

ORDINANCE NO. 2720

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE TO ESTABLISH A PROCESS FOR THE REVIEW AND APPROVAL OF PRELIMINARY PLATS AND TO MAKE RELATED AMENDMENTS THE OTHER SECTIONS OF THE LAND DEVELOPMENT CODE PERTAINING TO PLATS

WHEREAS, the City of Commerce City (the “City”) is a home rule municipality and political subdivision of the State of Colorado (“State”) organized and existing under a home rule charter pursuant to Article XX of the Constitution of the State;

WHEREAS, pursuant to the Charter of the City (the “Charter”), the City has all legislative powers and functions of municipal government as reserved to it by the Constitution and laws of the State; and

WHEREAS, the City Council desires to update the Land Development Code to amend the subdivision review process to create a preliminary plat approval process and amend related provisions of the subdivision regulations; and

WHEREAS, the Planning Commission of the City reviewed the proposed amendments to the Land Development Code at a public hearing on September 2, 2025 and recommends approval of such amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

SECTION 1. Findings. The recitals to this ordinance are incorporated as findings of the City Council. This ordinance is found to be supported and authorized by law and in the best interests of and necessary for the protection of the health, safety, and welfare of the public.

SECTION 2. Amendment. The Land Development Code is hereby amended as set forth in Exhibit A, with a clean version of the sections as amended included as Exhibit B.

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 All ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof, are hereby repealed to the extent of such inconsistency.

SECTION 4. Effective Date; Final Plat and Consolidation Plats Currently In-Progress. This ordinance shall be effective pursuant to Section 5.3 of the Charter. The amendments to the Land Development Code enacted in this ordinance shall not apply to any pending final plat applications or consolidation plat applications that were filed prior to this ordinance going into effect. All pending final plat applications and consolidation plat applications filed prior to the effective date of this ordinance shall be subject to the respective application and review process in effect at the time of application. Nothing in this ordinance shall circumvent or inhibit City Council’s authority to request a public hearing on a final plat or consolidation plat in

accordance with the Land Development Code as it was in effect when the final plat or consolidation plat application was submitted.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE
ORDERED THIS 6TH DAY OF OCTOBER 2025.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE
ORDERED THIS 3RD DAY OF NOVEMBER 2025.

CITY OF COMMERCE CITY, COLORADO

Steve J. Douglas, Mayor

ATTEST

Kim Garland, Acting City Clerk

EXHIBIT A

EXPLANATORY NOTE:

~~RED STRIKETHROUGHS~~ INDICATE MATERIAL DELETED FROM EXISTING LAW;

BLUE UNDERLINES INDICATE MATERIAL ADDED TO EXISTING LAW;

ASTERISKS * * * INDICATE MATERIAL UNCHANGED BY THIS ORDINANCE.

Sec. 21-3180. Required Notice.

Notice shall be provided in accordance with the following table:

Table III-1. Notice Requirement

Application	Mail	Publication	Placard
Annexations		X	
Appeals	X	X	X
Comprehensive Plan Amendments (Non-Minor)	X	X	X
Conditional Use Permits	X	X	X
Consolidation Plats	X ²	X ²	X ²
<u>Preliminary Plats</u>	<u>X²</u>	<u>X²</u>	<u>X²</u>
Final Plats	X ²	X ²	X ²
Height Exceptions	X	X	X
Oil and Gas Permits	X ³	X	X
PUD Zone Documents/Zone Document Amendments	X ¹	X	X ¹
Rezoning or Zone Changes	X ¹	X	X ¹
Use-by-Permits	X	X	X
Vacations—Active rights-of-way or easements only	X	X	X
Variances	X	X	X
Vested Property Rights/Site Specific Development Plans	X	X	X

¹ Placards and mailed notification shall not be required when an amendment to the official zoning map is initiated by the city and affects multiple owners.

² When a plat is initiated by the city and affects city-owned land, no notice shall be required.

³ Mailed notice shall be a minimum of 2,500 feet from the affected parcel(s).

Sec. 21-3200. Required Review.

Applications shall be reviewed in accordance with the processes and standards set forth in this Code. Table III-2, Development Review Table, establishes the review steps required for specific forms of site development.

Table III-2. Development Review Table

Application Types	Required Reviews					Reference	Lapse Period
	Staff	DRT	PC	CC	BOA		
Administrative Applications							
Building and Sign Permits	R	R ¹			H ³	§ 21-3210	6 months
Concept Plans	R	R				§ 21-3211	n/a
Development Plans	R	R	H ¹	H ¹		§ 21-3212	2 years
Floodplain Development Permits	R	R ²			H ¹	§ 21-3213	2 years
Grading Permits	R				H ¹	§ 21-3214	30 days
Minor Modifications	R	R ¹			H ¹	§ 21-3215	1 year

Temporary Use Permits	R	R ¹			H ¹	§ 21-3217	§ 21-3217
Early Grading Permits	R				H ¹	§ 21-3219	6 months
Applications Requiring BOA Approval							
Height Exceptions	R	R			H	§ 21-3220	3 years
Uses-by-Permit	R	R			H	§ 21-3221	2 years
Variances	R	R			H	§ 21-3222	1 year
Applications Requiring Approval by City Council							
Annexations	R	R	H ¹	H		Division III-	n/a
Comprehensive Plan Amendments Minor	R	R	H ¹	H		§ 21-2110	n/a
Comprehensive Plan Amendments Non Minor	R	R	H	H		§ 21-2110	n/a
Conditional Use Permits	R	R	H	H		§ 21-3230	2 years
Model and Elevation Review	R	R ¹	R ¹	R ¹		§ 21-3231	90 days
Oil and Gas Permits	R	R	H	H		§ 21-3235	3 years
Rezoning or Zone Changes	R	R	H	H		§ 21-3232	n/a
Vacation of Rights-of-Way	R	R	H	H		§ 21-3233	60 days
Vested Property Right/Site Specific Development Plans	R	R	H	H		§ 21-3234	3 years
Developments with Multiple Steps							
Planned Unit Development (PUD)							
Concept Schematics	R	R	H ¹			§ 21-3250	n/a
Zone Documents/Amendments	R	R	H	H		§ 21-3251	n/a
Development Permits	R	R	H ¹	H ¹		§ 21-3252	2 years
Administrative Subdivision Applications							
Subdivisions							
Consolidation Plats	R	R	<u>H¹</u> H²	<u>H¹</u> H²		§ 21-3243	60 days
Lot Line and Terminology Adjustments	R	R ⁺	H ¹	H ¹		§ 21-3244	60 days
Plat Corrections and Revisions	R	R ⁺	H ¹	H ¹		§ 21-3242	60 days
Sketch Plats	R	R				§ 21-3240	n/a
<u>Preliminary Plats</u>	<u>R</u>	<u>R</u>	<u>H</u>	<u>H</u>		<u>§ 21-3240.5</u>	<u>2 years</u>
Final Plats (administrative)	R	R	<u>H¹</u> H²	<u>H¹</u> H²		§ 21-3241	60 days

Final Plats (public hearing required)	R	R	H	H		§ 21-3241	-60 days
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Key	
PC	Planning Commission
CC	City Council
BOA	Board of Adjustment
DRT	Development Review Team
H	Public Hearing
H ¹	Hearing upon appeal from staff decision or from director or city council request
H ²	Hearing upon appeal from staff decision or by request of director, city council, or public
H ³	Hearing on appeal of zoning related matters. Appeals related to building matters are heard by the board of building appeals.
R	Review
R ¹	Review requested by director
R ²	Review requested by floodplain administrator

Sec. 21-3215. Minor Modifications.

- (1) *Description.* The following deviations from the city's general standards or approved PUD zone documents are considered minor modifications:
- (a) Up to 20 percent of any minimum or maximum standard;
 - (b) An additional one foot of fence height;
 - (c) Up to 50 percent of the minimum fence setback;
 - (d) A screen fence instead of an open style fence;
 - (e) A reduction to the Floor Area Ratio requirement; or
 - (f) Up to 50 percent of the minimum required landscaping.

The modification of any design standard set forth in article VII shall not be considered a minor modification and shall be governed by the sections in article VII that discuss alternative compliance. [The modification of any preliminary plat shall not be considered a minor modification and shall be governed by section 21-3241.5.](#)

- (2) * * *
- (3) * * *
- (4) * * *
- (5) * * *

Sec. 21-3240. Sketch Plats.

- (1) *Description.* A sketch plat is a generalized land use plan for, and layout of, an area proposed to be included within a subdivision. This is an optional step for ~~small~~ [all](#) subdivisions. ~~_, but a required step for any subdivision plat greater than 20 lots.~~ This process provides an early, informal evaluation of a proposed subdivision before substantial expenses have been incurred. A sketch plat provides the city staff and the applicant an opportunity to determine the development's conformance with the comprehensive plan and the requirements of this land development code and assists the applicant in the preparation of a [preliminary plat and](#) final plat.

(2) * * *

Sec. 21-3240.5 Preliminary Plats.

- (1) Description. A Preliminary Plat provides sufficient information to evaluate and review the general design of a proposed subdivision to ensure compliance with critical requirements of this LDC prior to submittal of a Final Plat. A Preliminary Plat is required for a Final Plat, but is an optional step for an applicant for a plat corrections and revisions, consolidation plats, lot line and terminology adjustments, or a plat that provides for the subdivisions of four or fewer lots fronting on an existing or planned public or private street.
- (2) Review. In addition to the General Procedures established in Article III, Division 1 and Division 2, the following specific review procedures shall apply.
 - (a) The director and DRT will review the application and the director will provide a report to the planning commission.
 - (b) The planning commission will hold a public hearing on the application and make a recommendation to the city council based on the approval criteria below.
 - (c) The city council will consider the application and the planning commission's recommendation at a public hearing and after the hearing, shall approve, approve with conditions, or deny the proposed plat, based on the approval criteria below.
- (3) Approval Criteria. In determining whether to approve, approve with conditions, or deny the request, City Council shall consider the following:
 - (a) The request complies with the applicable standards of the City's Code, this LDC, and any applicable county, state, or federal requirements.
 - (b) The request substantially conforms to any associated prior approval for the development, including, but not limited to, a PUD Zone Document, or Conditional Use Permit.
 - (c) The request is consistent with applicable policies of the Comprehensive Plan and applicable sub-area plans and capital improvement plans; or, if it addresses a topic that is not contained or not fully developed in the Comprehensive Plan, the request does not impair the implementation of the Comprehensive Plan.
 - (d) The request promotes the purposes of this LDC as established in Sec. 21-1120, Purpose, and in other applicable purpose statements in this LDC.
 - (e) Adequate facilities, including public or private utilities, solid waste service, roads, drainage, and other improvements are present or are planned to be provided by either the City or the applicant.
 - (f) The subdivider has provided evidence that provision has been made for a water supply that is sufficient in terms of quantity, quality, and dependability for the type of subdivision proposed.
 - (g) The subdivider has provided evidence that provision has been made for a public sewage system and, if other methods of sewage disposal are proposed, adequate evidence that such system shall comply with State and local laws and regulations.
 - (h) The subdivider has provided evidence to show that all areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, as well as the protection of natural resources and unique landforms, have been identified and the proposed uses of these areas are compatible with such conditions.
 - (i) The subdivision meets the amount of open or amenity space in the development and preserves existing trees, vegetation, and riparian areas.
 - (j) The subdivider has provided adequate drainage improvements.
 - (k) The subdivision is consistent with and implements the purpose of the specific zoning district in which it is located.

- (l) Necessary services, including fire and police protection, recreation, utilities, and transportation systems are available to serve the proposed subdivision.
- (4) If City Council finds that a Preliminary Plat complies with all applicable decision criteria, then it is required to approve the Preliminary Plat.
- (5) Effect.
 - (a) Authorization. Approval of a Preliminary Plat authorizes the applicant to proceed with the submission of construction documents and an application for a Final Plat.
 - (b) No Public Dedication or Acceptance. Approval of the Preliminary Plat shall not constitute any real property grant or dedication or the acceptance of any public improvements.
- (6) Lapse.
 - (a) A preliminary plat approval shall lapse and be of no further force and effect if an application for a final plat is not submitted for all or part of the land subject to the preliminary plat within two (2) years of approval.
 - (b) Where the subdivider submits a final plat for only a portion of an approved preliminary plat, the subdivider may submit a subsequent final plat of the remaining area, or a portion of the remaining area, at any time within two years of the date of preliminary plat approval.
 - (c) If a final plat of the remaining area has not been submitted within the two-year time period, the portion of the preliminary plat for which no final plat has been submitted shall be deemed null and void. However, if at least one phase of the preliminary plat has received final plat approval, its public improvements have been completed, and it has been recorded with the County Clerk and Recorder, an extension to the two-year time limit shall be automatically approved for all phases.
- (7) Recording. Preliminary plats shall not be recorded with the Adams County Clerk and Recorder's Office.

Sec. 21-3241. Final Plats.

- (1) * * *
- (2) *Review.*
 - ~~(a) Except where public hearings are required pursuant to paragraph 4, the~~ The director and DRT review applications for final plats and the director is authorized to approve, approve with conditions, or deny such applications based upon the approval criteria outlined below (for purposes of this section, this process shall be referred to as an administrative approval). ~~In the event the director denies the application, the applicant may request that the plat be reviewed through the public hearing process.~~
 - ~~(b) When public hearings are required by paragraph 4 or when the applicant requests a public hearing in response to the director's denial as outlined in paragraph (a), the review process shall be as follows:~~
 - ~~(i) The director and DRT will review the application and the director will provide a report to the planning commission.~~
 - ~~(ii) The planning commission will hold a public hearing on the application and make a recommendation to the city council based on the approval criteria below.~~
 - ~~(iii) The city council will consider the application and the planning commission's recommendation at a public hearing and after the hearing, shall approve, approve with conditions, or deny the proposed plat, based on the approval criteria below.~~

Figure III-17 is deleted

Figure III-17. Final Plats

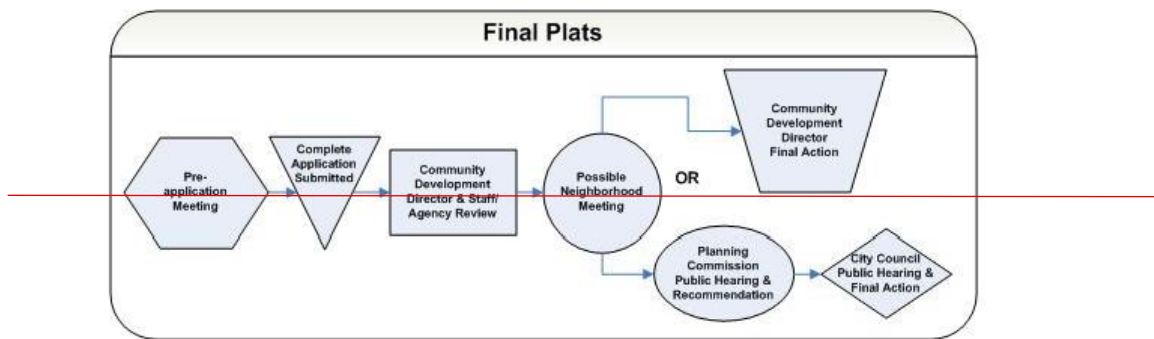


Figure III-17 is deleted

(3.5) *Conformity with Preliminary Plat.* The Final Plat must substantially conform with the approved Preliminary Plat. Substantial conformity shall include conformity with the number and general configuration of lots, street layout, access points, drainage facilities, utility and service connections, and open space or amenity areas. Minor changes may be allowed to accommodate technical requirements or engineering constraints, provided that the overall layout and design of the Preliminary Plat are preserved and meet the substantial conformity standards outlined below.

(a) *Determination.* A determination on substantial conformity shall include the following standards:

- (i) *Number of Lots.* The total number of lots may decrease, but must not exceed the number shown on the approved Preliminary Plat.
- (ii) *Access Points.* The total number of access points to external public streets must be the same as shown on the Preliminary Plat. The general alignment of access points must be similar, but may be adjusted as long as the access points are not significantly relocated from the alignment shown on the Preliminary Plat as may be needed for engineering or design modifications.
- (iii) *Open Space and Amenity Areas.* The total acreage of open and amenity space areas may increase, but must not be reduced or significantly relocated from what is shown in the preliminary plat.
- (iv) *Approval Conditions.* The Final Plat must be consistent with the intent of City Council's approval and any conditions of approval.

(b) *Major Amendment.* Any Final Plat that is deemed not substantially conforming with an approved Preliminary Plat shall constitute a major amendment to the Preliminary Plat and require the submission of an application to amend the Preliminary Plat.

(3) *Approval Criteria.* A final plat may be approved if the decision maker finds that:

- (a) The subdivision is consistent with any approved rezoning, concept plan or PUD Zone Document;
- (b) The subdivision is consistent with and implements the intent of the specific zoning district in which it is located;
- (c) There is no evidence to suggest that the subdivision violates any state, federal, or local laws, regulations, or requirements;
- (d) The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within the proposed subdivision is designed in a way that minimizes the amount of land disturbance, maximizes the amount of open space in the development, preserves existing trees/vegetation and riparian areas, and otherwise accomplishes the purposes and intent of this land development code;
- (e) The subdivision complies with all applicable city standards and does not unnecessarily create lots or patterns of lots that make compliance with such standards difficult or infeasible;

- (f) The subdivision:
 - (i) Will not result in a substantial or undue adverse effect on adjacent properties, traffic conditions, parking, public improvements, either as they presently exist or as they may in the future exist as a result of the implementation of provisions and policies of the comprehensive plan, this land development code, or any other plan, program or ordinance adopted by the city; or
 - (ii) Any adverse effect has been or will be mitigated to the maximum extent feasible;
- (g) Adequate and sufficient public safety, transportation, utility facilities and services, recreation facilities, parks, and schools are available to serve the subject property, while maintaining sufficient levels of service to existing development;
- (h) A development agreement between the city and the applicant has been executed and addresses the construction of all required public improvements; and
- (i) As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity.

(j) The final plat substantially conforms with the preliminary plat.

- (4) ~~Reserved. Public Hearings Required. Public hearings before the planning commission and the city council shall be required if:~~

~~(a) The applicant or any property owner within 300 feet of the property submits a written request to the director by the date scheduled for department approval. This written objection request must be directly related to the proposed subdivision. General objections regarding existing land use, zoning, or issues unrelated to the subdivision will not be considered valid objections for purposes of this provision;~~

~~(b) If any public entity or utility affected by the proposed subdivision claims it is negatively impacted by the proposed subdivision and submits written request to the director by the date scheduled for department approval;~~

~~(c) The director determines that the final plat should be reviewed through a public hearing process; or~~

~~(d) The city council requests that the final plat be reviewed through a public hearing process if such request is made before the date scheduled for department approval.~~

- (5) *Recording.* Once approved, or in the case of a conditional approval, all conditions have been met, the final plat shall be signed by the city. The director and city engineer will sign the plat in the case of an administrative approval. The mayor and city clerk will sign ~~when~~ if the final plat is approved by city council on appeal. The city will record the signed, final plat. The applicant may be required to pay all recording fees.

(6) * * *

(7) * * *

(8) * * *

Sec. 21-3243. Consolidation Plats.

(1) * * *

(2) *Review.*

~~(a) Except where public hearings are required pursuant to paragraph (4), the The director and DRT review applications for consolidation plats and the director is authorized to approve, approve with conditions, or deny such applications based upon the approval criteria outlined below (for purposes of this section, this process shall be referred to as an administrative approval). In the event the director denies the application, the applicant may request that the plat be reviewed through the public hearing process.~~

- (b) ~~When public hearings are required by paragraph (4) or when the applicant requests a public hearing in response to the director's denial as outlined in paragraph (a), the review process shall be as follows:~~
- (i) ~~The director and DRT will review the application and the director will provide a report to the planning commission.~~
 - (ii) ~~The planning commission will hold a public hearing on the application and make a recommendation to the city council based on the approval criteria below.~~
 - (iii) ~~The city council will consider the application and the planning commission's recommendation at a public hearing and after the hearing, shall approve, approve with conditions, or deny the proposed plat based on the approval criteria below.~~

Figure III-19 is deleted

Figure III-19. Consolidation Plats

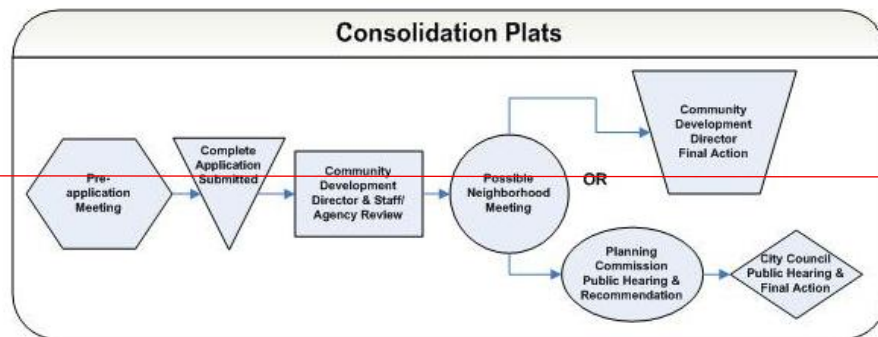


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- (3) * * *
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- (a) ~~The applicant or any property owner within 300 feet of the property submits a written request to the director by the date scheduled for department approval. This written objection request must be directly related to the proposed subdivision. General objections regarding existing land use, zoning, or issues unrelated to the subdivision will not be considered valid objections for purposes of this provision;~~
 - (b) ~~If any public entity or utility affected by the proposed subdivision claims it is negatively impacted by the proposed subdivision and submits written request to the director by the date scheduled for department approval;~~
 - (c) ~~The director determines that the consolidation plat should be reviewed through a public hearing process;~~
~~or~~
 - (d) ~~The city council requests that the consolidation plat be reviewed through a public hearing process if such request is made before the date scheduled for department approval.~~
- (5) *Recording.* Once approved, or in the case of a conditional approval when all conditions have been met, the consolidation plat shall be signed by the city. The director and city engineer will sign the plat in the case of an administrative approval. The mayor and city clerk will sign ~~if when~~ the consolidation plat is approved by city council on appeal. The city will record the signed, consolidation plat. The applicant may be required to pay all recording fees.
- (6) * * *
- (7) * * *

Sec. 21-3251. PUD Zone Documents.

- (1) *Description.* A PUD zone document establishes entitlements for property including allowable land use and bulk standards. A PUD zone document covers all of the land area to be included in the PUD, or an identified phase of a PUD, and identifies the type and total amount of development to occur within the PUD (dwelling units and nonresidential floor area), as well as the proposed plan for pedestrian and vehicular circulation within and leading to the PUD. An applicant may submit a sketch, [preliminary plat](#), or final (when applicable) plat or a PUD permit application for simultaneous processing with a PUD zone document.

(a) * * *

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(3) * * *.

(4) * * *

(5) * * *

Sec. 21-3405. Amendments.

- (1) *Description.* Any change to an approved [final](#) plat, [consolidation plat](#), plan, or permit that does not qualify as a minor modification, including all changes in use and density, shall be considered an amendment. [Any change to an approved preliminary plat that does not substantially conform with such approval shall be considered an amendment.](#)

(2) * * *

EXHIBIT B

EXPLANATORY NOTE:

ASTERISKS * * * INDICATE MATERIAL UNCHANGED BY THIS ORDINANCE.

Sec. 21-3180. Required Notice.

Notice shall be provided in accordance with the following table:

Table III-1. Notice Requirement

Application	Mail	Publication	Placard
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Appeals	X	X	X
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Conditional Use Permits	X	X	X
Consolidation Plats	X ²	X ²	X ²
Preliminary Plats	X ²	X ²	X ²
Final Plats	X ²	X ²	X ²
Height Exceptions	X	X	X
Oil and Gas Permits	X ³	X	X
PUD Zone Documents/Zone Document Amendments	X ¹	X	X ¹
Rezoning or Zone Changes	X ¹	X	X ¹
Use-by-Permits	X	X	X
Vacations—Active rights-of-way or easements only	X	X	X
Variances	X	X	X
Vested Property Rights/Site Specific Development Plans	X	X	X

¹ Placards and mailed notification shall not be required when an amendment to the official zoning map is initiated by the city and affects multiple owners.

² When a plat is initiated by the city and affects city-owned land, no notice shall be required.

³ Mailed notice shall be a minimum of 2,500 feet from the affected parcel(s).

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Model and Elevation Review	R	R ¹	R ¹	R ¹		§ 21-3231	90 days
Oil and Gas Permits	R	R	H	H		§ 21-3235	3 years
Rezoning or Zone Changes	R	R	H	H		§ 21-3232	n/a
Vacation of Rights-of-Way	R	R	H	H		§ 21-3233	60 days
Vested Property Right/Site Specific Development Plans	R	R	H	H		§ 21-3234	3 years
Developments with Multiple Steps							
Planned Unit Development (PUD)							
Concept Schematics	R	R	H ¹			§ 21-3250	n/a
Zone Documents/Amendments	R	R	H	H		§ 21-3251	n/a
Development Permits	R	R	H ¹	H ¹		§ 21-3252	2 years
Subdivision Applications							
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- (2) * * *
- (3) * * *
- (4) * * *
- (5) * * *

Sec. 21-3240. Sketch Plats.

- (1) *Description.* A sketch plat is a generalized land use plan for, and layout of, an area proposed to be included within a subdivision. This is an optional step for all subdivisions. This process provides an early, informal evaluation of a proposed subdivision before substantial expenses have been incurred. A sketch plat provides the city staff and the applicant an opportunity to determine the development's conformance with the comprehensive plan and the requirements of this land development code and assists the applicant in the preparation of a preliminary plat and final plat.
- (2) * * *

Sec. 21-3240.5 Preliminary Plats.

- (1) *Description.* A Preliminary Plat provides sufficient information to evaluate and review the general design of a proposed subdivision to ensure compliance with critical requirements of this LDC prior to submittal of a Final

Plat. A Preliminary Plat is required for a Final Plat, but is an optional step for an applicant for a plat corrections and revisions, consolidation plats, lot line and terminology adjustments, or a plat that provides for the subdivisions of four or fewer lots fronting on an existing or planned public or private street.

- (2) *Review.* In addition to the General Procedures established in Article III, Division 1 and Division 2, the following specific review procedures shall apply.
 - (a) The director and DRT will review the application and the director will provide a report to the planning commission.
 - (b) The planning commission will hold a public hearing on the application and make a recommendation to the city council based on the approval criteria below.
 - (c) The city council will consider the application and the planning commission's recommendation at a public hearing and after the hearing, shall approve, approve with conditions, or deny the proposed plat, based on the approval criteria below.
- (3) *Approval Criteria.* In determining whether to approve, approve with conditions, or deny the request, City Council shall consider the following:
 - (a) The request complies with the applicable standards of the City's Code, this LDC, and any applicable county, state, or federal requirements.
 - (b) The request substantially conforms to any associated prior approval for the development, including, but not limited to, a PUD Zone Document, or Conditional Use Permit.
 - (c) The request is consistent with applicable policies of the Comprehensive Plan and applicable sub-area plans and capital improvement plans; or, if it addresses a topic that is not contained or not fully developed in the Comprehensive Plan, the request does not impair the implementation of the Comprehensive Plan.
 - (d) The request promotes the purposes of this LDC as established in Sec. 21-1120, Purpose, and in other applicable purpose statements in this LDC.
 - (e) Adequate facilities, including public or private utilities, solid waste service, roads, drainage, and other improvements are present or are planned to be provided by either the City or the applicant.
 - (f) The subdivider has provided evidence that provision has been made for a water supply that is sufficient in terms of quantity, quality, and dependability for the type of subdivision proposed.
 - (g) The subdivider has provided evidence that provision has been made for a public sewage system and, if other methods of sewage disposal are proposed, adequate evidence that such system shall comply with State and local laws and regulations.
 - (h) The subdivider has provided evidence to show that all areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, as well as the protection of natural resources and unique landforms, have been identified and the proposed uses of these areas are compatible with such conditions.
 - (i) The subdivision meets the amount of open or amenity space in the development and preserves existing trees, vegetation, and riparian areas.
 - (j) The subdivider has provided adequate drainage improvements.
 - (k) The subdivision is consistent with and implements the purpose of the specific zoning district in which it is located.

- (l) Necessary services, including fire and police protection, recreation, utilities, and transportation systems are available to serve the proposed subdivision.
- (4) If City Council finds that a Preliminary Plat complies with all applicable decision criteria, then it is required to approve the Preliminary Plat.
- (5) *Effect.*
 - (a) *Authorization.* Approval of a Preliminary Plat authorizes the applicant to proceed with the submission of construction documents and an application for a Final Plat.
 - (b) *No Public Dedication or Acceptance.* Approval of the Preliminary Plat shall not constitute any real property grant or dedication or the acceptance of any public improvements.
- (6) *Lapse.*
 - (a) A preliminary plat approval shall lapse and be of no further force and effect if an application for a final plat is not submitted for all or part of the land subject to the preliminary plat within two (2) years of approval.
 - (b) Where the subdivider submits a final plat for only a portion of an approved preliminary plat, the subdivider may submit a subsequent final plat of the remaining area, or a portion of the remaining area, at any time within two years of the date of preliminary plat approval.
 - (c) If a final plat of the remaining area has not been submitted within the two-year time period, the portion of the preliminary plat for which no final plat has been submitted shall be deemed null and void. However, if at least one phase of the preliminary plat has received final plat approval, its public improvements have been completed, and it has been recorded with the County Clerk and Recorder, an extension to the two-year time limit shall be automatically approved for all phases.
- (7) *Recording. Preliminary plats shall not be recorded with the Adams County Clerk and Recorder's Office.*

Sec. 21-3241. Final Plats.

- (1) * * *
- (2) *Review.* The director and DRT review applications for final plats and the director is authorized to approve, approve with conditions, or deny such applications based upon the approval criteria outlined below (for purposes of this section, this process shall be referred to as an administrative approval).
- (3.5) *Conformity with Preliminary Plat.* The Final Plat must substantially conform with the approved Preliminary Plat. Substantial conformity shall include conformity with the number and general configuration of lots, street layout, access points, drainage facilities, utility and service connections, and open space or amenity areas. Minor changes may be allowed to accommodate technical requirements or engineering constraints, provided that the overall layout and design of the Preliminary Plat are preserved and meet the substantial conformity standards outlined below.
 - (a) *Determination.* A determination on substantial conformity shall include the following standards:
 - (i) *Number of Lots.* The total number of lots may decrease, but must not exceed the number shown on the approved Preliminary Plat.
 - (ii) *Access Points.* The total number of access points to external public streets must be the same as shown on the Preliminary Plat. The general alignment of access points must be similar, but may be adjusted as long as the access points are not significantly relocated from the alignment shown on the Preliminary Plat as may be needed for engineering or design modifications.

- (iii) *Open Space and Amenity Areas.* The total acreage of open and amenity space areas may increase, but must not be reduced or significantly relocated from what is shown in the preliminary plat.
 - (iv) *Approval Conditions.* The Final Plat must be consistent with the intent of City Council's approval and any conditions of approval.
- (b) *Major Amendment.* Any Final Plat that is deemed not substantially conforming with an approved Preliminary Plat shall constitute a major amendment to the Preliminary Plat and require the submission of an application to amend the Preliminary Plat.
- (3) *Approval Criteria.* A final plat may be approved if the decision maker finds that:
 - (a) The subdivision is consistent with any approved rezoning, concept plan or PUD Zone Document;
 - (b) The subdivision is consistent with and implements the intent of the specific zoning district in which it is located;
 - (c) There is no evidence to suggest that the subdivision violates any state, federal, or local laws, regulations, or requirements;
 - (d) The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within the proposed subdivision is designed in a way that minimizes the amount of land disturbance, maximizes the amount of open space in the development, preserves existing trees/vegetation and riparian areas, and otherwise accomplishes the purposes and intent of this land development code;
 - (e) The subdivision complies with all applicable city standards and does not unnecessarily create lots or patterns of lots that make compliance with such standards difficult or infeasible;
 - (f) The subdivision:
 - (i) Will not result in a substantial or undue adverse effect on adjacent properties, traffic conditions, parking, public improvements, either as they presently exist or as they may in the future exist as a result of the implementation of provisions and policies of the comprehensive plan, this land development code, or any other plan, program or ordinance adopted by the city; or
 - (ii) Any adverse effect has been or will be mitigated to the maximum extent feasible;
 - (g) Adequate and sufficient public safety, transportation, utility facilities and services, recreation facilities, parks, and schools are available to serve the subject property, while maintaining sufficient levels of service to existing development;
 - (h) A development agreement between the city and the applicant has been executed and addresses the construction of all required public improvements; and
 - (i) As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity.
 - (j) The final plat substantially conforms with the preliminary plat.
- (4) Reserved.
- (5) *Recording.* Once approved, or in the case of a conditional approval, all conditions have been met, the final plat shall be signed by the city. The director and city engineer will sign the plat in the case of an administrative approval. The mayor and city clerk will sign if the final plat is approved by city council on appeal. The city will record the signed, final plat. The applicant may be required to pay all recording fees.
- (6) * * *
- (7) * * *
- (8) * * *

Sec. 21-3243. Consolidation Plats.

- (1) * * *
- (2) *Review.* The director and DRT review applications for consolidation plats and the director is authorized to approve, approve with conditions, or deny such applications based upon the approval criteria outlined below (for purposes of this section, this process shall be referred to as an administrative approval).
- (3) * * *
- (4) Reserved.
- (5) *Recording.* Once approved, or in the case of a conditional approval when all conditions have been met, the consolidation plat shall be signed by the city. The director and city engineer will sign the plat in the case of an administrative approval. The mayor and city clerk will sign if the consolidation plat is approved by city council on appeal. The city will record the signed, consolidation plat. The applicant may be required to pay all recording fees.
- (6) * * *
- (7) * * *

Sec. 21-3251. PUD Zone Documents.

- (1) *Description.* A PUD zone document establishes entitlements for property including allowable land use and bulk standards. A PUD zone document covers all of the land area to be included in the PUD, or an identified phase of a PUD, and identifies the type and total amount of development to occur within the PUD (dwelling units and nonresidential floor area), as well as the proposed plan for pedestrian and vehicular circulation within and leading to the PUD. An applicant may submit a sketch, preliminary plat, or final (when applicable) plat or a PUD permit application for simultaneous processing with a PUD zone document.
 - (a) * * *
- (2) * * *
- (3) * * *.
- (4) * * *
- (5) * * *

Sec. 21-3405. Amendments.

- (1) *Description.* Any change to an approved final plat, consolidation plat, plan, or permit that does not qualify as a minor modification, including all changes in use and density, shall be considered an amendment. Any change to an approved preliminary plat that does not substantially conform with such approval shall be considered an amendment.
- (2) * * *