

**PLANNING AND DEVELOPMENT DEPARTMENT MEMORANDUM
#09-2019**

DATE: February 11, 2019

TO: Honorable Mayor Carol Dodge and City Council Members

THROUGH: Heather Geyer, City Manager *HHG*

FROM: Brook Svoboda, Director of Planning and Development *BS*
Becky Smith, Planning Manager *BS*
Eric Ensey, Senior Planner *EE*
Alan Sielaff, Planner I *AS*

SUBJECT: CR-12 – Unified Development Ordinance: Administrative Manual

PURPOSE

To adopt a resolution establishing the administrative manual that will be used for development cases in conjunction with the Unified Development Ordinance (UDO).

BACKGROUND

The UDO states that the Director shall establish a submittal and review schedule for development applications and shall include that information in the Administrative Manual. The Administrative Manual is defined in the UDO as a manual containing details regarding development review process, information for potential applicants, and development review forms. The manual will be a series of application guides and forms that will provide information for the different development processes established in the UDO. The Director has the authority to amend the schedule to ensure effective and efficient review under the UDO. Pursuant to Legal Counsel Advice, staff is bringing the first Administrative Manual associated with the UDO forward for adoption by City Council. Future amendments will not require City Council action pursuant to the UDO.

The Administrative Manual provides an overview, submittal requirements, process, code requirements and references, application form, and in some cases a site/development plan checklist. The Administrative Manual will include a guide and application form for each application type outlined in Article 6: Administration and Procedures section of the UDO.

STAFF RECOMMENDATION

Attached to this memorandum is a proposed resolution which, if approved, would adopt the Administrative Manual which corresponds to Article 6 of the UDO. Staff recommends approval of this proposed resolution.

BUDGET/TIME IMPLICATIONS

This request has no budgetary impacts.

STAFF REFERENCE

If Council members have any comments or questions they may contact Brook Svoboda, Director of Planning & Development, 303.450.8937, bsvoboda@northglenn.org.

CR-12 – Unified Development Ordinance: Administrative Manual

SPONSORED BY: MAYOR DODGE

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-12
Series of 2019

Series of 2019

A RESOLUTION ADOPTING THE ADMINISTRATIVE MANUAL FOR THE UNIFIED DEVELOPMENT ORDINANCE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. The City Council hereby adopts the Administrative Manual for administration of the Unified Development Ordinance (the "Manual"), attached hereto as **Exhibit A**, and incorporated herein by this reference.

Section 2. The City Council further authorizes the Director of Planning and Development to make minor amendments to the Manual so long as they remain consistent with the Unified Development Ordinance.

DATED, at Northglenn, Colorado, this ____ day of _____, 2019.

CAROL A. DODGE
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney



ADMINISTRATIVE MANUAL
UNIFIED DEVELOPMENT ORDINANCE

CITY OF NORTHGLENN
PLANNING AND DEVELOPMENT DEPARTMENT
11701 COMMUNITY CENTER DRIVE
NORTHGLENN, COLORADO, 80233
PHONE: 303.450.8739
EMAIL: DEVELOPMENT@NORTHGLENN.ORG

TABLE OF CONTENTS

Section I – Development Review Procedures	
Pre-Application Meeting	I-A
Section II – Ordinance Amendments	
Rezoning (to Standard Zone District)	II-A
Rezoning to Planned Development (PD)	II-B
Section III – Development Permits	
Site Plan (Major or Minor)	III-A
Special Use Permit	III-B
Temporary Use Permit	III-C
Change of Use Permit (Zoning Permit)	III-D
Wireless Service Facility	III-E
Oil and Gas Permit	III-F
Comprehensive Sign Program	III-G
Section IV – Subdivision Procedures	
Subdivision Plat (Preliminary and Final)	IV-A
Minor Subdivision Plat	IV-B
Vacation of Rights-of-Way or Easements	IV-C
Section V – Flexibility and Relief Procedures	
Variance	V-A
Appeal	V-B
UDO Interpretation	V-C
Vested Rights	V-D

SECTION I-A

PRE-APPLICATION MEETING





Planning & Development
11701 Community Center Drive
Northglenn, CO 80233
P: 303-450-8739
F: 303-450-8708
northglenn.org

PRE-APPLICATION MEETING

Application Guide

OVERVIEW

A Pre-Application Meeting is generally mandatory for most entitlement applications but is offered as an optional meeting for other development-related projects. It is intended to provide an open and collaborative environment in which the city's representatives can discuss and inform you about submittal requirements, procedures, and schedule for your project. The city's goal is to provide you with important information up-front in the development process by providing discussion on potential projects with property owners, contractors, developers and business owners and specifically the following topics:

1. Outlining various regulations applicable to a proposed development or other project.
2. Discussing potential issues associated with the project.
3. Identifying the review process for the proposed development or project.

The meeting will be attended by various members of the city's Development Review Committee (DRC). The DRC consists of the following agencies: Planning, Building Permitting and Inspections, Engineering, Public Utilities (including water and sanitary sewer), Economic Development, Police, Parks, Recreation and Culture, North Metro Fire Rescue, and any other city staff member that may have an interest in reviewing the proposal. Applicants will be provided with a summary set of notes from the meeting that details the review process, submittal requirements, and any potential issues associated with the proposed project.

A Pre-Application Meeting should be scheduled prior to submittal of a formal application for entitlements or before any building permits are submitted for review.

SUBMITTAL REQUIREMENTS

The following application package must be submitted to the Planning and Development Department to commence review. Submittals should be electronic, or one (1) paper copy will also be accepted. Any missing information may cause the application to be incomplete and, therefore, rejected by the Planning department.

- Completed **Application Form**.
- Application Fee** of \$50.
- Project Description Letter** that summarizes the proposed development including existing and proposed land uses; including occupancy type (if known), what uses are to be performed in the space, and whether any hazardous materials are to be stored or used on site. You may also include any specific issues you would like to discuss at the meeting.
- Conceptual Site Plan**, including square footage of proposed or existing building(s), and all applicable dimensions to property lines, access points, parking, drainage facilities and other improvements existing or proposed on the site.
- Preliminary Exterior Elevations**, if available, showing all proposed exterior materials and calling out dimensions for building height.
- Additional Information**, as may be required by the Planning staff or if applicable to the proposed development.



Planning & Development
11701 Community Center Drive
Northglenn, CO 80233
P: 303-450-8739
F: 303-450-8708
northglenn.org

PRE-APPLICATION MEETING Application Guide

PROCESS

- To schedule a Pre-Application Meeting, submit all of the items listed in the Submittal Requirements above. Keep in mind that the more information available to the city's review team, the more thorough and complete our comments can be.
- Applications can be submitted electronically to development@northglenn.org or directly to Planning and Development Department staff at City Hall (11701 Community Center Drive).
- Applications are due the Friday before the scheduled Pre-Application Meeting. However, if an agenda is full, your application may be scheduled for the following meeting.
- Pre-Application Meetings are held on the second and fourth Thursday of each month from 1:30 to 3:30 p.m. Planning staff will set and coordinate the agenda. You will be notified directly by a member of our Planning staff as to what time to attend.
- Meetings are held at City Hall (11701 Community Center Drive). You can check in at the building permitting counter when you arrive for your PAC meeting.
- At the meeting, you will be provided an opportunity to present your proposal to the DRC for comment and discussion. The DRC will provide verbal comments on various regulations related to your project and describe the necessary steps to seek approval.
- Within a week of the Pre-Application Meeting, a member of the Planning and Development Department staff will provide you with a written summary of the items discussed at the meeting and any related information and applications pertinent to your proposal.

CODE REQUIREMENTS

Section 11-6-3(b) of the Unified Development Ordinance (UDO) addresses the requirements for a Pre-Application Meeting. Please refer to the city's Municipal Code at www.northglenn.org/municode for a complete listing of all requirements outlined in the UDO.

Please be advised that this is a preliminary review of the information provided at the time of this Pre-Application Meeting. The city will conduct a full and complete review at the time formal submittal of land use applications and/or building permits. Additionally, materials submitted as part of Pre-Application Meetings do not constitute a formal application, and therefore do not "vest" an application. This meeting is for informational purposes only and shall not be interpreted as a binding commitment by the City of Northglenn.



City of Northglenn
 11701 Community Center Drive
 Northglenn, CO 80233
 P: 303-451-8326
 F: 303-450-8708
 northglenn.org

PRE-APPLICATION MEETING APPLICATION
 Planning and Development Department

PROJECT INFORMATION

Project name: _____

Property address, if known: _____

Legal description of site: _____

Current Use: _____ Proposed Use: _____

Zoning District (Existing): _____ Zoning District (Proposed, if applicable): _____ Lot area: _____

Attach to this application a Project Description Letter that describes in detail the proposed development.

PROPERTY OWNER(S) INFORMATION

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

AUTHORIZED AGENT (If other than owner)

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

OWNER(S) & AGENT CERTIFICATION

I hereby depose and state under the penalties of perjury that all statements, proposals and/or plans submitted with/or contained in this application are true and correct and the application is complete to the best of my knowledge and belief.

Agent's Signature: _____ Date: _____

Owner(s)' Signature(s): _____ Date: _____

STAFF USE ONLY:

Case Number:

Date of PAC Meeting:

Date Application Received:

SECTION II-A

REZONING
(to Standard Zone District)





City of Northglenn
11701 Community Center Drive
Northglenn, CO 80233
P: 303-451-8326
F: 303-450-8708
northglenn.org

REZONING Application Guide

OVERVIEW

The purpose of the rezoning procedure is to make amendments to the Official Zoning Map of the City of Northglenn to reflect changes in public policy, changed conditions, or to advance the welfare of the City. The zoning classification of any parcel in the City may be amended using this procedure. The purpose is neither to relieve particular hardships nor to confer special privileges or rights on any person. Rezoning shall not be used when a special use permit, variance, or administrative adjustment could be used to achieve the same result. An application to rezone a property is also reviewed for compliance with the City of Northglenn Comprehensive Plan and any applicable subarea or topical Master Plans. A complete description of the procedures for a Rezoning review can be found in Section 11-6-4(a) of the Unified Development Ordinance (UDO).

SUBMITTAL REQUIREMENTS

The following application package must be submitted to the Planning and Development Department to commence review. Submittals should be electronic, or one (1) paper copy will also be accepted. Any missing information may cause the application to be incomplete and, therefore, rejected.

- Completed **Application Form**.
- Application Fee** of \$500.
- Proof of Ownership**
- ALTA Survey** that includes the legal boundary description of the property
- Area Zoning Map** that displays surrounding properties.
- Project Description/Justification Letter** that summarizes the rezoning request and includes written justification in response to the required criteria detailed below, conformance with the Comprehensive Plan, and any applicable subarea or topical Master Plans. Refer to your Pre-Application Meeting notes for guidance.
- Additional Information**, as may be required by the Planning staff or if applicable to the proposed site plan request.

PROCESS

- Prior to submittal of a Rezoning application, you are required to schedule a Pre-Application Meeting in accordance with Section 11-6-4(a) of the UDO. Contact the Planning and Development Department at 303-450-8739 to schedule a Pre-Application Meeting.
- Applications can be submitted electronically to development@northglenn.org or directly to Planning and Development Department staff at City Hall (11701 Community Center Drive).
- Upon receipt of an application, the Planning staff will review the application package for completeness. If the application is deemed complete, it will be referred out to the city's Development Review Committee, which consists of various city departments, including Planning, Building, Engineering, Public Works, North Metro Fire Rescue, and any other agency/department that might have an interest in the application.



City of Northglenn

11701 Community Center Drive

Northglenn, CO 80233

P: 303-451-8326

F: 303-450-8708

northglenn.org

REZONING
Application Guide

- The Planning and Development Department will compile all comments from the various city departments and other agencies and provide a written review letter within 15 business days of submittal. If a resubmittal is required, it will be requested in the review letter. Any resubmittals will follow this same procedure.
- Once an application has completed the staff review, it can be scheduled for public hearing before the Planning Commission to provide recommendation to City Council for final approval.
- In order for a Rezoning to be approved, it must meet the approval criteria outlined in Section 11-6-4(a)(3)(E)(iii) of the code, which is further described later in this guide.
- Planning Commission meetings are scheduled the first and third Tuesdays of the month at 7:00 p.m. in the City Council Chambers at City Hall (11701 Community Center Drive). The exact date and time for your meeting will be coordinated with you upon receipt of a complete application and full staff review.
- City Council meetings are scheduled the second and fourth Mondays of the month at 7:00 p.m. in the City Council Chambers at City Hall (11701 Community Center Drive). City Council includes two required dates, 1st Reading to schedule the item, and 2nd reading to conduct the public hearing. Attendance is only required at the public hearing during 2nd reading. The exact date and time for your meeting will be coordinated with you upon receipt of a complete application and full staff review.
- The Planning and Development Department will notice the public hearing in accordance with code requirements, meaning that a sign will be posted on the property at least 15 days before the public hearing date. Additionally, staff will publish notice of the public hearing in the local Northglenn-Thornton newspaper and send mailed notices to all property owners within 300 feet of the Rezoning request. Please note that the public hearing sign shall remain on the property until after the public hearing date. If a replacement sign is required, please contact the Planning and Development Department.
- No building permit may be issued until a Rezoning has been approved if proposed site work requires rezoning for the use. Rezonings may also be required in conjunction with development permits or approvals.

CODE REQUIREMENTS

Section 11-6-4(a) of the Unified Development Ordinance (UDO) addresses the requirements for a Rezoning application. The following references are excerpts from the UDO pertaining to the Rezoning review process. Additionally, Rezoning applications shall be in compliance with all applicable development standards and zoning district regulations identified in the UDO. Please refer to the city's Municipal Code for a complete listing of all requirements outlined in the UDO.

Section 11-6-4(a)(3)(E)(iii). Rezoning Approval Criteria

In reviewing a proposed Rezoning, the Planning Commission and City Council shall review the rezoning application and recommend approval, approval with conditions, or denial in accordance with Subsection 11-6-3(f) and the criteria below:

1. The proposed rezoning is consistent with the Comprehensive Plan and the purposes of this UDO;
2. The rezoning is consistent with the purpose statement of the proposed zoning district;
3. There have been significant changes in the area to warrant a zoning change; The intensity of development in the new zoning district is not expected to create significantly adverse impacts to surrounding properties or the neighborhood; and
4. Public facilities and services are available to adequately serve the subject property while maintaining adequate level of service to existing development. And/or:



City of Northglenn

11701 Community Center Drive

Northglenn, CO 80233

P: 303-451-8326

F: 303-450-8708

northglenn.org

REZONING
Application Guide

5. There was an error in establishing the current zoning;

Please note that a Rezoning must comply with all applicable requirements outlined in the Northglenn UDO. The city's UDO can be found at www.northglenn.org/municode.



City of Northglenn
 11701 Community Center Drive
 Northglenn, CO 80233
 P: 303-451-8326
 F: 303-450-8708
 northglenn.org

REZONING
 Application Guide

PROJECT INFORMATION

General Description of Request: _____

Attach hereto a Project Description Letter that describes in detail the request.

Property Address or Location: _____

Legal Description: _____

Current Zoning District: _____ Proposed Zoning District: _____

Lot area: _____

PROPERTY OWNER(S) INFORMATION

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

AUTHORIZED AGENT (If other than owner)

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

OWNER(S) & AGENT CERTIFICATION

I hereby depose and state under the penalties of perjury that all statements, proposals and/or plans submitted with/or contained in this application are true and correct and the application is complete to the best of my knowledge and belief.

Agent's Signature: _____ Date: _____

Owner(s)' Signature(s): _____ Date: _____

STAFF USE ONLY:

Case Number:

Date Application Received:

SECTION II-B

REZONING TO PLANNED DEVELOPMENT (PD)





Planning & Development
11701 Community Center Drive
Northglenn, CO 80233
P: 303-450-8739
F: 303-450-8708
northglenn.org

REZONING TO PLANNED DEVELOPMENT

Application Guide

OVERVIEW

The purpose of the rezoning to Planned Development (PD) procedure is to make amendments to the Official Zoning Map of the City of Northglenn to reflect changes in public policy, changed conditions, or to advance the welfare of the City. The zoning classification of any parcel in the City may be amended using this procedure. The PD district establishes standards specific to the proposed site that may provide an alternative or adjustment to the standards of the Unified Development Ordinance (UDO). The purpose of rezoning to a PD district is to achieve greater flexibility than allowed by the strict application of the UDO while providing greater benefit to the City. Rezoning to a PD district shall not be considered when a special use permit, variance, administrative adjustment, or rezoning to an existing base zoning district could achieve the same result. An application to rezone a property to PD district is reviewed for compliance with the City of Northglenn Comprehensive Plan and any applicable subarea or topical Master Plans. A complete description of the procedures for a Rezoning to PD district review can be found in Section 11-6-4(b) of the UDO.

SUBMITTAL REQUIREMENTS

The following application package must be submitted to the Planning and Development Department to commence review. Submittals should be electronic, or one (1) paper copy will also be accepted. Any missing information may cause the application to be incomplete and, therefore, rejected.

- Completed **Application Form**.
- Application Fee** of \$1,000 for a Rezone to PD; \$500 for an amendment that requires Planning Commission approval; \$250 for an amendment that is administrative.
- Proof of Ownership**.
- ALTA Survey** that includes the legal boundary description of the property.
- Area Zoning Map** that displays surrounding properties.
- Project Description/Justification Letter** that summarizes the rezoning request and includes written justification in response to the required criteria detailed below, conformance with the Comprehensive Plan and any applicable subarea or topical Master Plans, and provides an overview of the greater benefit to the City that would be achieved. Refer to your Pre-Application Meeting notes for guidance.
- PD Plan drawing package**, that includes all information required in the attached Site Plan Checklist. The site plan package shall be formatted in 18"x24" size to conform with County recording requirements. The site plan package shall be prepared by a licensed engineer and/or architect.

The following information may be required. Please refer to your Pre-Application Meeting notes to verify what additional information is required.

- Preliminary Traffic Impact Analysis**, prepared by a licensed engineer that assesses the traffic impacts of the project and provides recommendations for mitigation.
- Preliminary Drainage Report**, required in accordance with the provisions of Chapter 16, Article 13 of the Municipal Code and must be prepared by a licensed engineer. Stormwater quality and detention are required on sites when more than one (1) acre is disturbed.



Planning & Development
11701 Community Center Drive
Northglenn, CO 80233
P: 303-450-8739
F: 303-450-8708
northglenn.org

REZONING TO PLANNED DEVELOPMENT

Application Guide

- Preliminary Utility Report**, in accordance with Chapter 3 and 4 of the city's standard and specifications and must be prepared by a licensed engineer.
- List of all **Public Improvements** required and an estimation of the cost of each.
- Additional Information**, as may be required by the Planning staff or if applicable to the proposed site plan request.

PROCESS

- Prior to submittal of a Rezoning to PD district application, you are required to schedule a Pre-Application Meeting in accordance with Section 11-6-4(b) of the UDO. Contact the Planning and Development Department at 303-450-8739 to schedule a Pre-Application Meeting.
- A request to Rezoning to PD district will also require a PD Plan to be reviewed that shows the general layout of the proposed development and other information requested in the PD Plan Drawing Checklist. If the rezoning is approved, the PD Plan becomes the zoning document for the development and shall contain development regulations for the proposed development. If the PD Plan is silent on an item, then UDO can be referenced.
- Applications can be submitted electronically to development@northglenn.org or directly to Planning and Development Department staff at City Hall (11701 Community Center Drive).
- Upon receipt of an application, the Planning staff will review the application package for completeness. If the application is deemed complete, it will be referred out to the city's Development Review Committee, which consists of various city departments, including Planning, Building, Engineering, Public Works, North Metro Fire Rescue, and any other agency/department that might have an interest in the application.
- The Planning and Development Department will compile all comments from the various city departments and other agencies and provide a written review letter within 15 business days of submittal. If a resubmittal is required, it will be requested in the review letter. Any resubmittals will follow this same procedure.
- Once an application has completed the staff review, it can be scheduled for public hearing before the Planning Commission to provide recommendation to City Council for final approval.
- In order for a Rezoning to PD district be approved, it must meet the approval criteria outlined in Section 11-6-4(b)(3)(E)(iii) of the code, which is further described later in this guide.
- Planning Commission meetings are scheduled the first and third Tuesdays of the month at 7:00 p.m. in the City Council Chambers at City Hall (11701 Community Center Drive). The exact date and time for your meeting will be coordinated with you upon a complete application.
- City Council meetings are scheduled the second and fourth Mondays of the month at 7:00 p.m. in the City Council Chambers at City Hall (11701 Community Center Drive). City Council includes two required dates, 1st Reading to schedule the item, and 2nd reading to conduct the public hearing. Attendance is only required at the public hearing during 2nd reading. The exact date and time for your meeting will be coordinated with you upon a complete application and full staff review.
- The Planning and Development Department will notice the public hearing in accordance with code requirements, meaning that a sign will be posted on the property at least 15 days before the public hearing date. Additionally, staff will publish notice of the public hearing in the local Northglenn-Thornton newspaper and send mailed



Planning & Development

11701 Community Center Drive

Northglenn, CO 80233

P: 303-450-8739

F: 303-450-8708

northglenn.org

REZONING TO PLANNED DEVELOPMENT

Application Guide

notices to all property owners within 300 feet of the Rezoning request. Please note that the public hearing sign shall remain on the property until after the public hearing date. If a replacement sign is required, please contact the Planning and Development Department.

- Following approval of a PD district, the applicant shall submit final copies of the PD plans to the Director. The Director shall record the PD plan and the zoning amendment map and ordinance with the Adams County Clerk and Recorder as soon as practicable.
- Amendments may be reviewed in conjunction with the provisions of Section 11-6-4(b)(3)(E)(v) of the code. Unless the amendment meets the eligibility criteria for a minor amendment summarized below, then any amendment will be required to reviewed by the Planning Commission and City Council pursuant to subsection 11-6-3(h)(4).
- Minor Amendments to an approved PD district may be approved by the Director if the proposed amendment complies with the following criteria:
 - The amendment shall not change the overall character or intent of the development;
 - The amendment shall not change the ratio of residential units to square feet of non-residential space by more than 10 percent;
 - The amendment shall not change the allowed uses listed on the approved PD district;
 - The number of residential units to be constructed shall not be increased by more than 10 percent;
 - The gross square feet of non-residential space shall not be increased by more than 10 percent;
 - The number of vehicular access points to the site from public streets shall not be increased nor may the access points be relocated in such a way that negatively impacts public safety or the flow of traffic on the public streets;
 - The maximum allowable height of structures shall not be increased;
 - The setback distance to property lines shall not be reduced by more than 10 percent;
 - The amount of landscape shall not be reduced by more than 10 percent; and
 - The number of required parking spaces shall not be reduced by more than 10 percent unless in accordance with an overall reduction in the total square feet of non-residential space or residential units to be constructed.
- Following approval of a Rezoning to PD, or concurrently, a Site Plan is required to be approved for the proposed development. Site Plan applications can be processed concurrently with a Rezoing to PD application, but they do require separate application.
- If the applicant does not establish vested rights for a PD district pursuant to Subsection 11-6-7(c), and no development has occurred on the site in five years following the approval date of the PD district, the Director may initiate a public hearing process to consider whether the property shall be rezoned to its prior zoning classification or another zoning classification.



Planning & Development
11701 Community Center Drive
Northglenn, CO 80233
P: 303-450-8739
F: 303-450-8708
northglenn.org

REZONING TO PLANNED DEVELOPMENT

Application Guide

CODE REQUIREMENTS

Section 11-6-4(b) of the Unified Development Ordinance (UDO) addresses the requirements for a Rezoning to PD district application. The following references are only excerpts from the UDO pertaining to the Rezoning to PD review process. Additionally, Rezoning to PD district applications shall be in compliance with all applicable development standards identified in the UDO. Please refer to the city's Municipal Code for a complete listing of all requirements outlined in the UDO.

Section 11-6-4(b)(3)(E)(iii). Rezone to PD district Approval Criteria

In reviewing a proposed Rezone to PD district application, the Planning Commission and City Council shall review the rezoning application and recommend approval, approval with conditions, or denial in accordance with Subsection 11-6-3(f) and the criteria below:

1. Meets the approval criteria for a general rezoning procedure, per Subsection (a)(3)(E)(iii);
2. Addresses a unique situation, provides substantial benefit to the City, or incorporates creative design, site layout, or configuration of uses such that it achieves the purposes of this UDO and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards;
3. Meets all applicable standards of this UDO not expressly modified in the PD district application; and
4. If the PD district provides residential uses, includes varied types of housing and densities to the maximum extent practicable.

Please note that a Rezoning to PD District must comply with all applicable requirements outlined in the Northglenn UDO. The city's UDO can be found at www.northglenn.org/municode.



Planning & Development
 11701 Community Center Drive
 Northglenn, CO 80233
 P: 303-450-8739
 F: 303-450-8708
 northglenn.org

REZONING TO PLANNED DEVELOPMENT

Application Guide

PD PLAN DRAWING PACKAGE CHECKLIST

The following information shall be included as part of the PD Plan drawing package. The number of pages may vary based on the project.

COVER SHEET	
<input type="radio"/>	<p>The top center of the site plan shall contain the following information in the title block:</p> <p style="text-align: center;">NAME OF THE PROJECT PLANNED DEVELOPMENT ADDRESS LEGAL DESCRIPTION</p> <p>Title block shall be continued on each sheet of the document.</p>
<input type="radio"/>	Vicinity map with scale and north arrow.
<input type="radio"/>	Contact information for the following: Owner, Developer, Architect, Landscape Architect, Engineer, Surveyor
<input type="radio"/>	<p>Site data table that includes the following:</p> <ol style="list-style-type: none"> 1. lot size 2. total area of different land use areas 3. number of residential units 4. density of residential units per acre 5. gross square feet of non-residential space by use 6. building height by use 7. required setbacks 8. any other relevant data as requested by the Planning and Development Department
<input type="radio"/>	<p>City Approval Certificate:</p> <p>This is to hereby certify that on ___ day of _____, 20____, the City of Northglenn, Colorado, has approved this site plan for the development of _____ (Name of Development) _____ in conformance with the ordinances of the City of Northglenn.</p> <p>By: _____</p> <p style="margin-left: 40px;">Mayor, City of Northglenn</p> <p>_____</p> <p style="margin-left: 40px;">Chair, Planning Commission</p> <p>_____</p> <p style="margin-left: 40px;">Director, Planning and Development</p> <p>_____</p> <p style="margin-left: 40px;">Director, Public Works</p>
<input type="radio"/>	<p>Owner's Certificate:</p> <p>I (or we), (name of owner/s), as Owners (whether one or more) of the (size of property in acres) tract described above and foregoing site plan (name of development) do hereby establish said</p>



Planning & Development
 11701 Community Center Drive
 Northglenn, CO 80233
 P: 303-450-8739
 F: 303-450-8708
 northglenn.org

REZONING TO PLANNED DEVELOPMENT

Application Guide

	<p>development of said property according to all lines, dedications, restrictions and notation on said site plan. I (We) further certify that all improvements shown on said site plan shall be constructed in location shown.</p> <p style="text-align: center;">When owner is an individual or individuals WITNESS my (or our) hand in the City of _____, _____, this ____ day of _____, 20____.</p> <p style="text-align: center;">_____ (Name of owner, repeat if multiple owners)</p> <p style="text-align: center;">When owner is a company or corporation In TESTIMONY WHEREOF, the (name of company or corporation) has caused these presents to be signed by (name of president), its President thereunto authorized, attested by its Secretary (or authorized trust officer), (name of secretary or authorized trust officer), and its common seal hereunto affixed by this ____ day of _____, 20____.</p> <p>By: _____ (Name of President or Authorized Agent) (Name of Company) (Title)</p> <p>ATTEST: By: _____ (Name of Secretary or Authorized Trust Officer) (Title)</p> <p style="text-align: center;">(Affix Corporate Seal)</p>
<input type="radio"/>	A general note should be added to the cover sheet that states that if a standard is not contained in the PD Plan, then that standard reverts back to the UDO.
Site Plan	
<input type="radio"/>	Conceptual land use plan identifying all the different uses proposed and the total area of each proposed use.
<input type="radio"/>	Scaling of site plan in engineering format.
<input type="radio"/>	North arrow.
<input type="radio"/>	Perimeter boundary of the site including dimensions, property corners, etc. Also include legal bearings and distances for all property lines.
<input type="radio"/>	Preliminary internal lot lines.
<input type="radio"/>	Location of all structures and improvements labeled as existing or proposed; including building, fencing, signage, sidewalks and walkways, parking lots, drive-thru facilities, etc.



Planning & Development
 11701 Community Center Drive
 Northglenn, CO 80233
 P: 303-450-8739
 F: 303-450-8708
 northglenn.org

REZONING TO PLANNED DEVELOPMENT

Application Guide

<input type="radio"/>	Show all building setback lines and label the shortest distances from each building to the nearest property line.
<input type="radio"/>	Location of all easements with Adams County reception numbers.
<input type="radio"/>	Square footage of any structures.
<input type="radio"/>	All proposed or existing streets, public or private, on and adjacent to the site.
<input type="radio"/>	Points of vehicular and pedestrian access to the site.
<input type="radio"/>	Location of adjacent streets and pedestrian corridors.
<input type="radio"/>	All land proposed to be dedicated to the City must be identified on the plan.
Preliminary Grading and Drainage Plan	
<input type="radio"/>	A preliminary grading and drainage plan will be required that includes general location of any drainage improvements.
<input type="radio"/>	Show existing and proposed contours in 1-foot intervals.
<input type="radio"/>	If subject site is located within a designated floodplain, then the location and elevation of the floodplain and floodway must be shown on the plan.
Preliminary Utility Plan	
<input type="radio"/>	A preliminary utility plan will be required that shows existing and proposed utility infrastructure for water, sewer, electrical and gas.
Other Plan Sheets	
<input type="radio"/>	Other sheets may be required if there are deviations from the various development review standards, including but not limited to landscaping, parking, building design, etc.



Planning & Development
 11701 Community Center Drive
 Northglenn, CO 80233
 P: 303-450-8739
 F: 303-450-8708
 northglenn.org

REZONING TO PD APPLICATION
 Planning and Development Department

PROJECT INFORMATION

Application Type: Rezone to PD Amendment to PD

General Description of Request: _____

Attach a Project Description Letter that describes in detail the request.

Property Address or Location: _____

Legal Description: _____

Zoning District _____ Lot area: _____

PROPERTY OWNER(S) INFORMATION

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

AUTHORIZED AGENT (If other than owner)

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

OWNER(S) & AGENT CERTIFICATION

I hereby depose and state under the penalties of perjury that all statements, proposals and/or plans submitted with/or contained in this application are true and correct and the application is complete to the best of my knowledge and belief.

Agent's Signature: _____ Date: _____

Owner(s)' Signature(s): _____ Date: _____

STAFF USE ONLY:

Case Number:

Date Application Received:

SECTION III-A

**SITE PLAN
(MAJOR, MINOR OR AMENDMENT)**





Planning & Development
11701 Community Center Drive
Northglenn, CO 80233
P: 303-450-8739
F: 303-450-8708
northglenn.org

SITE PLAN Application Guide

OVERVIEW

A site plan is a review procedure intended to provide a process by which development is reviewed for compliance with development and design standards of the Unified Development Ordinance (UDO). The site plan review procedure ensures that the City has an opportunity to mitigate potential impacts of development prior to issuance of a building permit. A complete description of the procedures for a site plan review can be found in Section 11-6-5 of the UDO. Site plan applications are categorized as either major or minor; while minor site plans are approved by the Director of Planning and Development, major site plans require approval by the Planning Commission.

SUBMITTAL REQUIREMENTS

The following application package must be submitted to the Planning and Development Department to commence review. Submittals should be electronic, or one (1) paper copy will also be accepted. Any missing information may cause the application to be incomplete and, therefore, rejected.

- Completed **Application Form**.
- Application Fee** of \$1,000 for major site plans; \$500 for minor site plans; \$100 for administrative amendments; and \$250 for amendments requiring Planning Commission approval.
- Project Description/Justification Letter** that summarizes the proposed development.
- Site Plan drawing package**, that includes all information required in the attached Site Plan Checklist. The site plan package shall be formatted in 24"x36" size. The site plan package shall be prepared by a licensed engineer and/or architect.

The following information may be required. Please refer to your Pre-Application Meeting notes to verify what additional information is required.

- ALTA Survey**, that shows all current improvements and easements on the property
- Traffic Impact Analysis**, prepared by a licensed engineer that assesses the traffic impacts of the project and provides recommendations for mitigation.
- Drainage Report**, required in accordance with the provisions of Chapter 16, Article 13 of the Municipal Code and must be prepared by a licensed engineer. Stormwater quality and detention are required on sites when more than one (1) acre is disturbed.
- Stormwater Easement and Maintenance Agreement**, including necessary easement and maintenance standards for all drainage and water quality improvements required as part of the development in accordance with the city's Public Works standards and specifications.
- Utility Report**, in accordance with Chapter 3 and 4 of the city's standard and specifications and must be prepared by a licensed engineer.
- Floodplain Development Permit**, in accordance with Article 4 of the UDO is required for all development located within a designated floodplain.
- Industrial Waste Questionnaire**, is required for all commercial or industrial development applications.



Planning & Development

11701 Community Center Drive

Northglenn, CO 80233

P: 303-450-8739

F: 303-450-8708

northglenn.org

SITE PLAN
Application Guide



Additional Information, as may be required by the Planning staff or if applicable to the proposed site plan request.

PROCESS

- Prior to submittal of a site plan application, you are required to schedule a Pre-Application Meeting in accordance with Section 11-6-4(a) of the UDO. Contact the Planning and Development Department at 303-450-8739 to schedule a Pre-Application Meeting.
- Applications can be submitted electronically to development@northglenn.org or directly to Planning and Development Department staff at City Hall (11701 Community Center Drive).
- Upon receipt of an application, the Planning staff will review the application package for completeness. If the application is deemed complete, it will be referred out to the city's Development Review Committee, which consists of various city departments, including Planning, Building, Engineering, Public Works, North Metro Fire Rescue, and any other agency/department that might have an interest in the application.
- The Planning and Development Department will compile all comments from the various city departments and other agencies and provide a written review letter within 15 business days of submittal. If a resubmittal is required, it will be requested in the review letter. Any resubmittals will follow this same procedure.
- Once an application has completed the staff review, Minor Site Plans can be approved and Major Site Plans will be scheduled for public hearing before the Planning Commission . Major and Minor Site Plans are described later in this application guide.
- In order for a Site Plan to be approved, it must meet the approval criteria outlined in Section 11-6-5(a) of the code, which is further described later in this guide. Approvals may include conditions which must be addressed prior to issuance of a building permit to commence construction.
- Planning Commission meetings are scheduled the first and third Tuesdays of the month at 7:00 p.m. in the City Council Chambers at City Hall (11701 Community Center Drive). The exact date and time for your meeting will be coordinated with you upon a complete application.
- For Major Site Plans, the Planning and Development Department will notice the Planning Commission public hearing in accordance with code requirements, meaning that a sign will be posted on the subject property at least fifteen (15) days before the public hearing date. Additionally, staff will publish notice of the public hearing in the local newspaper and send mailed notices to all property owners within 300 feet of the request. Please note that the public hearing sign shall remain on the property until after the public hearing date. If a replacement sign is required, please contact the Planning and Development Department.
- Any decision on a Minor Site Plan made by the Director may be appealed to the Planning Commission. The Director may, for any Minor Site Plan, refer it to Planning Commission and/or City Council for recommendation and approval using the major site plan review procedure. Any decision on a Major Site Plan made by the Planning Commission may be appealed to the City Council.
- Following approval, a final executed site plan must be submitted with all applicable signatures. The city will retain record of all approved site plans and any subsequent amendments.
- No building permit may be issued until a site plan has been approved.



Planning & Development
11701 Community Center Drive
Northglenn, CO 80233
P: 303-450-8739
F: 303-450-8708
northglenn.org

SITE PLAN Application Guide

- Site plan approvals shall expire if the authorized use or construction is not substantially underway within two (2) years after the date of approval or unless an extension is granted.

CODE REQUIREMENTS

Section 11-6-5(a) of the Unified Development Ordinance (UDO) addresses the requirements for a site plan application. The following references are only excerpts from the UDO pertaining to the site plan review process. Additionally, site plan applications shall be in compliance with all applicable development standards and zoning district regulations identified in the UDO. Please refer to the city's Municipal Code for a complete listing of all requirements outlined in the UDO.

Section 11-6-5(a)(2)(A). Exemptions

The following development is exempt from the site plan review procedure:

- a. A change in use that does not involve or require other development (such as new or expanded structures, additional parking, etc.);
- b. Tenant improvements that do not increase gross floor area or building height, increase the density or intensity of use, or affect parking or landscaping requirements; and
- c. Construction of single-family detached dwellings or duplex dwellings not to exceed nine dwelling units, additions to such dwellings, and structures accessory to such dwellings.

Section 11-6-5(a)(2)(B). Major Site Plan

Major site plan approval is required for any of the following development, unless exempted from site plan approval under subparagraph 1 above.

- a. New development or the expansion of existing development requiring 10 or more new or added dwelling units;
- b. New development on a parcel larger than five acres;
- c. New development requiring 30 or more new or added vehicle parking spaces;
- d. Any single use or combination of uses proposed in a structure that is more than 10,000 square feet in building size, or multiple buildings totaling more than 10,000 square feet, not including single-family detached or duplex dwellings; or
- e. Any minor site plan determined by the Director to require major site plan review.

Section 11-6-5(a)(2)(C). Minor Site Plan

Minor site plan approval is required for any development not meeting the requirements set forth in subparagraph B above, unless exempted from site plan approval under subparagraph A above.

Section 11-6-5(a)(3)(E)(iii). Major Site Plan Approval Criteria

In reviewing a proposed major site plan application, the Planning Commission shall consider whether:

1. The site plan complies with applicable standards in this UDO, including Article 2, Zoning Districts; Article 3, Use Regulations; Article 4, Development Standards; and any other applicable standards of this UDO.
2. The site plan is consistent with any previously approved plat, planned unit development, or any other precedent land use approval; and
3. The site plan is consistent with the Comprehensive Plan and other adopted City policies and plans.

Please note that a Site Plan must comply with



Planning & Development
 11701 Community Center Drive
 Northglenn, CO 80233
 P: 303-450-8739
 F: 303-450-8708
 northglenn.org

SITE PLAN
 Application Guide

*all applicable requirements outlined in the Northglenn UDO.
 The city's UDO can be found at www.northglenn.org/municode.*

SITE PLAN DRAWING PACKAGE CHECKLIST

The following information shall be included as part of the Site Plan drawing package. The number of pages may vary based on the project.

COVER SHEET	
<input type="radio"/>	<p>The top center of the site plan shall contain the following information in the title block:</p> <p style="text-align: center;">NAME OF THE PROJECT APPLICATION TYPE (MAJOR OR MINOR SITE PLAN) ADDRESS LEGAL DESCRIPTION</p> <p>Title block shall be continued on each sheet of the document.</p>
<input type="radio"/>	Vicinity map with scale and north arrow.
<input type="radio"/>	Contact information for the following: Owner, Developer, Architect, Landscape Architect, Engineer, Surveyor
<input type="radio"/>	<p>Site data table that includes the following:</p> <ol style="list-style-type: none"> 1. lot size 2. zoning of the site 3. building coverage 4. parking coverage 5. landscaping coverage 6. impervious coverage 7. number of parking spaces required (including the ratio) and provided 8. number of accessible parking spaces required and provided 9. required setbacks and proposed setbacks 10. maximum height allowed and proposed height 11. any other relevant data as requested by the Planning and Development Department
<input type="radio"/>	<p>City Approval Certificate:</p> <p>This is to hereby certify that on ___ day of _____, 20____, the City of Northglenn, Colorado, has approved this site plan for the development of <u>____(Name of Development)____</u> in conformance with the ordinances of the City of Northglenn.</p> <p>By: _____ Chair, Planning Commission [Major Site Plans Only]</p> <p>_____ Director, Planning and Development</p>



Planning & Development
 11701 Community Center Drive
 Northglenn, CO 80233
 P: 303-450-8739
 F: 303-450-8708
 northglenn.org

SITE PLAN
 Application Guide

Director, Public Works	
<input type="radio"/>	<p>Owner's Certificate:</p> <p>I (or we), (name of owner/s), as Owners (whether one or more) of the (size of property in acres) tract described above and foregoing site plan (name of development) do hereby establish said development of said property according to all lines, dedications, restrictions and notation on said site plan. I (We) further certify that all improvements shown on said site plan shall be constructed in location shown.</p> <p>When owner is an individual or individuals WITNESS my (or our) hand in the City of _____, _____, this ____ day of _____, 20____.</p> <p>_____</p> <p>(Name of owner, repeat if multiple owners)</p> <p>When owner is a company or corporation IN TESTIMONY WHEREOF, the (name of company or corporation) has caused these presents to be signed by (name of president), its President thereunto authorized, attested by its Secretary (or authorized trust officer), (name of secretary or authorized trust officer), and its common seal hereunto affixed by this ____ day of _____, 20____.</p> <p>By: _____</p> <p>(Name of President or Authorized Agent) (Name of Company) (Title)</p> <p>ATTEST:</p> <p>By: _____</p> <p>(Name of Secretary or Authorized Trust Officer) (Title)</p> <p>(Affix Corporate Seal)</p>
<input type="radio"/>	<p>Add the following note: Signage is not reviewed as part of this site plan approval. All signage requires a separate review in accordance with the requirements of the Sign Code.</p>
Site Plan	
<input type="radio"/>	Reference to the development name and address.
<input type="radio"/>	Scaling of site plan in engineering format.
<input type="radio"/>	North arrow.
<input type="radio"/>	Perimeter boundary of the site including dimensions, property corners, etc. Also include legal bearings and distances for all property lines.



Planning & Development
 11701 Community Center Drive
 Northglenn, CO 80233
 P: 303-450-8739
 F: 303-450-8708
 northglenn.org

SITE PLAN Application Guide

<input type="radio"/>	Location of all structures and improvements labeled as existing or proposed; including building, fencing, signage, sidewalks and walkways, parking lots, drive-thru facilities.
<input type="radio"/>	Show all building setback lines and label the shortest distances from each building to the nearest property line.
<input type="radio"/>	Location of all easements with Adams County reception numbers.
<input type="radio"/>	Square footage of any structures.
<input type="radio"/>	The city's parking standards are found in Section 11-4-6 of the UDO. Include dimensions of parking stalls and location of accessible spaces. Show location of bicycle parking.
<input type="radio"/>	Show vehicle stacking if the site contains a drive-thru facility.
<input type="radio"/>	Dimension drive aisles and driveway access points.
<input type="radio"/>	Show existing and proposed sidewalks. Sidewalks may be required if none currently exist.
<input type="radio"/>	Show the required accessible route from the building to the nearest sidewalk.
<input type="radio"/>	Show location of any existing or proposed dumpster enclosures. All dumpster enclosures must be screened with a solid wall and gate that is architecturally compatible with the main building.
Grading and Drainage Plan	
<input type="radio"/>	Show location of all structures and improvements on the site.
<input type="radio"/>	Show existing and proposed contours in 1-foot intervals.
<input type="radio"/>	Include all drainage, detention and stormwater quality improvements and label.
<input type="radio"/>	If subject site is located within a designated floodplain, then the location and elevation of the floodplain and floodway must be shown on the plan.
<input type="radio"/>	All requirements outlined in the City's adopted Public Right-of-Way Standards and Specifications.
Utility Plan	
<input type="radio"/>	Show location of all structures and improvements on the site.
<input type="radio"/>	Include and label existing utilities and include sizing information for water, sewer, electrical, and gas.
<input type="radio"/>	Show the location of all proposed utilities. Include tap and meter locations and size for water and sewer connection. If a meter/tap exists, label it on the site plan as existing and identify size.
<input type="radio"/>	If a grease interceptor is required, show its location.
<input type="radio"/>	Show the location of any required backflow preventer.
<input type="radio"/>	Show the location of all fire hydrants in the general vicinity. The Fire Code requires a hydrant within 150' of any portion of a building.
<input type="radio"/>	All requirements outlined in the City's adopted Public Right-of-Way Standards and Specifications.



Planning & Development
 11701 Community Center Drive
 Northglenn, CO 80233
 P: 303-450-8739
 F: 303-450-8708
 northglenn.org

SITE PLAN Application Guide

Landscape Plan	
<input type="radio"/>	Landscape plan must show the location of all proposed plantings and must clearly label them.
<input type="radio"/>	A landscape table shall be provided that identifies: <ol style="list-style-type: none"> 1. The number of trees and shrubs required (including calculation) and proposed 2. Amount of high-water use landscaping (not to exceed 50%) and turf (not to exceed 30%)
<input type="radio"/>	Location of any existing trees on site proposed to be retained or removed. Any tree removed that is 4" caliper or greater must be replaced.
<input type="radio"/>	Parking lot landscaped islands for parking lots exceeding 12 spaces.
<input type="radio"/>	Any landscape buffering required when residential is adjacent must be shown on the landscape plan.
<input type="radio"/>	Show location and description of any proposed fencing.
Building Elevations	
<input type="radio"/>	Include a scaled detail of all building elevations, including building materials and color.
<input type="radio"/>	Building facades must comply with the architectural and design requirements of Section 11-4-8.
<input type="radio"/>	Details should be provided for any trash enclosure.
<input type="radio"/>	Elevations will need to include the height of the structure.
<input type="radio"/>	The location of all roof-mounted mechanical equipment should be identified. All mechanical equipment shall be screened from view of adjacent properties.
Photometric Plan	
<input type="radio"/>	Include location of all exterior lighting. Details and specifications must be included for all light fixtures.
<input type="radio"/>	Include light levels across the property in footcandles.



City of Northglenn
 11701 Community Center Drive
 Northglenn, CO 80233
 P: 303-451-8326
 F: 303-450-8708
 northglenn.org

SITE PLAN APPLICATION
 Planning and Development Department

PROJECT INFORMATION

Site Plan Type: Major Minor Amendment

General Description of Request: _____

Attach a Project Description Letter that describes in detail the request.

Property Address or Location: _____

Legal Description: _____

Zoning District: _____ Lot area: _____

PROPERTY OWNER(S) INFORMATION

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

AUTHORIZED AGENT (If other than owner)

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

OWNER(S) & AGENT CERTIFICATION

I hereby depose and state under the penalties of perjury that all statements, proposals and/or plans submitted with/or contained in this application are true and correct and the application is complete to the best of my knowledge and belief.

Agent's Signature: _____ Date: _____

Owner(s)' Signature(s): _____ Date: _____

STAFF USE ONLY:

Case Number:

Date Application Received:

SECTION III-B

SPECIAL USE PERMIT





Planning & Development
11701 Community Center Drive
Northglenn, CO 80233
P: 303-450-8739
F: 303-450-8708
northglenn.org

SPECIAL USE PERMIT Application Guide

OVERVIEW

A Special Use Permit is a mechanism for the City to evaluate proposed development and land uses that have unique or widely varying operating characteristics or unusual site development features to ensure compatibility with surrounding areas. This procedure is intended to evaluate the potential impacts of such uses on surrounding properties and to ensure that such uses are compatible with surrounding property and to mitigate the impacts of those uses. Section 11-3-3 of the city's Unified Development Ordinance (UDO) includes a table of uses and outlines those uses requiring a Special Use Permit. Special Use Permits require approval by the Planning Commission.

SUBMITTAL REQUIREMENTS

The following application package must be submitted to the Planning and Development Department to commence review. Submittals should be electronic, or one (1) paper copy will also be accepted. Any missing information may cause the application to be incomplete and, therefore, rejected.

- Completed **Application Form**.
- Application Fee** of \$500.
- Project Description/Justification Letter** that summarizes the proposed use in sufficient detail, also including the effect of operation in producing air pollution, water pollution, odor, noise, glare, fire danger, other safety hazards, and traffic congestion.
- Site Plan**, that shows the location of all existing and proposed buildings, architectural elevations of such buildings, parking areas, vehicular and pedestrian circulation, drainage facilities, waste disposal areas, and landscaping.
- Mitigation Plan**, for any public utility impacts.
- Information on the **Number of Employees**.
- Additional Information**, as may be required by the Planning staff or if applicable to the proposed Special Use Permit request.

PROCESS

- Prior to submittal of an application, it is required to schedule a Pre-Application Meeting in accordance with Section 11-6-3(b) of the UDO. Contact the Planning and Development Department at 303-450-8739 to schedule a Pre-Application Meeting.
- Following the Pre-Application Meeting, a formal application can be submitted. Applications can be submitted electronically to development@northglenn.org or with Planning and Development Department staff at City Hall (11701 Community Center Drive).
- Upon receipt of an application, the Planning staff will review the application package for completeness. If the application is deemed complete, then the Special Use Permit submittal will be referred out to the city's Development Review Committee, which consists of various city departments, including Planning, Building, Engineering, Public Works, North Metro Fire Rescue, and any other agency/department that might have an interest in the application.
- The Planning and Development Department will compile all comments from the various city departments and other agencies and provide a written review letter within fifteen (15) business days of submittal. If a resubmittal is required, it will be requested in the review letter. Any resubmittals will follow this same procedure.



Planning & Development

11701 Community Center Drive

Northglenn, CO 80233

P: 303-450-8739

F: 303-450-8708

northglenn.org

SPECIAL USE PERMIT

Application Guide

- Once an application has completed the staff review, it can be scheduled for public hearing before the Planning Commission.
- In order for a Special Use Permit to be approved, it must meet the approval criteria outlined in Section 11-6-5(b)(3)(E) of the code, which is further described later in this guide. Approvals may include conditions which must be adhered to.
- Planning Commission meetings are scheduled the first and third Tuesdays of the month at 7:00 p.m. in the City Council Chambers at City Hall (11701 Community Center Drive). The exact date and time for your meeting will be coordinated with you upon determination of a complete application.
- The Planning and Development Department will notice the Planning Commission public hearing in accordance with code requirements, meaning that a sign will be posted on the subject property at least fifteen (15) days before the public hearing date. Additionally, staff will publish notice of the public hearing in the local newspaper and send mailed notices to all property owners within 300 feet of the request. Please note that the public hearing sign shall remain on the property until after the public hearing date. If a replacement sign is required, please contact the Planning and Development Department.
- Any decision on a Special Use Permit made by the Planning Commission may be appealed to the City Council in accordance with Subsection 11-6-7(d) of the UDO.
- If a Major or Minor Site Plan is required, both applications can be processed concurrently. However, a separate application will be required for the Site Plan.

CODE REQUIREMENTS

Section 11-6-5(b) of the Unified Development Ordinance (UDO) addresses the requirements for a Special Use Permit. The following references are only excerpts pertaining to the Special Use Permit review process. Additionally, site plan applications shall be in compliance with all applicable development standards and zoning district regulations identified in the UDO. Please refer to the city's Municipal Code for a complete listing of all requirements outlined in the UDO.

Section 11-6-5(b)(3)(E). Planning Commission Review and Action

- (i) **Special Use Permit Review**
The Planning Commission shall review and approve, approve with conditions, or deny the special use permit application in accordance with Subsection 11-6-3(f). The Planning Commission may also remand the application back to the Director for further consideration.
- (ii) **Special Use Permit Approval Criteria**
In reviewing a proposed special use, the Planning Commission shall consider whether:
 - (a) The use is compatible with the surrounding area;
 - (b) The use has minimal impacts on future development of the area;
 - (c) The use meets all other standards of the UDO and all other applicable codes;
 - (d) Adequate mitigation of any impacts associated with access, traffic, emergency services, utilities, parking, refuse areas, noise, glare, and odor have been provided;
 - (e) The use is in conformance with the Comprehensive Plan;
 - (f) The use is consistent with any applicable Urban Renewal Plan; and
 - (g) The use adversely impacts the health, safety, and welfare of the inhabitants of the area and the City of Northglenn.



Planning & Development
11701 Community Center Drive
Northglenn, CO 80233
P: 303-450-8739
F: 303-450-8708
northglenn.org

SPECIAL USE PERMIT Application Guide

Section 11-6-5(b)(3)(F). Post-Decision Actions and Limitations

Post-decision actions and limitations in Subsection 11-6-3(h) shall apply, with the following modifications:

- (i) **Expiration of a Special Use Permit**
Unless substantially acted upon within two years following the date of approval, a special use permit shall automatically expire. This shall include demonstrated use of the property, construction, or some other measureable development activity.
- (ii) **Permit Cancellation**
The Planning Commission may cancel permits for violation of any regulations of the City of Northglenn or conditions imposed by the Planning Commission. Prior to cancellation, the Commission shall provide written notice to the permittee at least 30 days prior to the scheduled public hearing at the address contained in the permit. The notice shall describe the allegation of the violation and directing the permittee to appear at a public hearing to discuss the nature and extent of the alleged violation. Following the public hearing, the Planning Commission may cancel or revoke the permit issued to the permittee, require corrective measures to be taken, or direct the City to enter onto the premises and take corrective measures required by the Commission. Costs of such corrective measures shall be assessed to the permittee.
- (iii) **Expansion or Enlargement**
 - a. Any expansion or enlargement of a special use shall require a new application.
 - b. Expansions or enlargements may be approved by the Director provided that:
 - 1. The expansion or enlargement is not expected to increase potential negative impacts to surrounding property or the City; and
 - 2. The expansion or enlargement will not require adjustments to any standards greater than allowed through the administrative adjustment procedures in Subsection 11-6-7(b).
 - c. Any expansion or enlargement of a special use that does not meeting the criteria for Director approval shall require approval by the Planning Commission.
- (iv) **Transfer of Special Use Permit**
A special use permit may be transferred to another person to operate the same use, in the same building(s), on the same property, and under the same terms of the permit. Such transfer shall require approval of a written request to the Director.
- (v) **Appeal to City Council**
The decision on a special use permit may be appealed to the City Council in accordance with Subsection 11-6-7(d), *Appeal*.

Please note that a Special Use Permit must comply with all applicable requirements outlined in the Northglenn Unified Development Ordinance. The city's UDO can be found at www.northglenn.org/municode.



City of Northglenn
 11701 Community Center Drive
 Northglenn, CO 80233
 P: 303-451-8326
 F: 303-450-8708
 northglenn.org

SPECIAL USE PERMIT APPLICATION
 Planning and Development Department

PROJECT INFORMATION

General Description of Request: _____

Attach a Project Description Letter that describes in detail the request.

Property Address or Location: _____

Legal Description: _____

Zoning District _____ Lot area: _____

PROPERTY OWNER(S) INFORMATION

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

AUTHORIZED AGENT (If other than owner)

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

OWNER(S) & AGENT CERTIFICATION

I hereby depose and state under the penalties of perjury that all statements, proposals and/or plans submitted with/or contained in this application are true and correct and the application is complete to the best of my knowledge and belief.

Agent's Signature: _____ Date: _____

Owner(s)' Signature(s): _____ Date: _____

STAFF USE ONLY:

Case Number:

Date Application Received:

SECTION III-C

TEMPORARY USE PERMIT





Planning & Development
11701 Community Center Drive
Northglenn, CO 80233
P: 303-450-8739
F: 303-450-8708
northglenn.org

TEMPORARY USE PERMIT

Application Guide

OVERVIEW

A Temporary Use Permit allows certain uses for a specific period of time. Section 11-3-3 of the city's Unified Development Ordinance (UDO) includes a table of uses and outlines those uses requiring a Temporary Use Permit, including, but not limited to, mobile food vending, special events, and seasonal sales. Temporary Use Permits are reviewed and approved administratively by the Director of Planning and Development.

SUBMITTAL REQUIREMENTS

The following application package must be submitted to the Planning and Development Department to commence review. Submittals should be electronic, or one (1) paper copy will also be accepted. Any missing information may cause the application to be incomplete and, therefore, rejected.

- Completed **Application Form**.
- Application Fee** of \$100.
- Project Description/Justification Letter** that summarizes the proposed temporary use including duration, dates and times of the event, and how the event will be run and managed.
- Site Plan**, that shows the location of any temporary improvements, pedestrian and vehicular access and circulation, parking, emergency access, and any signage proposed.
- Additional Information**, as may be required by the Planning staff or if applicable to the proposed Temporary Use Permit request.

PROCESS

- Prior to submittal of an application, it is recommended that you schedule a Pre-Application Meeting in accordance with Section 11-6-3(b) of the UDO. Contact the Planning and Development Department at 303-450-8739 to schedule a Pre-Application Meeting.
- Applications can be submitted electronically to development@northglenn.org or directly to Planning and Development Department staff at City Hall (11701 Community Center Drive).
- Upon receipt of an application, the Planning staff will review the application package for completeness. If the application is deemed complete, then the Temporary Use Permit submittal will be referred out to the city's Development Review Committee, which consists of various city departments, including Planning, Building, Engineering, Public Works, North Metro Fire Rescue, and any other agency/department that might have an interest in the application.
- The Planning and Development Department will compile all comments from the various city departments and other agencies and provide a written review letter within 15 business days of submittal. If a resubmittal is required, it will be requested in the review letter. Any resubmittals will follow this same procedure.
- Once an application has completed the staff review, it can be approved administratively by the Director of Planning and Development if it complies with all applicable. The Director may refer the application for review by the Planning Commission at his or her discretion.
- In order for a Temporary Use Permit to be approved, it must meet the approval criteria outlined in Section 11-6-5(c)(3)(C) of the code, which is further described later in this guide. Approvals may include conditions which must be adhered to. Staff will provide a Temporary Use Permit that must be available for inspection at the site.



Planning & Development
11701 Community Center Drive
Northglenn, CO 80233
P: 303-450-8739
F: 303-450-8708
northglenn.org

TEMPORARY USE PERMIT Application Guide

- Any decision on a Temporary Use Permit made by the Director may be appealed to the Planning Commission.

CODE REQUIREMENTS

Section 11-6-5(c) of the Unified Development Ordinance (UDO) addresses the requirements for a Temporary Use Permit. The following references are excerpts pertaining to the Temporary Use Permit review process. Please refer to the city's Municipal Code for a complete listing of all requirements outlined in the UDO.

Section 11-6-5(c)(3)(C). Staff Review, Correspondence, and Action

- (i) **Review and Decision**
The Director shall review the temporary use permit application according to the criteria below and the Director shall approve, approve with conditions, or deny the permit.
- (ii) **Temporary Use Permit Approval Criteria**
In reviewing a temporary use or structure, the Director shall consider whether the proposed use or structure:
 - (a.) Is consistent with the Comprehensive Plan;
 - (b.) Complies with applicable temporary use standards, as well as all other applicable standards in this UDO;
 - (c.) Adequately mitigates any impacts associated with access, traffic, emergency services, utilities, parking, refuse areas, noise, glare, and odor; and
 - (d.) Complies with all requirements and conditions of approval of any prior development permits or approvals.

Section 11-6-5(c)(3)(D). Post-Decision Actions and Limitations

Post-decision actions and limitations in Subsection 11-6-3(h) shall apply, with the following modifications:

- (i) **Effect of Approval**
A temporary use permit authorizes establishment, construction, or installation of the approved temporary use or structure in accordance with the terms and conditions of the permit.
- (ii) **Expiration of Approval**
A temporary use permit shall be valid beginning on the date specified on the permit and shall remain valid for the time period indicated on the permit. Upon request, the Director may grant a one-year extension; however, in no case shall a temporary use permit be valid for more than one year after its original expiration date. This one-year extension period may not be further extended. Any temporary use permit requesting an approval period beyond one year shall require a special use permit approval pursuant to subsection b.
- (iii) **Removal and Restoration**
Before the expiration of a temporary use permit, the permittee shall disconnect all temporary uses and structures, and associated property and equipment, and free the temporary use site from all trash, litter, and debris to the satisfaction of the Director.
- (iv) **Appeal to the Planning Commission**
The applicant may appeal the denial, revocation, or suspension of a temporary use permit to the Planning Commission in accordance with Subsection 11-6-7(d)., *Appeal*.

Please note that a Temporary Use Permit must comply with all applicable requirements outlined in the Northglenn Unified Development Ordinance. The city's UDO can be found at www.northglenn.org/municode.



City of Northglenn
 11701 Community Center Drive
 Northglenn, CO 80233
 P: 303-451-8326
 F: 303-450-8708
 northglenn.org

TEMPORARY USE PERMIT APPLICATION
 Planning and Development Department

PROJECT INFORMATION

General Description of Request: _____

Attach hereto a Project Description Letter that describes in detail the request.

Property Address or Location: _____

Legal Description: _____

Zoning District: _____ Lot area: _____

PROPERTY OWNER(S) INFORMATION

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

AUTHORIZED AGENT (If other than owner)

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

OWNER(S) & AGENT CERTIFICATION

I hereby depose and state under the penalties of perjury that all statements, proposals and/or plans submitted with/or contained in this application are true and correct and the application is complete to the best of my knowledge and belief.

Agent's Signature: _____ Date: _____

Owner(s)' Signature(s): _____ Date: _____

STAFF USE ONLY:

Case Number:

Date Application Received:

SECTION III-D

**CHANGE OF USE PERMIT
(ZONING PERMIT)**





Planning & Development

11701 Community Center Drive

Northglenn, CO 80233

P: 303-450-8739

F: 303-450-8708

northglenn.org

CHANGE OF USE

Zoning Permit Application Guide

OVERVIEW

Change of Use Permits, also called Zoning Permits, are intended to be used to facilitate the opening of businesses in the City by verifying whether or not a use is permitted within a building or tenant lease space in accordance with the city's Unified Development Ordinance (UDO). A Zoning Permit is required for all businesses in Northglenn and will be distributed to all businesses applying for a business license and must be completed and returned to the Planning and Development Department. Zoning Permits require review and approval by Planning staff prior to any business being opened. This approval will provide confirmation that the use being proposed is compatible with the zoning of the property. **Please note that the approval of a Zoning Permit does not constitute approval from Building or Fire Departments or other agency codes or requirements.** However, Planning staff will provide you with comments from other city-wide departments that might be applicable to the opening of your business in Northglenn. As a result, you may be required to coordinate with other departments to address any specific requirements they may have. In some cases a pre-application meeting may be recommended.

SUBMITTAL REQUIREMENTS

A Zoning Permit shall be submitted directly to the Planning and Development Department. You may submit application in person to the permit counter or via email at development@northglenn.org. The following application package must be submitted to the Planning and Development Department to commence review:

- Completed **Application** (see attached).
- Completed **Questionnaire** (see attached) that describes the proposed business.
- Completed **Industrial Pretreatment Questionnaire** required for all new businesses.

PROCESS

- Prior to opening of your business, you will need to submit to the Planning and Development Department a fully completed Application and Questionnaire for a Zoning Permit. A Zoning Permit is required with any new business, change in business name, ownership, or location. A Zoning Permit can be applied for concurrently with a business license or any building permits that may be required prior to opening of your business. **DISCLAIMER – The issuance of a business license does not confirm that the use of the property is permitted in accordance with the underlying zoning for the property.**
- Zoning Permits are reviewed administratively by Planning staff. Planning staff will also forward the permit for review by various city departments, including but not limited to the following: Public Works (including engineering and utilities), Building, Economic Development, and Finance, if necessary.
- If the use being proposed is consistent with the underlying zoning of the property, the Zoning Permit will be issued by the City. If any conditions are associated with the approval, they will be noted on the permit.
- North Metro Fire Rescue District (NMFRD) conducts separate review of permits for compliance with the fire code. Separate approval may be required from NMFRD. You may contact NMFRD at 720-887-8217.

CODE REQUIREMENTS

Chapter 11 of the Municipal Code is the city's Unified Development Ordinance (UDO). The city's various zone districts allow for different land uses. If you would like to know the zoning of your property, you can use the QuickZone link on the city's website (<http://biz.northglenn.org/quickzone>) or contact the Planning and Development Department directly at 303-450-8739 or via email at development@northglenn.org. You can obtain a list of allowed uses for the various zone districts by accessing the UDO through the City of Northglenn Municipal Code: www.northglenn.org/municode.



Planning & Development
 11701 Community Center Drive
 Northglenn, CO 80233
 P: 303-450-8739
 F: 303-450-8708
 northglenn.org

CHANGE OF USE
 Zoning Permit
 Application

PROJECT INFORMATION

Site Address: _____

Business Name: _____ New Building Existing Building

PROPERTY OWNER(S) INFORMATION

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

TENANT INFORMATION (If other than owner)

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

OWNER(S) & AGENT CERTIFICATION

I hereby depose and state under the penalties of perjury that all statements, proposals and/or plans submitted with/or contained in this application are true and correct and the application is complete to the best of my knowledge and belief.

Agent's Signature: _____ Date: _____

Owner(s)' Signature(s): _____ Date: _____

STAFF USE ONLY:

Zoning: _____ Nonconformities: Yes No

Describe any NCs: _____

Approved Denied

By: _____ Date: _____

Comments: _____

Date Application Received:



Planning & Development
 11701 Community Center Drive
 Northglenn, CO 80233
 P: 303-450-8739
 F: 303-450-8708
 northglenn.org

CHANGE OF USE
 Zoning Permit
 Questionnaire

BUSINESS NAME: _____

BUSINESS ADDRESS: _____

1. What is the proposed use of the building/tenant space? _____

2. What was the previous use of the building/tenant space? _____

3. What is the square footage of the building/lease area? _____

4. Is your business currently operating in Northglenn at a different address? Yes No

If yes, address: _____

5. Type of business: Retail Restaurant Office Manufacturing/Distribution Service Other

6. The following uses require additional licensure. Please check any that apply to your business:

Admissions/Events Amusement/Arcade Dance Club Liquor/Alcohol Marijuana

Pawnbroker Peddler & Solicitor

7. Provide a detailed description of operation/s to be performed within the building: _____

8. Is there food preparation involved: Yes No

9. Number of employees: _____

10. Describe any specific *EQUIPMENT and MATERIALS that may be used to conduct your business*: _____

Any outdoor storage of materials: Yes No If yes, describe: _____

11. Are there any *CHEMICALS* that will be stored on site:

INSIDE: _____

OUTSIDE: _____

12. Will there be any alterations to the interior or exterior of the building or tenant space: Yes No

Will a new or replacement plumbing fixtures be installed? Yes No

If yes to either of the two questions above, provide a description of the work proposed: _____

SECTION III-E

WIRELESS SERVICE FACILITY





Planning & Development

11701 Community Center Drive

Northglenn, CO 80233

P: 303-450-8739

F: 303-450-8708

northglenn.org

WIRELESS SERVICE FACILITIES

Application Guide

OVERVIEW

The purpose of the City of Northglenn Wireless Service Facilities (WSF) regulations are to allow the location of WSFs in the City while protecting the public health, safety, and general welfare of the community. WSFs are facilities associated with data and telecommunication services, including commercial mobile services, commercial mobile data services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal law and regulations. The City's WSF regulations, Section 11-3-3(g)(3) of the Unified Development Ordinance (UDO), were adopted pursuant to the Telecommunications Act of 1996 and subsequent state and federal requirements. The City encourages the co-location of WSF, where possible. This application guide is intended to outline the City's requirements for WSFs and their subsequent entitlement review. ***Please note that the approval of a WSF Application does not constitute approval from the Building Department, Fire Department or other applicable agency codes or requirements.***

SUBMITTAL REQUIREMENTS

The following application package must be submitted to the Planning and Development Department to commence review. Submittals should be electronic, or one (1) paper copy will also be accepted. Any missing information may cause the application to be incomplete and, therefore, rejected.

- Completed **Application** (see attached).
- A **Letter of Consent** from the property owner or other applicable agreement, if the proposed facility is on land/structure not owned by the WSF provider.
- Written **Project Narrative** that describes the overall project.
- A **Site Plan/Landscape Plan** that shows the location of any proposed WSF and support equipment.
- Detailed **Elevations** of the proposed WSF and support equipment.
- Complete **Photo Simulations** of the proposed WSF and support equipment.
- A **Fee** in the amount of \$150, plus an additional \$50 for each additional facility if part of a consolidated application.
- Any **Additional Information** required by the Director of Planning and Development pertinent to the approval of the application.

PROCESS

- A WSF Application is only required for new facilities, or existing facilities where proposed work would constitute a "substantial change" as defined by Section 11-3-3(g)(3)(B)(xi). All other proposals will be reviewed for zoning conformance as part of a building permit application with the Northglenn Building Division. SAFEBuilt Provides building division services for the City of Northglenn and can be contacted at 303-450-8745 or building@northglenn.org.
- Although not required, a Pre-application Meeting may be scheduled to facilitate review of WSF applications. Please contact the Planning Division for details on scheduling a Pre-application Meeting at development@northglenn.org or by calling 303-450-8739.
- A complete application shall be submitted to the City's Planning Division in accordance with the provisions of Section 11-3-3(g)(3). For small cell facilities applications, only one consolidated application is required for multiple facility locations.



Planning & Development

11701 Community Center Drive

Northglenn, CO 80233

P: 303-450-8739

F: 303-450-8708

northglenn.org

WIRELESS SERVICE FACILITIES

Application Guide

- Written notice will be provided within 30 days of receipt of an initial application if an application is incomplete. This notice will include a complete listing of all missing documents or information. If an application is incomplete after a subsequent submittal the written notice will be provided within ten (10) days of receipt of the submittal.
- The City will conduct a review of the WSF application for compatibility with all applicable requirements outlined in Section 11-3-3(g)(3) of the Unified Development Ordinance. An application for a WSF shall be approved or denied by the City within 60 days of the date of the City's receipt of a complete application; additional time may be approved if agreed upon by the City and the applicant.
- Review of WSF applications is administrative as provided in Section 11-3-3(g)(3) of the Zoning Ordinance. The City may review, approve or approve with conditions any WSF application upon review for compliance with all applicable provisions related to WSFs.
- Please indicate whether the proposed facility will be located on private property or within the public Right-of-Way (ROW). If within the ROW, a Master License Agreement (MLA) approved by City Council is required prior to application for specific site locations. Please contact Planning Staff to begin the MLA process. If an MLA has already been approved, then any WSF permit must also include the site-specific Communications Site Application as required by the MLA. These two applications must be applied for concurrently to confirm site location approval.
- A separate Building Permit may be required to ensure compliance with applicable building codes. To verify if a Building Permit is required for your project, contact the City's Building Division at building@northglenn.org or by calling 303-450-8745.
- North Metro Fire Rescue conducts separate review for compliance with the fire code. To verify if separate approval is required for your project, contact NMFRD directly at 720-887-8217.

CODE REQUIREMENTS

Wireless Service Facilities Applications are subject to the requirements of Section 11-3-3(g)(3) of the Unified Development Ordinance (Chapter 11 of the Municipal Code). You can reference these provisions can through the City's Municipal Code: www.northglenn.org/municode.



Planning & Development
 11701 Community Center Drive
 Northglenn, CO 80233
 P: 303-450-8739
 F: 303-450-8708
 northglenn.org

WIRELESS SERVICE FACILITIES
 Application

PROJECT INFORMATION

Site Address: _____

The proposed WSF is: Freestanding Building Mounted Small Cell Facility Micro Wireless Facility

WSF PROVIDER

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

CONSULTANT (IF DIFFERENT THAN WSF PROVIDER)

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

PROPERTY OWNER(S) INFORMATION

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

OWNER(S) & AGENT CERTIFICATION

I hereby depose and state under the penalties of perjury that all statements, proposals and/or plans submitted with/or contained in this application are true and correct and the application is complete to the best of my knowledge and belief.

Agent's Signature: _____ Date: _____

Owner(s)' Signature(s): _____ Date: _____

STAFF USE ONLY:

Zoning: _____ Approved Denied

By: _____ Date: _____

Date Application Received:

SECTION III-F

OIL AND GAS PERMIT





Planning & Development
11701 Community Center Drive
Northglenn, CO 80233
P: 303-450-8739
F: 303-450-8708
northglenn.org

OIL AND GAS OPERATIONS Application Guide

OVERVIEW

The purpose of the City of Northglenn Oil and Gas Operations regulations are to facilitate the development of oil and gas resources within the City while mitigating potential land use conflicts and providing for the safety, health and welfare of present and future residents of the City. The city's Oil and Gas regulations, Section 11-3-6 of the Unified Development Ordinance (UDO), shall apply to all oil and gas exploration and production operations proposed or existing on or beneath property within the City limits.

SUBMITTAL REQUIREMENTS

An Oil and Gas Permit application shall be submitted directly to the Planning and Development Department. You may submit application in person to the permit counter or via email at development@northglenn.org. The following information must be submitted to the Planning and Development Department to commence review:

- Completed **Application and Authorization** (see attached).
- Written **Project Narrative** that describes the overall project pursuant to Section 11-3-6(d)(C).
- A **Site Plan** in accordance with Section 11-3-6(d)(A).
- A Map with all proposed **Transportation Routes** in accordance with Section 11-3-6(d)(B).
- A **Fee and Signed Reimbursement Agreement** in the amount of \$1,000. In addition, the applicant shall submit a signed cost reimbursement agreement provided by the City, but such reimbursement agreement shall only apply to the use by the City of outside consultants to review the application, if necessary. The fee and required cost reimbursement agreement must be received by the Department of Planning and Development in order to process the application.
- Any **Additional Information** required by the Director of Planning and Development pertinent to the approval of the application.

PROCESS

- **Pre-Application Conference** - The applicant shall attend a pre-application conference with a representative from the City. The purpose of the meeting is to discuss the oil and gas permit submittal requirements and review process.
- **Application Submittal** - The applicant shall comply with the submittal requirements of subsection 11-3-6(e).
- **Staff Review for Completeness** - Within a reasonable period of time, not to exceed 10 business days, City staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and resubmit the required number of copies of the amended application to the City. This is not a substantive review of the application submitted.
- **Referral Agencies Notified** - Upon receipt of a completed application, the City shall forward the application to the appropriate referral agencies. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property and the applicant's name. At minimum, the application shall be referred to the Police Department and the Fire District. Referral agencies shall be provided 30 days to respond with any comments. After such 30 day period, the City may proceed on the Application whether or not the City has received comments from the notified referral agencies.



Planning & Development

11701 Community Center Drive

Northglenn, CO 80233

P: 303-450-8739

F: 303-450-8708

northglenn.org

OIL AND GAS OPERATIONS

Application Guide

PROCESS CONTINUED

Staff Review and Comments - City staff shall review the Application for compliance with this section and all other applicable federal, state and City regulations and standards. A summary of this review, including referral comments, shall be sent to the Applicant.

- Applicant Response - The applicant shall address all of the City staff comments and any referral agency comments, then submit the following to the City:
 1. Written correspondence explaining how all of the comments have been addressed; and
 2. Revised maps and other documents, as necessary.
- Public Hearing Scheduled and Notification Process.

The City shall:

 1. Publish notice of the public hearing for the oil and gas permit in a newspaper of general circulation in the City at least 15 days before the scheduled hearing date.
 2. Posting of notice. Notice of the hearing shall be posted by the City on each street adjoining the property involved for a period of at least 15 continuous days prior to the date of the hearing. An affidavit of posting signed by a representative of the City shall constitute prima facie evidence of fulfillment of the required posting. The expense of such posting and affidavit shall be paid by the applicant. The sign shall be professionally made or hand-stenciled with dimensions as shown; enamel or weatherproofed painted letters; white background on sturdy backing; minimum size as shown below; on two posts as shown below; and six feet from the edge of the street pavement.
- Final Staff Review and Report to Planning Commission - City staff will complete a final review of the resubmitted materials and then prepare a report to the Planning Commission explaining how the application is or is not consistent with the review criteria and applicable City ordinances, regulations and standards.
- Review by Planning Commission

At a public hearing, the Planning Commission shall review the application for the oil and gas permit for compliance with the following criteria:

1. The requirements of subsections 11-3-6(d)(1) and 11-3-6(d)(2) above are met.
 2. The site plan for the well site complies with the requirements of subsection 11-3-6(d)(3)(A).
 3. The requirements of subsection 11-3-6(d)(3)(B) are met.
 4. The written narrative complies with the requirements of subsection 11-3-6(d)(3)(C).
 5. When applicable, the application complies with the provisions for geologic hazards, floodplains or floodways provided in subsection 11-3-6(p).
 6. When applicable, the application complies with the provisions for wildlife mitigation procedures provided in subsection 11-3-6(q).
- Conditions of Approval: The Planning Commission may recommend as a condition of approval of an oil and gas permit, any conditions necessary to improve or modify the site plan; any conditions necessary to ensure that any negative impacts of the proposed oil and gas operation are eliminated or mitigated; or may impose conditions related to the surface use so long as said conditions do not create an operational conflict with the State's authority to regulate oil and gas development. The Planning Commission shall cause its recommendations to be forwarded to the City Council.



Planning & Development

11701 Community Center Drive

Northglenn, CO 80233

P: 303-450-8739

F: 303-450-8708

northglenn.org

OIL AND GAS OPERATIONS

Application Guide

PROCESS CONTINUED

➤ Review by the City Council

1. A public hearing on the requested oil and gas permit shall be held by the City Council at a regular or special meeting of the Council. Notice of the public hearing shall be published by posting and by publication one time in a newspaper of general circulation in the City not less than 15 days before the date of the hearing. Notice shall be given to the property owners abutting the property or within 300 feet of the property, and to the City's service providers, the County, special districts and referral agencies as deemed appropriate by the City. Said notice shall be given by first-class mail not less than 15 days before the date of the hearing.
2. The City Council shall consider evidence presented in the application and at the public hearing which establishes compliance consistent with Section 11-3-6(e)(1)(l) above and any recommendations of the Planning Commission, if applicable. Following the conclusion of the public hearing, the City Council shall by written resolution render its decision to approve, deny or conditionally approve the application, or it may take the matter under advisement until an announced date certain, not to exceed 15 days from the date of the hearing, at which time it shall render its decision by written resolution. The written resolution shall be prepared by the City Attorney and shall set forth the findings of the City Council.
3. In the event that an application is granted with conditions, the applicant may, within 15 days of the City Council's decision, request a rehearing by petitioning for the same to the City Clerk. The purpose of the rehearing is to afford the applicant the opportunity to demonstrate that removal or modification of one or more of the conditions is necessary to prevent waste or protect owners of correlative rights in a common source to a fair share of production profits or that the decision is otherwise inconsistent with state laws and regulations. Following the conclusion of the rehearing, the City Council may by written resolution render its decision on the application, or it may take the matter under advisement until an announced date certain, not to exceed 15 days from the date of the rehearing, at which time it shall render its decision by written resolution. The written resolution shall be prepared by the City Attorney, shall set forth the findings of the City Council and shall confirm, modify or repeal the conditions contested by the applicant.
4. For the purposes of judicial review, the City Council's final action or decision on an application shall be deemed to have been made as of the date upon which the City Council executes the written resolution, which shall constitute the final decision of the City Council.

CODE REQUIREMENTS

Oil and Gas Applications are subject to the requirements of Section 11-3-6 of the Unified Development Ordinance (UDO). You can reference these provisions through the City's Municipal Code: www.northglenn.org/municode.



Planning & Development
11701 Community Center Drive
Northglenn, CO 80233
P: 303-450-8739
F: 303-450-8708
northglenn.org

OIL AND GAS PERMIT Application

PROJECT INFORMATION

Site Address: _____

Legal Description (if recorded by plat shall also be identified by subdivision name and block and lot numbers: _____

Well Name: _____

OIL AND GAS OPERATOR

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

DESIGNATED CONTACT FOR NOTICES (ON BEHALF OF PROVIDER)

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

DESIGNATED PERSON/FIRM TO PREPARE APPLICATION AND DOCUMENTS (FOR PROVIDER)

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____



Planning & Development
 11701 Community Center Drive
 Northglenn, CO 80233
 P: 303-450-8739
 F: 303-450-8708
 northglenn.org

OIL AND GAS PERMIT
 Application

MINERAL LESSEE'S INFORMATION

Name: _____
 Company (if applicable): _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____ Email: _____

SURFACE OWNERS INFORMATION

Name: _____
 Company (if applicable): _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____ Email: _____

SUPERVISORY AUTHORITY FOR OPERATION SITE

Name: _____
 Company (if applicable): _____
 Address: _____
 City: _____ State: _____ Zip: _____
 24- Hour Emergency Phone: _____ Email: _____

OWNER(S) & AGENT CERTIFICATION

I hereby depose and state under the penalties of perjury that all statements, proposals and/or plans submitted with/or contained in this application are true and correct and the application is complete to the best of my knowledge and belief.

Agent's Signature: _____ Date: _____

Owner(s)' Signature(s): _____ Date: _____

STAFF USE ONLY:

Zoning: _____ Approved Denied
 By: _____ Date: _____

<p>Date Application Received:</p>

SECTION III-G

COMPREHENSIVE SIGN PROGRAM





Planning & Development
11701 Community Center Drive
Northglenn, CO 80233
P: 303-450-8739
F: 303-450-8708
northglenn.org

COMPREHENSIVE SIGN PLAN

Application Guide

OVERVIEW

A Comprehensive Sign Plan (CSP) allows for more flexible application of City's sign regulations and provides incentive for latitude in the design and display of multiple signs by encouraging more desirable sign solutions that might not otherwise be permitted in the sign regulations. Signage proposed as part of a CSP may deviate from the standards and requirements of the Unified Development Ordinance (UDO) if approved by the Planning Commission (See Code Requirements on page 3). Deviations may include, but are not limited to, the following:

1. Types and numbers of signs allowed;
2. Maximum sign area;
3. Maximum height of signs;
4. Placement of signs; and
5. Materials and illumination standards.

Any signage not included as part of a CSP is subject to all provisions of the UDO. However, staff encourages applicants of a CSP to include all signage as part of the application in order to provide a better over-all account of signage for the site.

SUBMITTAL REQUIREMENTS

The owner of any property, or the owners of multiple contiguous properties, may submit an application for a CSP for any residential or nonresidential use. The following application package must be submitted to the Planning and Development Department to commence review. Submittals may be electronic or one (1) paper copy.

- Completed **Application Form** (see attached).
- Application Fee** of \$50.
- Project Description Letter** that summarizes the proposed CSP package and any proposed deviations from the code provisions along with how the proposed signage is consistent with the approval criteria found in Section 11-4-10(j)(3)(B).
- Site Plan**, in 11"x17" format that includes all the following site features:
 - Property lines.
 - Any easements that might impact location of freestanding signs.
 - Existing buildings/structures on the site.
 - Drive aisles and curb cuts.
 - Curb-line of adjacent street and distance of any proposed freestanding sign to the curb.
 - Location of any existing or proposed signage, labeled accordingly. If certain signs are intended to comply with the code, a note can be added indicating such.
 - Location of any signs on adjacent properties.
- Sign Elevations/Drawings**, in 11"x17" format that shows the following:
 - For "Freestanding Signs," include an elevation of the proposed sign(s) including dimensions of height and width of sign structure and total area of sign content. *The City does not regulate content of signage.*
 - For "Wall Signs," include an elevation drawing or photo of the complete building façade identifying the proposed sign location and the dimensions of both the sign and the building or tenant storefront.
 - Include information on illumination of the sign(s).
 - Include all materials proposed for signage.

COMPREHENSIVE SIGN PLAN

Application Guide

- The following table shall be included as part of the “Sign Elevations/Drawings”:

		Sign 1 [Type]		
Type of Sign	Measurement:	Proposed:	UDO Requirement:	Comments:
Wall Sign(s)	Building or Tenant Façade (Sq. Ft.)		N/A	
	Sign Area (Sq. Ft.)			
	Illumination			
Freestanding Sign(s)	Height			
	Area per Face (Sq. Ft.)			
	Setback from Edge of Curb (Ft.)			
	Illumination			

* If multiple signs are proposed, repeat “Proposed” and “UDO Requirement” columns and reference the type of sign.

PROCESS

- Prior to submittal of a CSP application, you are encouraged, but not required, to contact the Planning Division to schedule a meeting to discuss your proposal.
- A CSP requires review and approval by the Planning Commission.
- Upon receipt of a complete application package as determined by the Planning and Development Department, staff will review the application and may refer it to other departments, as necessary.
- Planning staff will compile all comments and provide a review letter within ten (10) business days of submittal. Subsequent submittals may be required.
- Once all comments have been adequately addressed, the CSP will be scheduled for review by the Planning Commission at its next available meeting. The Planning Commission generally meets on the second and fourth Tuesday of each month, with the exception of holidays or when there is not sufficient business for consideration. Scheduling is typically at least three weeks between when an application is deemed complete and the Planning Commission review date.
- Any decision on a CSP made by the Planning Commission may be appealed to the City Council in accordance with Subsection 11-6-7(d) of the UDO.
- A separate sign permit is required prior to construction/installation of any signage. Only after the CSP has been approved by the Planning Commission can the Building Division release any permits. However, the sign permit may be submitted to the Building Division at any time for during the CSP process for review.
- An approved CSP is valid for one (1) year from the date approved by the city if no signs have been constructed or erected.

CODE REQUIREMENTS

Section 11-4-10 of the UDO contains the various regulations related to the installation of signage in the City of Northglenn.

Section 11-4-10(j) of the UDO contains all requirements of the Comprehensive Sign Plan process. The following excerpt outlines the approval criteria for CSP applications. The Project Description Letter must address how the CSP application complies with the requirements of this section.

Section 11-4-10(j)(3)(B). Criteria for Approval

In making its determination on an application for a CSP, the Planning Commission shall consider:

- (i) Compatibility, in terms of scale and architectural features, with the site and surrounding area;*
- (ii) Harmony with the character of the neighborhood;*
- (iii) Need for the proposed use;*
- (iv) Impact on the surrounding land uses;*
- (v) General conformance to the purposes of this Sign Code and other ordinances; and*
- (vi) The health, safety and welfare of the inhabitants of the area and City of Northglenn.”*

These requirements can be found at www.northglenn.org/municode.



Planning & Development
 11701 Community Center Drive
 Northglenn, CO 80233
 P: 303-450-8739
 F: 303-450-8708
 northglenn.org

COMPREHENSIVE SIGN PLAN

Application

PROJECT INFORMATION

Site Address: _____

Business Name: _____

Type of sign(s) proposed: Wall Freestanding Joint Identification Temporary Other: _____

Attach to this application a Project Description Letter that describes in detail the proposed signage included in the CSP application along with a site plan and sign elevations/drawings.

PROPERTY OWNER(S) INFORMATION

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

AUTHORIZED AGENT (If other than owner)

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

OWNER(S) & AGENT CERTIFICATION

I hereby depose and state under the penalties of perjury that all statements, proposals and/or plans submitted with/or contained in this application are true and correct and the application is complete to the best of my knowledge and belief.

Agent's Signature: _____ Date: _____

Owner(s)' Signature(s): _____ Date: _____

STAFF USE ONLY:

Case Number: _____

Date Application Received:

SECTION IV-A

**SUBDIVISION PLAT
(Preliminary or Final)**





Planning & Development
11701 Community Center Drive
Northglenn, CO 80233
P: 303-450-8739
F: 303-450-8708
northglenn.org

SUBDIVISION PLAT

Application Guide

OVERVIEW

The Subdivision Plat review procedure is intended to evaluate requests for the division of land for the purpose of sale or building development, and includes all land division not defined in the Unified Development Ordinance (UDO) as a Minor Subdivision. The Subdivision Plat process includes two sequential procedures: a Preliminary Plat and a Final Plat. Preliminary Plats require public hearings before both the Planning Commission and City Council. Final Plats require only Planning Commission approval, however if public infrastructure is required, then a public hearing is required before both the Planning Commission and City Council.

SUBMITTAL REQUIREMENTS

The following application package must be submitted to the Planning and Development Department to commence review. Submittals should be electronic, or one (1) paper copy will also be accepted. Any missing information may cause the application to be incomplete and, therefore, rejected.

- Completed **Application Form**.
- Application Fee** of \$500 for Preliminary Plat application and \$500 for Final Plat applications; an additional \$500 if a Subdivision Improvement Agreement (SIA) is required.
- Project Description/Justification Letter** that summarizes the proposed development and purpose of the application.
- Survey** of the property. (Preliminary Plat only)
- Subdivision Plat Drawing Package**, that includes all information required in the attached Plat Checklist. The plat shall be formatted in 18"x24" size as required by Adams County and must be prepared by a licensed surveyor.
- A complete and full **Title Report** for the property contained in the proposed plat.
- Proof of Ownership**, demonstrating the ownership of the property contained in the proposed plat.
- Demonstration of **Taxes Paid in Full**.
- Metes and Bounds Legal Description** of the property being subdivided.
- Subdivision Improvement Agreement**, if required, in a .doc format, that outlines manner, timing and responsibility of completion of any required public improvements. (Final Plat only)
- Complete **Engineering Plans and Specifications** for all public improvements to be installed.
- Guarantees for Public Improvements**, as required in Section 11-5-6 of the UDO, for any public improvements required to be installed. (Final Plat only)
- Additional Information**, as may be required by the Planning staff or if applicable to the proposed plat request.

PROCESS



Planning & Development

11701 Community Center Drive

Northglenn, CO 80233

P: 303-450-8739

F: 303-450-8708

northglenn.org

SUBDIVISION PLAT

Application Guide

- If a request for subdivision of land does qualify to be considered a Minor Subdivision, then it requires a formal Subdivision Plat application, including both Preliminary Plat approval and Final Plat approval. The Preliminary and Final Plats can be reviewed concurrently in some cases. This determination can be made at the time of the Pre-Application Meeting.
- Prior to submittal of a Subdivision Plat application, you are required to schedule a Pre-Application Meeting in accordance with Section 11-6-3(b) of the UDO. Contact the Planning and Development Department at 303-450-8739 to schedule a Pre-Application Meeting.
- Applications can be submitted electronically to development@northglenn.org or directly to Planning and Development Department staff at City Hall (11701 Community Center Drive).
- Upon receipt of an application, the Planning staff will review the application package for completeness. If the application is deemed complete, then the plat submittal will be referred out to the city's Development Review Committee, which consists of various city departments, including Planning, Building, Engineering, Public Works, North Metro Fire Rescue, and any other agency/department that might have an interest in the application.
- The Planning and Development Department will compile all comments from the various city departments and other agencies and provide a written review letter within 15 business days of submittal. If a resubmittal is required, it will be requested in the review letter. Any resubmittals will follow this same procedure.
- Once an application has completed the staff review, it can be scheduled for the required public hearings. Preliminary Plats require public hearings before the Planning Commission and City Council. Final Plats can be approved administratively by the Director of Planning and Development provided the Final Plat is consistent with the approved Preliminary Plat. If a Subdivision Plat application includes the dedication of public infrastructure or the need for a Subdivision Improvement Agreement (SIA), then the Final Plat will require public hearings before the Planning Commission and City Council.
- In order for a Subdivision Plat to be approved, it must meet the approval criteria outlined for Preliminary Plats in Section 11-6-6(b)(3)(E)(iv) of the UDO and for Final Plats in Section 11-6-6(c)(3)(C)(ii) or Section 11-6-6(c)(4)(E)(iii) of the UDO for those Final Plats that require the dedication of public infrastructure or a SIA. These approval requirements are described later in this guide. Approvals may include conditions which must be addressed prior to recordation of the plat.
- Any decision on a Preliminary Plat or Final Plat with dedication of public improvements made by the City Council may only be appealed to the district court in accordance with state statute requirements. Any administrative decision on a Final Plat is appealable to the Planning Commission in accordance with Section 11-6-6(a)(3)(D)(iii).
- Preliminary Plats do not require recordation with the County. However, following approval of the Final Plat, the City will record the plat with the County Clerk. The applicant is responsible for all costs associated with recordation of the document and any supporting information.

CODE REQUIREMENTS

Section 11-6-6 of the Unified Development Ordinance (UDO) addresses certain requirements for Subdivision Plat applications. The following references are excerpts from that section. Additionally, minor subdivision plat applications shall be in compliance with all submittal requirements contained herein. Please refer to the city's Municipal Code for a complete listing of all requirements outlined in the UDO pertaining to Minor Subdivision Plat applications.



Planning & Development
11701 Community Center Drive
Northglenn, CO 80233
P: 303-450-8739
F: 303-450-8708
northglenn.org

SUBDIVISION PLAT Application Guide

Section 11-6-6(b)(2). Applicability (Preliminary Plats)

A preliminary plat is required when one or more of the following conditions exist:

- (A) The proposed subdivision will produce four or more lots;
- (B) The proposed subdivision will include the dedication of public right-of-way, other public tracts, or public improvements not determined to be eligible for minor subdivision processing; or
- (C) The proposed subdivision is not otherwise eligible to be processed as a minor subdivision, pursuant to Subsection (a).

Section 11-6-6(b)(3)(iv). Preliminary Plat Approval Criteria

In reviewing a preliminary plat application, the Planning Commission and City Council shall consider whether the preliminary plat:

- a. Is in conformance with the Comprehensive Plan;
- b. Will comply with the applicable zoning district standards;
- c. Will comply with use, dimensional, design, and other development standards in this UDO;
- d. Provides a layout of lots, roads, driveways, utilities, drainage, and other public facilities and services designed to minimize the amount of disturbance to sensitive natural areas or other community resources;
- e. Provides evidence of public water and sewer system connections;
- f. Identifies and adequately mitigates known natural hazard areas; and
- g. Proposes reasonable project phasing in terms of infrastructure capacity.

Section 11-6-6(c)(2). Applicability (Final Plats)

The final plat procedure applies to all subdivisions in the City of Northglenn unless stated otherwise in this UDO.

Section 11-6-6(c)(3)(C)(ii). Final Plat Approval Criteria

In reviewing a final plat application, the Director shall consider whether:

- a. The final plat conforms to the approved preliminary plat, including any conditions of approval;
- b. The development will substantially comply with all requirements of this UDO; and
- c. The development will comply with the applicable technical standards and specifications adopted by the City.

Please note that a Minor Subdivision Plat must comply with all applicable requirements outlined in the Northglenn UDO. The city's UDO can be found at www.northglenn.org/municode.



Planning & Development
 11701 Community Center Drive
 Northglenn, CO 80233
 P: 303-450-8739
 F: 303-450-8708
 northglenn.org

SUBDIVISION PLAT Application Guide

SUBDIVISION PLAT DRAWING PACKAGE CHECKLIST

The following information shall be included as part of the Minor Subdivision Plat drawing package. The number of pages may vary based on the project.

		PRELIMINARY	FINAL
<input type="radio"/>	Subdivision name and subtitle identifying the section, township and range information along with city, county and state.	X	X
<input type="radio"/>	Vicinity map with scale and north arrow.	X	X
<input type="radio"/>	Contact information for the following: Owner, Developer, Architect, Landscape Architect, Engineer, Surveyor	X	
<input type="radio"/>	Metes and bounds legal description of the property contained in the plat. _____, being the owner(s) of the real property of _____ acres described as follows: [Insert surveyed property description of entire bounds of area being platted]	X	X
<input type="radio"/>	Total acreage of the site as well as all proposed lots.	X	X
<input type="radio"/>	Location and boundaries of the subdivision as part of a larger area.	X	
<input type="radio"/>	Zoning of property adjacent to the subject site.	X	
<input type="radio"/>	Existing contours in 1-foot intervals.	X	
<input type="radio"/>	Location of designated floodplain, where applicable.	X	
<input type="radio"/>	Site data to include number of lots and land uses associated with the lot layout.	X	X
<input type="radio"/>	Location and dimensions of all proposed streets, easements, parks or other areas go be reserved or dedicated for public use.	X	
<input type="radio"/>	The location and size of existing utilities within or adjacent to the site, including water, sewer, electric, and gas.	X	
<input type="radio"/>	The proposed water and sewer distribution system that will serve the various parcels within the proposed subdivision.	X	
<input type="radio"/>	Accurate dimensions for all lines, angles, and curves used to describe boundaries, streets, easements, areas to be reserved for public use, and other important features. All curves shall be circular arcs and shall be defined by the radius, central angle, tangent, arc and chord distances. All dimensions, both linear and angular, are to be determined by an accurate control survey in the field which must balance and close within a limit of one in ten thousand. No final plat showing plus or minus dimensions will be approved		X
<input type="radio"/>	Include a description of all monumentation that mark the boundary of the survey.	X	X



Planning & Development
 11701 Community Center Drive
 Northglenn, CO 80233
 P: 303-450-8739
 F: 303-450-8708
 northglenn.org

SUBDIVISION PLAT
 Application Guide

	<p>Acknowledged before me this ____ day of _____, _____, by _____.</p> <p>Witness my hand and official seal.</p> <p>_____</p> <p>Notary Public</p> <p>My commission expires: _____</p>		
<input type="radio"/>	<p>Surveyor's Certificate:</p> <p>I, _____, do hereby certify that the survey of the boundary of _____ (Subdivision) was made under my supervision and the accompanying plat accurately represents said survey.</p> <p>[Insert statement by the land surveyor explaining how bearings were determined.]</p> <p>[Insert statement by the land surveyor indicating the type of monuments used.]</p> <p>[Insert any required statement by the land surveyor certifying compliance with applicable provisions of the Colorado Revised Statutes]</p> <p>_____</p> <p>(Signature of Registered Land Surveyor) [Land Surveyor's Seal]</p>	<p>X</p>	<p>X</p>
<input type="radio"/>	<p>Title Insurance Note:</p> <p>This survey does not constitute a title search by (SURVEYOR) to determine ownership or easements of record. For all information regarding easements, rights of way and title of records (SURVEYOR) Relied upon title prepared by (TITLE COMMITMENT NO.) dated (DATE) as prepared by (TITLE COMPANY), to delineate the aforesaid information.</p>	<p>X</p>	<p>X</p>
<input type="radio"/>	<p>Mortgage Interest Holder(s) Consent to Dedication:</p> <p>MORTGAGEE CONSENT TO DEDICATION: The undersigned holders of mortgage interests and liens against the property offered for dedication and transfer to the public and City of Northglenn consents and approves of such dedication and transfer and subordinates and releases its interests to such dedicated and transferred property.</p> <p>In Witness Whereof, we do hereunto set our hands and seals this ____ day of _____, _____</p> <p>_____</p> <p>[Printed Name of Mortgage Interest Holder]</p> <p>(If by corporation, president signs, secretary attests and corporate seal is affixed)</p> <p>[Insert notarization conforming to applicable requirement of state law for mortgagee's place of execution]</p>		<p>X</p>



Planning & Development
 11701 Community Center Drive
 Northglenn, CO 80233
 P: 303-450-8739
 F: 303-450-8708
 northglenn.org

SUBDIVISION PLAT
 Application Guide

SUBDIVISION IMPROVEMENT AGREEMENT

The following is a template form for a Subdivision Improvement Agreement (SIA), which is required if there are any public improvements associated with the subdivision application. Any modifications to the form require approval from the City Attorney. Any proposed modifications should be clearly delineated on a draft version of the SIA and an explanation for the proposed modification is required in writing. A SIA requires final approval by the City Council.

CITY OF NORTHGLENN
SUBDIVISION IMPROVEMENT AGREEMENT – FINAL PLAT
FOR

THIS SUBDIVISION IMPROVEMENT AGREEMENT ("Agreement") is entered into and made by and between _____ ("Owner/Developer") and the **CITY OF NORTHGLENN, COLORADO**, a Colorado home rule municipal corporation whose address is 11701 Community Center Dr, Northglenn, Colorado, hereinafter referred to as the "City" or "Northglenn." The Owner/Developer and the City shall collectively be referred to as the "Parties." This Agreement shall be effective following execution by the Owners/Owner/Developer and immediately upon the date of the authorized execution of this Agreement by the City.

RECITALS AND REPRESENTATIONS:

WHEREAS, Owner/Developer represents that it is the sole owner of the following described property located in the City of Northglenn, County of Adams, State of Colorado:

See Exhibit A

hereinafter referred to as the "Property;"

WHEREAS, Owner/Developer represents that it has authority to apply for and process a final plat for the Property, titled ("Final Plat"), and is authorized to obtain all necessary approvals and enter into any agreements necessary for the development of the Property (the "Project");

WHEREAS, Owner/Developer plans to develop the Project and such development requires the dedication, construction, installation, and/or improvement of certain public improvements including but not limited to, storm drainage facilities, public thoroughfares and streets, private drives, curb, gutter and sidewalk, and other public and private facilities and improvements as described in the Final Plat application to serve the proposed development of the Property;

WHEREAS, in conjunction with submittal of the Final Plat, the Owner/Developer has submitted to the City supporting documentation including construction, grading/drainage, utility, street improvement, storm sewer, and electrical plans (collectively the "Construction Plans");

WHEREAS, on, the City Council of the City of Northglenn, after holding all necessary public hearings and having received a recommendation of approval from the Planning Commission on _____, approved the final plat for the Property. A copy of the final plat is attached hereto as **Exhibit B** and incorporated herein; and

WHEREAS, it is the intent of this Agreement that the Owner/Developer shall be responsible for and shall pay all costs and expenses associated with the proposed, development of the Project.



Planning & Development
11701 Community Center Drive
Northglenn, CO 80233
P: 303-450-8739
F: 303-450-8708
northglenn.org

SUBDIVISION PLAT Application Guide

NOW, THEREFORE, in consideration of the mutual promises, covenants, and agreements of the parties, the approval by the City of Northglenn of the Final Plat, the dedication of certain land to the City for public purposes, and other good and valuable considerations, the sufficiency and adequacy of which are hereby acknowledged by the parties, the Parties hereto agree as follows:

AGREEMENT

- 1.0 **PURPOSE.** The purpose of this agreement is to set forth the terms, conditions, and fees to be paid by the Owner/Developer upon subdivision of the Property. All conditions contained herein are in addition to any and all requirements of the City of Northglenn Subdivision and Zoning Regulations, the City of Northglenn Home Rule Charter, any and all state statutes, and any other sections of the City of Northglenn Municipal Code, and are not intended to supersede any requirements contained therein.
- 2.0 **DELIVERY OF FINAL PLAT.** Upon the City's approval of the Final Plat, Owner/Developer shall immediately deliver the original of the Final Plat, containing all revisions and amendments required by the City Council or as directed by City Staff prior to Final Plat approval, to the City Clerk. Owner/Developer shall also pay for the costs of recordation of the Final Plat and this Agreement. In addition, Owner/Developer shall deliver to the City Clerk, along with the Final Plat, two (2) sets of complete and final Construction Plans.
- 3.0 **RECORDATION OF PLAT.** Owner/Developer shall prepare and submit to the City Clerk the Final Plat in a form and upon material acceptable for recordation by the Adams County Clerk and Recorder and shall provide the required Security as hereinafter defined. Failure of Owner/Developer to submit an acceptable Final Plat and Security as specified in Section 11 of this Agreement to the City Clerk within ninety (90) days of the date of this Agreement shall, upon the enactment of a resolution by the City Council finding that the submittal was untimely, void Final Plat approval for the Project and this Agreement. If Owner/Developer timely submits a completed and recordation-ready Final Plat to the City, the City agrees to record the Final Plat no later than fifteen (15) days after it is submitted to and received by the City. The Final Plat and Construction Plans, as approved by the City, are incorporated into this Agreement for all purposes including illustration and interpretation of the terms and conditions of this Agreement.
- 4.0 **PUBLIC UTILITY FEES.** Owner/Developer shall pay all installation charges for lighting and gas services required by Xcel Energy providing services to the Project.
- 5.0 **UNDERGROUNDING OF ALL UTILITIES.** The Owner/Developer shall underground all electric, gas, cable and telephone lines (collectively, "utilities") within the boundaries of the Final Plat or which are required to be relocated pursuant to this Agreement or as a condition of approval of the Final Plat. All utilities providing public services to the Project shall be located within dedicated and platted public utility easements or public street rights-of-way which shall be approved and subject to acceptance by the City.
- 6.0 **SUBDIVISION MONUMENTATION.** In accordance with the applicable provisions of the Colorado Revised Statutes, as amended, and the Northglenn City Municipal Code, as amended, the Owner/Developer shall establish all subdivision monumentation and have the monumentation approved by the City prior to issuance of any certificate of occupancy within the Project.
- 7.0 **STREET MAINTENANCE.** The Owner/Developer shall take all reasonable steps necessary to limit and prevent the accumulation of, and to remove accumulated mud, sediment, dirt, trash, and other debris that is "tracked," blown, or otherwise carried onto public property and public rights-of-way during development of the Project. Owner/Developer also shall take all reasonable steps necessary to prevent its construction activities from damaging adjacent properties, including public rights-of-way and other public property. If any adjacent property or public right-of-way is damaged or destroyed during the construction of the Public Improvements



Planning & Development
11701 Community Center Drive
Northglenn, CO 80233
P: 303-450-8739
F: 303-450-8708
northglenn.org

SUBDIVISION PLAT Application Guide

as defined herein, Owner/Developer shall, at its sole cost, promptly repair or replace the same to a condition similar or equal to that existing before such damage.

8.0 **DRAINAGE, RETENTION, AND DETENTION FACILITIES.** The Owner/Developer shall construct all drainage, retention, and detention in accordance with the Construction Plans approved by the City Engineer.

8.1 The Owner/Developer shall be responsible for all onsite drainage retention and detention as prescribed in Articles 13 & 17 of Chapter 16 of the City of Northglenn Municipal Code as amended.

8.2 **PUBLIC PROPERTY DEDICATION/TITLE POLICY.** A title commitment for any Property being dedicated to the City or upon which Public Improvements are being constructed shall be provided to the City. The title commitment shall show that all property is or shall be, subsequent to the execution and recording of the Final Plat, free and clear of all liens and encumbrances (other than real estate taxes which are not yet due and payable) which would make the dedications unacceptable as the City in its sole discretion determines. The title policy evidenced by the title commitment shall be provided thirty (30) days after the recording of the Final Plat.

8.3 By execution of the Final Plat, the Owner/Developer has offered for dedication to the City at no cost and the City has accepted such dedication of certain real property interests, as depicted on the Final Plat. No building permit or certificate of occupancy shall be issued unless and until the above requirement is satisfied.

9.0 **CONSTRUCTION OF PUBLIC IMPROVEMENTS.** The Owner/Developer shall design, furnish, construct, and install the following public improvements as illustrated on the Final Plat and the approved Construction Plans ("Public Improvements") at the Owner/Developer's cost and expense:

See Exhibit C – Public Improvements Description

The Public Improvements shall be designed, furnished, constructed, and installed in accordance with the Final Plat, the Construction Plans and the Public Improvement Plans approved by the City Engineer and in accordance with applicable provisions of the City's applicable ordinances, rules and regulations in effect at the time of construction and all uniform building, construction, fire, plumbing, and safety codes adopted by the City in effect at the time of construction.

At all times during construction of the Public Improvements, the City shall have the right to test and inspect, or to require testing and inspection of materials and construction at Owner/Developer's expense. No excavation, facility or Public Improvement shall be covered until inspected by Northglenn, or the applicable service provider, or until such inspection is waived by the City in writing.

10.0 **CONSTRUCTION PLANS AND COST ESTIMATE REQUIRED.** Prior to the recordation of the Final Plat or the issuance of the first building permit for any improvement within the Project, the Owner/Developer shall provide to the City the following:

10.1 Final construction and engineering plans and drawings (collectively, the "Public Improvement Plans") suitable for the commencement of construction of all Public Improvements required within for Project bearing the stamp of a Colorado licensed engineer with experience in the design and engineering of such improvements. Such Public Improvement Plans shall be prepared in accordance with this Agreement, the Northglenn City Municipal Code, and the City of Northglenn Public Right-of-Way Standards and Specifications as amended and shall be subject to approval by the City Engineer in accordance with the Northglenn City Municipal Code. Such Public



Planning & Development

11701 Community Center Drive

Northglenn, CO 80233

P: 303-450-8739

F: 303-450-8708

northglenn.org

SUBDIVISION PLAT

Application Guide

Improvement Plans shall specifically include, by way of illustration but not limitation, 100% complete final construction and engineering plans and drawings;

and

- 10.2 Construction cost estimates, as shown in **Exhibit D** for all costs and expenses associated with the construction and completion of all Public Improvements to be constructed by the Owner/Developer in accordance with this Agreement. . Such cost estimate shall bear the stamp and a certification of accuracy of a Colorado-licensed engineer with experience in construction cost estimating. The City may, in its discretion and at the City's cost and expense, submit the Public Improvement Plans and Owner/Developer's cost estimate to a City-retained engineer for review and an opinion of the construction cost estimate. Reasonable revisions and modifications to the Owner/Developer's construction cost estimate requested by the City or the City-retained engineer shall be implemented by the Owner/Developer prior to final acceptance of the estimate by the City. Where the City's cost estimate exceeds the Owner/Developer's estimate, the City's estimate shall govern and control the amount of any required letter of credit or other surety required from the Owner/Developer for the Public Improvements.

11.0 REQUIRED SECURITY FOR PUBLIC IMPROVEMENTS.

- 11.1 In order to secure the construction and installation of the Public Improvements the Owner/ Developer shall, prior to recording the final plat in the real estate records of Adams County, which recording shall occur no later than ninety (90) days after the execution of this Agreement, at the Owner/Developer's expense, furnish the City with the performance guarantee described herein. The performance guarantee provided by the Owner/Developer shall be cash or an irrevocable letter of credit in which the City is designated as beneficiary in an amount equal to construction cost estimate described in Section 10.2 of this Agreement, in order to secure the performance and completion of the Public Improvements. The Owner/Developer agrees that approval of the final plat of the City is contingent upon the Owner/Developer's provision of the performance guarantee described herein within ninety (90) days of the execution of this agreement in the amount and form provided herein. Failure of the Owner/Developer to provide cash or an irrevocable letter of credit to the City in the manner provided herein shall negate the City's approval of the final plat. Letters of credit shall be substantially in the form and content set forth in Exhibit E, attached hereto and incorporated herein, and shall be subject to the review and approval of the City Attorney. The Owner/Developer shall not start the construction of any public or private improvement on the Property including, but not limited to, staking, earth work, overlot grading or the erection of any structure, temporary or otherwise, until the City has received the cash or received and approved the irrevocable letter of credit.

Due to the length of the construction period for the Public Improvements, Owner/Developer may at any time on or after the anniversary of this Agreement request that the City release that portion of the cash of letter of credit held as security by the City for performance of this Agreement to reduce the amount of such security to the estimated cost of the remaining construction costs to be incurred to complete the Public Improvements. Owner/Developer shall, if requested by City, provide to City copies of invoices for construction of the Public Improvements, evidence of payment of such invoices, provisional lien releases for portions of the work performed through such date and any other documents reasonably requested by City related to construction progress towards completion of the Public Improvements. Upon providing such documentation to the City, City shall, within twenty (20) days, release to Owner/Developer that portion of the security held by the City equal to the difference between (i) the amount of security held by the City and (ii) the estimated costs remaining to complete construction of the Public Improvements; provided, that such release shall not reduce the amount of



Planning & Development

11701 Community Center Drive

Northglenn, CO 80233

P: 303-450-8739

F: 303-450-8708

northglenn.org

SUBDIVISION PLAT

Application Guide

the security below the amount required by this Agreement to be retained by the City between the date of completion of the Public Improvements and the end of the warranty period discussed below.

In the event the Public Improvements are not constructed or completed within the period of time specified herein of this agreement or a written extension of time mutually agreed upon by the parties to this agreement, the City may draw on the cash or letter of credit to complete the Public Improvements called for in this agreement. In the event the letter of credit is to expire within fourteen (14) calendar days and the Owner/Developer has not yet provided a satisfactory replacement, the City may draw on the letter of credit and either hold such funds as security for performance of this agreement or spend such funds to finish the Public Improvements or correct problems with the Public Improvements as the City deems appropriate.

Upon completion of performance of such improvements, conditions and requirements within the required time and the approval of the City Public Works Director, the Owner/Developer shall provide cash or shall issue an irrevocable letter of credit to the City in the amount of ten percent (10%) of the total cost of construction and installation of the Public Improvements, to be held by the City during the two (2) year warranty period. If the Public Improvements are not completed within the required time, the monies may be used to complete the improvements.

12.0 COMPLETION AND ACCEPTANCE OF PUBLIC IMPROVEMENTS.

12.1 The Owner/Developer shall complete construction of the Public Improvements within Two (2) Years of the date on which the Owner/Developer provides the performance guarantee to the City for the construction of the Public Improvements in accordance with the terms of this Agreement. Upon completion of construction of the Public Improvements and Owner/Developer's written request for probationary acceptance of such Improvements ("Construction Acceptance"), the Owner/Developer shall:

1. File with the City an original or sepia reproducible copy of the as-built construction plans of such Public Improvement(s), stamped and certified by the Engineer of Record who shall also be a Colorado registered professional engineer; and
2. Submit to the City a sworn affidavit and documentary evidence that there exists no lien or encumbrance upon or against the Public Improvements resulting from unpaid amounts owing to contractors, subcontractors, material persons, or other persons involved or engaged in the construction or installation of the Public Improvements. The Owner/Developer shall promptly modify, alter, and repair at its own cost and expense any improvements not constructed in accordance with the Construction Plans so that the improvements conform to the Construction Plans. The Public Improvements shall become the property of the City (and the City's maintenance responsibility) upon Construction Acceptance of the Public Improvements by the City.

12.2 The City shall issue to the Owner/Developer a certificate of Construction Acceptance granting probationary acceptance of the Public Improvements and setting the terms of the warranty period. The probation and warranty period ("Warranty Period") shall terminate Two (2) years from the date of Construction Acceptance.

12.3 At the end of the Warranty Period, the City shall reinspect the Public Improvements and require correction of all defects and failures of the Public Improvements prior to the issuance of final acceptance of the Public Improvements and release of any remaining Security ("Final Acceptance").



Planning & Development

11701 Community Center Drive

Northglenn, CO 80233

P: 303-450-8739

F: 303-450-8708

northglenn.org

SUBDIVISION PLAT

Application Guide

- 13.0 WARRANTY OF PUBLIC IMPROVEMENTS. The Owner/Developer hereby represents that the Public Improvements shall be designed to reasonably achieve the purposes intended for the Public Improvements and hereby warrants the design, quality of materials, quality of construction, and quality of workmanship of all such City-accepted Public Improvement(s) for a period of two (2) years from the date of the City's Construction Acceptance of the Public Improvements.
- 14.0 PAYMENT OF FEES AND CHARGES. The Owner/Developer will comply with all ordinances, rules, and regulations of the City and shall pay all fees and other charges in a timely manner as required by the City including, but not limited to, building permit fees, inspection fees, tap or connection fees, and plan review fees which are imposed by the City by ordinance, rule, resolution, motion, agreement, or by the terms and conditions of this Agreement. In addition to any other remedy available to the City, the City may withhold and deny issuance of any building permit, certificate of occupancy, or other permit or approval until all due and outstanding fees are paid by the Owner/Developer.
- 15.0 FORM OF PAYMENT OF ALL FEES AND CHARGES. Unless otherwise agreed to by the City Manager on a case by case basis, the Owner/Developer's payment of fees and charges specified by this Agreement shall be made in the form of certified funds, cashier's check, or cash delivered to the City of Northglenn, City Hall, 11701 Community Center Dr, Northglenn City, Colorado .
- 16.0 DELAYS. The Parties have executed this Agreement such that completion of the improvements shall be subject to strikes, accidents, acts of God, weather conditions that justify a delay of construction in light of standard practices in the building profession, inability to secure labor, fire regulations or restrictions imposed by any government or governmental agency, or other delay resulting from events that are beyond the control of the delaying party and which are agreed to by the Parties as justifying delay.
- 17.0 WAIVER. A waiver by any party to this Agreement of the breach of any term or provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach by either party. The Parties understand and agree that nothing contained in the Final Plat is intended to waive or modify any applicable provision of state or local law.
- 18.0 NO WAIVER OF GOVERNMENTAL IMMUNITY. Nothing in this Agreement shall be construed to waive, limit, or otherwise modify any governmental immunity that may be available by law to the City of Northglenn, its officials, employees, contractors, or agents, or any other person acting on behalf of the City and, in particular, governmental immunity afforded or available pursuant to the Colorado Governmental Immunity Act, Title 24, Article 10, Part 1 of the Colorado Revised Statutes.
- 19.0 BINDING EFFECT. The Parties hereto agree that this Agreement, by its terms, shall be binding upon the successors, heirs, legal representatives, and assigns thereof and shall constitute covenants running with the described property. At the time it records the Final Plat, the City shall also record this Agreement. To the extent permitted by law, all Owner/Developer and all future successors, heirs, legal representatives, and assigns of the Owner/Developer shall be jointly and severally responsible for all terms, conditions, and obligations set forth in this Agreement.
- 20.0 NO THIRD PARTY BENEFICIARIES. It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the City and Owner/Developer, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other third person on such Agreement. It is the express intention of the City and Owner/Developer that any person other than the City or Owner/Developer and their successors and assigns receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.



Planning & Development

11701 Community Center Drive

Northglenn, CO 80233

P: 303-450-8739

F: 303-450-8708

northglenn.org

SUBDIVISION PLAT

Application Guide

- 21.0 **GOVERNING LAW, VENUE, AND ENFORCEMENT.** This Agreement shall be governed by the laws of the State of Colorado. Venue for any action arising from this Agreement shall lie with any appropriate court within Adams County, Colorado. The Parties agree and acknowledge that this Agreement may be enforced at law or in equity, including an action for damages or specific performance. In addition to any other available remedies, it is understood and agreed that the City may withhold any permits or certificates requested by the Owner/Developer, including but not limited to building permits and certificates of occupancy for any lot within the Project in the event of a breach of this Agreement by the Owner/Developer.
- 22.0 **AGREEMENT AND RELEASE.** All or part of the rights, duties, obligations, responsibilities, or benefits set forth in this Agreement shall not be assigned by the Owner/Developer without the express written consent of the City of Northglenn. Any such written assignment shall expressly refer to this Agreement, specify the particular rights, duties, obligations, responsibilities, or benefits so assigned, and shall not be effective unless approved by resolution of the City Council. No assignment shall release the Owner/Developer from performance of any duty, obligation, or responsibility unless such release is clearly expressed in such written document of assignment. Prior to approving any release of the Owner/Developer, the City may, at its sole discretion, require the party assuming any duty, obligation, or responsibility of the Owner/Developer to provide to the City written evidence of financial or other ability or capability to meet the particular duty, obligation, or responsibility being assumed by the party.
- 23.0 **VESTED RIGHTS AND SUBSEQUENT LEGISLATIVE ENACTMENT.** The Parties acknowledge and understand that the approval of the Final Plat was not processed or approved in accordance with or pursuant to Section 13, Article 3 of Chapter 11 of the Northglenn City Municipal Code or C.R.S. § 24-68-101 *et seq.* and the approval of the Final Plat does not constitute approval of a "site specific development plan" as that phrase is defined in either Chapter 11 of the Northglenn City Municipal Code or in C.R.S. § 24-68-101 *et seq.* The approval of the Final Plat shall not therefore create or grant a "vested property right" as defined by Chapter 11, Article V and C.R.S. § 24-68-101 *et seq.* Nothing in this Agreement shall limit, prevent, or preclude the later adoption by the City Council of a legislative enactment which is general in nature and which may be applicable to the Project as well as other similarly situated property; subject, however, to rights which may accrue to the Owner/Developer by virtue of the vesting of property rights acquired in accordance with common law.
- 24.0 **INDEMNIFICATION.** The Owner/Developer shall indemnify and hold harmless the City, its officers, employees, agents or servants from any and all suits, actions, and claims of every nature and description caused by, arising from or on account of any act or omission of the Owner/Developer, or of any other person or entity for whose act or omission the Owner/Developer is liable, with respect to construction of the Public Improvements; and the Owner/Developer shall pay any and all judgments rendered against the City as the result of any suit, action, or claim together with all reasonable expenses and attorney fees incurred by the City in defending any such suit, action or claim.

The Owner/Developer shall pay all property taxes due and owing on the Property dedicated to the City concurrently with or prior to such dedication, and shall indemnify and hold harmless the City for any property tax liability arising at or prior to the dedication to the City.

The Owner/Developer shall require that all contractors and other employees engaged in construction of Public Improvements shall maintain adequate workers' compensation insurance and public liability coverage and shall faithfully comply with the provisions of the Federal Occupational Safety and Health Act.



Planning & Development

11701 Community Center Drive

Northglenn, CO 80233

P: 303-450-8739

F: 303-450-8708

northglenn.org

SUBDIVISION PLAT

Application Guide

- 24.1 WAIVER OF DEFECTS. In executing this agreement the Owner/Developer waives all objections it may have concerning defects, if any, in the formalities whereby it is executed, or concerning the power of the City to impose conditions on the Owner/Developer as set forth herein, and concerning the procedure, substance, and form of the ordinances or resolutions adopting this agreement.
- 24.2 RELEASE OF LIABILITY. It is expressly understood that the City cannot be legally bound by the presentations of any of its officers or agents or their designees except in accordance with the City of Northglenn Home Rule Charter, the City of Northglenn Municipal Code, and the laws of the State of Colorado.
- 25.0 PARAGRAPH CAPTIONS. The captions of the paragraphs are set forth only for the convenience and reference of the Parties and are not intended in any way to define, limit or describe the scope or intent of this Agreement.
- 26.0 INVALID PROVISION; SEVERABILITY. If any provision of this Agreement shall be determined to be void by any court of competent jurisdiction, then such determination shall not affect any other provision hereof, and all of the other provisions shall remain in full force and effect. It is the intention of the parties hereto that if any provision of this agreement is capable of two constructions, one of which would render the provision void, and the other which would render the provision valid, then the provision shall have the meaning which renders it valid.
- 27.0 RECORDING OF AGREEMENT. This Agreement shall be recorded in the real estate records of Adams County and shall be a covenant running with the Property in order to put prospective purchasers or other interested parties on notice as to the terms and provisions hereof.
- 28.0 TITLE AND AUTHORITY. The Owner/Developer expressly warrants and represents to the City that it is the record owner of the property constituting the Property and further represents and warrants, together with the undersigned individuals, that the undersigned individuals have full power and authority to enter into this subdivision agreement. The Owner/Developer and the undersigned individuals understand that the City is relying on such representations and warranties in entering into this Agreement.
- 29.0 INTEGRATION AND AMENDMENT. This Agreement represents the entire agreement between the Parties and there are no oral or collateral agreements or understandings. This Agreement may be amended only by an instrument in writing signed by the parties.
- 30.0 INCORPORATION OF EXHIBITS. Unless otherwise stated in this Agreement, exhibits referenced in this Agreement shall be incorporated into this Agreement for all purposes. Construction documentation referenced herein is a public record on file and available for review at the City of Northglenn, City Hall, 11701 Community Dr, Northglenn City, Colorado.
- 31.0 ATTORNEY FEES. Should this Agreement become the subject of litigation to resolve a claim of default of performance by the Owner/Developer and a court of competent jurisdiction determines that the Owner/Developer was in default in the performance of the agreement, the Owner/Developer shall pay the attorney fees, expenses and court costs of the City.
- 32.0 NOTICES. Any notice required or permitted by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if sent by certified mail or registered mail, postage and fees prepaid, addressed to the party to whom such notice is to be given at the address set forth on the signature page below, or at such other address as has been previously furnished in writing, to the other party or parties. Such notice shall be deemed to have been given when deposited in the United States Mail.



Planning & Development
 11701 Community Center Drive
 Northglenn, CO 80233
 P: 303-450-8739
 F: 303-450-8708
 northglenn.org

SUBDIVISION PLAT
 Application Guide

DATED THIS _____ DAY OF _____, 20__.

CITY OF NORTHGLENN, a Colorado home rule municipal corporation

ATTEST:

By: _____
 Johanna Small, CMC, City Clerk

By: _____
 Carol A. Dodge, Mayor

OWNER/DEVELOPER

By: _____

Print Name: _____

Title: _____

STATE OF COLORADO)
) ss.
 COUNTY OF _____)

Acknowledged before me on _____, 20, by _____, as _____ for the _____.

Witness my hand and official seal.

My commission expires: _____

 Notary Public

[S E A L]



Planning & Development
 11701 Community Center Drive
 Northglenn, CO 80233
 P: 303-450-8739
 F: 303-450-8708
northglenn.org

SUBDIVISION PLAT
 Application Guide

EXHIBIT A
DESCRIPTION OF PROPERTY

EXHIBIT B
FINAL PLAT

EXHIBIT C
DESCRIPTION OF PUBLIC IMPROVEMENTS

EXHIBIT D
ENGINEER'S COST ESTIMATES

EXHIBIT E
LETTER OF CREDIT FORM

BANK LETTERHEAD
 NAME OF INSTITUTION
 ADDRESS
 CITY, STATE, ZIP

SAMPLE

DATE

IRREVOCABLE STANDBY LETTER OF CREDIT

BENEFICIARY:

PERMITTEE:

CITY OF NORTHGLEN
 11701 COMMUNITY CENTER DRIVE
 NORTHGLEN, COLORADO 80233

LETTER OF CREDIT NUMBER:

DATE ISSUED:

EXPIRARY DATE: THIS IRREVOCABLE LETTER OF CREDIT SHALL EXPIRE 12 MONTHS AFTER THE
 ISSUANCE DATE; PROVIDED THAT NAME OF INSTITUTION HAS GIVEN THE CITY OF
 NORTHGLEN NOT LESS THAN 30 DAYS NOR MORE THAN 60 DAYS PRIOR WRITTEN
 NOTICE OF THE IMPENDING EXPIRATION.

AT: ISSUING BANK'S INTERNATIONAL BANKING COUNTERS LOCATED AT ADDRESS INDICATED ABOVE.



Planning & Development
 11701 Community Center Drive
 Northglenn, CO 80233
 P: 303-450-8739
 F: 303-450-8708
 northglenn.org

SUBDIVISION PLAT
 Application Guide

AMOUNT: \$AMOUNT U.S. DOLLARS

WE HEREBY ISSUE THIS IRREVOCABLE STANDBY LETTER OF CREDIT AVAILABLE BY PAYMENT BY DRAFT(S) DRAWN AT SIGHT ON NAME OF INSTITUTION AND ACCOMPANIED BY THE FOLLOWING DOCUMENTS:

1. THIS ORIGINAL LETTER OF CREDIT.

2. A STATEMENT ISSUED AND SIGNED BY THE BENEFICIARY CERTIFYING AS FOLLOWS:

"THE UNDERSIGNED, AN AUTHORIZED REPRESENTATIVE OF THE CITY OF NORTHGLENN, HEREBY CERTIFIES THE PERMITTEE HAS FAILED TO COMPLY WITH A CONDITION UPON WHICH THE CERTIFICATE OF OCCUPANCY WAS ISSUED BY THE CITY OF NORTHGLENN TO THE PERMITTEE FOR THE FOLLOWING PROPERTY:
 _____."

SPECIAL CONDITIONS:

PARTIAL DRAWING IS PERMITTED.

PURSUANT TO U.S. LAW, WE ARE PROHIBITED FROM ISSUING, TRANSFERRING, ACCEPTING OR PAYING LETTERS OF CREDIT TO ANY PARTY OR ENTITY IDENTIFIED BY THE OFFICE OF FOREIGN ASSETS CONTROL, U.S. DEPARTMENT OF TREASURY, OR SUBJECT TO DENIAL OF EXPORT PRIVILEGES BY THE U.S. DEPARTMENT OF COMMERCE.

DRAFT DRAWN UNDER THIS CREDIT MUST BEAR THE CLAUSE: "DRAWN" UNDER NAME OF INSTITUTION IRREVOCABLE STANDBY LETTER OF CREDIT NUMBER.

THIS CREDIT IS SUBJECT TO "THE UNIFORM CUSTOMS AND PRACTICE FOR DOCUMENTARY CREDITS" (1993 REVISION) INTERNATIONAL CHAMBER OF COMMERCE PUBLICATION NUMBER 500.

WE HEREBY ENGAGE WITH YOU THAT DRAFT(S) DRAWN AND/OR DOCUMENTS PRESENTED AND NEGOTIATED UNDER AND IN COMPLIANCE WITH THE TERMS OF THIS IRREVOCABLE STANDBY LETTER OF CREDIT WILL BE DULY HONORED UPON PRESENTATION TO US.

NAME OF INSTITUTION
 A MEMBER OF THE FEDERAL RESERVE SYSTEM

STANDBY LETTERS OF CREDIT



City of Northglenn
 11701 Community Center Drive
 Northglenn, CO 80233
 P: 303-451-8326
 F: 303-450-8708
 northglenn.org

SUBDIVISION PLAT APPLICATION
 Planning and Development Department

PROJECT INFORMATION

Preliminary Plat Final Plat Combined Preliminary and Final Plat

General Description of Request: _____

Attach hereto a Project Description Letter that describes in detail the request.

Property Address or Location: _____

Legal Description: _____

Zoning District: _____ Lot area: _____

PROPERTY OWNER(S) INFORMATION

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

AUTHORIZED AGENT (If other than owner)

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

OWNER(S) & AGENT CERTIFICATION

I hereby depose and state under the penalties of perjury that all statements, proposals and/or plans submitted with/or contained in this application are true and correct and the application is complete to the best of my knowledge and belief.

Agent's Signature: _____ Date: _____

Owner(s)' Signature(s): _____ Date: _____

STAFF USE ONLY:

Case Number:

Date Application Received:

SECTION IV-B

MINOR SUBDIVISION PLAT





Planning & Development
11701 Community Center Drive
Northglenn, CO 80233
P: 303-450-8739
F: 303-450-8708
northglenn.org

MINOR SUBDIVISION PLAT Application Guide

OVERVIEW

A Minor Subdivision is a review procedure intended to evaluate proposed subdivision that will create a minimal number of lots and/or involve minimal adjustments to approved final plats. The Minor Subdivision also provides a mechanism for administrative platting decisions, to address plat errors, and to apply minor adjustments to property boundaries when necessary. Minor Subdivisions are reviewed and approved administratively by the Director of Planning and Development.

SUBMITTAL REQUIREMENTS

The following application package must be submitted to the Planning and Development Department to commence review. Submittals should be electronic, or one (1) paper copy will also be accepted. Any missing information may cause the application to be incomplete and, therefore, rejected.

- Completed **Application Form**.
- Application Fee** of \$250; an additional \$500 if a Subdivision Improvement Agreement (SIA) is required.
- Project Description/Justification Letter** that summarizes the proposed development and purpose of the application.
- Subdivision Plat Drawing Package**, that includes all information required in the attached Plat Checklist. The plat shall be formatted in 24"x36" size and must be prepared by a licensed surveyor.
- A complete and full **Title Report** for the property contained in the proposed plat.
- Proof of Ownership**, demonstrating the ownership of the property contained in the proposed plat.
- Demonstration of **Taxes Paid in Full**.
- Metes and Bounds Legal Description** of the property being subdivided.
- Subdivision Improvement Agreement**, if required, in a .doc format, that outlines manner, timing and responsibility of completion of any required public improvements.
- Complete **Engineering Plans and Specifications** for all public improvements to be installed.
- Guarantees for Public Improvements**, as required in Section 11-5-6 of the Unified Development Ordinance (UDO), for any public improvements required to be installed.
- Additional Information**, as may be required by the Planning staff or if applicable to the proposed plat request.

PROCESS

- Prior to submittal of a Minor Subdivision application, you are required to schedule a Pre-Application Meeting in accordance with Section 11-6-3(b) of the UDO. Contact the Planning and Development Department at 303-450-8739 to schedule a Pre-Application Meeting.
- Applications can be submitted electronically to development@northglenn.org or directly to Planning and Development Department staff at City Hall (11701 Community Center Drive).



Planning & Development
11701 Community Center Drive
Northglenn, CO 80233
P: 303-450-8739
F: 303-450-8708
northglenn.org

MINOR SUBDIVISION PLAT Application Guide

- Upon receipt of an application, the Planning staff will review the application package for completeness. If the application is deemed complete, then the plat submittal will be referred out to the city's Development Review Committee, which consists of various city departments, including Planning, Building, Engineering, Public Works, North Metro Fire Rescue, and any other agencies/departments that might have an interest in the application.
- The Planning and Development Department will compile all comments from the various city departments and other agencies and provide a written review letter within fifteen (15) business days of submittal. If a resubmittal is required, it will be requested in the review letter. Any resubmittals will follow this same procedure.
- Once an application has completed the staff review, it can be approved administratively by the Director of Planning and Development.
- In order for a Minor Subdivision to be approved, it must meet the approval criteria outlined in Section 11-6-6(a)(3)(C) of the UDO, which is further described later in this guide. Approvals may include conditions which must be addressed prior to recordation of the plat.
- Any decision on a Minor Subdivision made by the Director may be appealed to the Planning Commission in accordance with Section 11-6-7(d).
- Following approval of the plat, the City will record the plat with the County Clerk. The applicant is responsible for all costs associated with recordation of the document and any supporting information.

CODE REQUIREMENTS

Section 11-6-6 of the Unified Development Ordinance (UDO) addresses certain requirements for a Minor Subdivision Plat application. The following references are excerpts from that section. Additionally, Minor Subdivision Plat applications shall be in compliance with all submittal requirements contained herein. Please refer to the city's Municipal Code for a complete listing of all requirements outlined in the UDO pertaining to Minor Subdivision Plat applications.

Section 11-6-6(a)(2). Applicability

- (A) The minor subdivision procedure shall apply to applications meeting the following:
 - (i) Subdivisions of properties within an approved preliminary plat creating three or fewer lots and containing fewer than five acres;
 - (ii) Subdivisions creating three or fewer lots and containing less than two acres with or without an approved preliminary plat;
- (B) The following additional activities are eligible for minor subdivision, provided that subparagraph (A) is met:
 - (i) Consolidation of two or more lots into a single lot in a previously recorded final plat; or
 - (ii) Boundary or lot line adjustments to an approved final plat; or
 - (iii) Correction of errors on an approved final plat.

Section 11-6-6(a)(3)(C)(iii). Minor Subdivision Approval Criteria

In reviewing a minor subdivision application, the Director shall consider whether the minor subdivision:

- (a) Is consistent with the Comprehensive Plan;
- (b) Is consistent with the intent of the underlying zoning district;
- (c) Complies with applicable dimensional, development, and design standards in this UDO;



Planning & Development
 11701 Community Center Drive
 Northglenn, CO 80233
 P: 303-450-8739
 F: 303-450-8708
 northglenn.org

MINOR SUBDIVISION PLAT
 Application Guide

- (d) Does not affect a recorded easement without approval from the easement holder;
- (e) Will not result in adverse impacts to surrounding property; and
- (f) Will not limit the City's ability to provide adequate and sufficient facilities or services.

Please note that a Minor Subdivision Plat must comply with all applicable requirements outlined in the Northglenn UDO. The city's UDO can be found at www.northglenn.org/municode.

MINOR SUBDIVISION PLAT DRAWING PACKAGE CHECKLIST

The following information shall be included as part of the Minor Subdivision Plat drawing package. The number of pages may vary based on the project.

<input type="checkbox"/>	Subdivision name and subtitle identifying the section, township and range information along with city, county and state.
<input type="checkbox"/>	Vicinity map with scale and north arrow.
<input type="checkbox"/>	Contact information for the following: Owner, Developer, Architect, Landscape Architect, Engineer, Surveyor.
<input type="checkbox"/>	Metes and bounds legal description of the property contained in the plat. _____, being the owner(s) of the real property of _____ acres described as follows: [Insert surveyed property description of entire bounds of area being platted]
<input type="checkbox"/>	Total acreage of the site as well as all proposed lots.
<input type="checkbox"/>	Accurate dimensions for all lines, angles, and curves used to describe boundaries, streets, easements, areas to be reserved for public use, and other important features. All curves shall be circular arcs and shall be defined by the radius, central angle, tangent, arc and chord distances. All dimensions, both linear and angular, are to be determined by an accurate control survey in the field which must balance and close within a limit of one in ten thousand. No final plat showing plus or minus dimensions will be approved.
<input type="checkbox"/>	Include a description of all monumentation that mark the boundary of the survey.
<input type="checkbox"/>	Identification system for all lots and blocks, along with any street names (where applicable).
<input type="checkbox"/>	All adjacent lots shall be identified with labels showing legal description.
<input type="checkbox"/>	Include all easements and label as proposed or existing. Include recordation information for all existing easements.
<input type="checkbox"/>	Ownership and Dedication Certificate: The undersigned certifies to and for the benefit of the City Council of Northglenn City, Colorado, that as of the date set forth below, we _____ and _____, and _____ being the owner(s) of the land described above, have good right and full power to convey, encumber and subdivide same, and that the property is free and clear of all liens, encumbrances, easements and rights-of-way except the easements and rights-of-way depicted on this plat. In the event of a defect in said title which breaches the warranties in this certificate, the undersigned,



Planning & Development
 11701 Community Center Drive
 Northglenn, CO 80233
 P: 303-450-8739
 F: 303-450-8708
 northglenn.org

MINOR SUBDIVISION PLAT
 Application Guide

	<p>jointly and severally, agree(s) to remedy such defect upon demand by Northglenn City, which remedy shall not be deemed exclusive.</p> <p>KNOW ALL MEN BY THESE PRESENTS, THAT the undersigned, being the owners, mortgagees or lien holders of the land described above, have caused the land to be laid out and platted under the name of _____ and do hereby dedicate and grant to the public forever and in fee simple the roads and other public ways and lands shown hereon, and do hereby dedicate to Northglenn City, and appropriate utility companies and emergency assistance entities, the easements as shown hereon for the purposes stated in compliance with the City of Northglenn Subdivision Regulations and the landowners shall bear all expense involved in planning, design, and construction of all public improvements except to the extent expressly stated in any City-approved and recorded subdivision improvement agreement. Dedication shall be final upon adoption by the City Council accepting the property dedicated by this plat. Except as otherwise stated on this plat, there shall be no limitation or restriction upon the purpose or public use of property dedicated by this plat.</p> <p>In Witness Whereof; we do hereunto set our hands and seals this _____ day of _____, ..</p> <p>_____</p> <p>[Printed Name of Owner]</p> <p>(If by corporation, president signs, secretary attests and corporate seal is affixed)</p> <p>STATE OF _____)) ss. COUNTY OF _____)</p> <p>Acknowledged before me this _____ day of _____, _____, by _____.</p> <p>Witness my hand and official seal.</p> <p>_____</p> <p>Notary Public</p> <p>My commission expires: _____</p>
<input type="radio"/>	<p>Surveyor's Certificate:</p> <p>I, _____, do hereby certify that the survey of the boundary of _____ (Subdivision) was made under my supervision and the accompanying plat accurately represents said survey.</p> <p>[Insert statement by the land surveyor explaining how bearings were determined.]</p> <p>[Insert statement by the land surveyor indicating the type of monuments used.]</p> <p>[Insert any required statement by the land surveyor certifying compliance with applicable provisions of the Colorado Revised Statutes]</p> <p>_____</p> <p>(Signature of Registered Land Surveyor)</p> <p>[Land Surveyor's Seal]</p>
<input type="radio"/>	<p>Title Insurance Note:</p> <p>This survey does not constitute a title search by (SURVEYOR) to determine ownership or easements of record. For all information regarding easements, rights of way and title of records (SURVEYOR) Relied</p>



Planning & Development
 11701 Community Center Drive
 Northglenn, CO 80233
 P: 303-450-8739
 F: 303-450-8708
 northglenn.org

MINOR SUBDIVISION PLAT
 Application Guide

SUBDIVISION IMPROVEMENT AGREEMENT

The following is a template form for a Subdivision Improvement Agreement (SIA), which is required if there are any public improvements associated with the subdivision application. Any modifications to the form require approval from the City Attorney. Any proposed modifications should be clearly delineated on a draft version of the SIA and an explanation for the proposed modification is required in writing. A SIA requires final approval by the City Council.

CITY OF NORTHGLENN
SUBDIVISION IMPROVEMENT AGREEMENT – FINAL PLAT
FOR

THIS SUBDIVISION IMPROVEMENT AGREEMENT ("Agreement") is entered into and made by and between _____ ("Owner/Developer") and the **CITY OF NORTHGLENN, COLORADO**, a Colorado home rule municipal corporation whose address is 11701 Community Center Dr, Northglenn, Colorado, hereinafter referred to as the "City" or "Northglenn." The Owner/Developer and the City shall collectively be referred to as the "Parties." This Agreement shall be effective following execution by the Owners/Owner/Developer and immediately upon the date of the authorized execution of this Agreement by the City.

RECITALS AND REPRESENTATIONS:

WHEREAS, Owner/Developer represents that it is the sole owner of the following described property located in the City of Northglenn, County of Adams, State of Colorado:

See Exhibit A

hereinafter referred to as the "Property;"

WHEREAS, Owner/Developer represents that it has authority to apply for and process a final plat for the Property, titled ("Final Plat"), and is authorized to obtain all necessary approvals and enter into any agreements necessary for the development of the Property (the "Project");

WHEREAS, Owner/Developer plans to develop the Project and such development requires the dedication, construction, installation, and/or improvement of certain public improvements including but not limited to, storm drainage facilities, public thoroughfares and streets, private drives, curb, gutter and sidewalk, and other public and private facilities and improvements as described in the Final Plat application to serve the proposed development of the Property;

WHEREAS, in conjunction with submittal of the Final Plat, the Owner/Developer has submitted to the City supporting documentation including construction, grading/drainage, utility, street improvement, storm sewer, and electrical plans (collectively the "Construction Plans");

WHEREAS, on, the City Council of the City of Northglenn, after holding all necessary public hearings and having received a recommendation of approval from the Planning Commission on _____, approved the final plat for the Property. A copy of the final plat is attached hereto as **Exhibit B** and incorporated herein; and

WHEREAS, it is the intent of this Agreement that the Owner/Developer shall be responsible for and shall pay all costs and expenses associated with the proposed, development of the Project.



Planning & Development
11701 Community Center Drive
Northglenn, CO 80233
P: 303-450-8739
F: 303-450-8708
northglenn.org

MINOR SUBDIVISION PLAT

Application Guide

NOW, THEREFORE, in consideration of the mutual promises, covenants, and agreements of the parties, the approval by the City of Northglenn of the Final Plat, the dedication of certain land to the City for public purposes, and other good and valuable considerations, the sufficiency and adequacy of which are hereby acknowledged by the parties, the Parties hereto agree as follows:

AGREEMENT

- 1.0 **PURPOSE.** The purpose of this agreement is to set forth the terms, conditions, and fees to be paid by the Owner/Developer upon subdivision of the Property. All conditions contained herein are in addition to any and all requirements of the City of Northglenn Subdivision and Zoning Regulations, the City of Northglenn Home Rule Charter, any and all state statutes, and any other sections of the City of Northglenn Municipal Code, and are not intended to supersede any requirements contained therein.
- 2.0 **DELIVERY OF FINAL PLAT.** Upon the City's approval of the Final Plat, Owner/Developer shall immediately deliver the original of the Final Plat, containing all revisions and amendments required by the City Council or as directed by City Staff prior to Final Plat approval, to the City Clerk. Owner/Developer shall also pay for the costs of recordation of the Final Plat and this Agreement. In addition, Owner/Developer shall deliver to the City Clerk, along with the Final Plat, two (2) sets of complete and final Construction Plans.
- 3.0 **RECORDATION OF PLAT.** Owner/Developer shall prepare and submit to the City Clerk the Final Plat in a form and upon material acceptable for recordation by the Adams County Clerk and Recorder and shall provide the required Security as hereinafter defined. Failure of Owner/Developer to submit an acceptable Final Plat and Security as specified in Section 11 of this Agreement to the City Clerk within ninety (90) days of the date of this Agreement shall, upon the enactment of a resolution by the City Council finding that the submittal was untimely, void Final Plat approval for the Project and this Agreement. If Owner/Developer timely submits a completed and recordation-ready Final Plat to the City, the City agrees to record the Final Plat no later than fifteen (15) days after it is submitted to and received by the City. The Final Plat and Construction Plans, as approved by the City, are incorporated into this Agreement for all purposes including illustration and interpretation of the terms and conditions of this Agreement.
- 4.0 **PUBLIC UTILITY FEES.** Owner/Developer shall pay all installation charges for lighting and gas services required by Xcel Energy providing services to the Project.
- 5.0 **UNDERGROUNDING OF ALL UTILITIES.** The Owner/Developer shall underground all electric, gas, cable and telephone lines (collectively, "utilities") within the boundaries of the Final Plat or which are required to be relocated pursuant to this Agreement or as a condition of approval of the Final Plat. All utilities providing public services to the Project shall be located within dedicated and platted public utility easements or public street rights-of-way which shall be approved and subject to acceptance by the City.
- 6.0 **SUBDIVISION MONUMENTATION.** In accordance with the applicable provisions of the Colorado Revised Statutes, as amended, and the Northglenn City Municipal Code, as amended, the Owner/Developer shall establish all subdivision monumentation and have the monumentation approved by the City prior to issuance of any certificate of occupancy within the Project.
- 7.0 **STREET MAINTENANCE.** The Owner/Developer shall take all reasonable steps necessary to limit and prevent the accumulation of, and to remove accumulated mud, sediment, dirt, trash, and other debris that is "tracked," blown, or otherwise carried onto public property and public rights-of-way during development of the Project. Owner/Developer also shall take all reasonable steps necessary to prevent its construction activities from damaging adjacent properties, including public rights-of-way and other public property. If any adjacent property or public right-of-way is damaged or destroyed during the construction of the Public Improvements



Planning & Development
11701 Community Center Drive
Northglenn, CO 80233
P: 303-450-8739
F: 303-450-8708
northglenn.org

MINOR SUBDIVISION PLAT

Application Guide

as defined herein, Owner/Developer shall, at its sole cost, promptly repair or replace the same to a condition similar or equal to that existing before such damage.

8.0 **DRAINAGE, RETENTION, AND DETENTION FACILITIES.** The Owner/Developer shall construct all drainage, retention, and detention in accordance with the Construction Plans approved by the City Engineer.

8.1 The Owner/Developer shall be responsible for all onsite drainage retention and detention as prescribed in Articles 13 & 17 of Chapter 16 of the City of Northglenn Municipal Code as amended.

8.2 **PUBLIC PROPERTY DEDICATION/TITLE POLICY.** A title commitment for any Property being dedicated to the City or upon which Public Improvements are being constructed shall be provided to the City. The title commitment shall show that all property is or shall be, subsequent to the execution and recording of the Final Plat, free and clear of all liens and encumbrances (other than real estate taxes which are not yet due and payable) which would make the dedications unacceptable as the City in its sole discretion determines. The title policy evidenced by the title commitment shall be provided thirty (30) days after the recording of the Final Plat.

8.3 By execution of the Final Plat, the Owner/Developer has offered for dedication to the City at no cost and the City has accepted such dedication of certain real property interests, as depicted on the Final Plat. No building permit or certificate of occupancy shall be issued unless and until the above requirement is satisfied.

9.0 **CONSTRUCTION OF PUBLIC IMPROVEMENTS.** The Owner/Developer shall design, furnish, construct, and install the following public improvements as illustrated on the Final Plat and the approved Construction Plans ("Public Improvements") at the Owner/Developer's cost and expense:

See Exhibit C – Public Improvements Description

The Public Improvements shall be designed, furnished, constructed, and installed in accordance with the Final Plat, the Construction Plans and the Public Improvement Plans approved by the City Engineer and in accordance with applicable provisions of the City's applicable ordinances, rules and regulations in effect at the time of construction and all uniform building, construction, fire, plumbing, and safety codes adopted by the City in effect at the time of construction.

At all times during construction of the Public Improvements, the City shall have the right to test and inspect, or to require testing and inspection of materials and construction at Owner/Developer's expense. No excavation, facility or Public Improvement shall be covered until inspected by Northglenn, or the applicable service provider, or until such inspection is waived by the City in writing.

10.0 **CONSTRUCTION PLANS AND COST ESTIMATE REQUIRED.** Prior to the recordation of the Final Plat or the issuance of the first building permit for any improvement within the Project, the Owner/Developer shall provide to the City the following:

10.1 Final construction and engineering plans and drawings (collectively, the "Public Improvement Plans") suitable for the commencement of construction of all Public Improvements required within for Project bearing the stamp of a Colorado licensed engineer with experience in the design and engineering of such improvements. Such Public Improvement Plans shall be prepared in accordance with this Agreement, the Northglenn City Municipal Code, and the City of Northglenn Public Right-of-Way Standards and Specifications as amended and shall be subject to approval by the City Engineer in accordance with the Northglenn City Municipal Code. Such Public



Planning & Development
11701 Community Center Drive
Northglenn, CO 80233
P: 303-450-8739
F: 303-450-8708
northglenn.org

MINOR SUBDIVISION PLAT Application Guide

Improvement Plans shall specifically include, by way of illustration but not limitation, 100% complete final construction and engineering plans and drawings;

and

- 10.2 Construction cost estimates, as shown in **Exhibit D** for all costs and expenses associated with the construction and completion of all Public Improvements to be constructed by the Owner/Developer in accordance with this Agreement. . Such cost estimate shall bear the stamp and a certification of accuracy of a Colorado-licensed engineer with experience in construction cost estimating. The City may, in its discretion and at the City's cost and expense, submit the Public Improvement Plans and Owner/Developer's cost estimate to a City-retained engineer for review and an opinion of the construction cost estimate. Reasonable revisions and modifications to the Owner/Developer's construction cost estimate requested by the City or the City-retained engineer shall be implemented by the Owner/Developer prior to final acceptance of the estimate by the City. Where the City's cost estimate exceeds the Owner/Developer's estimate, the City's estimate shall govern and control the amount of any required letter of credit or other surety required from the Owner/Developer for the Public Improvements.

11.0 REQUIRED SECURITY FOR PUBLIC IMPROVEMENTS.

- 11.1 In order to secure the construction and installation of the Public Improvements the Owner/ Developer shall, prior to recording the final plat in the real estate records of Adams County, which recording shall occur no later than ninety (90) days after the execution of this Agreement, at the Owner/Developer's expense, furnish the City with the performance guarantee described herein. The performance guarantee provided by the Owner/Developer shall be cash or an irrevocable letter of credit in which the City is designated as beneficiary in an amount equal to construction cost estimate described in Section 10.2 of this Agreement, in order to secure the performance and completion of the Public Improvements. The Owner/Developer agrees that approval of the final plat of the City is contingent upon the Owner/Developer's provision of the performance guarantee described herein within ninety (90) days of the execution of this agreement in the amount and form provided herein. Failure of the Owner/Developer to provide cash or an irrevocable letter of credit to the City in the manner provided herein shall negate the City's approval of the final plat. Letters of credit shall be substantially in the form and content set forth in Exhibit E, attached hereto and incorporated herein, and shall be subject to the review and approval of the City Attorney. The Owner/Developer shall not start the construction of any public or private improvement on the Property including, but not limited to, staking, earth work, overlot grading or the erection of any structure, temporary or otherwise, until the City has received the cash or received and approved the irrevocable letter of credit.

Due to the length of the construction period for the Public Improvements, Owner/Developer may at any time on or after the anniversary of this Agreement request that the City release that portion of the cash of letter of credit held as security by the City for performance of this Agreement to reduce the amount of such security to the estimated cost of the remaining construction costs to be incurred to complete the Public Improvements. Owner/Developer shall, if requested by City, provide to City copies of invoices for construction of the Public Improvements, evidence of payment of such invoices, provisional lien releases for portions of the work performed through such date and any other documents reasonably requested by City related to construction progress towards completion of the Public Improvements. Upon providing such documentation to the City, City shall, within twenty (20) days, release to Owner/Developer that portion of the security held by the City equal to the difference between (i) the amount of security held by the City and (ii) the estimated costs remaining to complete construction of the Public Improvements; provided, that such release shall not reduce the amount of



Planning & Development

11701 Community Center Drive

Northglenn, CO 80233

P: 303-450-8739

F: 303-450-8708

northglenn.org

MINOR SUBDIVISION PLAT

Application Guide

the security below the amount required by this Agreement to be retained by the City between the date of completion of the Public Improvements and the end of the warranty period discussed below.

In the event the Public Improvements are not constructed or completed within the period of time specified herein of this agreement or a written extension of time mutually agreed upon by the parties to this agreement, the City may draw on the cash or letter of credit to complete the Public Improvements called for in this agreement. In the event the letter of credit is to expire within fourteen (14) calendar days and the Owner/Developer has not yet provided a satisfactory replacement, the City may draw on the letter of credit and either hold such funds as security for performance of this agreement or spend such funds to finish the Public Improvements or correct problems with the Public Improvements as the City deems appropriate.

Upon completion of performance of such improvements, conditions and requirements within the required time and the approval of the City Public Works Director, the Owner/Developer shall provide cash or shall issue an irrevocable letter of credit to the City in the amount of ten percent (10%) of the total cost of construction and installation of the Public Improvements, to be held by the City during the two (2) year warranty period. If the Public Improvements are not completed within the required time, the monies may be used to complete the improvements.

12.0 COMPLETION AND ACCEPTANCE OF PUBLIC IMPROVEMENTS.

12.1 The Owner/Developer shall complete construction of the Public Improvements within Two (2) Years of the date on which the Owner/Developer provides the performance guarantee to the City for the construction of the Public Improvements in accordance with the terms of this Agreement. Upon completion of construction of the Public Improvements and Owner/Developer's written request for probationary acceptance of such Improvements ("Construction Acceptance"), the Owner/Developer shall:

1. File with the City an original or sepia reproducible copy of the as-built construction plans of such Public Improvement(s), stamped and certified by the Engineer of Record who shall also be a Colorado registered professional engineer; and
2. Submit to the City a sworn affidavit and documentary evidence that there exists no lien or encumbrance upon or against the Public Improvements resulting from unpaid amounts owing to contractors, subcontractors, material persons, or other persons involved or engaged in the construction or installation of the Public Improvements. The Owner/Developer shall promptly modify, alter, and repair at its own cost and expense any improvements not constructed in accordance with the Construction Plans so that the improvements conform to the Construction Plans. The Public Improvements shall become the property of the City (and the City's maintenance responsibility) upon Construction Acceptance of the Public Improvements by the City.

12.2 The City shall issue to the Owner/Developer a certificate of Construction Acceptance granting probationary acceptance of the Public Improvements and setting the terms of the warranty period. The probation and warranty period ("Warranty Period") shall terminate Two (2) years from the date of Construction Acceptance.

12.3 At the end of the Warranty Period, the City shall reinspect the Public Improvements and require correction of all defects and failures of the Public Improvements prior to the issuance of final acceptance of the Public Improvements and release of any remaining Security ("Final Acceptance").



Planning & Development
11701 Community Center Drive
Northglenn, CO 80233
P: 303-450-8739
F: 303-450-8708
northglenn.org

MINOR SUBDIVISION PLAT Application Guide

- 13.0 **WARRANTY OF PUBLIC IMPROVEMENTS.** The Owner/Developer hereby represents that the Public Improvements shall be designed to reasonably achieve the purposes intended for the Public Improvements and hereby warrants the design, quality of materials, quality of construction, and quality of workmanship of all such City-accepted Public Improvement(s) for a period of two (2) years from the date of the City's Construction Acceptance of the Public Improvements.
- 14.0 **PAYMENT OF FEES AND CHARGES.** The Owner/Developer will comply with all ordinances, rules, and regulations of the City and shall pay all fees and other charges in a timely manner as required by the City including, but not limited to, building permit fees, inspection fees, tap or connection fees, and plan review fees which are imposed by the City by ordinance, rule, resolution, motion, agreement, or by the terms and conditions of this Agreement. In addition to any other remedy available to the City, the City may withhold and deny issuance of any building permit, certificate of occupancy, or other permit or approval until all due and outstanding fees are paid by the Owner/Developer.
- 15.0 **FORM OF PAYMENT OF ALL FEES AND CHARGES.** Unless otherwise agreed to by the City Manager on a case by case basis, the Owner/Developer's payment of fees and charges specified by this Agreement shall be made in the form of certified funds, cashier's check, or cash delivered to the City of Northglenn, City Hall, 11701 Community Center Dr, Northglenn City, Colorado .
- 16.0 **DELAYS.** The Parties have executed this Agreement such that completion of the improvements shall be subject to strikes, accidents, acts of God, weather conditions that justify a delay of construction in light of standard practices in the building profession, inability to secure labor, fire regulations or restrictions imposed by any government or governmental agency, or other delay resulting from events that are beyond the control of the delaying party and which are agreed to by the Parties as justifying delay.
- 17.0 **WAIVER.** A waiver by any party to this Agreement of the breach of any term or provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach by either party. The Parties understand and agree that nothing contained in the Final Plat is intended to waive or modify any applicable provision of state or local law.
- 18.0 **NO WAIVER OF GOVERNMENTAL IMMUNITY.** Nothing in this Agreement shall be construed to waive, limit, or otherwise modify any governmental immunity that may be available by law to the City of Northglenn, its officials, employees, contractors, or agents, or any other person acting on behalf of the City and, in particular, governmental immunity afforded or available pursuant to the Colorado Governmental Immunity Act, Title 24, Article 10, Part 1 of the Colorado Revised Statutes.
- 19.0 **BINDING EFFECT.** The Parties hereto agree that this Agreement, by its terms, shall be binding upon the successors, heirs, legal representatives, and assigns thereof and shall constitute covenants running with the described property. At the time it records the Final Plat, the City shall also record this Agreement. To the extent permitted by law, all Owner/Developer and all future successors, heirs, legal representatives, and assigns of the Owner/Developer shall be jointly and severally responsible for all terms, conditions, and obligations set forth in this Agreement.
- 20.0 **NO THIRD PARTY BENEFICIARIES.** It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the City and Owner/Developer, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other third person on such Agreement. It is the express intention of the City and Owner/Developer that any person other than the City or Owner/Developer and their successors and assigns receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.



Planning & Development

11701 Community Center Drive

Northglenn, CO 80233

P: 303-450-8739

F: 303-450-8708

northglenn.org

MINOR SUBDIVISION PLAT

Application Guide

- 21.0 **GOVERNING LAW, VENUE, AND ENFORCEMENT.** This Agreement shall be governed by the laws of the State of Colorado. Venue for any action arising from this Agreement shall lie with any appropriate court within Adams County, Colorado. The Parties agree and acknowledge that this Agreement may be enforced at law or in equity, including an action for damages or specific performance. In addition to any other available remedies, it is understood and agreed that the City may withhold any permits or certificates requested by the Owner/Developer, including but not limited to building permits and certificates of occupancy for any lot within the Project in the event of a breach of this Agreement by the Owner/Developer.
- 22.0 **AGREEMENT AND RELEASE.** All or part of the rights, duties, obligations, responsibilities, or benefits set forth in this Agreement shall not be assigned by the Owner/Developer without the express written consent of the City of Northglenn. Any such written assignment shall expressly refer to this Agreement, specify the particular rights, duties, obligations, responsibilities, or benefits so assigned, and shall not be effective unless approved by resolution of the City Council. No assignment shall release the Owner/Developer from performance of any duty, obligation, or responsibility unless such release is clearly expressed in such written document of assignment. Prior to approving any release of the Owner/Developer, the City may, at its sole discretion, require the party assuming any duty, obligation, or responsibility of the Owner/Developer to provide to the City written evidence of financial or other ability or capability to meet the particular duty, obligation, or responsibility being assumed by the party.
- 23.0 **VESTED RIGHTS AND SUBSEQUENT LEGISLATIVE ENACTMENT.** The Parties acknowledge and understand that the approval of the Final Plat was not processed or approved in accordance with or pursuant to Section 13, Article 3 of Chapter 11 of the Northglenn City Municipal Code or C.R.S. § 24-68-101 *et seq.*, and the approval of the Final Plat does not constitute approval of a "site specific development plan" as that phrase is defined in either Chapter 11 of the Northglenn City Municipal Code or in C.R.S. § 24-68-101 *et seq.* The approval of the Final Plat shall not therefore create or grant a "vested property right" as defined by Chapter 11, Article V and C.R.S. § 24-68-101 *et seq.* Nothing in this Agreement shall limit, prevent, or preclude the later adoption by the City Council of a legislative enactment which is general in nature and which may be applicable to the Project as well as other similarly situated property; subject, however, to rights which may accrue to the Owner/Developer by virtue of the vesting of property rights acquired in accordance with common law.
- 24.0 **INDEMNIFICATION.** The Owner/Developer shall indemnify and hold harmless the City, its officers, employees, agents or servants from any and all suits, actions, and claims of every nature and description caused by, arising from or on account of any act or omission of the Owner/Developer, or of any other person or entity for whose act or omission the Owner/Developer is liable, with respect to construction of the Public Improvements; and the Owner/Developer shall pay any and all judgments rendered against the City as the result of any suit, action, or claim together with all reasonable expenses and attorney fees incurred by the City in defending any such suit, action or claim.

The Owner/Developer shall pay all property taxes due and owing on the Property dedicated to the City concurrently with or prior to such dedication, and shall indemnify and hold harmless the City for any property tax liability arising at or prior to the dedication to the City.

The Owner/Developer shall require that all contractors and other employees engaged in construction of Public Improvements shall maintain adequate workers' compensation insurance and public liability coverage and shall faithfully comply with the provisions of the Federal Occupational Safety and Health Act.



Planning & Development

11701 Community Center Drive

Northglenn, CO 80233

P: 303-450-8739

F: 303-450-8708

northglenn.org

MINOR SUBDIVISION PLAT

Application Guide

- 24.1 WAIVER OF DEFECTS. In executing this agreement the Owner/Developer waives all objections it may have concerning defects, if any, in the formalities whereby it is executed, or concerning the power of the City to impose conditions on the Owner/Developer as set forth herein, and concerning the procedure, substance, and form of the ordinances or resolutions adopting this agreement.
- 24.2 RELEASE OF LIABILITY. It is expressly understood that the City cannot be legally bound by the presentations of any of its officers or agents or their designees except in accordance with the City of Northglenn Home Rule Charter, the City of Northglenn Municipal Code, and the laws of the State of Colorado.
- 25.0 PARAGRAPH CAPTIONS. The captions of the paragraphs are set forth only for the convenience and reference of the Parties and are not intended in any way to define, limit or describe the scope or intent of this Agreement.
- 26.0 INVALID PROVISION; SEVERABILITY. If any provision of this Agreement shall be determined to be void by any court of competent jurisdiction, then such determination shall not affect any other provision hereof, and all of the other provisions shall remain in full force and effect. It is the intention of the parties hereto that if any provision of this agreement is capable of two constructions, one of which would render the provision void, and the other which would render the provision valid, then the provision shall have the meaning which renders it valid.
- 27.0 RECORDING OF AGREEMENT. This Agreement shall be recorded in the real estate records of Adams County and shall be a covenant running with the Property in order to put prospective purchasers or other interested parties on notice as to the terms and provisions hereof.
- 28.0 TITLE AND AUTHORITY. The Owner/Developer expressly warrants and represents to the City that it is the record owner of the property constituting the Property and further represents and warrants, together with the undersigned individuals, that the undersigned individuals have full power and authority to enter into this subdivision agreement. The Owner/Developer and the undersigned individuals understand that the City is relying on such representations and warranties in entering into this Agreement.
- 29.0 INTEGRATION AND AMENDMENT. This Agreement represents the entire agreement between the Parties and there are no oral or collateral agreements or understandings. This Agreement may be amended only by an instrument in writing signed by the parties.
- 30.0 INCORPORATION OF EXHIBITS. Unless otherwise stated in this Agreement, exhibits referenced in this Agreement shall be incorporated into this Agreement for all purposes. Construction documentation referenced herein is a public record on file and available for review at the City of Northglenn, City Hall, 11701 Community Dr, Northglenn City, Colorado.
- 31.0 ATTORNEY FEES. Should this Agreement become the subject of litigation to resolve a claim of default of performance by the Owner/Developer and a court of competent jurisdiction determines that the Owner/Developer was in default in the performance of the agreement, the Owner/Developer shall pay the attorney fees, expenses and court costs of the City.
- 32.0 NOTICES. Any notice required or permitted by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if sent by certified mail or registered mail, postage and fees prepaid, addressed to the party to whom such notice is to be given at the address set forth on the signature page below, or at such other address as has been previously furnished in writing, to the other party or parties. Such notice shall be deemed to have been given when deposited in the United States Mail.



Planning & Development
 11701 Community Center Drive
 Northglenn, CO 80233
 P: 303-450-8739
 F: 303-450-8708
 northglenn.org

MINOR SUBDIVISION PLAT
 Application Guide

DATED THIS _____ DAY OF _____, 20__.

CITY OF NORTHGLENN, a Colorado home rule municipal corporation

ATTEST:

By: _____
 Johanna Small, CMC, City Clerk

By: _____
 Carol A. Dodge, Mayor

OWNER/DEVELOPER

By: _____

Print Name: _____

Title: _____

STATE OF COLORADO)
) ss.
 COUNTY OF _____)

Acknowledged before me on _____, 20, by _____, as _____ for the _____.

Witness my hand and official seal.

My commission expires: _____

 Notary Public

[S E A L]



Planning & Development
 11701 Community Center Drive
 Northglenn, CO 80233
 P: 303-450-8739
 F: 303-450-8708
northglenn.org

MINOR SUBDIVISION PLAT
 Application Guide

**EXHIBIT A
 DESCRIPTION OF PROPERTY**

**EXHIBIT B
 FINAL PLAT**

**EXHIBIT C
 DESCRIPTION OF PUBLIC IMPROVEMENTS**

**EXHIBIT D
 ENGINEER'S COST ESTIMATES**

**EXHIBIT E
 LETTER OF CREDIT FORM**

BANK LETTERHEAD
 NAME OF INSTITUTION
 ADDRESS
 CITY, STATE, ZIP

SAMPLE

DATE

IRREVOCABLE STANDBY LETTER OF CREDIT

BENEFICIARY:

PERMITTEE:

CITY OF NORTHGLEN
 11701 COMMUNITY CENTER DRIVE
 NORTHGLEN, COLORADO 80233

LETTER OF CREDIT NUMBER:

DATE ISSUED:

EXPIRARY DATE: THIS IRREVOCABLE LETTER OF CREDIT SHALL EXPIRE 12 MONTHS AFTER THE
 ISSUANCE DATE; PROVIDED THAT NAME OF INSTITUTION HAS GIVEN THE CITY OF
 NORTHGLEN NOT LESS THAN 30 DAYS NOR MORE THAN 60 DAYS PRIOR WRITTEN
 NOTICE OF THE IMPENDING EXPIRATION.

AT: ISSUING BANK'S INTERNATIONAL BANKING COUNTERS LOCATED AT ADDRESS INDICATED ABOVE.



Planning & Development
 11701 Community Center Drive
 Northglenn, CO 80233
 P: 303-450-8739
 F: 303-450-8708
 northglenn.org

MINOR SUBDIVISION PLAT
 Application Guide

AMOUNT: \$AMOUNT U.S. DOLLARS

WE HEREBY ISSUE THIS IRREVOCABLE STANDBY LETTER OF CREDIT AVAILABLE BY PAYMENT BY DRAFT(S) DRAWN AT SIGHT ON NAME OF INSTITUTION AND ACCOMPANIED BY THE FOLLOWING DOCUMENTS:

1. THIS ORIGINAL LETTER OF CREDIT.

2. A STATEMENT ISSUED AND SIGNED BY THE BENEFICIARY CERTIFYING AS FOLLOWS:

"THE UNDERSIGNED, AN AUTHORIZED REPRESENTATIVE OF THE CITY OF NORTHGLENN, HEREBY CERTIFIES THE PERMITTEE HAS FAILED TO COMPLY WITH A CONDITION UPON WHICH THE CERTIFICATE OF OCCUPANCY WAS ISSUED BY THE CITY OF NORTHGLENN TO THE PERMITTEE FOR THE FOLLOWING PROPERTY:
 _____."

SPECIAL CONDITIONS:

PARTIAL DRAWING IS PERMITTED.

PURSUANT TO U.S. LAW, WE ARE PROHIBITED FROM ISSUING, TRANSFERRING, ACCEPTING OR PAYING LETTERS OF CREDIT TO ANY PARTY OR ENTITY IDENTIFIED BY THE OFFICE OF FOREIGN ASSETS CONTROL, U.S. DEPARTMENT OF TREASURY, OR SUBJECT TO DENIAL OF EXPORT PRIVILEGES BY THE U.S. DEPARTMENT OF COMMERCE.

DRAFT DRAWN UNDER THIS CREDIT MUST BEAR THE CLAUSE: "DRAWN" UNDER NAME OF INSTITUTION IRREVOCABLE STANDBY LETTER OF CREDIT NUMBER.

THIS CREDIT IS SUBJECT TO "THE UNIFORM CUSTOMS AND PRACTICE FOR DOCUMENTARY CREDITS" (1993 REVISION) INTERNATIONAL CHAMBER OF COMMERCE PUBLICATION NUMBER 500.

WE HEREBY ENGAGE WITH YOU THAT DRAFT(S) DRAWN AND/OR DOCUMENTS PRESENTED AND NEGOTIATED UNDER AND IN COMPLIANCE WITH THE TERMS OF THIS IRREVOCABLE STANDBY LETTER OF CREDIT WILL BE DULY HONORED UPON PRESENTATION TO US.

NAME OF INSTITUTION
 A MEMBER OF THE FEDERAL RESERVE SYSTEM

STANDBY LETTERS OF CREDIT



City of Northglenn
11701 Community Center Drive
Northglenn, CO 80233
P: 303-451-8326
F: 303-450-8708
northglenn.org

SITE PLAN APPLICATION
Planning and Development Department

PROJECT INFORMATION

General Description of Request: _____

Attach a Project Description Letter that describes in detail the request.

Property Address or Location: _____

Legal Description: _____

Zoning District _____ Lot area: _____

PROPERTY OWNER(S) INFORMATION

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

AUTHORIZED AGENT (If other than owner)

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

OWNER(S) & AGENT CERTIFICATION

I hereby depose and state under the penalties of perjury that all statements, proposals and/or plans submitted with/or contained in this application are true and correct and the application is complete to the best of my knowledge and belief.

Agent's Signature: _____ Date: _____

Owner(s)' Signature(s): _____ Date: _____

STAFF USE ONLY:

Case Number:

Date Application Received:

SECTION IV-C

VACATION OF RIGHTS-OF-WAY AND EASEMENTS





City of Northglenn
11701 Community Center Drive
Northglenn, CO 80233
P: 303-451-8326
F: 303-450-8708
northglenn.org

VACATION OF R.O.W. AND EASEMENT Application Guide

OVERVIEW

A vacation of right-of-way or an easement may be requested by an adjacent property owner or property owner where the subject easement is located. The purpose of a vacation is for the City to divest its rights, interest, or title to a specific right-of-way or easement. The City will review a vacation request but, at its discretion, may or may not approve the request. A complete description of the procedures for a Vacation of Right-of-Way or Easement can be found in Section 11-6-6(d) of the Unified Development Ordinance (UDO).

SUBMITTAL REQUIREMENTS

The following application package must be submitted to the Planning and Development Department to commence review. Submittals should be electronic, or one (1) paper copy will also be accepted. Any missing information may cause the application to be incomplete and, therefore, rejected.

- Completed **Application Form**.
- Application Fee** of \$250.
- Proof of Ownership**
- Survey and Metes and Bounds Legal Description** of the proposed vacation request.
- Project Description/Justification Letter** that summarizes the rezoning request and includes written justification in response to the required criteria detailed below.
- Additional Information**, as may be required by the Planning staff or if applicable to the proposed site plan request. Refer to your Pre-Application Meeting notes for guidance.

PROCESS

- Prior to submittal of a Vacation application, you are required to schedule a Pre-Application Meeting in accordance with Section 11-6-6(d) of the UDO. Contact the Planning and Development Department at 303-450-8739 to schedule a Pre-Application Meeting.
- Applications can be submitted electronically to development@northglenn.org or directly to Planning and Development Department staff at City Hall (11701 Community Center Drive).
- Upon receipt of an application, the Planning staff will review the application package for completeness. If the application is deemed complete, it will be referred out to the city's Development Review Committee, which consists of various city departments, including Planning, Building, Engineering, Public Works, City Attorney, North Metro Fire Rescue, and any other agency/department that might have an interest in the application.
- The Planning and Development Department will compile all comments from the various city departments and other agencies and provide a written review letter within 15 business days of submittal. If a resubmittal is required, it will be requested in the review letter. Any resubmittals will follow this same procedure.
- Once an application has completed the staff review, it can be scheduled for public hearing before the Planning Commission to provide recommendation to City Council for final approval.
- In order for a Vacation to be approved, it must meet the approval criteria outlined in Section 11-6-6(d)(3)(E)(ii) of the code, which is further described later in this guide.



City of Northglenn
11701 Community Center Drive
Northglenn, CO 80233
P: 303-451-8326
F: 303-450-8708
northglenn.org

VACATION OF R.O.W. AND EASEMENT Application Guide

- Planning Commission meetings are scheduled the first and third Tuesdays of the month at 7:00 p.m. in the City Council Chambers at City Hall (11701 Community Center Drive). The exact date and time for your meeting will be coordinated with you upon receipt of a complete application and full staff review.
- City Council meetings are scheduled the second and fourth Mondays of the month at 7:00 p.m. in the City Council Chambers at City Hall (11701 Community Center Drive). Because Vacation requests are approved by an ordinance, City Council includes two required dates, 1st Reading to schedule the item, and 2nd reading to conduct the public hearing. Attendance is only required at the public hearing during 2nd reading. The exact date and time for your meeting will be coordinated with you upon receipt of a complete application and full staff review.
- The Planning and Development Department will notice all public hearings in accordance with code requirements, meaning that a sign will be posted on the property at least 15 days before the public hearing date. Additionally, staff will publish notice of the public hearing in the local Northglenn-Thornton newspaper and send mailed notices to all property owners within 300 feet of the Vacation request. Please note that the public hearing sign shall remain on the property until after the public hearing date. If a replacement sign is required, please contact the Planning and Development Department.

CODE REQUIREMENTS

Section 11-6-6(d) of the Unified Development Ordinance (UDO) addresses the requirements for a Vacation application. The following references are excerpts from the UDO pertaining to the Rezoning review process. Additionally, Rezoning applications shall be in compliance with all applicable development standards and zoning district regulations identified in the UDO. Please refer to the city's Municipal Code for a complete listing of all requirements outlined in the UDO.

Section 11-6-6(d)(3)(E)(ii). Vacation Approval Criteria

In reviewing a proposed vacation of right-of-way or easement, the Planning Commission and City Council shall consider whether the vacation of right-of-way or easement:

- a. Is in conformance with the Comprehensive Plan;
- b. Will comply with the applicable zoning district standards;
- c. Does not result in negative impacts to the safe movement of vehicles, bicycles, and/or other modes of transportation or disrupt an existing or planned public transportation system; and
- d. Will comply with use, dimensional, design, and other development standards in this UDO.

Please note that a Vacation must comply with all applicable requirements outlined in the Northglenn UDO. The city's UDO can be found at www.northglenn.org/municode.



City of Northglenn
 11701 Community Center Drive
 Northglenn, CO 80233
 P: 303-451-8326
 F: 303-450-8708
 northglenn.org

VACATION OF R.O.W. AND EASEMENT
 Application

PROJECT INFORMATION

General Description of Request: _____

Attach a Project Description Letter that describes in detail the request.

Property Address or Location: _____

Legal Description: _____

Current Zoning District: _____ Proposed Zoning District: _____

Lot area: _____

PROPERTY OWNER(S) INFORMATION

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

AUTHORIZED AGENT (If other than owner)

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

OWNER(S) & AGENT CERTIFICATION

I hereby depose and state under the penalties of perjury that all statements, proposals and/or plans submitted with/or contained in this application are true and correct and the application is complete to the best of my knowledge and belief.

Agent's Signature: _____ Date: _____

Owner(s)' Signature(s): _____ Date: _____

STAFF USE ONLY:

Case Number:

Date Application Received:

SECTION V-A

VARIANCE





Planning & Development
11701 Community Center Drive
Northglenn, CO 80233
P: 303-450-8739
F: 303-450-8708
northglenn.org

VARIANCE Application Guide

OVERVIEW

A variance represents a deviation from the standards of the city's Unified Development Ordinance (UDO) where strict application of a standard can be demonstrated to create a hardship due to circumstances particular to a lot. Section 11-6-7(a) of the UDO outlines the complete requirements for a variance request. A variance request is not intended to allow a use in a zoning district where it is not allowed by the UDO or to mitigate inconveniences or financial burdens that this UDO may impose on landowners. Variance requests are heard by the city's Board of Adjustment (BOA) following a public hearing.

SUBMITTAL REQUIREMENTS

The following application package must be submitted to the Planning and Development Department to commence review. Submittals should be electronic, or one (1) paper copy will also be accepted. Any missing information may cause the application to be incomplete and, therefore, rejected.

- Completed **Application Form**.
- Application Fee** of \$250.
- Project Description/Justification Letter** that summarizes the proposed development including existing and proposed land uses; including occupancy type (if known), what uses are to be performed in the space, and whether any hazardous materials are to be stored or used on site. You may also include any other specific issues you would like to discuss at the meeting.
- Site Plan or Plot Plan**, drawn to scale and dimensioned to show the location of the existing structure and other improvements on the property and the proposed variance.
- Additional Information**, as may be required by the Planning staff or if applicable to the proposed variance request.

PROCESS

- Upon receipt of an application, the Planning staff will review the application package for completeness. If the application is deemed complete, the Variance request will be scheduled for the next available BOA meeting date.
- Applications can be submitted electronically to development@northglenn.org or directly to Planning and Development Department staff at City Hall (11701 Community Center Drive).
- BOA meetings are scheduled the first and third Tuesdays of the month at 7:00 p.m. in the City Council Chambers at City Hall (11701 Community Center Drive).
- The Planning and Development Department will notice the public hearing in accordance with code requirements, meaning that a sign will be posted on the property where the variance is being requested at least fifteen (15) days before the public hearing date. Additionally, staff will publish notice of the public hearing in the local newspaper and send mailed notices to all property owners within 300 feet of the variance request. Please note that the public hearing sign shall remain on the property until after the public hearing date. If a replacement sign is required, please contact the Planning and Development Department.



Planning & Development
11701 Community Center Drive
Northglenn, CO 80233
P: 303-450-8739
F: 303-450-8708
northglenn.org

VARIANCE Application Guide

- In order for the Board to grant approval of a variance, it must find the criteria outlined in Section 11-6-7(a)(3)(E)(ii) have been met (see below for the language from that section).
- If the property owner has not commenced development or obtained the necessary permits to carry out the approved variance within one (1) year from the date of approval, then the variance shall automatically expire.
- The decision made by the BOA may be appealed to the City Council.
- Within one (1) week of the Pre-Application Meeting, a member of the Planning and Development Department staff will provide you with a written summary of the items discussed at the meeting and any related information and applications pertinent to your proposal.

CODE REQUIREMENTS

The following outlines the approval criteria that the BOA must find in order to grant a variance. The Board must find that **all** of the criteria exist in order to grant a variance.

Section 11-6-7(a)(3)(E)(ii). Variance Approval Criteria

- a. In reviewing a variance application, the Board of Adjustment shall find that all of the following exist:
 1. The variance is necessary due to unique physical conditions such as size, irregularity, narrowness or shallowness of a lot, location, surroundings, topography, or other peculiar conditions on the subject property;
 2. The strict application of the UDO standards for which a variance is sought would produce undue hardship;
 3. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
 4. Such hardship was not created by the applicant or any previous owner of the property;
 5. The variance is the minimum variance that will afford relief of the subject standards of the UDO;
 6. The variance will not be of substantial detriment to adjacent property or the character of the district; and
 7. The variance is based on demonstrated exceptional hardship not related to purposes of convenience or financial burden.
- b. A variance may also be granted by the Board of Adjustment where strict application of the UDO would prevent achieving a public purpose. A public purpose may include protection of public safety; provision of public facilities including roadways, walkways, trails, water and sewer utilities, and storm drainage facilities; provision of public or private landscaping and open space; and accommodation of beneficial economic development projects. No such variance shall be authorized by the Board of Adjustment unless it finds that:
 1. The strict application of the UDO would prevent achieving a clearly defined public purpose;
 2. The authorization of such variance will not be of substantial detriment to adjacent property; and
 3. The character of the zoning district will not be changed by the granting of the variance.



City of Northglenn
 11701 Community Center Drive
 Northglenn, CO 80233
 P: 303-451-8326
 F: 303-450-8708
 northglenn.org

VARIANCE APPLICATION
 Planning and Development Department

PROJECT INFORMATION

Address where Variance is being requested: _____

Description of Request: _____

Zoning District: _____ Lot area: _____

Attach a complete listing of the reason(s) why such a Variance should be granted with the attached or a separate letter.

PROPERTY OWNER(S) INFORMATION

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

AUTHORIZED AGENT (If other than owner)

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

OWNER(S) & AGENT CERTIFICATION

I hereby depose and state under the penalties of perjury that all statements, proposals and/or plans submitted with/or contained in this application are true and correct and the application is complete to the best of my knowledge and belief.

Agent's Signature: _____ Date: _____

Owner(s)' Signature(s): _____ Date: _____

STAFF USE ONLY:

Case Number:

Date Application Received:



City of Northglenn
11701 Community Center Drive
Northglenn, CO 80233
P: 303-451-8326
F: 303-450-8708
northglenn.org

VARIANCE APPLICATION

Planning and Development Department

REASON(S) FOR VARIANCE

1. _____

2. _____

3. _____

4. _____

5. _____

SECTION V-B

APPEAL





Planning & Development
11701 Community Center Drive
Northglenn, CO 80233
P: 303-450-8739
F: 303-450-8708
northglenn.org

APPEAL Application Guide

OVERVIEW

Any person may appeal any decision of any administrative officer or agency made in the administration or enforcement of the Unified Development Ordinance (UDO). The purpose of the appeal provisions is to establish an administrative remedy whereby persons claiming to have been aggrieved by a decision of the Director or other administrative official in administering this UDO may appeal that decision. Appeals shall be made to the appropriate body as indicated in Section 11-6-7(d) of the UDO.

SUBMITTAL REQUIREMENTS

The following application package must be submitted to the Planning and Development Department to commence review. Submittals should be electronic, or one (1) paper copy will also be accepted. Any missing information may cause the application to be incomplete and, therefore, rejected.

- Completed **Application Form**.
- Application Fee** of \$250.
- Burden of Proof Description/Justification Letter**; the appellant has the burden of proving the necessary facts to warrant approval of an appeal by the appropriate decision-making body, and shall provide narrative with the application that justifies the appeal.
- Additional Information**, as may be required by the Planning staff.

PROCESS

- Appeals shall be made in writing and filed with the Director within seven (7) days of the action or decision being appealed.
- Upon receipt of an application, the Planning staff will review the application package for completeness. If the application is deemed complete, the appeal request will be scheduled for the appropriate body at the next available meeting date.
- Applications can be submitted electronically to development@northglenn.org or with Planning and Development Department staff at City Hall (11701 Community Center Drive).
- The Director shall review the application and prepare a staff report in accordance with Section 11-6-3(d), with the following modifications:
 - Review shall only confirm that the application is complete and that the appeal is heard by the appropriate authority.
 - The staff report shall not make a formal recommendation. The report shall include necessary facts to warrant an appeal, which shall be provided by the appellant/applicant.
- An appeal shall be scheduled for public hearings before the Board of Adjustment (BOA), Planning Commission, or City Council, and noticed in accordance with Subsection 11-6-3(e).
- The appeal decision-making authority may reverse a previous decision in whole or in part, or may modify the order, requirement, decision, or determination appealed from.



Planning & Development

11701 Community Center Drive

Northglenn, CO 80233

P: 303-450-8739

F: 303-450-8708

northglenn.org

APPEAL
Application Guide

- The appeal decision-making authority may attach conditions of approval on any appeal to ensure the health, safety, and welfare of the City.
- Post-decision actions and limitations in Subsection 11-6-3(h) shall apply. Any further appeals from the appropriate appeal decision-making authority shall be made to the courts, as provided by law; provided that such appeal is made within 60 days of that decision-making authority's decision.

CODE REQUIREMENTS

The following outlines the review criteria that the BOA, Planning Commission, or City Council will review in determining whether to affirm, reverse, or amend a decision or interpretation made by another decision-making body:

Section 11-6-7(3)(E) Appeal Review and Decision

- (i) The appropriate decision making body shall consider the following in determining whether to affirm, reverse, or amend a decision or interpretation made by another decision-making body:
 - a. The facts stated in the application, as presented by the appellant and/or the Director.
 - b. The requirements and intent of the applicable standards from this UDO compared to the written decision that is being appealed.
 - c. Evidence related to how the applicable standards from this UDO have been administered or interpreted in the past.
 - d. Consistency with the Comprehensive Plan.



City of Northglenn
 11701 Community Center Drive
 Northglenn, CO 80233
 P: 303-451-8326
 F: 303-450-8708
 northglenn.org

APPEAL APPLICATION
 Planning and Development Department

PROJECT INFORMATION

Address for where appeal of decision is being requested: _____

Description of request: _____

Zoning District: _____ Lot area: _____

Attach a complete listing of the reason(s) why such appeal should be considered.

PROPERTY OWNER(S) INFORMATION

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

AUTHORIZED AGENT (If other than owner)

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

OWNER(S) & AGENT CERTIFICATION

I hereby depose and state under the penalties of perjury that all statements, proposals and/or plans submitted with/or contained in this application are true and correct and the application is complete to the best of my knowledge and belief.

Agent's Signature: _____ Date: _____

Owner(s)' Signature(s): _____ Date: _____

STAFF USE ONLY:

Case Number:

Date Application Received:



City of Northglenn
11701 Community Center Drive
Northglenn, CO 80233
P: 303-451-8326
F: 303-450-8708
northglenn.org

APPEAL APPLICATION
Planning and Development Department

REASON(S) FOR APPEAL

1. _____

2. _____

3. _____

4. _____

5. _____

ATTACH ADDITIONAL INFORMATION AS NECESSARY

SECTION V-C

UDO INTERPRETATION





City of Northglenn
11701 Community Center Drive
Northglenn, CO 80233
P: 303-451-8326
F: 303-450-8708
northglenn.org

UDO INTERPRETATION Application Guide

OVERVIEW

Any person may request an interpretation of the intent, meaning, or application of the stated provisions of the Unified Development Ordinance (UDO). Interpretations shall be made to the Director as stated in Section 11-6-7(e) of the UDO. The purpose of the UDO Interpretation provisions is to ensure review for conformance with the UDO is consistent and predictable. Appeals of the Director regarding UDO Interpretation decisions shall be made to the Board of Adjustment as indicated in Section 11-6-7(e).

SUBMITTAL REQUIREMENTS

The following application package must be submitted to the Planning and Development Department to commence review. Submittals should be electronic, or one (1) paper copy will also be accepted. Any missing information may cause the application to be incomplete and, therefore, rejected.

- Completed **Application Form**.
- Justification Letter** describing the nature of the request and suggesting clearer language, additional graphics, or removal of inconsistent language that would facilitate administration of the provision that is subject to the interpretation. This letter should include the reasons for the request. Please also disclose any interest in the request as it relates to any on-going or planned development project in the city.
- Additional Information**, as may be required by the Planning staff or if applicable to the proposed interpretation request.

PROCESS

- Applications can be submitted electronically to development@northglenn.org or directly to Planning and Development Department staff at City Hall (11701 Community Center Drive).
- Within 30 days of receipt of a complete application for a written interpretation, the Director shall review and evaluate the application with regard to the UDO and any other relevant regulations or documents and may consult with the City Attorney and/or other staff departments as necessary.
- Following review, the Director will issue an official written interpretation in response to the request.
- An official record of written interpretations shall be kept on file in the office of the Director. The record of interpretations shall be available for public inspection during normal business hours of the Planning and Development Department.
- The written interpretation shall be distributed to the applicant and any relevant staff departments as necessary.
- Appeals of the Director regarding UDO Interpretation decisions shall be made to the Board of Adjustment as indicated in Section 11-6-7(e).



City of Northglenn
11701 Community Center Drive
Northglenn, CO 80233
P: 303-451-8326
F: 303-450-8708
northglenn.org

UDO INTERPRETATION APPLICATION
Planning and Development Department

REQUEST INFORMATION

Section reference from which a UDO Interpretation is being requested: _____

Description of Request: _____

Attach a justification letter

APPLICANT INFORMATION

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

OWNER(S) & AGENT CERTIFICATION

I hereby depose and state under the penalties of perjury that all statements, proposals and/or plans submitted with/or contained in this application are true and correct and the application is complete to the best of my knowledge and belief.

Applicant's Signature: _____ Date: _____

STAFF USE ONLY:

Case Number:

Date Application Received:

SECTION V-D

VESTED RIGHTS





Planning & Development
11701 Community Center Drive
Northglenn, CO 80233
P: 303-450-8739
F: 303-450-8708
northglenn.org

VESTED RIGHTS Application Guide

OVERVIEW

An applicant can request approval for the vesting of rights pursuant to state statutes C.R.S. Article 68 of Title 24. The vesting of property rights can be obtained through the approval of a site specific development plan, which can include a Final Plat, Major or Minor Site Plan, or Planned Development. Section 11-6-7(c) of the city's Unified Development Ordinance (UDO) outlines the procedure for requesting approval for vested rights. A vesting of property rights request shall be tied to a request for approval of a Site Specific Development Plan.

SUBMITTAL REQUIREMENTS

The following application package must be submitted to the Planning and Development Department to commence review. Submittals should be electronic, or one (1) paper copy will also be accepted. Any missing information may cause the application to be incomplete and, therefore, rejected.

- Completed **Application Form**.
- Application Fee** of \$500.
- Project Description/Justification Letter** that summarizes the request for vested rights.
- Vested Right Agreement**, as included in this application packet and approved by the City Attorney that outlines any conditions associated with the request for vested rights.
- Site Specific Development Plan**, as required in Section 11-6-7(c)(2) of the UDO. The Site Specific Development Plan must correlate with a separate application for Final Plat, Major or Minor Site Plan, or Planned Development.

PROCESS

- Prior to submittal of an application, a Pre-Application Meeting shall be held in accordance with Section 11-6-3(b) of the UDO. Contact the Planning and Development Department at 303-450-8739 to schedule a Pre-Application Meeting.
- Applications can be submitted electronically to development@northglenn.org or directly to Planning and Development Department staff at City Hall (11701 Community Center Drive).
- Upon receipt of an application, the Planning staff will review the application package for completeness. If the application is deemed complete, then the Vested Rights request will be referred out to the city's Development Review Committee, which consists of various city departments, including Planning, Building, Engineering, Public Works, North Metro Fire Rescue, and the City Attorney's Office.
- The Planning and Development Department will compile all comments from the various city departments and other agencies and provide a written review letter within 15 business days of submittal. If a resubmittal is required, it will be requested in the review letter. Any resubmittals will follow this same procedure.
- A Site Specific Development Plan must be reviewed in accordance with the requirements of the UDO.



Planning & Development
 11701 Community Center Drive
 Northglenn, CO 80233
 P: 303-450-8739
 F: 303-450-8708
 northglenn.org

VESTED RIGHTS Application Guide

- In order for a Vested Rights request to be approved, the Vested Rights Agreement and Site Specific Development Plan must be approved. Approval of the Vested Rights Agreement requires review by the City Council.
- If approved, the City will record the Vested Rights Agreement with Adams County. The applicant is responsible for all costs associated with the recordation of the document.

CODE REQUIREMENTS

Section 11-6-7(c) of the Unified Development Ordinance (UDO) addresses the requirements to request vested rights. Please refer to the city’s Municipal Code for a complete listing of all requirements outlined in the UDO.

Please note that a request for Vested Right must comply with all applicable requirements outlined in the Northglenn Unified Development Ordinance. The city’s UDO can be found at www.northglenn.org/municode.

VESTING RIGHTS AGREEMENT

VESTED RIGHTS AGREEMENT

This **VESTED RIGHTS AGREEMENT** (this “Agreement”) is made and entered into this ____ day of _____ 2019, by and between the **CITY OF NORTHGLENN**, a Colorado municipal corporation (the “City”), and, a Colorado corporation (the “Developer”).

RECITALS

A. Applicant is the developer of the real property consisting of in the City of Northglenn, Colorado, (“City”) which is more particularly described on the attached Exhibit A (the “Property”).

B. Applicant has submitted a (the “Plan”) for the Property (the “Development”) attached hereto as Exhibit B and incorporated herein by reference. After proper notice and hearing pursuant to the Northglenn Municipal Code (the “Code”), the Plan was approved by the Northglenn City Council and recorded in the Adams County Clerk’s office on [____], 2019, at Reception No. [____].

C. The Vested Property Rights Statute, C.R.S. § 24-68-101 *et seq.*, (the “Vested Rights Statute”) provides that a site specific development plan (an “SSDP”), the approval of which would establish a vested property right, may be established upon an agreement entered into by a local government and a developer, provided that the document constituting such SSDP be so identified at the time of its approval.

D. The Vested Rights Statute and Section ____ of the Code allow for the City to enter into an agreement with a developer relative to a development which provides for the vesting of property rights.

E. In accordance with Section ____ of the Code, the City Council hereby finds and the Parties are in agreement that the Plan describes with reasonable certainty the type and intensity of development and provides adequate



Planning & Development
11701 Community Center Drive
Northglenn, CO 80233
P: 303-450-8739
F: 303-450-8708
northglenn.org

VESTED RIGHTS Application Guide

information regarding factors that could affect the type and intensity of development; the City's grant of vested rights is reasonable given the Development's benefits to the surrounding properties, surrounding community, and to the City in general; and that the Applicant has provided adequate assurances to the City that the Development will occur generally as planned in return for the vesting of property rights allowed by Colorado law.

F. In accordance with the Vested Rights Statute and the Code, the City and Applicant intend for the Plan to constitute an SSDP and for Applicant to have a vested property right to the extent provided in this Agreement.

NOW, THEREFORE, in consideration of the foregoing, the parties hereto promise, covenant and agree as follows:

AGREEMENT

Incorporation of Recitals. The parties agree that the aforesaid recitals are true and correct, and those recitals are hereby incorporated into the body of this Agreement.

Vesting of Certain Property Rights. The City and Applicant hereby agree that Applicant shall have a vested property right to the extent provided in this Agreement to undertake and complete the Development and its anticipated use of the Property. Such vested property rights shall be those property rights as provided for in the Vested Rights Statute and of the Code.

(a) Site Specific Development Plan. The Plan, as finally approved by Ordinance No. ____, Series of 2019, constitutes an SSDP as defined in the Vested Rights Statute and Section 11-3-13(b) of the Code, and shall create vested property rights for five (5) years from the approval of the Plan, as more fully described herein. The vested property rights include the right to develop, plan, and engage in land uses within the Property as set forth in the Plan for the Property.

(b) Term of Vested Rights. In recognition of the size and complexity of the Development contemplated by the Plan and this Agreement, the substantial investment and time required to complete the Development and related infrastructure and public facilities, the anticipated phased development of the Development over an extended period under current market conditions, and the possible impact of economic cycles and varying market conditions during the course of development that might further extend the build-out period, the vested property rights contemplated by this Section 2 shall be granted for a period of five (5) years from the Effective Date (as defined in Subsection 2(c) below) (the "Term"). After the expiration of the Term, this Agreement shall be deemed terminated and of no further force or effect; provided, however, that such termination shall not affect (i) any common law vested rights obtained prior to such termination, or (ii) any right, vested or otherwise, arising from the City permits, approvals or other entitlements for the Development that were granted or approved prior to, concurrently with, or subsequent to the approval of this Agreement. The Parties agree and acknowledge that the twelve-year term set forth in this Agreement is an essential term of the vested right granted and is a part of the vested right.

(c) Adoption, Notice and Effective Date. The City has adopted this Agreement as a legislative act subject to referendum, as required by C.R.S. § 24-68-104(2) of the Vested Rights Statute. As set forth in and required by C.R.S. § 24-68-103(c) of the Vested Rights Statute, within fourteen (14) days from the date hereof, the City shall



Planning & Development
11701 Community Center Drive
Northglenn, CO 80233
P: 303-450-8739
F: 303-450-8708
northglenn.org

VESTED RIGHTS Application Guide

cause to be published in a newspaper of general circulation within the City, a notice advising the general public of the approval of this Agreement, the Plan as an SSDP, and the creation of vested property rights pursuant to this Agreement and the Vested Rights Statute. The “Effective Date” of the City’s approval of this Agreement shall be the date of said publication.

(d) **No Obligation to Develop.** Notwithstanding anything to the contrary in this Agreement, Applicant will have no obligation to Develop all or any portion of the Development and will have no liability under this Agreement to the City or to any other party for its failure to Develop all or any part of the Development unless provided for in a final planned unit development plan or any other agreement executed by the City and Applicant and then only to the extent and with respect to the applicable property that is subject to such final planned unit development plan or any other agreement.

No Impairment of Vested Rights. Except as otherwise provided by the Vested Rights Statute or the Code, after the Effective Date, the City shall not take any zoning or land use action regarding the Development which would have the effect of altering, impairing, preventing, diminishing, imposing a moratorium on development applicable only to the Property, or delaying any of the vested rights set forth in this Agreement.

Applicability of Other Regulations. Except as otherwise provided by this Agreement or the Code, the establishment of vested rights under this Agreement shall not preclude the application of uniform and non-discriminatory City ordinances, rules and regulations of general applicability (including, by way of example, building, fire, plumbing, electrical and mechanical codes) or the application of state or federal regulations, as all of such ordinances, rules and regulations exist on the Effective Date or may be enacted or amended after the Effective Date; provided, however, that such newly enacted or amended City ordinances, rules and regulations shall not, in their application to the Development, have the effect of altering, impairing, preventing, diminishing, or delaying the vested rights set forth in this Agreement. Further, Applicant does not waive its rights to oppose the enactment or amendment of any such ordinances, rules and regulations, or to challenge the validity of such ordinances, rules and regulations through proper legal means.

Default. If any material condition, obligation, or duty is not timely made, tendered, or performed by any party under this Agreement, then, subject to the notice and cure provisions of Section 6, any non-defaulting party may seek any remedy available at law or in equity, including damages, court costs, and attorney fees and costs as may be proper.

Notice of Default and Cure Period. In the event of an alleged Default by any party under this Agreement, any non-defaulting party may deliver written notice to the defaulting party of such Default, at the address specified herein, and the defaulting party shall have thirty (30) days from and after receipt of such notice to cure such Default. If such Default is not of a type which can be cured within such thirty (30) day period and the defaulting party gives written notice to the non-defaulting party within such thirty (30) day period that it is actively and diligently pursuing such cure, the defaulting party shall have a reasonable period of time given the nature of the Default following the end of such thirty (30) day period to cure such Default, provided that such defaulting party is at all times within such additional time period actively and diligently pursuing such cure in good faith.

Recording Agreement. The City shall record this Agreement at Applicant’s expense in the office of the Clerk and Recorder, County of Adams, State of Colorado, and the City shall retain the recorded Agreement.



Planning & Development
 11701 Community Center Drive
 Northglenn, CO 80233
 P: 303-450-8739
 F: 303-450-8708
 northglenn.org

VESTED RIGHTS
 Application Guide

Binding Effect of Agreement. This Agreement shall run with the Property and shall inure to the benefit of and be binding upon the parties hereto and their successors, heirs, assigns, and any other person or entity acquiring or purchasing any interest in any of the Development.

Modification and Waiver. No modification of the terms of this Agreement shall be valid unless in writing and executed with the same formality as this Agreement, and no waiver of the breach of the provisions of any sections of this Agreement shall be construed as a waiver of any subsequent breach of the same section or any other sections which are contained herein.

Addresses for Notice. Any notice or communication required or permitted hereunder shall be given in writing and shall be personally delivered, sent via overnight delivery service or sent by United States mail, postage, prepaid, registered or certified mail, return receipt requested, addressed as follows:

City: Applicant:

City of Northglenn
 11701 Community Center Drive

Northglenn, Colorado 80233
 Attention: City Manager

With a copy to:
 City Attorney
 11701 Community Center Drive

Northglenn, Colorado 80233
 Attention: City Attorney

With a copy to such other address or the attention of such other person(s) as hereafter designated in writing by the applicable parties in conformance with this procedure. Notices shall be effective upon mailing or personal delivery in compliance with this paragraph.

Previous Agreements. This Agreement shall constitute the entire agreement between the parties hereto and shall supersede all prior contracts, proposals, representations, negotiations and letters of intent, whether written or oral, pertaining to the vesting of development rights for the Development.

Severability. If any part, section, subsection, sentence, clause or phrase of this Agreement is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Agreement. The parties hereby declare that they would have ratified this Agreement including each part, section, subsection, sentence,



Planning & Development
11701 Community Center Drive
Northglenn, CO 80233
P: 303-450-8739
F: 303-450-8708
northglenn.org

VESTED RIGHTS Application Guide

clause or phrase thereof; irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases be declared invalid.

Additional Documents or Action. The parties agree to execute any additional documents or take any additional action that is necessary to carry out this Agreement or is reasonably requested by the other party to confirm or clarify the intent of the provisions hereof and to effectuate the agreements herein contained and the intent hereof. If all or any portion of this Agreement are asserted or determined to be invalid, illegal or are otherwise precluded, the parties, within the scope of their powers and duties, shall cooperate in the joint defense of such documents and, if such defense is unsuccessful, the parties will use reasonable, diligent good faith efforts to amend, reform or replace such precluded items to assure, to the extent legally permissible, that each party substantially receives the benefits that it would have received under this Agreement.

Situs, Venue and Severability. The laws of the State of Colorado shall govern the interpretation, validity, performance and enforcement of this Agreement. For the resolution of any dispute arising hereunder, venue shall be in the Courts of the County of Adams, State of Colorado.

Paragraph Headings. Paragraph headings are inserted for convenience only and in no way limit or define the interpretation to be placed upon this Agreement.

Limited Third Party Beneficiaries. This Agreement is intended to describe the rights and responsibilities only as to the parties hereto and is not intended and shall not be deemed to confer any rights on any person or entity not named as a party hereto.

No Presumption. The parties to this Agreement and their attorneys have had a full opportunity to review and participate in the drafting of the final form of this Agreement. Accordingly, this Agreement shall be construed without regard to any presumption or other rule of construction against the party causing the Agreement to be drafted.

Parties Not Partners. Notwithstanding any language in this Agreement or any other agreement, representation, or warranty to the contrary, the parties shall not be deemed to be partners or joint venturers, and no party shall be responsible for any debt or liability of any other party.

No Waiver of Immunity. Nothing contained in this Agreement constitutes a waiver of sovereign immunity or governmental immunity by any party under applicable state law.

Nonliability of Officials, Agents and Employees. No trustee, board member, commissioner, official, employee, consultant, attorney or agent of any party shall be personally liable to any party under this Agreement or in the event of any Default or for any amount that may become due to any party.

Execution in Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original and all of which shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first set forth above.



Planning & Development
 11701 Community Center Drive
 Northglenn, CO 80233
 P: 303-450-8739
 F: 303-450-8708
northglenn.org

VESTED RIGHTS
 Application Guide

CITY OF NORTHGLENN, COLORADO:

By: _____
 Carol A. Dodge, MAYOR

ATTEST:

 Johanna Small, CMC, CITY CLERK

APPROVED AS TO FORM:

 Corey Y. Hoffmann, CITY ATTORNEY

“APPLICANT”

By: _____
 Name: _____
 Its: _____

STATE OF COLORADO)
) SS.
 COUNTY OF)

Subscribed and sworn to before me this ____ day of _____, 2019, by _____ as
 _____ of, a Colorado limited liability company.

Witness my hand and official seal.
 My Commission expires _____.

Notary Public _____



Planning & Development

11701 Community Center Drive

Northglenn, CO 80233

P: 303-450-8739

F: 303-450-8708

northglenn.org

VESTED RIGHTS

Application Guide

EXHIBIT A

Legal Description of the Property



City of Northglenn
11701 Community Center Drive
Northglenn, CO 80233
P: 303-451-8326
F: 303-450-8708
northglenn.org

VESTED RIGHTS APPLICATION

Planning and Development Department

PROJECT INFORMATION

General Description of Request: _____

Site Specific Development Plan: _____

Attach a Project Description Letter that describes in detail the request.

Property Address or Location: _____

Legal Description: _____

Zoning District: _____ Lot area: _____

PROPERTY OWNER(S) INFORMATION

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

AUTHORIZED AGENT (If other than owner)

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

OWNER(S) & AGENT CERTIFICATION

I hereby depose and state under the penalties of perjury that all statements, proposals and/or plans submitted with/or contained in this application are true and correct and the application is complete to the best of my knowledge and belief.

Agent's Signature: _____ Date: _____

Owner(s)' Signature(s): _____ Date: _____

STAFF USE ONLY:

Case Number: _____

Date Application Received:
