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**ARTICLE 17-40**

**Subdivision Regulations**

*Division 1*

*General Provisions*

**Sec. 17-40-10. Citation.**

These Regulations shall be known and may be cited as the *Subdivision Regulations* of the City. (Ord 1964, 2008)

**Sec. 17-40-20. Policy.**

(a) It is hereby declared to be the policy of the City to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the City, pursuant to the Comprehensive Plan for the orderly, planned, efficient and economical development of the City.

(b) Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace. Land shall not be subdivided until proper provision has been made for drainage, water, sewage and capital improvements, such as schools, parks, recreation facilities, transportation facilities and improvements.

(c) The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the Comprehensive Plan and Capital Improvements Program of the City. It is intended that these Regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, the Zoning Ordinance, the Comprehensive Plan and the Capital Improvements Program of the City. (Ord 1964, 2008)

**Sec. 17-40-30. Conditions.**

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State of Colorado to the City. The developer has the duty of compliance with reasonable conditions laid down by the Planning Commission and the City Council for design, dedication, improvement and restrictive use of the land so as to conform to the physical and economical development of the City and to promote the safety and general welfare of the future lot owners in the subdivision and the community at large. (Ord 1964, 2008)

**Sec. 17-40-40. Purpose.**

These Regulations are designed and enacted for the following purposes:

- (1) To protect and provide for the public health, safety and general welfare of the City.
- (2) To guide the future growth and development of the City in accordance with the Comprehensive Plan.

(3) To provide for adequate light, air and privacy, to secure safety from fire, flood and other danger and to prevent overcrowding of the land and undue congestion of population.

(4) To protect and conserve the value of land throughout the City and the value of buildings and improvements upon the land.

(5) To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the City and the pedestrian and bicycle traffic movements appropriate to the various uses of land and buildings.

(6) To establish reasonable standards of design and procedures for subdivisions and resubdivisions in order to further the orderly layout and use of the land.

(7) To ensure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision and to provide for open spaces through the most efficient design and layout of the land.

(8) To prevent the pollution of air, streams and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the City in order to preserve the integrity, stability and beauty of the community. (Ord 1964, 2008)

**Sec. 17-40-50. Control.**

(a) Whoever divides or participates in the division of a lot, tract or parcel of land into two (2) or more lots, sites or other division of land for the purpose, whether immediate or future, of sale or building development, whether residential, commercial, industrial or any other use, shall make the transaction subject to the provisions of these Regulations, and a plat therefore must be submitted to and accepted by the City according to the terms as herein set forth. The terms hereof shall also include and refer to any division of land previously subdivided or platted.

(b) No plat of a subdivision of land shall be used for purposes of sale or building development or filed and recorded until approved by the Planning Commission and the City Council, with such approval entered in writing on the plat and signed by the Mayor and attested by the City Clerk.

(c) No building shall be erected on any lot, nor shall a building permit be issued for a building, unless the street giving access to the lot upon which such building is proposed to be placed shall have been dedicated and approved by the City as a part of an official subdivision. (Ord 1964, 2008)

**Sec. 17-40-60. Exemption from platting.**

(a) A portion of a given lot or building site may be conveyed with an adjacent platted lot, provided that the portion conveyed consists of a strip of land defined by a line parallel to and a given distance from the subject lot and provided that no additional lot or building site is created. All lots or building sites so redefined shall comply with the minimum standards of the Zoning Ordinance.

(b) An applicant for a building permit for a redefined lot or building site shall submit a site plan including the adjacent lots or building sites involved in the redefinition.

(c) The City Council may, by resolution, grant an exemption from the terms and conditions of these Subdivision Regulations for property comprising nine hundred sixty (960) or more contiguous acres held in common ownership and located within a master planned community which is subject to the regulations and development guidelines of a planned unit development. For the purposes of this Section, the term *contiguous* shall mean touching at any point and shall not be affected by the existence of a platted street or alley, a public or private right-of-way or a lake, reservoir, stream or other natural or artificial waterway between portions of the property. (Ord 1964, 2008)

**Sec. 17-40-70. Jurisdiction.**

These Regulations are applicable within the following described areas:

- (1) All land located within the legal boundaries of the City;
- (2) All land located within three (3) miles of the corporate limits of the City and not located in any other municipality, for the purposes of control with reference to the street element of the Comprehensive Plan and Transportation Master Plan of the City; and
- (3) Land in the process of annexation. (Ord. 1964, 2008)

**Sec. 17-40-80. Reserved.**

**Sec. 17-40-90. Interpretation.**

In the interpretation and application of the provisions of these Regulations, the following shall govern:

- (1) In their interpretation and application, the provisions of these Regulations shall be regarded as the minimum requirement for the protection of the public health, safety, comfort, morals, convenience, prosperity and welfare. These Regulations shall therefore be regarded as remedial and shall be liberally construed to further their underlying purposes.
- (2) Whenever the requirements of these Regulations are at variance with the requirements of any other lawfully adopted rules, regulations, building codes, fire codes or ordinances, the more restrictive or that imposing the higher standards, shall govern.
- (3) These Regulations are not intended to abrogate or annul any permits, easements or covenants issued before the effective date of these Regulations. (Ord. 1964, 2008)

**Sec. 17-40-100. Reserved.**

**Sec. 17-40-110. Reserved.**

**Sec. 17-40-120. Amendment.**

The City Council may amend the requirements of these Regulations after giving public notice of any such proposed amendment and after holding a public hearing thereon. (Ord. 1964, 2008)

*Division 2  
Procedure*

**Sec. 17-40-180. Classification of subdivisions.**

(a) Whenever any subdivision of land is proposed, it shall be classified as a minor subdivision or a major subdivision according to the following definitions:

*Minor subdivision.* Any subdivision containing not more than three (3) lots or building sites fronting on an existing street; or not involving any new street or road or the extension of municipal facilities; or not involving the creation of any public improvements; and not adversely affecting the remainder of the parcel or adjoining property; and not otherwise in conflict with any provision or portion of the Comprehensive Plan, Zoning Ordinance or these Regulations.

*Major subdivision.* All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of four (4) or more lots or building sites or any size subdivision requiring any new street or extension of municipal facilities or the creation of any public improvements.

(b) There are two (2) procedural steps for approval of a minor subdivision and three (3) steps for approval of a major subdivision:

(1) Minor subdivision:

- a. Vicinity sketch plan.
- b. Final subdivision plat.

(2) Major subdivision:

- a. Vicinity sketch plan.
- b. Preliminary plat.
- c. Final subdivision plat. (Ord. 1964, 2008)

**Sec. 17-40-190. Preapplication conference – vicinity sketch plan.**

Prior to preparing a preliminary plat for presentation to the Planning Commission, the subdivider shall make known his or her intentions to the City Planner to discuss any development plans or standards that may affect the proposed subdivision. At this time, a vicinity sketch map shall be submitted and shall be prepared at a scale of one (1) inch equals two hundred (200) feet, extending at least one-quarter (¼) mile beyond the proposed subdivision. The sketch plan shall include existing and proposed streets and highways, natural drainage courses and similar major natural or man made features of the area. Existing trees shall be shown on the plan for the site to be subdivided. In addition, existing and proposed major uses for residential, commercial, industrial and public purposes shall be shown on the map. This sketch plan must be presented at least fifteen (15) days prior to submission of the preliminary plat. After review of the sketch plan by all applicable City departments, the subdivider shall be furnished written comments concerning the feasibility and design

of the proposed subdivision. No action is required of the Planning Commission or the City Council until such plat is presented for review as provided herein. (Ord 1964, 2008)

**Sec. 17-40-200. Preliminary plat.**

After the subdivider has reached preliminary conclusions concerning the feasibility and design of the proposed subdivision a preliminary plat shall be prepared for presentation to the Planning Commission. The preliminary plat shall be processed as follows:

(1) Fifteen (15) copies of the preliminary plat and required supplemental material shall be presented to the City Planner at least thirty (30) days prior to a regular Planning Commission meeting. If the plat is in compliance with these Regulations, the City Planner will furnish the appropriate agencies with a copy for their review and comments. The agencies shall have twenty (20) days from the date they receive the plat to review and return it to the Planning Department. Failure to return the plat or otherwise notify the City Planner shall constitute approval by the agency.

(2) In accordance with the Colorado Revised Statutes and these Regulations, the Planning Commission shall hold a hearing on the preliminary plat. Notice of the hearing shall be sent by regular mail to the owners of the property to be subdivided, and similar notice shall be mailed to immediately adjacent property owners identified in the list provided by the applicant as required below, at least five (5) days prior to the date fixed therefor. Such notice shall be for informational purposes, and failure of any adjacent property owner to receive such notice shall not affect the validity of the hearing. Every preliminary plat shall contain the name and address of the applicant to whom notice of said hearing shall be sent. The applicant shall submit to the Planning Department a list of the names and addresses of owners of immediately adjacent property.

(3) Within thirty (30) days following the review of the plat by the Planning Commission, the Planning Commission shall approve, disapprove or approve with modifications. Failure to act on the preliminary plat within thirty (30) days shall constitute approval unless the subdivider consents to an extension of such period. If the plat is disapproved, the reasons shall be noted in writing and, if possible, recommendations made whereby the plat might gain approval.

(4) After the regular Planning Commission meeting at which the subdivision is first discussed, the Planning Commission may schedule a field trip to the site of the proposed subdivision, accompanied by the applicant or his or her representative. In order to facilitate field inspection and review of the site of the proposed subdivision, temporary staking along the center line of all proposed streets in the subdivision may be required of the applicant.

(5) Within fifteen (15) days after the preliminary plat is disapproved or approved with modifications by the Planning Commission, the subdivider, the City staff or any agency having an official interest may request in writing a review before the City Council.

(6) The preliminary plat shall be prepared as follows:

a. The design shall be in accord with the subdivider's plans for actual development and, therefore, shall be a true representation of the subdivision which may eventually be recorded.

b. The drawing shall be made at a scale of one (1) inch equals one hundred (100) feet or a larger scale if greater detail is required. A smaller scale, not to exceed one (1) inch equals two hundred (200) feet, may be used if the majority of the lots shown are over one (1) acre in size. A map of twenty-four (24) inches by thirty-six (36) inches is preferred.

(7) The preliminary plat shall contain the following information:

- a. Proposed name of the subdivision.
- b. Location and boundaries of the subdivision as a part of some larger subdivision or tract of land.
- c. Names and addresses of the subdivider, the designer and surveyor (who shall be licensed by the Colorado State Board of Registration for Professional Engineers and Land Surveyors).
- d. Date of preparation, scale and north sign (designated as true north).
- e. Total acreage of the subdivision.
- f. Location and principal dimensions for all existing streets (including their names), alleys, easements, water courses and other important features within and adjacent to the tract to be subdivided.
- g. Location and principal dimensions for all proposed streets (including their names), alleys, easements, lot lines and areas to be reserved or dedicated for parks, schools or other public uses.
- h. Proposed location of the bicycle rights-of-way.
- i. Topography at two-foot contour intervals referenced to USGS Datum.
- j. Designation of areas subject to inundation and perpetual drainage easements and specific designation of areas subject to five-year and one-hundred-year flood and the volume of water during such floods.
- k. Drainage plan.
- l. Geological stability information shall be furnished upon request of the City Engineer.
- m. Site data, including the number of residential lots and typical lot sizes.
- n. Proposed sites, if any, for multiple family residential use, commercial areas, industrial areas, churches and other nonpublic uses exclusive of one-family residential uses.
- o. Landscaping plans, when appropriate.
- p. The names of abutting subdivisions or the names of the owners of abutting, unplatted property.

q. The location and size of existing utilities within or adjacent to the tract, including water, sewer, electricity and gas (may be placed on a separate plat).

r. Proposed private and public utility system, including water, sewer, electricity and gas (may be placed on a separate plat).

s. The location of all existing buildings that are to be retained on the site.

(8) The preliminary plat shall be accompanied by the following:

a. Such additional preliminary information as may be requested by the City staff in order to adequately evaluate proposed utility systems, surface improvements or other construction projects contemplated within the area to be subdivided; and

b. Application for rezoning, if required for the development of the subdivision.

(9) Approval of the preliminary plat shall be valid for no longer than one (1) year. A one-year extension of time may be applied for in writing to the Planning Commission, provided that the applicant submits such request in a timely fashion, such that it can be reviewed by the Planning Commission prior to the expiration of the previous one-year term. All or any portion of an approved preliminary plat, may be submitted for final plat purposes. In the case of partial submission, the approval of the remaining portion of the preliminary plat shall automatically gain an extension of one (1) year before another phase of the plat must be submitted in final form.

(10) Every plat shall conform to the existing Zoning Ordinance and Subdivision Regulations applicable at the time of final approval, except that any plat which has received preliminary approval shall be exempt from any subsequent amendments to the Zoning Ordinance rendering the plat nonconforming as to bulk or use, provided that final approval is obtained within the one-year period.

(11) For the purpose of allowing the early construction of model homes in a subdivision, the Planning Commission at its discretion may permit a portion of a major subdivision, involving no more than three (3) lots, to be created in accordance with the procedures for minor subdivisions, provided that said portion derives access from an existing street or highway and provided that no future road or other improvement is anticipated where said lots are proposed. The final subdivision plat for the "minor" portion shall be submitted to the Planning Commission simultaneously with the preliminary plat for the entire major subdivision. (Ord 1964, 2008)

**Sec. 17-40-210. Final subdivision plat.**

Not more than twelve (12) months after the subdivider has received approval of the preliminary plat for a major subdivision or is notified by the City Planner as to the feasibility of a minor subdivision, the final plat shall be submitted to the City. Only that part of the preliminary plat which is proposed by the developer for immediate recording must be submitted in its final form. The final plat may reflect the entire preliminary plat or any logical part thereof. The final plat shall be processed as follows:



(1) Ten (10) copies of the final plat and the required supplemental material shall be presented to the Planning Division.

(2) After reviewing the final plat to assure its acceptability, the City Planner shall present the plat to the City Council for review.

(3) The City Council shall hold a hearing on the final plat in the manner set forth herein. Every final plat shall contain the name and address of the applicant to whom the notice of said hearing shall be sent. The applicant shall also submit to the Planning Division the names and addresses of the owners of immediately adjacent property. Notice of hearing shall be sent by certified mail to the owners of the property to be subdivided, and a similar notice shall be sent to immediately adjacent property owners provided by the applicant on the final plat. Said notice shall be mailed at least five (5) days prior to the date fixed for the hearing; shall contain the time and place of the hearing; and shall accurately set forth the matter to be considered. Such notice shall be for informational purposes, and failure of any adjacent property owner to receive such notice shall not affect the validity of the hearing. The City Council shall approve, disapprove or approve the final plat with modifications. If the final plat is disapproved, the reasons shall be stated in writing and a copy of the reasons furnished to the subdivider within thirty (30) days of the final decision of the City Council.

(4) Following approval of the final plat by the City Council, the final plat shall be signed by the Mayor and attested by the City Clerk. The City Clerk shall then record the final plat in the office of the applicable county clerk and recorder. The subdivider shall furnish the required copies for plat recording and shall pay all recording fees.

(5) The final plat shall be prepared as follows:

a. The design shall conform to the preliminary plat if applicable, as conditionally approved, except that the final plat may constitute only that portion of the approved preliminary plat which is proposed for immediate recording; and

b. The drawing shall be made at a scale of one (1) inch equals one hundred (100) feet, by the use of India ink or other equally substantial solution, on a reproducible medium with outer dimensions of eighteen (18) inches by twenty-four (24) inches. Maps of two (2) or more sheets shall be referenced to an index map placed on the first sheet.

(6) The final plat shall contain the following information:

a. The proposed name of the subdivision under which it is to be recorded.

b. Scale, north sign and date.

c. Legal description of the property.

d. A complete description of primary control points (monuments) approved by the City Engineer to which all dimensions, angles, bearings and similar data on the plat shall be referred. (These primary control points shall be determined prior to final approval; also, the monuments and ties to monuments shall actually exist in the field before final approval.)

e. Names of all adjoining subdivisions with dotted lines of abutting lots. (If the adjoining land is unplatted, it should be shown as such.)

f. Filing boundary lines, right-of-way lines of streets, street center lines, easements and other rights-of-way, drainage channels and property lines of residential lots and other sites with accurate dimensions and bearings of curve data.

g. Names and right-of-way widths for each street or other right-of-way.

h. Location, dimensions and purposes of any easements and public use areas.

i. Number to identify each lot or site and each block.

j. State of land ownership by the subdivider and certification of title.

k. Statement of owner dedicating streets, rights-of-way and any sites for public uses. (Holders of encumbrances on the property to be subdivided shall consent thereto or issue a partial release to such dedicated streets, rights-of-way and public streets. Areas reserved for future public acquisition shall be defined in the subdivision agreement.)

l. A current certificate by an attorney practicing law in the State, or a current title insurance commitment issued by a title insurance company authorized to do business in the State, that the person dedicating to the public the public ways and areas shown on the final plat is the owner thereof in fee simple, free and clear of all liens and encumbrances.

m. Signature and seal of the registered land surveyor certifying accuracy of survey and plat.

n. Certification for approval by the City Council.

(7) The final plat shall be accompanied by the following:

a. A computer check of the closure of all boundary lines to one (1) part in ten thousand (10,000) parts;

b. Complete engineering plans and specifications for all public facilities to be installed; i.e., water and sewer, utilities, streets and related improvements, bridges, parks and storm drainage plans and facilities; and

c. Executed agreements made with ditch companies, when needed.

(8) The final plat of any minor subdivision, as defined within this Section and otherwise meeting all submittal requirements contained within the existing land use application, may be reviewed by the Director for conformance to the existing Zoning Ordinance and Subdivision Regulations and, at the Director's discretion, approved without further review by the City Council.

(9) Development sign. Within thirty (30) days of final plat approval by the City Council and as a condition precedent to the recording of any ordinance or platting document, the developer and/or landowner shall cause to have erected, if a development sign has not previously been erected pursuant to this Section hereof, or updated if a development sign has previously been

erected pursuant to this Section, on the platted property, a sign providing information pertaining to the final plat of the property. At a minimum, the following information, conditions and specifications are required:

a. The sign shall be at least fifteen (15) square feet in size, with a maximum height of eight (8) feet;

b. The sign shall be placed on the zoned property so as to be visible to the public from nearby streets, trails and/or adjacent public areas. Where the zoned property abuts public right-of-way along more than one (1) of its property lines, a sign shall be placed at each such location;

c. At a minimum, the following information shall be included within each development sign:

1. The zoned property lies within the municipal boundary of the City.

2. A map, outline or site plan of the zoned property as approved by the City Council during the zoning/ platting process.

3. The zoning that has been approved.

4. Name of the developer and/or owner of the zoned property and an address, phone number and/or web site where they might be contacted for project information.

5. A statement that additional information may be obtained from the City of Brighton Planning Division at 303-655-2023 or at the City web site, [www.brightonco.gov](http://www.brightonco.gov).

d. All signs shall be made of a durable substance and shall comply with the Uniform Sign Code and City Sign Code. The developer/landowner shall be responsible for maintaining the sign in a condition consistent with its intended use and location, including replacement, if necessary. (Ord 1964, 2008)

**Sec. 17-40-220. Subdivision agreement, performance bond and schedule of improvements.**

Before the City Council accepts and approves a final plat, the subdivider shall have entered into a written subdivision agreement with the City wherein the subdivider shall agree to make and install all necessary public improvements associated with the plat, within the period of time determined to be necessary by the City, and wherein the subdivider shall have provided a bond with sufficient sureties, a letter of credit or an agreement for the benefit of the City, guaranteeing the faithful performance of the covenants made, or shall have deposited sufficient funds in escrow with the City to cover the cost of such public improvements as said cost is determined by the City Engineer. Such bond, letters of credit, agreement or escrowed funds guaranteeing the performance of the subdivider's or owner's covenants shall be in an amount of at least equal to one hundred ten percent (110%) of the cost of performing the covenants made. The agreement shall further provide that no building permit or certificate of occupancy shall be issued if the agreement is in default. Said subdivision agreement shall also include any other provisions which the City deems necessary to protect the public health, safety and welfare, including but not limited to a schedule of improvements. *Schedule of*

*improvements* shall mean a detailed listing of all of the public improvements, the design, construction and installation of which are the sole responsibility of the developer. The schedule of improvements may be divided into the phases of the approved final plat for the development and shall specify, as to each improvement listed below, the type, the size, the general location and the estimated cost of each improvement:

- (1) Water lines.
- (2) Sanitary sewer lines.
- (3) Storm sewer lines.
- (4) Drainage retention/detention ponds dedicated to the City.
- (5) Retaining walls.
- (6) Wells.
- (7) Fire hydrants.
- (8) Streets.
- (9) Alleys.
- (10) Curb/gutter/sidewalks.
- (11) Parking lots.
- (12) Bridges and other crossings.
- (13) Guard rails.
- (14) Street lights.
- (15) Traffic signal lights.
- (16) Signs.
- (17) Permanent easements.
- (18) Rights-of-way.
- (19) Neighborhood parks.
- (20) Trails and paths.
- (21) Community parks.
- (22) Irrigation systems.

- (23) Fencing.
- (24) Open space.
- (25) Other land donated/conveyed to the City.
- (26) Value of land beneath all infrastructure improvements.
- (27) Value of water donated or conveyed to the City. (Ord. 1964, 2008)

**Sec. 17-40-230. Alternative procedures.**

For the purpose of streamlining the subdivision procedure and providing greater efficiency from an administrative standpoint, a preliminary subdivision plat and a final subdivision plat may, at the subdivider's option, be processed simultaneously, provided that all requirements pertaining to each procedure are complied with. The intent of this provision is to allow City staff to review the preliminary subdivision plat through preapplication and post-application conferences, then present the matter to the Planning Commission and City Council as a single application containing two (2) components: a preliminary plat and a final plat. In the alternative, a preliminary subdivision plat and/or a final subdivision plat may be processed using the procedures for other types of land development authorization that require the review and approval of the Planning Commission and City Council, provided that all requirements pertaining to each procedure are complied with. Detailed requirements for integrating the procedures shall be contained in a separate administrative publication prepared and maintained by City staff. (Ord. 1964, 2008)

**Sec. 17-40-240. Plat correction and affidavit.**

Approved final plats containing clerical errors, mistakes or errors of fact, but which do not require the relocation of lot lines, easements or public rights-of-way or other material modifications and/or revisions, and which otherwise have been approved in conformance with the Zoning Ordinance and Subdivision Regulations and duly recorded with the County Clerk and Recorder, may be reviewed by the Director and, if in conformance with these Regulations, approved without further review. The applicant for a plat correction shall submit to the Director an affidavit of plat correction setting forth with specificity the errors and proposed corrections. Any and all fees associated with the development, submittal, review and recording of such plat corrections and affidavits shall be solely the responsibility of the applicant. (Ord. 1964, 2008)

**Sec. 17-40-250. Plat amendment.**

Amendments to final plats approved in conformance with the Zoning Ordinance and these Regulations and recorded with the County Clerk and Recorder, but which do not accurately reflect actual construction, require the relocation of lot lines, easements or public rights-of-way or other material modifications and/or revisions, shall require the submittal of an amended plat for review by the Community Development Department and approval by the Director thereof. If the Director believes that the proposed amendment substantially alters the final plat as approved, the Director may refer the amendment to the City Council for consideration consistent with the requirements and process set forth in this Article. Any and all fees associated with the development, submittal, review

and recording of such final plat amendment shall be solely the responsibility of the applicant. (Ord. 1964, 2008)

*Division 3*  
*Public Dedications and Reservation*

**Sec. 17-40-300. Dedication of rights-of-way.**

Dedication of rights-of-way for public streets, bikeways, trails, pedestrian easements, drainage easements, utility easements and all other rights-of-way shall be required in accordance with these Regulations or as otherwise found necessary to protect the public health, safety and welfare. Dedication of rights-of-way shall be made by the subdivider on the final plat unless otherwise directed by the City Council. (Ord. 1964, 2008)

**Sec. 17-40-310. Dedication and reservation of open spaces and public sites.**

(a) Land Dedication Standards for Local Parks and Open Space:

(1) Public park land and open space shall be dedicated to the City at a rate of three (3) acres per one thousand (1,000) population for local neighborhood parks and open space exclusive of school sites. Computation for park land and open space as required shall be as follows:

Total dwelling units proposed (or lots for single-family housing units) within the development X 2.96 persons per household. Example:

670 dwelling units x 2.96 = 1,998 persons 3 acres x 1.998 = 5.994 acres of park land/open space.

(2) Public park land and open space to be dedicated to the City to meet the park and open space requirement for the development shall be located so as to provide a focus for the residential development. When possible, local parks should adjoin school property and/or neighborhood commercial centers.

(3) All park and open space to be dedicated to the City shall be free of natural hazards (i.e., flood plains, steep slopes, water bodies, etc.) and man-made facilities (i.e., detention or retention basins, gas wells, etc.) which inhibit the optimum development and utilization of the park and open space land for park and open space use.

(4) All park land and open space to be dedicated to the City shall contain minimum improvements, to include, but not be limited to, curb and gutter where the park abuts a street, storm drainage and sewer and water service to the property.

(b) Land Dedication Standards for Community Parks and Open Space:

(1) Public parks and open space shall be dedicated at a rate of three (3) acres per one thousand (1,000) population for community parks exclusive of school sites. Computation of the park and open space requirements shall utilize the same method as defined in Paragraph (a)(1) above.

(2) Public park land and open space to be dedicated to the City to meet the community park requirement for the development shall be located so as to provide a focus for the City and its residential neighborhoods. The locations of community parks have been identified in Figure 1 of the "Parks and Open Space Element" of the City's Growth and Development Policy Plan.

(3) When a development is proposed in the vicinity of the general location of a proposed community park as defined in Figure 1 of the "Parks and Open Space Element" of the Growth and Development Policy Plan, the Director of Parks and Recreation shall make a determination as to the precise location and configuration of the community park. Adjoining developments shall be required to provide an area for community park purposes based upon the formula as specified in Paragraph (a)(1) above. Should the size of the community park located within the development exceed the dedication requirements for community parks for the development, the developer shall be required to reserve the remaining land for City acquisition based upon the fair market value of the unimproved land as zoned for urban development at the time of submission of the first subdivision plat.

(4) When the project location is not within the vicinity of a community park, the developer shall be required to pay a fee in lieu of land dedication equal to a rate of three (3) acres per one thousand (1,000) population based upon the fair market value of the unimproved land as zoned for urban development. The fair market value of the land shall be established by an appraisal commissioned by the City at the developer's expense for the purposes of establishing the value of park land which would have been dedicated. The dedication of community park land or the payment of fee in lieu of land dedication, shall be required by the City at time of final plat approval.

(5) All fees collected for the purposes of community park land acquisition shall be placed in a community park development fund to be utilized for the acquisition of land for community park purposes.

(6) For purposes of the development of local and community parks and open space, each project shall be required to pay a park development fee based upon the number of units (or lots) proposed within the development. The amount of the park development fee shall be established by resolution of the City Council based upon the site development cost to the City to improve local and community park land on an acre basis and shall be due and payable at the time of issuance of building permits.

(c) To provide recreational opportunities for those employed within the City, the City Council may request all commercial and industrial projects to pay a park development fee up to twenty percent (20%) of the fair market value of the unimproved land as zoned contained within the project site. Said fee shall be used for community park improvements which benefit said development.

(d) Private Open Space Required:

(1) Whenever the residential density of a development project meets or exceeds eight (8) dwelling units per gross acre, the developer shall be required to provide twenty-five percent (25%) of the development site in common outdoor recreation and open space. In meeting this requirement, the developer may not include in the calculation any area within a required setback or surface parking area.

(2) In providing for private common outdoor recreation and open space within a project, the developer may increase the net density of his or her project based upon the total number of units which could have been built on the site prior to the provision of private common recreation and open space.

(3) In no instance shall the provision of private outdoor recreation and open space as required by this Section be construed as meeting the developer's requirement for public parks and open space.

(e) To encourage the improvement of City-wide bicycle and pedestrian trails as shown in Figure 1 of the "Parks and Open Space Element" of the Growth and Development Policy Plan, the developer may receive a 1.5 density bonus based upon the value of the trail improvements as it relates to the value of an acre of unimproved ground within the development as zoned.

(f) All infill development currently serviced by existing local parks and lying within the infill development boundary line shall be exempt from the park land dedication requirement. However, all infill development of new subdivisions platted after 1986 shall be required to pay the applicable park development fees.

(g) As fair contribution for public school sites, any person or entity, as part of an applicable land development application, shall dedicate or convey land for a public school site to the School District, or, in the event the dedication of land is not deemed feasible or in the best interests of the School District as determined by the Superintendent, the School District may require a payment of cash in lieu of land dedication or conveyance to the School District. The manner and amount of either type of fair contribution for public school sites shall be as determined by the School District, consistent with the Intergovernmental Agreement Concerning Fair Contributions for Public School Sites Between the City of Brighton and Brighton School District 27J and the adopted methodology, except that, if the School District requires payment of cash in lieu of land dedication or conveyance, such payment shall not exceed the cash in lieu of land dedication or conveyance to the School District required by the School District in the City of Commerce City or the City of Thornton, whichever is lower, except as the City and the School District agree otherwise.

(h) The following uses within the City's boundaries shall be excepted from fair contribution for public school sites:

(1) Construction of any nonresidential building or structure;

(2) Alteration, replacement or expansion of any legally existing building or structure with a comparable new building or structure which does not increase the number of residential dwelling units;

(3) Construction of any building or structure for a limited term stay or for long-term assisted living, including but not limited to bed and breakfast establishments, boarding or rooming houses, family care homes, group care homes, halfway houses, hotels, motels, nursing homes or hospices; and

(4) Construction of any residential building or structure classified as housing for other persons, pursuant to the Federal Fair Housing Act then in effect.



(i) If the fair contribution for public school sites includes the payment of cash in lieu of land dedication according to Subsection (h) above, such dedication shall be made prior to the recording of the final plat, and the City shall require proof in the form of a letter from the School District Superintendent that the School District has received payment of cash in lieu of land dedication before the issuance of the first residential building permit for the applicable final plat.

(j) If the fair contribution for public school sites includes the dedication of land, according to Subsection (h) above, such dedication shall be made prior to the recording of the final plat, and the City shall require proof in the form of a letter from the School District Superintendent that the dedication has been made to the School District in accordance with the following requirements before the issuance of the first residential building permit for the applicable final plat:

(1) The person or entity has conveyed to the School District, by deed in form acceptable to counsel for the School District, title to the land slated for dedication.

(2) At the time not later than the issuance of the first building permit for the land development project, the person or entity shall also pay or provide for the payment of one-half (½) of street development costs associated with the school site, and shall either provide, or pay or make provision for the payment of, the costs associated with making improvements for water, sewer and utilities stubbed to the dedicated land, and for overlot grading of the dedicated land. (Ord. 1964, 2008; Ord. 2061 §9, 2010)

*Division 4*  
*Design Standards*

**Sec. 17-40-350. General.**

The character and environment of the City for future years will be greatly affected by the design of subdivisions and the plats that are approved by the City. Planning, layout and design of a subdivision are of the utmost concern. The residents must have available to them, within the area, safe and convenient movement to points of destination or collection. Modes of travel to achieve this objective should not conflict with each other or with abutting land uses. Lots and blocks should provide desirable settings for the buildings that are to be constructed, make use of natural contours and protect the view, and afford privacy and protection from adverse noise and vehicular traffic for the residents. Natural features and vegetation of the area must be preserved if at all possible. Schools, parks, churches and other community facilities should be planned as an integral part of the area. In order to meet the above objectives, the City encourages innovative subdivision design. (Ord. 1964, 2008)

**Sec. 17-40-360. Site considerations.**

(a) Land which the City finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements or other features which will reasonably be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the City to solve the problems created by the unsuitable land conditions. If the problem cannot be

suitably corrected, such land shall be set aside for uses which shall not involve a danger or a harmful situation.

(b) Where a residential subdivision borders a railroad right-of-way, freeway or arterial street, design thereof shall include adequate provisions for the reduction of noise and the protection of public health and safety. A parallel street, a landscaped buffer area or lots with increased setbacks shall be required adjacent to or abutting such railroad rights-of-way, freeways or arterials. (Ord. 1964, 2008)

**Sec. 17-40-370. Streets, alleys and easements.**

(a) Streets shall conform to the street element of the Comprehensive Plan, the Public Works Standards and Specifications and the Transportation Master Plan of the City.

(b) No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street or a street shown upon a plat approved by the Planning Commission and City Council and recorded in the County Clerk and Recorder's office. Wherever the area to be subdivided is to utilize existing frontage, such road shall be suitably improved as specified in these Regulations.

(c) Local streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems and to require the minimum number of streets necessary to provide convenient and safe access to property. Local streets shall be curved wherever possible to avoid uniformity of lot appearance. The rigid rectangle gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, cul-de-sacs or U-shaped streets shall be encouraged where such use will result in a more desirable layout. All streets shall be arranged so as to obtain as many as possible of the building sites at or above the grades of the streets. A combination of steep grades and curves shall be avoided.

(d) All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way and be properly related to special traffic generators (such as industries, business districts, schools, recreation areas, churches and shopping centers), to population densities and to the pattern of existing and proposed land uses.

(e) Proposed streets shall be extended to the boundary line of the tract to be subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the City, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.

(f) Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the subdivider. The City may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width within the subdivision boundaries. In the event that the entire required street right-of-way width is improved and dedicated, arrangements for reimbursement, at the time the adjoining land is subdivided, shall be contained in the subdivision agreement.

(g) In commercial and industrial developments, the streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities and the provision of

alleys, truck loading and maneuvering areas and walks and parking areas so as to minimize the conflict of movement between the various types of traffic, including pedestrian.

(h) Where a subdivision borders on or contains an existing or proposed arterial, the City may require that access to such streets be limited by one (1) of the following means:

(1) The subdivision of lots so as to back onto the arterial and front onto a parallel local street; no access shall be provided from the arterial, and screening shall be provided in a strip of land along the rear property line of such lots;

(2) A series of cul-de-sacs, U-shaped streets or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial; and

(3) A marginal access or service road separated from the arterial by a planting or grass strip and having access thereto at suitable points.

(i) If applicable, bicycle trails shall align with any existing rights-of-way and shall conform with the bicycle element of the Comprehensive Plan and the parks and trails components of the Parks and Recreation Master Plan.

(j) Intersections.

(1) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two (2) streets shall intersect at any one (1) point unless specifically approved by the City.

(2) Proposed new intersections along one (1) side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with center line offsets of less than one hundred fifty (150) feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where local streets intersect arterial streets, their alignment shall be continuous. Intersection of arterial streets shall be at least eight hundred (800) feet apart.

(3) Minimum curb radius at the intersection of two (2) local streets shall be at least fifteen (15) feet; and minimum curb radius at an intersection involving a collector street shall be at least twenty-five (25) feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.

(4) Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a four-percent rate at a distance of sixty (60) feet, measured from the nearest curb line of the intersecting street.

(k) The following standards shall apply:

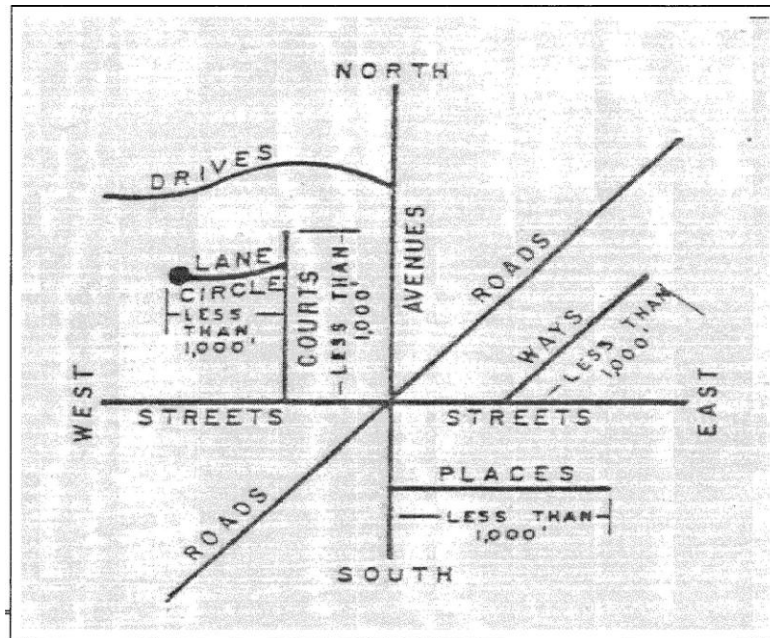
### Subdivision Design Regulations

<i>Improvement</i>	<i>Residential</i>		<i>Nonresidential</i>
	<i>Low &amp; Medium</i>	<i>High</i>	
<b>Minimum width of right-of-way (in feet)</b>			
Alley (where permitted)	—	—	20
Local street	50	50	50
Collector street	60	70	70
Arterial street	80	100	100
<b>Minimum width flow line to flow line (in feet)</b>			
Local street	36	40	40
Collector street	52	52	52
Arterial street	64	64	64
<b>Maximum grade (percent)</b>			
Local street	8	8	6
Collector street	8	8	6
Arterial street	6	6	5
<b>Minimum grade (percent)</b>			
All streets	0.3	0.3	0.3
<b>Minimum radius of curve (in feet)</b>			
Local street	100	100	200
Collector street	200	200	200
Arterial street	500	500	500
<b>Minimum length of vertical curves</b>			
Local streets and collector streets	100 feet, but not less than 20 feet for each percent of algebraic difference in grade		
Arterial street	300 feet, but not less than 50 feet for each percent of algebraic difference in grade		
<b>Minimum length of tangents between reserve curves (in feet)</b>			
Local street	100	150	200
Collector street	100	150	200
Arterial street	300	350	400

<i>Improvement</i>	<i>Residential</i>		<i>Nonresidential</i>
	<i>Low &amp; Medium</i>	<i>High</i>	
<b>Minimum sight distance (in feet)</b>			
Local street	200	200	250

Collector street	200	250	250
Arterial street	300	300	400
Intersection	Across 50 feet back from intersection		
<b>Maximum length of cul-de-sac</b>	Not to exceed 600 feet		
<b>Minimum diameter of cul-de-sac (in feet)</b>			
Local street right-of-way diameter	100	140	160
Pavement	90	120	140
Center island diameter (if required)	40	50	60
<b>Design speed (miles per hour)</b>			
Local street	30	30	30
Collector street	30	35	35
Arterial street	35	35	35

(l) Street names shall not be used which will duplicate or be confused with the names of existing streets and shall be assigned by the City Staff. The following method of street naming shall be used:



(m) Alleys.

(1) Alleys shall be permitted in residential, commercial and industrial areas and shall be designed such that they are open at both ends or have sufficient vehicle turn-around areas at dead-ends. Where required, alleys shall be designed to provide emergency vehicle access. Alleys shall be owned and maintained by a private entity, such as an owner's association, and shall not be maintained by the City.

(2) Alleys, open at both ends, shall be provided in commercial and industrial areas, except that this requirement may be waived by the City where other provisions are made and approved for service access. Alleys shall not be allowed in residential subdivisions.

(n) Utility easements.

(1) Utility easements must be provided for maintenance operations and shall be sized according to the following:

<i>Type of Facility</i>	<i>Easement Width (in feet)</i>
Public water, sanitary sewer and storm sewer main lines – 48" diameter or less	
Invert less than 9 feet deep	20'
Invert 9 feet to 13 feet deep	30'
Invert greater than 13 feet deep	40'
Public water, sanitary sewer and storm sewer main lines – larger than 48" in diameter	3 times invert depth or as determined necessary for sufficient trenching of utility
Fire hydrants and laterals	10' plus 10' all sides of hydrant
Water service lines (domestic and irrigation)	10' plus 5' all sides of meter
Storm inlets	10' all sides of inlet
Open channels and swales	As required to allow for design flow and freeboard plus 10' for access
Detention and retention ponds	As required to contain storage, freeboard and associated facilities plus adequate maintenance access around perimeter
Access roads (where necessary)	10' for maintenance 20' for emergency 24' for public access

(2) A common easement for multiple utilities shall be permitted if the pipes are parallel. The easement width for common utilities shall be equal to the greatest of those widths shown above for each utility plus the width of the parallel pipe separations.

(3) For all other utilities, easements shall be a minimum of sixteen (16) feet wide, eight (8) feet of which shall be on each side of common rear lot lines where the lines abut. On perimeter rear lots, easement width shall be a minimum of ten (10) feet. Side lot easements where necessary shall be at least five (5) feet in width. This provision is subject to approval by the appropriate utility company.

(4) Obstructions shall not be permitted within an easement unless specifically permitted in writing by the City and/or other entity granted use of the easement. Obstructions shall include man-made and natural barriers, such as signs, fences, sheds, structures, trees, brush, debris or any other items which interfere with the City, the public or utility provider's rights to use the easement for access, maintenance, repair and replacement or other intended use. Limited encroachments or encroachments that may be easily removed (such as temporary signs and landscaping) are permitted within the easement without requiring written permission only where the encroachment

clearly causes no restriction or harm to the use of the property for the purpose of the easement. If an encroachment must be removed for use of the easement, neither the City nor the utility provider will be responsible for replacement or restoration of the encroachment.

(5) Easements for utilities shall be a minimum of sixteen (16) feet wide, eight (8) feet of which shall be on each side of common rear lot lines where said line abuts. On perimeter rear lots, easement width shall be a minimum of ten (10) feet. Side lot easements, where necessary, shall be at least five (5) feet in width. This provision is subject to approval by the appropriate utility company.

(o) Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course and such further width as may be required for necessary flood control measures. The minimum requirements for such easements shall be based on a five-year flood. The requirements for the urban drainage system shall be based on a one-hundred-year flood. A pedestrian or bikeway easement shall be required if the City determines that intermittent access to such water course, drainage way, channel or stream is necessary. (Ord. 1964, 2008)

**Sec. 17-40-380. Blocks.**

(a) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth. Exceptions to this prescribed block width shall be permitted in blocks adjacent to collector or arterial streets, railroads or waterways.

(b) The lengths, widths and shapes of blocks shall be such as are appropriate for the City and the type of development contemplated, but block lengths in residential areas, with lots fronting on a local street, shall not exceed one thousand four hundred (1,400) feet, nor be less than four hundred (400) feet in length. Wherever practicable, blocks along collector and arterial streets shall be not less than one thousand (1,000) feet in length. (Ord. 1964, 2008)

**Sec. 17-40-390. Lots.**

(a) The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Zoning Ordinance and in providing driveway access to buildings on such lots to form an approved street.

(b) Lot dimensions shall comply with the minimum standards of the Zoning Ordinance. Where lots are more than double the minimum required area for the zoning district, the City may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with the Zoning Ordinance and these Regulations. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Depth and width of properties reserved or laid out for high density residential, commercial or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the Zoning Ordinance.

(c) Double frontage and reverse frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation. Closed uniform fencing may be required where a rear yard backs to a collector or arterial street.

(d) Lots shall not, in general, derive access exclusively from an arterial street. Where driveway access from a collector or arterial street may be necessary for several adjoining lots, the City may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such street. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on collector or arterial streets.

(e) Lots shall be laid out so as to provide positive drainage away from all buildings. Individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots. (Ord 1964, 2008)

*Division 5  
Improvements*

**Sec. 17-40-430. General.**

No improvements shall be made until all plans, profiles and specifications have been reviewed and approved by the City Engineer. (Ord 1964, 2008)

**Sec. 17-40-440. Surface improvements.**

Improvements to be provided by the subdivider shall include, but not be limited to:

(1) Survey monuments. Permanent survey monuments, range points and lot pins shall be set at locations approved by the City Engineer. Monuments shall be set not more than one thousand four hundred (1,400) feet apart along any straight boundary line, at all angle points and at the beginning, end and points of change of direction or change of radius of any curved boundary. In addition, half-inch steel pins (or larger) shall be set at all lot corners. Affixed securely to the top of each such monument shall be the Colorado registration number of the land surveyor responsible for the establishment of said monument.

(2) Curbs, gutters and sidewalks.

(3) Street and alley grading and paving.

(4) Widening and realignment of existing streets. Where a subdivision borders an existing narrow street or when the Comprehensive Plan indicates plans for realignment or widening a street that would require use of land in the subdivision, the applicant shall be required to improve and dedicate such areas for widening or realignment of such streets. Frontage streets shall be improved and dedicated at the applicant's expense to the full width as required by these Regulations. Land dedicated for any street purposes may not be counted in satisfying yard or area requirements of the Zoning Ordinance.



(5) Street name and regulatory signs, including bicycle trail markings.

(6) Bridges, culverts and open drainage channels (where required).

(7) Bikeways. The subdivider shall construct a bicycle trail along any drainage channel which is required within the subdivision and is shown on the "Future Land Use " map of the Comprehensive Plan as a greenbelt park. In addition, a bicycle trail shall be constructed, in lieu of sidewalk, on the side of an arterial street which borders the subdivision, if a trail has not been constructed on the opposite side of said street at an earlier date. A bicycle trail, in lieu of sidewalk, shall be constructed on one (1) side of an arterial street, existing or proposed within the subdivision.

(8) Bicycle and pedestrian easements. Required bicycle and pedestrian easements shall be improved as determined by the City.

(9) Street lights. The utility's standard ornamental street lighting shall be installed.

(10) Debris and waste. No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish or waste materials of any kind shall be in any land or left or deposited on any lot at the time of the issuance of a certificate of occupancy, and removal of the same shall be required from each building site prior to issuance of any certificate of occupancy for each respective building site.

(11) Fencing. Each subdivider and/or developer shall be required to furnish and install fences wherever the City determines that such fencing is necessary to protect the public health, safety and welfare. The fences shall be constructed according to standards established by the City Engineer. No permanent certificate of occupancy shall be issued until said fence improvements have been duly installed. (Ord 1964, 2008)

**Sec. 17-40-450. Utilities.**

The following utilities shall be provided and connected to existing public systems by the subdivider:

(1) Water lines and fire hydrants.

(2) Sanitary sewer lines.

(3) Storm drainage improvements and storm sewers (where required).

(4) In the event oversized water and/or sewer lines are required, arrangements for reimbursement shall be made through which the subdivider shall be allowed to recover the cost of the utility lines that have been provided by him or her beyond the needs of his or her development. The method and time of payment under the reimbursement shall be established in accordance with the City's current policies relating to the emplacement of such oversized utilities. In no case shall the reimbursement period be extended beyond eight (8) years from the date the improvement is made. (Ord 1964, 2008)

**Sec. 17-40-460. Other improvements.**

(a) All telephone, television and electric distribution services, lines and street lighting circuits shall be placed underground. The subdivider shall be responsible for complying with the requirements of this Section and shall make the necessary arrangements, including any construction or installation of such facilities, and shall be subject to all applicable laws and regulations for the construction of the same. Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts, electric transmission and distribution feeder lines, communication long distance trunk and feeder lines and other facilities necessary appurtenant to such underground utilities may be placed above ground. Such facilities shall be placed within easements or public rights-of-way provided for the particular facility.

(b) Other improvements not specifically mentioned herein shall be required if the City determines that such improvements are necessary to protect the public's health, safety and welfare. (Ord 1964, 2008)

**Sec. 17-40-470. As-built plans.**

Finished plans of all public improvements as installed shall be required before the City will accept the improvements. The working plans, as approved, are acceptable if they remain true after construction and as long as this is attested to by a registered engineer. (Ord 1964, 2008)

**Sec. 17-40-480. Release of performance bond.**

The subdivider shall be responsible to have the improvements installed, paid for and finally accepted by the City. Sufficient financial guarantees are required of the subdivider to satisfy this requirement. If applicable, as all of the improvements for each phase of the development are completed, inspected and finally accepted, the amount of the performance bond sufficient to cover that phase of the development shall be released upon written request by the subdivider to the City Council. (Ord 1964, 2008)

**Sec. 17-40-490. Extended guarantee.**

The subdivider shall be responsible for the repair, replacement and/or maintenance of any improvement required herein which fails to function properly or ceases to meet the standards of the City, due to defects in material or workmanship, within a period of one (1) year from the date of final acceptance of such improvement by the City. Failure to comply with this provision shall be punishable by the provisions outlined in Section 17-40-80. (Ord 1964, 2008)

*Division 6  
Definitions*

**Sec. 17-40-530. Construction of language.**

- (a) The particular controls the general.
- (b) The word *shall* is always mandatory and not directory. The word *may* is permissive.

(c) Words used in the present tense include the future, unless the context clearly indicates the contrary.

(d) 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. (Ord 1964, 2008)

**Sec. 17-40-540. Words and terms defined.**

*Alley.* A minor right-of-way dedicated to public use, which gives secondary means of vehicular access to the back or side of properties otherwise abutting a street and which may be used for public utility purposes.

*Arterial street.* Any street serving major traffic movements which is designed primarily as a traffic carrier between cities or between various sections of the City, which forms part of a network of through streets and which provides service and access to abutting properties only as a secondary function.

*Bicycle trail.* A separate trail or path upon which motor vehicles are prohibited and which is for the exclusive use of bicycles or the shared use of bicycles and pedestrians. Where such trail or path forms a part of a highway, it is separated from the roadway for motor vehicles traffic by open space or barrier.

*Capital improvements program.* A proposed schedule of all future projects listed in order of construction priority, together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of funds over and above the annual local government's operating expense for the purchase, construction or replacement of the physical assets for the community are included.

*City.* As used in these Regulations, the term *City* refers to the Brighton City Council, with the Brighton Planning Commission as the advisory body.

*Collector street.* Any street designed primarily to gather traffic from local streets and carry it to the arterial system.

*Comprehensive Plan.* The Comprehensive Plan for the City of Brighton, Colorado, which has been officially adopted to provide long-range development policies for the City and which includes, among other things, the plan for land use, circulation and public facilities.

*Cul-de-sac.* A local street having one (1) end open to vehicular traffic and having one (1) end closed and terminated by a turnaround.

*Easement.* Authorization by a property owner for the use by the public, a corporation or persons of any designated part of his property for specific purposes.

*Escrow.* A deposit of cash with the local government in lieu of an amount required and still in force on a performance or maintenance bond. Such escrowed funds shall be deposited in a separate account.

*Improvements.* All facilities constructed or erected by a subdivider within a subdivision to permit and facilitate the use of lots or blocks for a residential, commercial or industrial purpose.

*Local street.* Any street designated primarily to provide access to abutting property.

*Lot.* A tract, plot or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.

*Lot, double frontage.* A lot which runs through a block from street to street and which has two (2) nonintersecting sides abutting on two (2) or more streets.

*Model home.* A dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the subdivision.

*Park and Recreation Improvement Fund.* A special fund established by the City Council to retain monies contributed by subdividers in accordance with the *cash in lieu of land* provisions of these Regulations.

*Performance bond.* Any form of security, including a cash deposit, surety bond, collateral, property or instrument of credit, in an amount and form satisfactory to the City Council.

*Planned Unit Development (PUD).* A project of a single owner or a group of owners acting jointly, involving a related group of residences, businesses or industries and associated uses, planned as a single entity and therefore subject to development and regulation as one (1) land use unit rather than as an aggregation of individual buildings located on separate lots. The PUD includes usable, functional, open space for the mutual benefit of the entire tract and is designed to provide variety and diversity through the variance of normal zoning and subdivision standards so that maximum long-range benefits can be gained and the unique features of the development or site are preserved and enhanced, while still being in harmony with the surrounding neighborhood. Approval of a PUD does not eliminate the requirements of subdividing.

*Plat.* A subdivision as it is represented as a formal document by drawings and writing.

*Residential, high density.* Those residential areas or zoning districts in which the average density is equal to or greater than ten (10) units per acre.

*Residential, low density.* Those residential areas or zoning districts in which the average density is equal to or less than five (5) units per acre.

*Residential, medium density.* Those residential areas or zoning districts in which the average density is between five (5) and ten (10) units per acre.

*Right-of-way, public.* All streets, roadways, bikeways, sidewalks, alleys and all other areas reserved for present or future use by the public, as a matter of right, for the purpose of vehicular or pedestrian travel.

*Street.* The entire width between the boundary lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic, and including the terms *road, highway, land, place, avenue* or other similar designations.

*Subdivider.* The term *subdivider* or *developer* means any person, partnership, joint venture, association or corporation who shall participate as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a subdivision.

*Subdivision.* The division of a lot, tract or parcel of land into two (2) 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. The term shall also include and refer to any division of land previously subdivided or platted.

*Subdivision, major.* All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of four (4) or more lots, or any size subdivision requiring any new street or extension of municipal facilities or the creation of any public improvements.

*Subdivision, minor.* Any subdivision containing not more than three (3) lots fronting on an existing street, not involving any new street or road or the extension of municipal facilities or the creation of any public improvements, not adversely affecting the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the Comprehensive Plan, Zoning Ordinance or these Regulations. (Ord 1964, 2008)