed according to section 6-3 of these regulations.
- (g) The provisions of section 1-3 (a) shall not apply to the following:
 - (1) Any division of a tract of land of at least 10 acres in size into separate parcels of at least 5 acres each for purpose of sale;
 - (2) Any division of land to heirs or devisees in connection with an estate proceeding;
 - (3) Any transfer of a parcel for the purpose of enlarging an existing lot or parcel; provided, however, these regulations shall apply whenever the part of a lot or parcel being transferred and the lot or parcel to which the former is added create at the time of the transfer two or more potential building sites or building lots as defined or referred to in the Zoning Ordinances of the City of Fort Morgan, and in such case, approval of such transfer must be obtained from the City of Fort Morgan according to the provisions of these regulations;
 - (4) Any division of land by virtue of the foreclosure of a deed of trust;
 - (5) Any division of land for the purpose of creating an easement or right of way or site for use of a governmental agency or public utility having the power of eminent domain;
 - (6) The City Council may exempt from the provisions of these regulations, any other division of land if it is determined that such division of land is not within the scope of these regulations.

Section 1-4

JURISDICTION. These regulations shall be applicable to all land located within the City of Fort Morgan and to all unincorporated land located within three miles of the corporate limits of the City of Fort Morgan for major street plan purposes when a major street plan has been approved in accordance with the requirements of Part 2 of article 23 of chapter 31, Colorado Revised Statutes 1973, as amended.

Section 1-5.

SCHEDULE OF FEES. There shall be required a fee for each subdivision plat submitted for approval. Such fees shall be paid at the time of submission of the final plat and shall be based on the following:

- (a) For plats of 25 lots or less - \$50.
- (b) For plats of 26 lots or more - \$50 and \$1.50 per lot over 25.
- (c) The County Clerk and Recorder's fee for recording the plat.
- (d) The additional costs made necessary by unusual circumstances and more than ordinary review and other services being provided by City of Fort Morgan personnel.

ARTICLE 2. PROCEDURE

Section 2-1. PRE-APPLICATION CONFERENCE. In order to properly evaluate a proposed subdivision of land, a sketch plan shall be prepared on a base map with a scale of not less than one inch equals 500 feet (1" = 500'), extending at least one-quarter mile beyond the proposed subdivision boundaries. The subdivider shall include on the sketch plan, (only for his proposed development), the existing and proposed streets and delineate and define the proposed use of land areas by zoning classification (for residential, commercial, industrial, public purposes, etc.). This sketch plan shall be presented to the City Superintendent who may use it to consult with other departments prior to formulation and submission of the preliminary plat, to uncover areas of special concern or emphasis, or problems or difficulties presented by the proposal requiring special consideration or special treatment in further proceedings.

Section 2-2 PRELIMINARY PLAT. After preliminary conclusions are reached concerning the feasibility and design of the proposed subdivision pursuant to Section 2-1, above, a preliminary plat and the supplemental material required by these regulations shall be presented for review by the Planning Commission. The preliminary plat shall reflect the general layout of the lots and blocks. The purpose for the presentation and review of the preliminary plat is to determine whether or not the proposed subdivision will meet the criteria and the design standards herein contained and other applicable laws.

(a) Processing of the Preliminary Plat.

(1) Fifteen (15) copies of the preliminary plat and supplemental materials shall be presented by the subdivider for review by the Planning Commission. When such documents are determined sufficient and in compliance with these regulations, the City shall furnish the following agencies with copies for review, comment and recommendation:

- A. Departments of the City:
 - (i) Public Works (3 copies)
 - (ii) Utilities (2 copies)
 - (iii) Recreation Department (1 copy)
- B. US West
- C. Colorado Dept of Transportation (where applicable)
- D. School District RE-3
- E. Morgan County
- F. TCI Cablevision of Colorado

Such departments and agencies shall have twenty (20) days from the date of receipt to review and return such documents to the Planning Commission unless additional time is, for good cause, requested and granted.

- (2) The Planning Commission shall meet with the subdivider and shall review the comments of the various agencies before making its decision to recommend approval, conditional approval, or disapproval of the plat. Changes in streets, alleys, lot and block boundaries shall be recommended by the Planning Commission only after reviewing the effect of such changes with the utilities departments of the City.
- (3) Within a reasonable time, not to exceed sixty (60) days, after receipt of the preliminary plat, the City shall notify the subdivider whether or not the plat has been recommended for approval or disapproval by the Planning Commission. When circumstances require an additional period of time for review, the Planning Commission shall notify the subdivider. A recommendation of approval of the preliminary plat by the Planning Commission shall be valid for one (1) year. An extension of the recommendation for approval by the Planning Commission may be granted for good cause upon written application to the Commission.

All, or any part of an approved preliminary plat may be submitted by a subdivider to the City Council for final approval as required by Section 2-3 of these regulations. In case only a portion of a platting or subdividing plan is submitted for final approval, the Planning Commission recommendation as to the remaining portion of the preliminary plat shall automatically gain an extension of twelve months before another portion of the preliminary plat must be submitted in final form.

- (4) Within fifteen (15) days after a preliminary plat is conditionally approved or disapproved by the Planning Commission, the subdivider or an interested governmental agency or utility may request in writing a review and hearing before the Planning Commission.

(b) Form of Preliminary Plat.

- (1) The drawing shall be made at a scale of not less than one inch equals 200 feet (1" = 200'). The size of the sheets shall be 24" x 36" or larger. If it is necessary to place the plat on more than one sheet, an index map shall be included on the first sheet. A vicinity sketch map showing the location of the area to be platted as it relates to the rest of the community and showing major streets in the area shall accompany the preliminary plat.

(c) Contents of Preliminary Plat.

- (1) A title containing the proposed name of the subdivision.
- (2) Location and boundaries of the subdivision.
- (3) Contours at two-foot intervals if the slope is less than 10 percent and five feet where the slope is greater than 10 percent.
- (4) Date of preparation, scale and north sign (designated as true north).
- (5) Name, address and telephone number of owner and licensed surveyor, licensed engineer or designer of the plat.
- (6) A statement of the total acreage involved.
- (7) Location and dimensions of all existing streets, easements, drainage areas, irrigation ditches and laterals, and other significant features within or adjacent to the tract to be subdivided.
- (8) Location and dimensions of all proposed streets, easements, lot lines and parks and other areas to be reserved or dedicated for public use.
- (9) Geological stability information shall be furnished upon request of the City, which request shall be made only when there is reason to believe that unique or special problems may arise from the construction of buildings or improvements in the area proposed for development.
- (10) Present or proposed zoning on and adjacent to the tract.

- (11) Designation of areas subject to a twenty-five (25) and 100-year flood and the volume of water during such floods. When available, this information shall be furnished by the Director of Public Works. When not available, a tentative flood plain will be defined by mutual agreement between the Director of Public Works and the subdivider's engineer according to generally accepted engineering standards, practices and procedures.
 - (12) Site data including the number of residential lots and typical lot sizes, where applicable.
 - (13) Proposed uses if other than single-family residential.
 - (14) The location and capacity or size of existing utility mains or lines within or adjacent to the tract including water, sanitary sewer, electricity, gas and storm sewer (may be placed on a separate plat).
 - (15) A plan for the water and sanitary sewer and storm sewer systems to serve the various parcels within the proposed development (this may be placed on a separate plat).
- (d) Additional Information.
- (1) The Planning Commission may require the submission of such additional data or information as it determines necessary to adequately describe proposed utility systems, drainage plans, surface improvements, or other construction projects contemplated within the area to be subdivided in order to assure that the subdivision is capable of being completed without an adverse impact upon the surrounding area.
 - (2) Application for rezoning, if required for the development of subdivision as planned.

Section 2-3.

FINAL PLAT. After the subdivider has received approval of or conditional approval of the preliminary plat, all or any logical part thereof may be prepared and submitted for final approval. Only that part of the preliminary plat which is proposed by the developer for final approval and recording at any one time need be submitted in final form. The presentation of a final plat to the Planning Commission shall be made not more than twelve (12) months after the Planning Commission recommendation of approval of the preliminary plat (or within the time of any extension of recommended approval granted by the Commission under Section 2-2 (a) (3) above).

(a) Processing of the Final Plat.

- (1) The final plat shall conform to the preliminary plat as finally approved by the Planning Commission and the exterior boundary line of such final plat shall be closed on the major plat.
- (2) After reviewing the final plat, the Planning Commission shall submit the plat to the City Council for its approval.
- (3) Upon receipt of the plat and the accompanying recommendations from the Planning Commission, the City Council shall accept, disapprove, or refer the plat back to the City Planning Commission for specific findings or further study. If the plat is disapproved or referred, written notice of the action of the City Council shall be sent by the Planning Commission to the subdivider.
- (4) Following acceptance of a plat by the City Council, the plat shall be signed by the Mayor and by the City Clerk. The City Clerk shall then record the plat in the office of the Clerk and Recorder of Morgan County.
- (5) The subdivider shall furnish to the City Clerk the recording fee required by the County Clerk and Recorder prior to the recording of the plat.

(b) Form of Final Plat; Copies

- (1) The plat shall be drawn at a scale of not less than 1" = 100' with the use of permanent lines or ink on reproducible linen or mylar, 24 inches by 36 inches in size. Maps consisting of two or more sheets shall be referenced to an index map placed on the first sheet.

- (2) An original mylar or linen, a sepia, and three (3) paper copies of the final plat shall be submitted to the City.
- (c) Contents of Final Plat.
- (1) The title of the subdivision.
 - (2) Accurate dimensions for all lines, angles, and curves used to describe boundaries, streets, easements, areas to be reserved for public use, and other features. All curves shall be circular arcs and shall be defined by the radius, central angle, tangent, arc and chord distances. All dimensions, both linear and angular, are to be determined by an accurate control survey in the field which must balance and close within a limit of one in ten thousand. No final plat showing plus or minus dimensions will be approved.
 - (3) Names of all adjoining subdivisions with dotted lines of abutting lots. If the adjoining land is unplatted, it shall be so indicated.
 - (4) An identification system for all lots and blocks and names for streets.
 - (5) An identification of the streets, easements, parks, other public facilities as shown on the plat and a good and sufficient, duly executed, original conveyance and dedication thereof to the public use.
 - (6) A statement of the total acreage and the surveyed legal description of the area containing a description of all monuments, both found and set, which mark the boundaries of the property, and a description of all control monuments used on conducting the survey.
 - (7) A statement by the land surveyor that the survey was performed by him in accordance with the statutory minimum standards for land surveys and plats contained in the Colorado Revised Statutes (now Chapter 51, Article 51 CRS 1973), or under his direct responsibility, supervision and control.
 - (8) A statement by the land surveyor explaining how bearings, if used, were determined.

- (9) Signature and seal of the registered land surveyor.
 - (10) Planning Commission signature certifying acceptance.
 - (11) Signature block for City Council with signature by the Mayor, attested and sealed by the City Clerk.
- (d) Other documents required at the time of submission of the final plat shall be:
- (1) Complete engineering plans and specifications complying with accepted design standard of the City for all public facilities to be installed in the subdivision or development, i.e., water and sewer utilities, streets, and related improvements, bridges, and storm drainage.
 - (2) Agreements made with irrigation companies when needed.
 - (3) Guarantee(s) for public improvements as required under Section 2-4.

Section 2-4.

IMPROVEMENTS AGREEMENT GUARANTEE. The subdivision being submitted for approval includes improvements necessary to serve the area being developed.

- (a) It has been customary for a purchaser in a subdivision to assume that the lot price in a subdivision includes payment for the appurtenant public improvements. Buyers have incorrectly assumed that the governmental unit approving the subdivision has made provision for the construction of such improvements at the time of a plat or building approval. As a consequence, many have purchased lots in new subdivisions expecting improvements to be constructed and paid for but the subdivider has suffered financial reverses. The burden of constructing the improvements then falls upon the buyers and the general public. The buyers should not be required to pay twice for improvements and since the improvements are largely for the benefit of the area being developed, the general public cannot legitimately absorb any of the costs incident to the construction of neighborhood improvements.

- (b) In view of the foregoing, the City Council, for the protection of buyers in subdivided areas and the general public, has determined that a form of guarantee must be provided by the subdivider to assure the installation of the required public improvements in an approved manner and in a reasonable period of time. Therefore, prior to the presentation and acceptance of the final plat by the City Council, the subdivider shall execute an agreement with the City of Fort Morgan that guarantees shall be furnished by subdivider for the construction by him of all public improvements.
- (c) Building permits will be issued for only that part of the plat for which the required financial guarantee or has or have been provided.
- (d) The agreement to furnish said guarantees shall be refiled in the office of the City Clerk and may be inspected during business hours by any interested person.
- (e) A release may be obtained for a lot or lots from the City from the Director of Public Works when the terms of the agreement have been satisfied for the lot or lots involved. A release executed and acknowledged by the Director of Public Works shall be sufficient release by and for the City of Fort Morgan.
- (f) The agreement shall further provide that if at any time there is a breach of such agreement, the City of Fort Morgan may withhold approval of all building permits within the subdivision until such breach or breaches have been cured.
- (g) The minimum guarantee shall be for an area consisting of the whole of the front street and the alley or alleys adjacent to eight contiguous building lots which may be on one side of the street or on both sides of the street, or alternatively 400 contiguous feet of street frontage upon which the development is to take place. In the event that it is not feasible to develop the side streets at the same time as the development of the front street, the developer shall be required to satisfy the City Superintendent that appropriate arrangements for payment for side street improvements have been made. The guarantee shall provide that improvements shall be completed within twelve (12) months of the issuance of the first building permit or upon completion of structures upon 50 percent of the building sites within such area, whichever occurs first in time;

however, if special circumstances exist, the City Superintendent may extend the time, or reduce it if, in his opinion, in accordance with the generally accepted engineering principles, any or all of the improvements are needed in less time for the residents of the area to protect the public health, safety and welfare, and such decision shall control.

- (h) The amount of the guarantee shall be equal to one hundred percent of the estimated cost of the public improvements to be constructed as determined by the City Engineer, and include the necessary water and sewer mains, roadbed and surface, alley roadbeds, gutter, sidewalks, bridges, culverts and other storm drainage improvements, electric and gas mains. Further, the subdivider or developer shall satisfy the Director of Public Works that appropriate arrangements for telephone and television service and connection have been made by the subdivider and the utility company.

An improvements guarantee may be appropriately reduced or set over to apply to another block or blocks as the improvements are satisfactorily installed and completed and paid for. When the guarantee is thus "roll over" of the guarantee.

- (i) The guarantee may be in any of the following forms:
 - (1) An escrow of funds with the City.
 - (2) An escrow with a bank or savings and loan association with the unconditional right given to the City to draw on the funds deposited in the event the required improvements must be fully or partially constructed by the City or the funds are required to pay for any improvements constructed by the City or by third parties for which payment has not been made.
 - (3) An irrevocable sight draft or letter of credit or commitment in a form satisfactory to the City Attorney which guarantees the City that the financial resources are unqualifiedly available to construct and pay for said improvements. The sight draft or letter of commitment may be from any financially responsible lender which is not directly or indirectly owned or controlled by the subdivider.

- (j) The form of the guarantee shall be such that the City is assured that the subdivider has funds committed in the amount and for the purposes herein stated and that in the event of a default by the subdivider, the City shall have available to it upon demand funds necessary to construct or complete the improvements and pay for the same.

Section 2-5

OPEN SPACE AND PARK LAND DEDICATION. In the event lands for open space or park lands has been dedicated and accepted by the City Council and any such lands so dedicated and accepted which fronts upon a street in a subdivision, the City shall contribute from said lands, one-half (1/2) of said abutting street or alley and this fact will be indicated in the final plat. The subdivider (developer) however, shall be responsible to pay the cost of all of the improvements along the abutting dedicated lands.

ARTICLE 3. DESIGN STANDARDS

Section 3-1. PURPOSE. The character and environment of the City of Fort Morgan in future years will be greatly affected by the design of subdivisions and the plats that are approved by the City of Fort Morgan. Consequently the planning, layout and design of a subdivision are of the utmost concern. The residents of the city must have available to them the facilities for safe and convenient movement from place to place. Prevailing and customary modes of travel to achieve this objective should not unduly conflict one with the other or with abutting land uses. Lots and blocks should provide desirable settings for the buildings that are to be constructed and make maximum use of natural contours to protect the view of residents, afford privacy and protection from adverse noise and traffic. Natural features and vegetation of the area schools be preserved if at all possible. Schools, parks, churches and other community facilities should be included in planning to the greatest possible extent.

Section 3-2. SITE CONSTRUCTION.

- (a) Steep land (10 percent slope or greater on the majority of the lots), unstable land, and areas having inadequate drainage hold the potential to endanger health, life or property, and shall not be platted unless acceptable plans and provisions are developed by a qualified registered engineer, which eliminate or adequately control any such problems. Such plans must be approved by the City Engineer or Director of Public Works, who shall judge the same by generally accepted principles of engineering adapted to the particular circumstances. Thereafter, development in any such subdivision shall be done in strict conformity with the plans as finally approved. Such hazardous and problem areas may be included as part of a lot or group of lots where there is a safe buildable portion on such lot or lots free of hazard or problems.
- (b) Natural drainage courses should, whatever possible, be left in a natural state and no encroachment shall be made upon the natural channel. Any land subject to flooding by a 100-year flood shall not be platted for residential purposes or other permanent development unless adequate provision is made to eliminate or control the flood hazard. A registered engineer shall propose flood hazard controls and the same shall be subject to approval by the Director of Public Works who shall apply generally accepted engineering standards. Development shall be carried out in strict conformity with the plan finally approved.

- (c) Where a subdivision borders a railroad right-of-way or a freeway, arterial or collector street, design thereof shall include adequate provisions for reduction of noise. A parallel street, a landscaped buffer area, lots with increased setbacks, among others, may be considered as appropriate solutions.

Section 3-3.

STREETS AND EASEMENTS.

- (a) Streets shall conform to the comprehensive street and highway plan of the City.
- (b) Arterial and collector streets shall be aligned to join with planned or existing streets in the City.
- (c) Streets shall be designed to bear a relationship to the topography.
- (d) Intersecting streets shall cross, as nearly as possible, at right angles.
- (e) Cul-de-sacs shall have a turn-around right-of-way diameter of at least 100 feet. A cul-de-sac shall not exceed 400 feet in length and its end shall be visible from the connecting street.
- (f) Unless specially approved, streets with centerline off-sets of less than 125 feet shall not be accepted.
- (g) Dead-end streets (with the exception of an approved cul-de-sac) are prohibited unless they are designed to connect with future streets upon adjacent land that has not been platted, in which cases an easement for a temporary turn-around shall be required for use until the balance of the street is dedicated.
- (h) Access to a freeway, arterial or collector street shall be allowed only at intersections approved by the Director of Public Works. The Director of Public Works, with the advise of the Traffic Committee (and the State Highway Department where applicable), shall determine the intersection or intersections for access to such freeways, arterial or collector streets to assure the most efficient movement of traffic and maximum safety for drivers and pedestrians.
- (i) The dedication of a half street shall not be accepted unless:

- (1) The subdivider obtains for the City a dedication from abutting landowners of the other one-half of the street; and
- (2) The subdivider obtains from the said abutting landowner an agreement in a form satisfactory to the City Attorney which guarantees the cost of the improvements and construction of the same upon the half street within a time satisfactory with the Director of Public Works; and
- (3) The subdivider guarantees the construction of the improvements upon the half street which is to be dedicated; or
- (4) Any other arrangement approved by the Director of Public Works, the Planning Commission and City Council.

(j) Street, alley and easement right-of-way widths and grades shall meet the following standards:

Classification	Right-of-way	Minimum	Maximum % of Grade
	And Utility Easement	Center Line Curve Radii	
Alleys	20'	250'	8%
Residential	50' *	250'	8%
Collector	80'	625'	6%
Arterial	100'	1,200'	5%
Freeway	200'	2,000'	5%

* Residential streets shall have 10' utility easements on both sides of the right-of-way (exceptions may be allowed upon recommendation by the Director of Public Works and approval by the Planning Commission and City Council). Setbacks shall be computed from the edge of the right-of-way. Except in special instances, residential streets shall be improved to a minimum of 40 feet in width, gutter to gutter, with four foot sidewalks.

Proposals for street and easements crossing or intersecting greenbelt or park areas shall be reviewed by the Recreation Committee of the City Council and it shall make findings and recommendations known to the Planning Commission and the City Council.

(k) Easements and Fire Lanes

- (1) Easements for utilities shall meet the following minimum standards; at least 10 feet

in width where located on one side of rear lot lines, or 16 feet total (8 feet on each side) when the easement is centered on rear lot lines and 5 feet when adjacent to side lot lines.

(2) Where a subdivision is traversed by an irrigation ditch or channel, natural creek or stream, an easement to continue the waterway and sufficient for drainage and to allow for maintenance of the ditch or waterway shall be provided.

(3) Dedication of fire lanes shall be required as necessary for protection both during and after development. Fire lanes shall be 16 feet in width, and the same shall, at all times, be kept free of obstructions to provide access at all times.

(l) Street names and numbers.

The choice of street names shall be subject to the approval of the City Council. Street numbers shall be assigned by the Building Department in accordance with the applicable house numbering system of the City.

(m) Alleys of 20 feet minimum width shall be required to provide access to the rear of each building lot.

Section 3-4.

BLOCKS.

(a) Blocks shall normally be not less than 400 feet in length and not more than 1,320 feet in length between street intersections.

(b) Block lengths and widths may be varied according to the uses contemplated and the zoning requirements pertaining to minimum lot sizes and dimensions.

(c) In blocks over 1,000 feet long, pedestrian crosswalks may be required.

Section 3-5.

LOTS.

(a) Lots shall meet all applicable zoning requirements.

(b) Lots with double frontage (having a street both front and rear), shall be avoided, except where essential to provide separation from major arterials or because of their slope or from incompatible land use.

- (c) Side lot lines shall be substantially at right angles or radial to street lines when feasible.
- (d) Reverse corner lots (a corner lot fronting on a side street), shall be avoided where possible but in no event shall the rear yard be less than rear yards required by the Zoning Ordinance of the City. Frontage on both streets shall meet the minimum requirements of the Zoning Ordinances.

Section 3-6.

PUBLIC SITES, RESERVATIONS AND DEDICATIONS.

- (a) It is the philosophy of the Planning Commission and City Council that the dedication of land by subdividers for parks and other public uses is a fair and equitable practice for all parties concerned. It is, therefore, the intent of the City Council to continue this practice by encouraging the subdividers of all land divisions affected by these regulations to dedicate, in addition to lands dedicated for public rights-of way or easement purposes, a suitable portion of the land, acceptable to the City, for parks and open space.

Dedications of rights-of-way for public streets, utility easements, drainage and maintenance easements, parks open space, greenbelts and other public purposes required or permitted under the provisions of these regulations, if not previously made, shall be made by the subdivider on the final plat unless otherwise directed by the City Council.

- (b) At the time of submission of the preliminary plat, the developer shall submit an agreement for the review of the Planning Commission which develops and guarantees one of the following options.
 - (1) Five (5%) of the gross land area shall be dedicated to the City of Fort Morgan for parks, open space or green belt, but in no case less than two (2) acres.
 - (2) In lieu of such dedication, the developer may make payment to the City of Fort Morgan in cash in an amount equal to five (5%) of the fair market value of the gross land area. In the event both parties cannot agree to the fair market value then a licensed appraiser, who is mutually agreeable to both parties, will provide an appraisal based on the final plat, in addition, each party will pay one half (1/2) of the appraisal cost.

- (3) The subdivider may offer another piece of ground of equal size and owned by him within the corporate limits of the City and which is acceptable to City Council.
 - (4) The subdivider may provide a combination of (1), (2) and/or (3) above to satisfy the provisions of open space and park land dedication with approval of City Council.
- (c) The Planning Commission shall take into consideration the necessity for parks, open spaces, and/or other public uses in connection with each plat and shall make a recommendation to accept a land dedication or to accept one of the other options outlined in paragraph (b) above. The Commissions recommendation shall be based upon:
- (1) Concurrence with the City comprehensive or master plan.
 - (2) Comments from other agencies and city staff.
 - (3) Does the size of the annexation and/or plat justify the physical reservation and development of a park or open space dedication.
 - (4) If an alternative site is accepted, such lands shall be free of all liens and encumbrances as evidenced by a current certified abstract of title or title insurance policy and shall be unqualifiedly covered or dedicated to the City of Fort Morgan for park, open space or some other public use.
- (d) In the event a land dedication is not made or accepted, then cash in lieu of land shall be paid at the time of the final approval of the plat. The cash received shall be assigned a special account (interest bearing, if possible) by City Council and used only in purchasing park land, open space or land for some other public use.
- (e) In the event a land dedication or cash has not been received or accepted on any lands previously annexed to the City of Fort Morgan, then the requirement as herein set forth for land and/or cash be waived as of August 17, 1993. This applies to lands annexed, and platted.

ARTICLE 4. IMPROVEMENTS

Section 4-1. APPROVAL REQUIRED. Engineering minimum specifications for all improvements are contained in the City of Fort Morgan Public Improvements are contained in the City of Fort Morgan Public Improvements Manual, and all improvements shall be constructed in accordance therewith.

No improvements shall be constructed until all plans, profiles and specifications have been reviewed and approved by the Department of Public Works.

Section 4-2. SURFACE IMPROVEMENTS

(a) The following improvements shall be provided by the developer.

- (1) Permanent survey monuments and lot pins.
- (2) Curbs, gutters and sidewalks. In subdivisions in which the lots are one acre or more in size, sidewalks may not be required.
- (3) Paved streets, the minimum specifications of which need not exceed the construction requirements of a collector street.
- (4) Bridges, culverts, or open drainage channels where required.

Section 4-3. UTILITIES

(a) The following utilities shall be provided by the subdivider:

- (1) Water lines.
- (2) Sanitary sewer lines.
- (3) Storm drainage improvements and storm sewers where required.
- (4) Fire hydrants.
- (5) Natural gas lines.
- (6) Electric utility lines.

(b) When it is deemed necessary by the Director of Public Works for a utility to be installed at a larger size or capacity than that actually needed for the subdivision, the City of Fort Morgan shall pay the extra expense of the increase in size of capacity. (Example: should the developer require

an 8 inch sewer line for his subdivision and the Director of Public Works require a 12 inch sewer to permit the connection of additional lines or services, the City will pay the difference in cost between the 8 inch and the 12 inch lines.) This provision shall apply only to the utilities named in this Section 4-3 (a).

Section 4-4.

OTHER IMPROVEMENTS.

- (a) Telephone lines and electric lines and other like utility services shall be placed underground. The subdivider shall be responsible for complying with the requirements of this section and he shall make any necessary agreements or arrangements, and pay or arrange payment for any construction or installation charges, with each utility or supplier for the installation of such facilities and the same shall be installed in compliance with all applicable laws and regulations for the construction of the same. Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts and other facilities necessarily appurtenant to such underground utilities may be placed above ground; electric transmission and distribution feeder lines and communication long distance trunk and feeder lines and necessary appurtenances thereto may placed above ground. Such facilities shall be placed within appropriate easements or public rights-of-way. The provisions of this section shall not apply to existing facilities or subdivisions platted prior to the adoption of these regulations where an overhead system has been planned or is in place.
- (b) Other improvements not specifically mentioned herein but determined to be necessary or desirable as a result of peculiar or unusual site conditions.

Section 4-5.

“AS BUILT” PLANS. Finished maps, plans and specifications of all public improvements, as installed, shall be submitted before the City can accept and certify the improvements as completed. Working plans and specifications, as approved, are acceptable for this purpose if accompanied by the certificate of a registered engineer that the actual construction was fully and faithfully done according to the approved working plans.

ARTICLE 5. DEFINITIONS AND CONSTRUCTION

Section 5-1. RULES OF CONSTRUCTION OF LANGUAGE.

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

Section 5-2. DEFINITIONS. As used in these regulations, the following words shall be interpreted and defined in accordance with the provisions of this article.

- (a) The term "street" means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated.
- (b) The term "subdivider" or "developer" means any person, partnership, joint venture, association, corporation, person in a representative capacity, or other legal entity or legal representative who shall participate in any manner in the dividing of land for the purpose, whether immediate or future, or sale or building development.
- (c) The term "subdivision" means the division of a lot, tract or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, for sale for building development, whether residential, industrial, office, business, or other use. The term shall also include and refer to any division of land previously subdivided or platted but shall not include nor refer to a transaction or transactions which is or are exempt under the provisions of Section 1-3.
- (d) The term "minor subdivision" means a subdivision of fewer than five (5) lots, plats or sites.

ARTICLE 6. VARIANCES

Section 6-1. UNUSUAL CONDITIONS. The City Council may authorize variances from these regulations where, due to exceptional topographical conditions or other conditions peculiar to the site, an unnecessary hardship to a subdivider would result. A variance shall not be granted if the result would be contrary to the public interest or defeat the intent and purpose of these regulations. Any variance granted must be consistent with the objectives and intent of the Comprehensive Plan of the City.

Section 6-2. PLANNED UNIT DEVELOPMENT.

- (a) Appropriate deviation from the requirements of these regulations may be authorized by the City Council upon recommendation of the Planning Commission in the case of a planned unit development. The submission and review process for a planned unit development shall be the same as for a preliminary and final plat. The maps and documents of a planned unit development may be recorded in the office of the County Clerk and Recorder, the same as a subdivision plat.
- (b) Special requirements for a Planned Unit Development.
 - (1) All of the owners, if more than one, of a tract or parcel of land to be developed as a planned unit development must join in the application for such development, either personally or by a legally appointed attorney in fact.
 - (2) Title to land areas, buildings and facilities of joint use shall be retained by the developers or deeded to a legal entity composed of all homeowners in the development or, when acceptable, deeded to the City. Open space areas and recreation areas shall be perpetually cared for and maintained, and the City Attorney shall approve the plan and legal documents which the developer submits to ensure the intent of this provision.
 - (3) Building permits shall be issued by the City only in conformance with an approved planned unit development site plan unless variances from the approved site plan are applied for and granted by the City Council.

(c) Procedure for plan approval.

A unit development proposal shall be submitted and processed in the following manner:

- (1) A pre-application discussion shall be held between the developer and the City Superintendent and Director of Public Works.
- (2) The information as set forth in Section 6-2 (d) shall be submitted to and reviewed by the Planning Commission in keeping with the various provisions of these regulations.
- (3) Following approval by the City Council, and before a building permit is issued; the final, approved unit development plan shall be officially filed with the City Clerk and the Building Inspection Department.

(d) Information required.

- (1) Fifteen (15) copies of the site plan showing the following:
 - (A) All information required on the preliminary plat in Section 2-2 (c).
 - (B) Location and dimensions of all parcels within which all proposed development shall take place.
 - (C) Unless waived by the Planning Commission and the City Council, the height and gross floor area of proposed buildings.
 - (D) Location and plan for off-street parking.
 - (E) Location and orientation of major freestanding lights (except street lights on public right-of-way).
 - (F) Location and extent of proposed curb cuts.
 - (G) Unless waived by the Planning Commission and the City Council, sketches of proposed buildings (perspective to establish the character).
 - (H) Plans and designs for general landscaping fencing, recreation facilities, and usable open space, and a statement of the purpose

to be served, as for screening,
ornamentation, recreation, passive, etc.

Section 6-3.

MINOR SUBDIVISION.

- (a) Where a “minor subdivision” is proposed, the plat submitted may describe the tract and lot boundaries by metes and bounds certified by a registered surveyor. The subdivider shall hold conferences relative to the proposed minor subdivision with appropriate staff and administrative personnel of the City, US West, and the Planning Commission of the City of Fort Morgan.
- (b) In the event no dedication for streets, easements or other public uses is required, an original final plat and three (3) copies containing the following information shall be submitted to the Planning Commission.
 - (1) Description, location and dimensions of the tract and all lots within the tract.
 - (2) Memoranda of knowledge and approval from all affected utilities.
 - (3) A complete statement of legal and equitable ownership (including encumbrances, easements, tenancies, etc.)
 - (4) Approval by the Director of Public Works, the Building Inspector and the City Superintendent of Public Works shall be indicated on the plat.
- (c) In the event a dedication for streets, easements or other public uses is required as a condition of final approval, an original, a mylar sepia, two linen prints and three (3) paper copies of the final plat showing the information required by Section 2-3 (c) shall be submitted.

ARTICLE 7. ADMINISTRATIVE PROVISIONS

Section 7-1. INTERPRETATION. In the interpretation and application of the provisions of these regulations, the following shall govern:

- (a) In the interpretation and application of the provisions of this regulation, their terms shall be considered the minimum requirements for the protection of the public health, safety and welfare.
- (b) Whenever two separate provisions of these regulations, or any provision hereof, and any other regulation of the City of Fort Morgan cover the same subject matter, whichever is the most restrictive or imposes the higher standard or requirements shall be the controlling restriction or standard.
 - (I) Storm drainage plan.
 - (J) Circulation plan for vehicles and pedestrians.
 - (K) A calculation of the human density factor if the development is for residential purposes.
 - (L) A legal description of the land to be so developed.
 - (M) A description of any signs to include size, location, height, construction and text.
 - (N) Plan and description of any service areas for business, multi-family, or industrial developments.
 - (O) Any other information which the applicant feels would aid in the consideration of a proposal.
- (2) A statement and description of the existing zoning facts.
- (3) A complete statement of legal and equitable ownership (including encumbrances, easements, tenancies, etc.)
- (4) A projected time schedule for commencement and completion of the development.