

**CITY OF PUEBLO, COLORADO**

**APPLICATION, REVIEW, AND APPROVAL  
PROCESS MANUAL**

**FOR**

**SUBDIVISION**

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## SUBDIVISION PROCESS FLOW CHART

### **MANDATORY PRE-APPLICATION REVIEW w/STAFF & SRC**

A proposed plan prepared by applicant is presented to the Subdivision Review Committee for input. If the property to be subdivided is part of a larger parcel in the same ownership, an Overall Development Plan must be prepared and approved by the Planning & Zoning Commission prior to subdivision application.

### **DOCUMENTS PREPARATION**

A list of the required documents is provided in the Subdivision Submittal Checklist – Parts I and II (forms DPW 119 & DPW 120). Plats must be prepared by Professional Land Surveyor. Engineering reports and construction plans must be prepared by Professional Engineer. "Subdivision Review Checklist, Parts I and II" (DPW 121 & 122) provide guidance for the preparation of the plat, supplemental map, and construction plans.

### **SUBMITTAL**

The application deadline is eight weeks prior to public hearing before the Planning & Zoning Commission. A submittal conference is required with a City staff person to insure that submittals are complete.

### **SUBDIVISION REVIEW**

The Subdivision Review Committee, with support of City staff, reviews submittals and provides recommendations to the Planning and Zoning Commission. Copies of the recommendations are sent to the developer, engineer, and surveyor two weeks prior the P&Z hearing.

### **PLANNING & ZONING COMMISSION**

The Planning & Zoning Commission conducts a public hearing on the proposed subdivision and considers recommendations made by the Subdivision Review Committee. P&Z recommendations are then forwarded to City Council.

### **CITY COUNCIL**

City Council conducts a public hearing on the proposed subdivision and considers recommendations by the Planning & Zoning Commission and Subdivision Review Committee. The ordinance approving the Subdivision is then approved with conditions, approved without conditions, or denied.

### **DEFERRED FILINGS**

The Subdivider may choose to defer certain filings until after the subdivision plat has been approved by City Council. These deferred filings must be approved by the Director of Public Works within one year of plat approval and before recordation of the plat.

### **PLAT RECORDING**

Approved plat and other required documents are sent to City Clerk for final signatures by President of City Council and City Attorney. Completed plats are then sent to Pueblo County Clerk & Recorder for recording. Recorded plats and documents are returned to the City Clerk for distribution.

## SUBDIVISION

### INTRODUCTION

This manual supersedes the manual entitled “City of Pueblo, Colorado, Application, Review, and Approval Process Manual for Subdivision” dated January 2006.

The information contained herein is not intended to alter or change any provisions of the City of Pueblo Municipal Code which pertain to the subdivision of land, but to promote the efficient preparation and processing of plats, construction plans, and other documents required under the Code. Copies of Chapter 4, Title XII of the Municipal Code entitled “Plats and Subdivisions” are available upon request.

Standard forms referred to herein, with the prefix DPW (Department of Public Works) are available at the Public Works Office, 211 East "D" Street, or online at the City's web page, [www.pueblo.us/publicworks](http://www.pueblo.us/publicworks). \*

\* Note that the forms are subject to change and the forms available on the City’s web page may not be the latest edition. It is the applicant’s responsibility to verify with Public Works staff the edition that is in effect.

#### **I. MANDATORY PRE-APPLICATION REVIEW w/STAFF & SRC**

Prior to the preparation of proposed subdivision plat and/or special area plan and other required documents, the developer is required to prepare a proposed plan for presentation and discussion with the Subdivision Review Committee. This plan should show proposed and adjacent land uses, street network, drainage system, park facilities, school sites, existing and proposed zoning, and any other planning features that may be relevant. In addition, a list of any desired modifications to the City’s standards should be presented.

If the property being subdivided is a part of a larger tract of land owned or controlled by the subdivider, the Planning and Zoning Commission must approve an Overall Development Plan of the entire tract prior to the application of the subdivision plat.

#### **II. SUBMITTAL REQUIREMENTS**

##### **Subdivision Submittal Checklists – Part I & II**

The Subdivision Submittal Checklists – Part I and II (forms DPW 119 and DPW 120) provide a complete list of all documents required for subdivision application. One or both of these completed checklists must be attached to the Subdivision Application form (DPW 123).

When the subdivider chooses to defer certain filings per Section 12-4-5 (b)(2) of the Municipal Code, and signs the “Request for Deferred Filings” (form DPW 106), only those items listed in Part I of the checklist will be required at the time of application. The remainder of the required filings, listed in Part II of the checklist, must be submitted and all documents reviewed and approved by the City, within one year of the date the final subdivision plat is conditionally approved by ordinance by City Council.

### **Subdivision Review Checklist – Parts I & II**

To assist the applicant and professional consultants in the preparation of acceptable subdivision plats, supplemental maps, and construction plans, the City has developed the Subdivision Review Checklists – Part I & II. (forms DPW 121 & 122).

If a “Request for Deferred Filings” has been approved, only Part I, which pertains to the subdivision plat and supplemental map, will be required at the time of application. Part II will be required at the time all “Deferred Filings” are submitted.

### **Deferred Filings**

As stated above, the applicant may request to defer certain required filings for up to one year from the date the final subdivision plat is conditionally approved by ordinance by the City Council. These “Deferred Filings” are listed in Subdivision Submittal Checklist – Part II.

If approved, these “Deferred Filings” must not only be filed with the City within one year, but must also be approved by the Director of Public Works within that time period. It is recommended that a minimum of 45 days be allowed for final review and approval by the City before this deadline.

Until all deferred filings are reviewed and approved by the Director of Public Works, the final subdivision plat will not be executed by the City or recorded in the office of the Pueblo County Clerk and Recorder.

If the applicant fails to obtain approval of all “Deferred Filings” within the one-year time limit, upon thirty (30) days written notice by the Director of Public Works, the Ordinance authorizing conditional approval of the subdivision plat will be rescinded.

The City Council, upon recommendation by the Subdivision Review Committee, may, by Resolution, grant up to six (6) months extension to the one-year time limit.

### III. SUBMITTAL PROCESS

#### Where to Apply

Subdivision applications and required documents are submitted to the Department of Planning & Community Development, 211 East “D” Street, Pueblo, Colorado.

#### Application Form (DPW 123)

All submittals must include the Subdivision Application form (DPW 123) with Subdivision Submittal Checklist – Part I attached. If the applicant chooses not to defer filings per Section 12-4-5 (b)(2) of the Municipal Code, then Subdivision Submittal Checklist – Part II must also be attached to the application form.

#### Application Fee

Contact the Department of Planning & Community Development:

211 East D Street, Pueblo, CO 81003

(719) 553-2259

[www.pueblo.us/pcd](http://www.pueblo.us/pcd)

#### Application Deadline

The submittal deadline is 5:00 p.m. on Monday, eight weeks prior to the desired date of public hearing before the Planning and Zoning Commission. The Planning and Zoning Commission schedules public hearings on the second Wednesday of each month.

### IV. REVIEW PROCESS

#### Subdivision Review Committee (SRC)

The Subdivision Review Committee is established by Section 12-4-3 (14) of the Pueblo Municipal Code and is composed of the Directors of Public Works, Transportation, Parks and Recreation, Planning & Community Development and the Executive Secretary to the Planning Commission. This Committee, acting in conjunction with staff, is charged with the review of proposed subdivisions to determine if they comply with the provisions of Chapter 4 of Title XII of the Municipal Code (the Subdivision Ordinance), with the City's Comprehensive Plan, with the Major Street Plan, and with other pertinent ordinances of the City. (Refer to 12-4-5 (b)(7)).

The SRC submits recommendations to the Planning and Zoning Commission concerning the approval of the proposed subdivision. This recommendation is in the form of a memorandum, a copy of which is sent to the applicant and his/her consultant, a minimum of two weeks prior to the public hearing before the Planning and Zoning Commission.

The SRC meets weekly to discuss subdivision issues with the City staff and/or subdividers. Their regular meeting is on Wednesday beginning at 9:00 a.m. in the Public Works conference room at 211 East "D" Street. The SRC will be available to meet with any applicant to discuss the SRC recommendations to P&Z, three weeks prior to the scheduled hearing.

Subdividers or consultants wishing to meet with the SRC must be scheduled through the Department Planning & Community Development at 553-2259.

### **City Staff Reviewers**

Subdivision documents are reviewed by staff persons from several City departments. Below is the following contact information.

#### Department of Public Works – 553-2281

Subdivision plat, supplemental map, civil design of street plans and profiles, easements, agreements and other required documents.

#### Stormwater Department – 553-2277

Drainage report, civil design of drainage system.

#### Wastewater Department – 553-2890

General civil design of sanitary sewer system.

#### Traffic Engineer – 553-2702

Traffic report, street layout, traffic signal requirements, street illumination design.

#### Department of Planning & Community Development – 553-2259

Special area plans, setbacks, zoning, open space, pedestrian/bicycle trails, and parks.

## **Department Policies**

The following Department Policies have been established concerning subdivision review:

1. Incomplete subdivision submittals will not be accepted for review.
2. Subdivision submittals will be reviewed in the order received.
3. The ordinance approving a subdivision plat will not be placed on City Council Agenda until all required corrections and revisions to the required documents have been completed and approved and the subdivision plat has been signed by the Chairman of the Planning and Zoning Commission, the property owner or authorized agent, and the Professional Land Surveyor.

## **Review Procedures**

The City staff will generally rely upon the professional certifications of the Engineer and Professional Land Surveyor in the review and approval of the required technical documents. The review procedures outlined in the sections that follow describe the review effort that will be undertaken by City staff.

Please note that a digital file of the project in AutoCAD.DWG form is required as part of this initial review. If the project is for a commercial project, applicant must also provide a digital file of the preliminary site plan.

Because the subdivider is allowed to defer certain required filings, the subdivision review procedures have been divided into two parts as follows:

Part I - Includes the subdivision plat and supplemental map, plus various supporting documents as outlined in the "Subdivision Submittal Checklist - Part I". These documents are all that are required for the Subdivision Plat to be acted upon by the Planning and Zoning Commission and the City Council.

Part II - Includes the construction plans and profiles, the Subdivision Improvements Agreement, and other various documents as outlined in the Subdivision Submittal Checklist - Part II". These are referred to as the "Deferred Filings".

The procedures given on the following pages reflect this two-part process, however, the applicant is allowed to submit both Part I and Part II applications at the same time. If Part II applications are NOT submitted at the same time as Part I, an updated .dwg is required to be submitted with the Part II application.

## **Part I - Subdivision Plat and Supplemental Map**

### **Submittal Conference**

The applicant or his/her professional consultant is required to schedule a submittal conference with the staff reviewer at the time of submittal. "Drop off" applications will not be accepted.

At this conference, the staff reviewer will refer to the "Subdivision Submittal Checklist - Part I" (DPW 119).

Submittals that are determined to be acceptable are then distributed by the staff reviewer to the appropriate City Departments, outside agencies, and utility companies for further review.

### **Document Review**

"Subdivision Review Checklist - Part I" will be used in the review of the subdivision plat and supplemental map. All items in Section "A" of this checklist will be thoroughly reviewed. The closures of the subdivision boundary and that of all rights-of-way will be checked, but lot closures will not be checked. A general but not exhaustive review of Section "B" of the checklist will be made.

The traffic study, preliminary drainage report and preliminary utility plan will receive general but not exhaustive review.

Upon completion of the review by staff, comments will be mailed to the applicant with copies to the professional consultants. Corrections or revisions should be made as soon as possible.

Three weeks prior to the public hearing before the Planning and Zoning Commission, the City staff will meet with the Subdivision Review Committee to discuss any remaining deficiencies in the subdivision application. The applicant and professional consultants associated with the application may attend this meeting to provide any information to the Committee that they deem relevant to their application. The Committee will then finalize their recommendations to the Planning and Zoning Commission in the form of a memorandum, a copy of which will be sent to the applicant no later than two weeks before the public hearing before P&Z. Applicants who wish to attend the Subdivision Review Committee meeting must contact the Planning Department to schedule a time on the agenda.

After approval by the Planning and Zoning Commission and completion of all corrections or revisions recommended by the Planning and Zoning Commission, but before the ordinance approving the subdivision is placed on the City Council agenda, the applicant must provide three (3) mylars of the approved subdivision plat, one (1) mylar of the supplemental map and three (3) mylars of the Special Area Plan, if included in the application, signed by the Subdivider, the Professional Land Surveyor and the Chairperson of the Planning and Zoning Commission, to the Department of Public Works.

**Exception:**

In cases where the applicant disagrees with any recommendation of the Planning and Zoning Commission concerning some features of the plat and wishes to present the contested recommendation to the City Council, the applicant must provide a letter addressed to the President of City Council and the Director of Public Works noting the specific recommendations being contested and the reason for the applicant's disagreement and suggested modification. In such cases the signed mylars of the plat, incorporating all Planning and Zoning Commission's recommendations and modifications thereto, if any, made by City Council, must be provided to the Department of Public Works no later than two weeks after approval by City Council, along with a letter certified by the PLS noting all changes made to the plat after presentation to the Planning and Zoning Commission.

**Plat Revisions After P&Z Approval and Prior to Recording**

In the event the applicant wishes to make minor revisions to the subdivision plat after P&Z approval, but before recording, the applicant must present a letter to the Chairman of the Planning and Zoning Commission, with a copy to the Subdivision Review Committee, explaining the minor revisions, and requesting that the substitute subdivision plat be signed. Upon written recommendation by the Subdivision Review Committee, the Chairman may then sign the substitute plat.

No significant revisions to the plat will be allowed without re-submittal to both the Planning and Zoning Commission and City Council.

Some examples considered to be significant revisions to the plat are given on the following page:

1. The removal or relocation of any public utility easement without written concurrence from all public utility companies. In this case, a copy of the revised plat must be distributed to all public utility companies, signed off by their representatives, and filed with the City.
2. The removal or relocation of any access easement, which involves land or parties other than the subdivider, without written concurrence from all affected parties.
3. Any change to the exterior boundary of the subdivision or to the legal description of the land being subdivided. Minor clerical revisions will be evaluated on a case-by-case basis.
4. Changes to street right-of-way lines. Minor changes will be evaluated on a case-by-case basis.
5. Any change that would affect the interests of the Colorado Department of Transportation without their written concurrence.
6. Any change that would affect a School District or other public agency without their written concurrence.
7. Any change that would cause the plat to vary significantly from the approved master plan, if one exists.
8. Changes to the number or size of lots within the subdivision, except minor changes, as approved by the Subdivision Review Committee.
9. Changes to drainage easements unless they are incorporated in a revised drainage report and approved by the City. Where changes in drainage easements affect public utility easements, written concurrence is required by all public utility companies. Where public utility companies fail to respond to proper notification, the City may waive the requirement for written concurrence on a case-by-case basis.
10. Modifications to subdivision standards.
11. Any other change affecting land use or density.
12. Any change not approved by the Subdivision Review Committee.

## **Part II - Deferred Filings**

### **Submittal Conference**

As with Part I, the applicant is required to schedule a submittal conference with the staff reviewer at the time of submittal. "Drop off" submittals will not be accepted.

At this conference, the staff reviewer will refer to the "Subdivision Submittal Checklist - Part II" (DPW 120). If deficiencies are found in the submittal, the staff reviewer will check with his/her supervisor prior to rejection. If a submittal is rejected, the entire submittal package will be returned to the applicant. Submittals that are determined to be acceptable are then distributed to the appropriate City Departments for further review.

### **Document Review**

"Subdivision Review Checklist - Part II" will be used in the review of the Construction Plans and Profiles. All items in Part "C" - Design Standards will be reviewed. A general, but not exhaustive, review of Part "D" - Drawing Standards will be made. All other supporting documents will be reviewed thoroughly. As stated earlier, the City will rely on the professional certification of the Professional Engineer and Professional Land Surveyor for the technical accuracy and completeness of the construction plans and profiles.

Upon completion of the review by staff, comments will be mailed or e-mailed to the applicant with copies to the professional consultants. These review comments will be mailed no later than 30 days from the date of acceptance of the submittal. If required information or details are missing on any deferred filings, additional review time may be necessary. If for some reason staff comments are not provided within 30 days, the Director of Public Works will contact the developer to discuss the reason for the delay.

After all corrections or revisions are made by the applicant, a re-submittal conference must be scheduled with the staff reviewer, at which time the applicant and/or his professional consultant(s) will verify with the staff reviewer that each of the review comments has been satisfied.

When all required documents have been approved, the applicant must provide three sets of construction plans and profiles on mylar, sealed and signed by the Professional Engineer, to the Department of Public Works. Applicant must also provide a digital file of the complete final project in .dwg format, positioned

correctly in NAD83 State Plane Colorado South (US Survey Feet) grid coordinates, with all bearings relative to the State Plane grid Basis of Bearings. Please include ground-to-grid correction factor.

### **Recording Process**

Upon completion of the review and approval process and payment of all fees, the Director of Public Works will sign the Subdivision Plat and send the following fully executed documents to the City Clerk for recording:

1. Three (3) mylars of the Subdivision Plat
2. Three (3) mylars of the Special Area Plan, if applicable
3. Subdivision Improvements Agreement with Exhibits "A" and "B" (DPW101)
4. Addendums to the Subdivision Improvements Agreement, if any (DPW 102, 103, 104, 125)
5. All required easements (DPW 110 or 111), if applicable
6. Declaration of Covenants (DPW 105), if applicable
7. Addendum - Homeowner's Association (DPW 112), if applicable
8. Three (3) mylars of associated vacation plats, if any
9. Notice of Shallow Sanitary Sewer Service Lines (DPW 117), if applicable
10. Ratification of Plat (DPW 107), if applicable
11. Statement of Authority (DPW 116) if applicable.

The City Clerk will obtain signatures from the City Attorney and President of City Council where required and then notify the staff reviewer when completed.

The staff reviewer, after being notified by the City Clerk that all signatures have been obtained, will schedule an appointment with the professional consultant and/or the applicant at the Pueblo County Clerk and Records office to record subdivision and/or special area plan and all required documents. Recording fees for all documents must be paid by the Subdivider. After recording, the plat and other documents will be returned to the City Clerk for distribution.

### **V. PLAT STATEMENTS**

The following statements, certifications, and notices shall be included on the subdivision plat:

### **Dedication Statements**

The plat shall contain a “Dedication” section, which includes the following statements and information:

1. A statement that the property being subdivided is owned solely by the Subdivider.
2. The legal description of the property being subdivided, with acreage, and description of the basis of bearings. If the property has been previously subdivided, the legal description shall include reference to the previous subdivision. If the property includes portions of vacated streets and alleys, the legal description shall so state.
3. A statement of the purpose of the plat.
4. A statement dedicating all public streets, parks, and easements to the public for perpetual use.
5. Where applicable, a statement concerning the maintenance of drainage, sanitary sewer, streets, or landscape facilities which are to be maintained by parties other than the City. (See “Special Plat Statements”)
6. Where applicable, a statement concerning restrictive covenants which may affect the property. (See “Special Plat Statements”)
7. Where applicable, a statement concerning an environmental assessment of the property. (See “Special Plat Statements”)
8. Where applicable, a statement consenting to access restrictions.
9. Where applicable, private easement dedication.
10. A statement dedicating all parcels for their intended use, except parcels used solely for stormwater detention purposes. The City will only accept these parcels by deed after the terms and conditions of the Addendum to the SIA concerning storm water detention facilities have been met.

Following the dedication section, there shall be a signature block for the owner and a notary acknowledgement.

**Surveyor’s Certification**

A statement by a Professional Land Surveyor that the survey was prepared under his direct supervision, with signature, date, license number, and Colorado Registration Seal.

**Improvements Certification**

The following certification statement, with appropriate alternate number, concerning public improvements shall be included:

**“This is to certify that the Subdivider has complied with Alternate No. \_\_\_\_\_ of Section 12-4-7 (J)(1) and with Section 12-4-5 (b), of the 1971 Code of Ordinances, City of Pueblo, County of Pueblo, State of Colorado.**

\_\_\_\_\_  
Director of Public Works

\_\_\_\_\_  
Date

**Planning Commission Certification**

The following certification concerning approval by the Planning and Zoning Commission shall be included:

**“This is to certify that this subdivision was approved by the Planning Commission of the City of Pueblo, County of Pueblo, State of Colorado.**

\_\_\_\_\_  
Chairperson Planning Commission

\_\_\_\_\_  
Date

**Certification by City Clerk**

The following certification statement by the City Clerk shall be included:

- APPROVAL FOR RECORDING -

Approved by City Council of Pueblo, Colorado by Ordinance No. \_\_\_\_\_

This is to certify that the plat of (insert full name of subdivision) has been approved for recording in the office of the Pueblo County Clerk and Recorder of Pueblo County, Colorado.

Date: \_\_\_\_\_  
\_\_\_\_\_ City Clerk

**Notice Pertaining to Acceptance of Public Facilities**

The following notice pertaining to acceptance of public facilities shall be included:

**“NOTICE is hereby given that acceptance of this platted subdivision by the City of Pueblo does not constitute an acceptance of the dedicated public roads, park, and other public improvements for maintenance by the City. Until such dedicated public roads, parks and other public improvements meet the requirements, standards, and specifications of the City, its subdivision ordinance, and where appropriate, its Parks Department specifications, and such are specifically approved and accepted in writing by the City Director of Public Works and where applicable the City Director of Parks and Recreation, the maintenance, construction, and all other matters pertaining to or affecting said dedicated public roads, park and other public improvements and rights-of-way are the sole responsibility of the Subdivider or any subsequent owner(s) of the land within this subdivision. City does not accept any private roads, easements, or facilities that may be dedicated hereon, nor shall the City be obligated to maintain, construct, or repair such private roads, easements, and facilities.”**

**IV. SPECIAL PLAT STATEMENTS**

**Maintenance of Drainage Facilities in Easements**

Whenever there are drainage easements shown on the plat, a special plat statement is required in the “Dedication” to clarify maintenance responsibilities. Generally one of the following three cases will apply:

**CASE 1** – The owner of property upon which the easement is located will maintain drainage facilities within the easement. In this case, the following statement must be included in the dedication:

**“Drainage facilities located within drainage easements shown hereon shall be installed, repaired, and maintained in good working order and condition by the owner(s) of the lots or parcels upon which the easements are located. The City of Pueblo is hereby granted the right but not the obligation in its discretion to maintain, repair, or replace the drainage facilities within such easements and to recover the costs thereof, plus administrative expenses from said owner(s).”**

**CASE 2** – A property owner’s association is established for the purpose of maintenance. In this case, the following statement must be included in the dedication:

**“Drainage facilities located within drainage easements shown hereon shall be installed, repaired, and maintained in good working order and condition by the owners of all lots within the subdivision, subject to the terms and conditions of the Declaration of Covenants referenced hereon.”**

**CASE 3** – In residential subdivisions, the City may accept responsibility for the maintenance of underground storm sewer or sanitary sewer pipes that lie within easements on residential lots. Here, the property owner must maintain and repair surface amenities that may be disturbed in the event of maintenance, repair, or replacement of the underground piping by the City. In this case, the following plat statement must be added to the dedication statement for drainage easements:

**“Surface amenities within drainage or sanitary sewer easements shall be replaced at the expense of the property owner in the event of maintenance of public facilities within the easements by the City of Pueblo.”**

### **Maintenance of Private Sanitary Sewer Facilities**

Whenever the lots within the subdivision are served by a privately maintained sanitary sewer system, the following statement must be included in the dedication:

**“Sanitary sewer facilities located within sanitary sewer easements shown hereon shall be installed, repaired, and maintained in good working order and condition by the owners of all lots within the subdivision, subject to the terms and conditions of the Declaration of Covenants referenced hereon.”**

**Maintenance of Private Streets**

Whenever the lots within the subdivision are served by privately maintained streets, the following statement must be included within the dedication:

**“Streets, curbs & gutters, and sidewalks located within ingress/egress or access easements shown hereon shall be installed, repaired, and maintained in good working order and condition by the owners of all lots within the subdivision, subject to the terms and conditions of the Declaration of Covenants referenced hereon.”**

**Maintenance of Landscape**

Whenever landscaping is to be maintained by the owners of all lots within the subdivision, the following statement must be included with the dedication:

**“Landscaping located within Parcels dedicated for such purpose, and shown hereon, shall be installed, repaired and maintained in good condition by the owners of all lots within the subdivision, subject to the terms and conditions of the Declaration of Covenants referenced hereon.”**

The above Special Plat Statements may be combined when appropriate as follows:

**“All drainage facilities, sanitary sewer facilities, landscaping, and street improvements, including pavements, curbs, gutters, and sidewalks, which are located on easements or parcels shown hereon shall be installed, repaired and maintained in good working order and condition by the owners of all lots within this subdivision, subject to the terms and conditions of the Declaration of Covenants referenced hereon.”**

**Declaration of Covenants**

Whenever restrictive covenants are required by the City (see Section IX, Restrictive Covenants) the following statement shall be included in the dedication:

**“All of the property shown on this plat shall be subject to the terms and conditions defined and described in the Declaration of Covenants dated \_\_\_\_\_, and recorded in the office of the Clerk and Recorder of Pueblo County, Colorado.”**

### **Building Permit Restrictions**

Whenever a restriction of building permits is placed on certain lots within the subdivision by addendum to the Subdivision Improvements Agreement, the following statement must be included above the owner's signature:

**"Lots identified on this plat with the symbol "#" may not be sold or transferred or building permits issued until the restrictions imposed by the addendum to the Subdivision Improvements Agreement are released by the City Director of Public Works."**

### **Notice Pertaining to Shallow Sanitary Sewer**

When any of the lots within the subdivision can only be served with shallow sanitary sewer service lines (those unable to service a basement), the affected lots shall be identified with a symbol that is explained in the legend and the plat shall contain the following notice:

**"Notice: Lots that contain this symbol (\*) are serviced by shallow sanitary sewer service lines which may not allow gravity service to basements."**

### **Environmental Assessment**

When the land being subdivided has been subject to industrial activities or other activities with a potential for release of hazardous substances in the past, an environmental assessment commensurate with the nature and prior history of the property will be required and referenced on the plat under the Dedication as follows:

**"An environmental assessment of this property has been performed by (name and address of firm) on (date of assessment) a copy of which is on file in the office of the Director of Public Works, and to the best of the subdivider's knowledge and information, no known hazardous substances are present within the subdivision except as expressly stated therein."**

If the above conditions do not apply, no statement on the plat is required.

## **VII. PUBLIC IMPROVEMENTS**

Whenever public improvements are required to be constructed as a condition for approval of a subdivision, the subdivider may elect to fulfill this obligation in any one of five ways. These five alternatives are fully described in Section 12-4-7 (J)(1) of the Municipal Code, and briefly described as follows:

- Alt. 1: Construct all required improvements prior to subdivision approval by City Council.
- Alt. 2: Deposit a performance and completion bond, in a form approved by the City Attorney, with the City in the full amount of the estimated cost of the improvements prior to subdivision approval by City Council.
- Alt. 3: Deposit cash with the City, or with a bank or trust company licensed in Colorado, subject to an escrow agreement approved by the City Attorney, in the full amount of the estimated cost of the improvements prior to subdivision approval by City Council.
- Alt. 4: Enter into a Subdivision Improvements Agreement with the City, form DPW 101. This alternate allows for the deferral of the installation of the improvements until a specified time after a building permit is issued.
- Alt. 5: Enter into a Subdivision Improvements Agreement with the City in a form approved by the City Attorney and provide an irrevocable letter of credit in the full amount of the estimated cost of the improvements.

The estimated cost of subdivision improvements in Alternatives 2, 3, 4, & 5 is the cost as determined by the Director of Public Works.

## **VIII. DECLARATION OF COVENANTS**

The purpose of Declaration of Covenants is to insure that there is ongoing maintenance and repair of infrastructure and landscaping within the subdivision, which are not maintained by a public entity or public utility company. These include such facilities as storm water detention basins, private storm sewers, private sanitary sewers, private streets, common driveways, and landscaped areas. An executed "Declaration of Covenants" form, as provided in form DPW 105, is required whenever any of the following criteria are met:

1. There is a privately maintained sanitary sewer or storm drainage system within the subdivision that serves more than one lot.

2. There are privately maintained streets or common driveways within the subdivision that serve more than one lot.
3. There are parcels dedicated on the plat for the purpose of landscaping.
4. A homeowner's association is to be established for the maintenance of common areas.

## **IX. SPECIAL APPROVALS**

### **Property Within the Lake Minnequa Basin**

Prior to the approval of any subdivision of property within the Lake Minnequa drainage basin, the subdivision drainage report must be approved by the owner of Lake Minnequa, which is currently Rocky Mountain Steel Corporation. The applicant must forward a copy of the drainage report to the Company for approval and/or comments. The City will require a letter from the Company approving the Drainage Report prior to the final approval and recording of the plat. Contact City Engineering for further information on contact persons.

### **Property Abutting State Highways**

Prior to the approval of any subdivision that abuts a State Highway, a letter is required from the Colorado Department of Transportation stating their approval of the traffic report, the drainage report and the construction plans when improvements within CDOT right of way are required. If an access permit is required by Colorado Department of Transportation (CDOT), a copy of the access permit signed by the developer and CDOT must be provided to the City before the subdivision plat is approved for recording.

### **Fire Department Approval**

All Special Area Plans require City of Pueblo Fire Department approval of fire equipment accessibility. Proof of this approval will be the signature on a print of the Special Area Plan by the authorized representative of the Fire Chief.

## **X. DESIGN AND CONSTRUCTION STANDARDS**

### **Drainage Criteria and Policies**

All subdivision submittals shall include a drainage report prepared in accordance with the most current edition of the "Storm Drainage Design Criteria

and Drainage Policies for the City of Pueblo, Colorado". This manual is available at the Public Works office.

### **Construction Specifications**

All construction of public improvements in subdivisions within the City of Pueblo shall comply with the most current edition of the "Standard Construction Specifications and Standard Details for City of Pueblo, Colorado". These specifications are available at the Public Works office.

### **Minimum Design Standards and Specifications for Subdivisions**

All subdivision submittals shall comply with the minimum design standards and specifications for subdivisions as adopted by Resolution of City Council. These standards are available at the Public Works office.

### **Sanitary Sewer Criteria and Policies**

All sanitary sewer improvements in subdivisions within the City of Pueblo shall be designed in conformance with the most current edition of the "Sanitary Sewer Design Criteria and Policies for the City of Pueblo, Colorado". This manual is available at the Public Works office.

### **Traffic Study**

Unless waived by the City Traffic Engineer, subdivision submittals shall include a traffic report. Specific criteria are available at the office of the Director of Transportation, 350 Alan Hamel Avenue.

## **XI. STANDARD FORMS**

In order to streamline the subdivision approval process, a number of commonly used forms have been developed which have been approved by the City Attorney. These forms are listed below and copies suitable for recording purposes are available at the Public Works office and through the City's web page at [www.pueblo.us/publicworks](http://www.pueblo.us/publicworks). All documents sent for recording must be on bond paper.

**DPW 101 - Subdivision Improvements Agreement**

To be executed whenever Alternative No. 4, Section 12-4-7 (J)(1) of the Code of Ordinances, is selected by the subdivider for the completion of subdivision improvements. This agreement form is not to be altered.

**DPW 102 - Addendum to Subdivision Improvements Agreement (General)**

To be executed when adding, deleting, or modifying any conditions to the basic subdivision improvements agreement form.

**DPW 103 - Addendum to Subdivision Improvements Agreement (Phased Improvements)**

To be executed to establish a phasing plan for the subdivision improvements.

**DPW 105 - Declaration of Covenants**

To be executed whenever one or more of the following criteria are met:

- a) There is a private sanitary sewer system or storm drainage system within the subdivision that serves more than one lot.
- b) There is a private street system or common driveways within the subdivision that serves more than one lot.
- c) There are parcels dedicated on the plat for the purposes of landscaping.
- d) A Homeowner's Association is to be established for the purpose of maintenance of common areas.

**DPW 106 - Request for Deferred Filings**

To be executed whenever the subdivider requests permission to defer certain required filings per Section 12-4-5 (b)(2) of the Municipal Code.

**DPW 107 - Ratification of Plat**

To be executed whenever the title commitment indicates that there is a party holding an interest in the property being subdivided, other than those signing the plat as owner of the property.

**DPW 108 - Irrevocable Letter of Credit**

With City approval, may be used as a means of providing financial security for uncompleted public improvements.

**DPW 109 - Agreement to Partially Recover Street Improvement Costs**

To be used in accordance with Section 12-4-12 of the Code of Ordinances to partially recover costs for street improvements from abutting property owners.

**DPW 110 - Easement and Right of Way (Facilities to be Installed and Maintained by Grantor)**

To be used whenever an easement is required for a facility outside the subdivision and is to be maintained by the owner of the property upon which the easement is located.

**DPW 111 - Easement and Right of Way (Facilities to be Installed and Maintained by the City)**

To be used whenever an easement is required for a facility outside the subdivision and is to be maintained by the City.

**DPW 112 - Addendum (Homeowner's Association)**

To be executed in conjunction with any declaration creating a common interest community and unit owner's association.

**DPW 113 - Certification of Notice Given to Owner's of Mineral Estate**

To certify that the applicant has provided timely notice to the mineral estate owner, if different from applicant, of the public hearing for the land use application per Section 24-65.6-101 et.seq., C.R.S.

**DPW 114 - Escrow Agreement**

Used to establish an escrow account to guarantee payment of the costs of installation and construction of required public improvements according to the City's subdivision regulations.

**DPW 115 - Affidavit for Property Held in Joint Venture or Trust**

To be executed when title to the land being subdivided is held in joint venture or trust. Must be subscribed to before a person authorized to administer oaths.

**DPW 116 - Statement of Authority**

To be executed when title to the land being subdivided is held in the name of any entity other than an individual, joint venture, or trust.

**DPW 117 - Notice of Shallow Sanitary Sewer Service Lines**

To be executed whenever lots within the subdivision will require pumping systems to service basements.

**DPW 118 - Agreement to Partially Recover Costs of Constructing Oversized or Off- Site Sewer Collection System Improvements**

To be used in accordance with Section 16-5-5 (b) of the Pueblo Municipal Code to partially recover costs of sanitary sewer installations when applicable.

**DPW 119 & 120 - Subdivision Submittal Checklist – Part I and Part II**

To be used by the City staff reviewer at time of submittal conference to insure that submittals are complete.

**DPW 121 & 122 - Subdivision Review Checklist – Part I and Part II**

To be used by applicant and staff reviewer to check subdivision plat, supplemental plat, and construction plans and profiles.

**DPW 123 - Subdivision Application Form**

**DPW 124 - Power of Attorney**

To be used in cases where the Subdivider is not the current owner of the property being subdivided.

**DPW 125 - Addendum to S.I.A. (per lot fee)**

**XII. PARK DEDICATION REQUIREMENTS (Ref. 12-4-7 (e))**

The subdivider is required to dedicate to the City for use as parks and recreational facilities, eight percent (8%) of the land area, exclusive of street widths, of a subdivision to be developed for residential purposes. "Street Width" is defined in the ordinance as the horizontal distance between flow lines of gutters.

If the City agrees to accept cash in lieu of land dedication, the amount of cash shall be based upon the fair market value of the land as subdivided land in the intended zone district.

If the subdivider and City are unable to agree as to the fair market value of the land, the City will have the land appraised. The cost of the appraisal will be paid one-half by the City and one-half by the Subdivider.

The dedication of less than eight percent (8%) of the land area may be accepted provided that (1) the land area is sufficient to reasonably serve the proposed subdivision and (2) the subdivider constructs and installs all required park and recreational facility improvements. Improvements would include automated irrigation systems, turf, landscaping, playground equipment, and amenities. In this case, a park improvement plan must be approved by the Director of Parks and the improvements must be included in the Exhibit "B" to the Subdivision Improvements Agreement

If subdivision plats within an approved Master Development Plan are accepted before the land for parks is actually dedicated, a cash deposit equal to the in-lieu of cash payment shall be deposited by the subdivider with the City, to be held in escrow until park dedication takes place.

**XIII. UNDERGROUND POWER LINE REQUIREMENTS (Ref. 12-4-7 (c)(6))**

All utilities, except electric power lines in excess of thirty thousand (30,000) volts are to be placed underground unless a waiver from the requirement is granted by the Planning and Zoning Commission. This requirement includes existing overhead electric power lines that are located within the boundaries of the proposed subdivision. If a subdivider wishes to request a waiver from this requirement, he must request the waiver in writing at the time of application for subdivision.

**XIV. STREET RESURFACING AND RECONSTRUCTION REQUIREMENTS**

Where a new subdivision abuts an existing street and the street is excavated for utility extensions and/or service lines, street resurfacing will be required. In the case of a utility main extension, the street must be resurfaced per City specifications the full width of the street. In the case of two or more service line cuts, the street must be resurfaced in a manner to include all cuts plus five (5) feet beyond the outside cuts, the full width of the street.

In cases where a subdivision includes existing substandard streets, all streets within the subdivision or abutting the subdivision shall be reconstructed to meet current City street design standards.