

## CHAPTER 17

### Subdivisions

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## ARTICLE I

### General Provisions

#### Sec. 17-1. Title.

This Chapter may be known and cited as the Town of Nederland Subdivision Regulations. (Ord. 238 §1, 1983)

#### Sec. 17-2. Purpose.

This Chapter is designed and enacted with the following intentions:

(1) To encourage well planned subdivisions in order to preserve the public parks, health and safety and to provide for an orderly, efficient, integrated development in accordance with established Town policies.

(2) To establish minimum uniform standards for subdivision design, taking into account environmental factors, and establish minimum engineering criteria and performance guarantees.

(3) To establish adequate, efficient and safe rights-of-way and easements for streets, utilities, drainage and other site plan needs.

(4) To safeguard both interests of the public and the applicant, improve land records and boundary monumentation, and ensure equitable processing of subdivision plats.

(5) To give reasonable assurance that an adequate water supply, sanitation facilities, access and fire protection are available for the development.

(6) To help preserve the natural beauty of the land, help protect the vegetative cover of natural areas, help prevent surface water, subsurface water, air noise and visual pollution, help regulate development in areas of geological and topographical hazards (including but not limited to floodplains, shorelines, areas of unstable or expensive soils and excessive slopes or slope areas), help protect against loss or injury from inappropriate use of the land, and otherwise help preserve and enhance both the safety and the quality of the environment. (Ord. 238 §1, 1983)

#### Sec. 17-3. Authority.

No final plat of a subdivision shall be approved and accepted by the Board of Trustees unless it conforms to the provisions of this Chapter. This Chapter has been prepared and enacted in accordance with the applicable state statutes. (Ord. 238 §1, 1983)

#### Sec. 17-4. Definitions.

The specific words and terms listed in this Section are defined as follows:

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

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

*Block* means a tract of land bounded by streets, or by a combination of streets, railway rights-of-way or waterways.

*Building setback line (front)* means a line nearest the front of and across a lot or parcel of land establishing the minimum open space to be provided between the front line of a building or structure and the line of the fronting street right-of-way.

*Collector street* means any street designed primarily to gather traffic from local or residential streets and carry it to the arterial system.

*Comprehensive Plan* means the Comprehensive Plan for the Town which has been officially adopted to provide long-range development policies for the Town and which includes, among other things, the plan for land use, land subdivision, circulation, public facilities, the adopted comprehensive plan map and text, and other elements to be adopted from time to time.

*Construction acceptance* means acceptance of public improvements by the Town for maintenance, subject to applicable guarantees.

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

*Density* means the number of dwelling units per acre of land devoted to housing and related open space.

*Development plan map* means the development plan map for the Town which has been officially adopted as a portion of the Comprehensive Plan.

*Drainage easement* means a granting to the Town of the right to control development of a drainage right-of-way or an area subject to periodic flooding. Development on such easement shall be restricted to uses which would not interfere with the flow of the water or act as a barrier for debris.

*Dwelling, multi-unit* means a building used by two (2) or more families living independently of each other in separate dwelling units but not including hotels, motels or resorts.

*Dwelling, single-family* means a detached principal building other than a mobile home designed for or used as a dwelling exclusively by one (1) family as an independent living unit.

*Dwelling unit* means one (1) room or rooms connected together constituting a separate independent housekeeping establishment for owner occupancy, or for rental or lease on a monthly or longer basis; physically separated from any other rooms or dwelling units which may be in the same structure; and served by not more than one (1) gas meter and one (1) electric meter.

*Easement* means an authorization by a property owner for the use by the public or a person of any designated part of his or her property for specific purposes.

*Freeway* means any divided street or highway with complete access control and grade-separated interchanges with all other public streets and highways. For the purposes of this Chapter, the term freeway includes the term expressway.

*Frontage* means that portion of a lot, parcel, tract or block abutting upon a street.

*Improvements* means all facilities constructed or erected by a subdivider within any subdivision to permit and facilitate the use of lots or blocks for a principal residential, business or industrial purpose. Improvements shall include those listed in Article III of this Chapter.

*Local street* means any street other than an arterial, collector, freeway or minor street designated primarily to provide access to abutting property.

*Lot* means a portion or parcel of land (whether a portion of a platted subdivision or otherwise) occupied or intended to be occupied by a building or use and its accessories, together with such yards as are required under the provisions of Chapter 16 of this Code, having not less than the minimal area, usable open space and off-street parking spaces required by Chapter 16 for a lot in the district in which such land is situated, and having frontage on a street. A lot must be an integral unit of land held under unified ownership in fee or in co-tenancy, or under legal control tantamount to such ownership.

*Lot area* means the total horizontal area within the lot lines of a lot.

*Lot, corner* means a lot of which at least two (2) adjacent sides abut for their full length upon a street.

*Lot coverage* means the percentage of the total lot area available for bulk or buildings.

*Lot depth* means the average horizontal distance between front and rear lot lines.

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

*Lot, interior* means a lot other than a corner lot.

*Lot line, front* means the property line dividing a lot from the right-of-way of the street. For a corner lot, the shortest street right-of-way line shall be considered as the front line. For a double frontage lot, the local street right-of-way line shall be considered as the front lot line, or if both streets are local streets, the shorter street right-of-way line shall be considered the front lot line.

*Lot line, rear* means, except on a double-frontage lot, the property line opposite the front lot line.

*Lot line, side* means any lot line other than a front or rear lot line.

*Lot width* means the distance on a horizontal plane between the side lot lines of a lot, measured at right angles to the line establishing the lot depth at the established building setback line.

*Marginal access streets* are local streets which are parallel to and adjacent to freeways or arterial streets, and which provide access to abutting properties and protection from through traffic.

*Open space* means land which is free of any structures which are not directly related to the function of the open space.

*Owner* means any person or any other legal entity having legal title to land sought to be subdivided under this Chapter.

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

*Planning Commission* means the officially appointed Planning Commission of the Town.

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

*Property line* means the boundary of any lot, parcel or tract as the same is described in the conveyance to the owner; and shall not include the streets or alleys upon which said lot, parcel or tract may abut.

*Public hearing* means a meeting called by a public body for which public notice is given and which is held in a place in which the general public may attend to hear issues and express their opinion.

*Reserve strip* means a narrow strip of land along a property line reserved to control access to abutting properties or public rights-of-way.

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

*Street* means the entire width between the boundary lines of vehicular and pedestrian traffic and placement of utilities; and includes the terms road, highway, land, place, avenue, alley or other similar designations.

*Subdivider* or *developer* means any person or other legal entity or legal representative who participates in any manner in the dividing of land for the purpose, whether immediate or future, of sale or building development.

*Subdivision* means the division of a lot, tract or parcel of land into two (2) or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development, whether for residential, industrial, office, business or other use. The term shall also include and refer to any division of land previously subdivided or platted, but shall not include those exemptions under Section 17-5(b) below. (Ord. 238 §1, 1983; Ord. 435 §1, 1996)

#### **Sec. 17-5. General regulations.**

(a) Whoever divides or participates in the division of a lot, tract or parcel of land into two (2) or more lots, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development, whether residential, industrial, office, business or other use, who desires to build a structure upon any tract of land which had not been previously platted, shall make the transaction subject to the provisions of this Chapter, and a plat therefor must be submitted to and accepted by the Town according to the terms set forth in this Chapter. The terms of this Chapter shall also include and refer to any division of land previously subdivided or platted.

(b) The provisions of this Chapter shall be deemed not to apply to the following:

(1) Any division of a tract of land which creates parcels of land each of which comprise thirty-five (35) or more acres of land, none of which is intended for use by multiple owners, where such subdivision does not involve the creation of any new streets or easements of access as may be determined by the Planning Commission.

(2) Any division of land to heirs through an estate proceeding:

a. Unless utilized for the purpose of evasion of this Chapter; or

b. Unless for subdivision or construction purposes, any transfer of a part of another lot or parcel which does not create an additional lot.

(3) Any division of land by the foreclosure of a deed of trust.

(c) No plat of a subdivision of land shall be used for purposes of sale or building development or filed and recorded with the County Clerk and Recorder until approved by the Planning Commission and the Board of Trustees, with such approval entered in writing on the plat, and signed by duly authorized representatives of such bodies.

(d) No person may submit an application for subdivision approval to a local authority unless the subdivision plan or plat provides, pursuant to Section 43-2-147, C.R.S., that all lots and parcels created by the subdivision will have access to the state highway system in conformance with the State Highway Access Code. No building shall be erected on any lot, nor shall a building permit be issued for a building, unless there is access to a public street. No application for a subdivision of land filed after October 21, 2003, that will result in an increase in density shall be approved unless a minimum of two (2) roadway accesses are provided from the subdivision to public roadways. Such accesses

may be to the Town's street system, a Boulder County roadway or a state public highway, provided the required permits for such access have been obtained.

(e) No subdivision of land for which an application is filed after October 21, 2003, that will result in an increase in density shall be approved unless a notation appears on the face of the final plat of the subdivision stating that no building permit will issue in connection with any lot, unless such lot has access to and will be connected to the Town's municipal sewer system, with such connection to occur before a certificate of occupancy will issue.

(f) Every plat shall be recorded in the office of the County Clerk and Recorder. (Ord. 238 §1, 1983; Ord. 572 §1, 2003; Ord. 578 §§1 3, 2003; Ord. 583 §§1 3, 2003)

**Sec. 17-6. Jurisdiction.**

This Chapter is applicable within the following described areas:

- (1) All land located within the legal boundaries of the Town;
- (2) All land located within three (3) miles of the corporate limits of the Town and not located in any other municipality for the purposes of control with reference to the major street plan as contained in the Comprehensive Plan; and
- (3) Land in the process of annexation for which an annexation petition has been filed. (Ord. 238 §1, 1983)

**Sec. 17-7. Required fees.**

(a) There shall be a fee required for each subdivision plat submitted for approval. Such fee shall be paid to the Town Clerk for the following, upon receipt of the application:

- (1) Preliminary submittal.
- (2) Final plat.
- (3) For a minor subdivision (4 units or less).
- (4) County Clerk and Recorder filing fees.
- (5) All required Town consultant review costs.
- (6) Replat fees.

(b) Such fees are established in Section 4-151.

(c) The applicant shall be responsible for all actual costs of the Town for review of subdivision plats and all related documents and all costs including publication. The applicant shall deposit one thousand dollars (\$1,000.00) with the Town for this purpose upon submission of the subdivision plat. If the Town's actual costs exceed such amount, the applicant shall pay any additional amounts. If all

of the deposit is not used by the Town, it shall pay to the applicant the unused portion. (Ord. 238 §1, 1983; Ord. 435 §1, 1996)

**Secs. 17-8—17-20. Reserved.**

## **ARTICLE II**

### **Procedure**

**Sec. 17-21. Preapplication conference.**

(a) Prior to preparing a preliminary plat for presentation to the Planning Commission, the subdivider shall make known his or her intentions to the Zoning Administrator to discuss informally any Town plans or standards that may affect the proposed development. A vicinity sketch plan shall be prepared on a base map. The subdivider shall include on the sketch plan, only for the proposed development, existing and proposed major uses, areas for residential, commercial, industrial and public purposes, and major streets. The subdivider shall also provide the following generalized information:

- (1) Surrounding area map (land use, existing development).
- (2) Existing conditions map (streets, utilities, zoning).
- (3) Hazards map (flood, geology).
- (4) Soils and contour map.

(5) Short definition of the project including, but not limited to, aspects such as: number of taps, schedule, water availability, etc.

(b) After review of the sketch plan, the Zoning Administrator will furnish to the subdivider written comments concerning the feasibility and design of the proposed subdivision. If annexation of the proposed subdivision is required, the subdivider shall proceed as stipulated in the Town annexation resolution.

(c) If the proposed subdivision is four (4) lots or less, it will constitute a minor subdivision. A minor subdivision's procedures can be shortened by the following procedure:

(1) Staff will look at preapplication information and may recommend to the Planning Commission, for its approval, waivers of the subdivision regulations and procedure.

(2) Upon receipt of the approved waiver, staff will proceed with subdivision regulation procedures not waived. (Ord. 238 §1, 1983; Ord. 282 §1, 1987; Ord. 725 §15, 2013)

**Sec. 17-22. Preliminary plat preparation.**

After the subdivider has reached preliminary conclusions concerning the feasibility and design of the proposed subdivision, he or she shall prepare a preliminary plat and required supplemental material for presentation to and approval of the Planning Commission. (Ord. 238 §1, 1983)

**Sec. 17-23. Preliminary plat processing.**

(a) A minimum of two (2) full-size copies of the preliminary plat and required supplemental material, along with an electronic submission, shall be presented by the subdivider to the Zoning Administrator. Upon finding the application complete, the Zoning Administrator shall submit the application to the Planning Commission and appropriate agencies listed below for their review and comments:

- (1) Town Public Works Department;
- (2) Town Police Department;
- (3) Nederland Fire Protection District;
- (4) Town Attorney;
- (5) County Planning Department;
- (6) County Health Department;
- (7) County Engineering Department;
- (8) Electric company;
- (9) Gas company;
- (10) Telephone company;
- (11) Local soil conservation district board;
- (12) Boulder Valley School District;
- (13) Colorado Water Conservation Board;
- (14) Town Building Department;
- (15) State Department of Transportation;
- (16) State Department of Game and Fish;
- (17) State Forest Service;
- (18) Colorado Geological Survey; and
- (19) Other agencies that may be deemed necessary.

(b) Within sixty (60) days of receipt of the application from the Zoning Administrator, the Planning Commission shall hold a public hearing to consider the application. Public notice of the hearing shall be published in a newspaper of general circulation within the Town at least fifteen (15)

days prior to such hearing. Additionally, the property shall be posted at least fifteen (15) days prior to the hearing along the part of such property fronting on an existing street.

(c) Within sixty (60) days following the public hearing or within such time as is mutually agreed by the Planning Commission and the applicant, the Planning Commission shall approve, disapprove or approve the preliminary plat with modifications.

(d) Approval of the preliminary plat shall be valid for one (1) year. A one-year extension of approval time may be applied for in writing to the Planning Commission.

(e) All or any portion of an approved preliminary plat may be submitted for final plat purposes. In the case of partial submission, the approval of the remaining portion of the preliminary plat shall automatically gain an extension of one (1) year before another phase of the plat must be submitted in final form.

(f) Within fifteen (15) days after the preliminary plat is disapproved or approved with modifications, the subdivider may request in writing a review before the Board of Trustees. (Ord. 238 §1, 1983; Ord. 435 §1, 1996; Ord. 725 §16, 2013)

#### **Sec. 17-24. Preliminary plat form.**

The drawing shall be made at a scale of one (1) inch equals one hundred (100) feet or larger. The size of the sheets shall be twenty-four (24) inches by thirty-six (36) inches. If it is necessary to place the plat on more than one (1) sheet, an index map shall be included on the first sheet. A vicinity sketch plan showing the location of the area being platted as it relates to the rest of the community and showing major streets in the area shall be included. (Ord. 238 §1, 1983)

#### **Sec. 17-25. Preliminary plat contents.**

The contents of the preliminary plat shall be as follows:

- (1) Proposed name of the subdivision;
- (2) Location and boundaries of the subdivision as part of a larger area, and adjacent land uses;
- (3) Contours at two-foot intervals if the slope is less than ten percent (10%) (spot elevations may be required if land is too flat for contours) and five (5) feet where the slope is greater than ten percent (10%); and a map illustrating contours by 0-5%, 5-8%, 8-15%, 15-30% and greater than 30%;
- (4) Date of preparation, scale and north sign (designated as true north);
- (5) Name, address and telephone number of the owner and licensed surveyor, licensed engineer or designer of the plat;
- (6) Total acreage involved;

(7) Location and dimensions of all existing streets, existing structures, alleys, easements, drainage areas, irrigation ditches and laterals, and other significant features within or adjacent to the tract to be subdivided;

(8) Approximate location and dimensions of all proposed streets, alleys, easements, lot lines, front building setback lines and parks and other areas to be dedicated for public use;

(9) Delineation of and technical material pertaining to areas of state interest, such as: soils, geological, wildlife areas, mining and subsidence hazards and vegetation;

(10) Zoning on and adjacent to the tract;

(11) Site data including the number of residential lots and typical lot sizes;

(12) Density of development (number of dwelling units per acre of residential and open space land);

(13) Proposed uses other than single-family residential;

(14) The location and size of existing utilities within or adjacent to the tract including water, sewer and closest existing utilities locations and size;

(15) Proposed street names;

(16) Preliminary hydrology, drainage and grading plans;

(17) Such preliminary information as may be required by the Planning Commission in order to adequately describe proposed utility systems, surface improvements or other construction projects contemplated within the area to be subdivided in order to assure that the subdivision is capable of being constructed without an adverse effect upon surrounding area;

(18) Application form for rezoning, if required for the development of the subdivision;

(19) A preliminary road plan map indicating alignments, ROW width, curve radii rough estimate of grades, locations of bridges and culverts and other relevant information;

(20) A written application which includes:

a. Basic objectives,

b. Desired land use,

c. Total area,

d. Percent of project by land use,

e. Density,

f. Number of units/type,

- g. Percent of open areas,
  - h. Number of off-street parking,
  - i. Boundary description and acreage,
  - j. Water and sewer system needs,
  - k. Water available and necessary to serve at build out,
  - l. Schedule with start date,
  - m. Ownership affidavit, and
  - n. Names and addresses of all property owners within three hundred (300) feet; and
- (21) Optional information to be required:
- a. Number of school-aged children in development;
  - b. Distance to schools;
  - c. School bus routes;
  - d. Boulder Valley RE2 School District statement of adequate service capability;
  - e. Traffic count increase to roads in vicinity, peak and off-peak;
  - f. Police needs;
  - g. Solid waste needs;
  - h. Playgrounds; and
  - i. Retail and service needs. (Ord. 238 §1, 1983)

**Sec. 17-26. Final plat preparation.**

After the subdivider has received approval of the preliminary plat, the final plat may be prepared. Only that part of the preliminary plat which is proposed by the subdivider for recording at any one (1) time must be submitted in its final form. The final plat may reflect the entire preliminary plat or any logical part thereof. The presentation to the Zoning Administrator's office of the final plat, or of plats of the entire area included within the preliminary plat, shall take place not more than twelve (12) months after approval of the preliminary plat. If lot changes have occurred from the original proposal, the application must refer the plat back to the private utility companies. (Ord. 238 §1, 1983; Ord. 725 §17, 2013)

**Sec. 17-27. Final plat processing.**

(a) Not more than twelve (12) months after approval of the preliminary plat, four (4) to thirty-six (36) copies of the final plat as required by the Town and any required supplemental material shall be presented by the subdivider to the Zoning Administrator. (The final plat shall substantially conform to the approved preliminary plat and shall include all changes specified thereon).

(b) Upon finding the final plat complete, the Zoning Administrator shall submit the plat to the Planning Commission for review.

(c) Within sixty (60) days of receipt of the final plat from the Zoning Administrator, the Planning Commission shall consider the plat.

(d) Within sixty (60) days following said consideration or within such time as is mutually agreed by the Planning Commission and the applicant, the Planning Commission shall either recommend approval of the final plat, with or without conditions, or denial of the final plat to the Board of Trustees.

(e) Upon receipt of the plat, preliminary engineering plans and the recommendations from the Water and Sewer Board, Public Works Department, Fire Protection District, Town consultants and Planning Commission, the Board of Trustees shall approve, disapprove or refer the plat back to the Planning Commission for further study. If the plat is disapproved or referred, the reasons shall be stated in writing and furnished to the subdivider.

(f) Following acceptance of the final plat by the Board of Trustees, the plat shall be signed by the Mayor and attested by the Town Clerk. The Town Clerk shall then record the plat in the office of the County Clerk and Recorder. The subdivider shall furnish to the Town Clerk the recording fee required by the County Clerk and Recorder prior to recording the plat. (Ord. 238 §1, 1983; Ord. 725 §18, 2013)

**Sec. 17-28. Final plat form.**

The final plat shall be drawn at a scale of one (1) inch equals one hundred (100) feet, on Mylar sheets twenty-four (24) inches by thirty-six (36) inches in size. If it is necessary to place a plat on more than one (1) sheet, an index map shall be included on the first sheet. Two (2) sets of the final plat shall be submitted to the Town for recording with the County Clerk and Recorder, as well as one (1) Mylar reduction of the plat at a scale of one (1) inch equals five hundred (500) feet. All Mylars shall be ink originals or exact photographic reproductions of ink originals. (Ord. 238 §1, 1983)

**Sec. 17-29. Final plat contents.**

(a) The contents of the final plat shall be as follows:

(1) Name of the subdivision, north arrow, date, name and address of the owner of record, total acreage of the subdivision and total number of lots; township, range, section (and quarter section if portion of a section), principal meridian, block and lot numbers; and square footage of each lot or tract;

(2) Accurate dimensions for all lines, angles and curves used to describe boundaries, streets, alleys, 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 and chord bearings. 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 (1) in ten thousand (10,000). No final plat showing plus or minus dimensions will be approved;

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

(4) An identification system for all lots and blocks and names for streets;

(5) An identification of the streets, alleys, easements, parks, other public facilities as shown on the plat, and a dedication thereof to the public use; all streets shall be named subject to the approval of the Planning Commission;

(6) Total acreage and surveyed description of the area;

(7) Elevations of first habitable floors or a certification stating flood hazards;

(8) Composite preliminary utility plan with: location, size and use of all easements, location of all water and sewer facilities, location of all fire hydrants, and location and dimensions of all traffic controls and trash disposal areas, all to be shown on a separate sheet;

(9) Erosion control and revegetation plan;

(10) Written material:

a. Copies of preliminary submittal with modifications;

b. Abstract of title or evidence of title insurance for property;

c. Certification from the County that all ad valorem taxes have been paid;

d. Survey notes of a perimeter survey and copies of all monument records in conformance with Section 38-51-101, C.R.S., with a statement by the land surveyor that the survey was performed by him or her in accordance with the state statutes or under his or her direct responsibility, supervision and checking;

e. A statement by the land surveyor explaining how bearings were determined;

f. The signature and seal of the registered land surveyor;

g. The form of guarantees proposed by the subdivider whereby the applicant, his or her successors, heirs and assigns guarantee to make the subdivision improvements required by the Town according to an acceptable time frame;

h. Function, ownership and manner of maintenance of common open space;

- i. Acreage of each land use;
  - j. Number of dwelling units with a breakdown by types and sizes in square footage;
  - k. Number of nonresidential floor space in square footage, including number of employees and type of activity;
  - l. Number of proposed off-street parking spaces with parking for single family residential areas listed separate;
  - m. Estimated construction costs and proposed financing;
  - n. Assessment information, if any;
  - o. Project's phasing schedule;
  - p. Fire protection facilities;
  - q. Solid waste generation;
  - r. Statements from all utilities and service districts that service will be extended; and
  - s. State highway access permits, if necessary; and
- (11) Other information as may be required by the Town.

A general form to assist the subdivider, which includes all of the above, shall be available on request.

(b) Other documents required at the time of submission of the final plat shall be:

- (1) Preliminary engineering drawings and outline specifications for all public facilities to be installed, i.e., water and sewer utilities, streets and related improvements, bridges and storm drainage;
- (2) Agreements made with ditch companies when needed; and
- (3) Guarantee for public improvements as required under Section 17-30 below.

(c) In the event that the property is eligible for a lot line dissolution pursuant to Section 17-73 of this Code, except for the requirements of Paragraph (c)(5), (6) or (7) thereof, the property owner may provide a survey in accordance with Subsection 17-73(b) rather than the monumented land survey required by this Section. (Ord. 238 §1, 1983; Ord. 448 §2, 1998)

**Sec. 17-30. Guarantees.**

(a) A form of guarantee acceptable to the Town must be furnished by the subdivider to assure the installation of all required public improvements in an approved manner and in a reasonable period of time. These guarantees may include letters of credit or performance and payment bonds at the discretion of the Board of Trustees with the advice of the Town Attorney. Said guarantee shall be in

an amount equal to one hundred twenty-five percent (125%) of the estimated costs of materials and installation of improvements, unless otherwise determined by the Board of Trustees.

(b) Prior to the presentation and acceptance of the final plat by the Board of Trustees, the subdivider shall execute an agreement with the Town, in a form satisfactory to the Town, that guarantees shall be furnished for the construction of all required public improvements. Building permits will be issued for only that part of the plat for which the required financial guarantee has been provided.

(c) The agreement to furnish said guarantees shall be recorded to put purchasers and other interested parties on notice. Upon written request from the subdivider, a release may be obtained for a lot from the Board of Trustees when the terms of the agreement have been satisfied for the lot involved.

(d) The agreement shall be a covenant running with the land and shall be enforceable against the land and shall further provide that if at any time there is a breach of such agreement, the Town may withhold approval of all building permits with the subdivision until such breach has been cured.

(e) The agreement shall address pertinent public improvements including, but not limited to:

- (1) Road grading and surfacing;
- (2) Curbs and gutters;
- (3) Curb cuts on major thoroughfares;
- (4) Sewer and water facilities;
- (5) Storm sewers;
- (6) Water storage;
- (7) Street signs and address system;
- (8) Landscaping and irrigation;
- (9) Permanent reference monuments and monument boxes;
- (10) Street lighting;
- (11) Public service and telephone utility lines; and
- (12) Traffic control devices. (Ord. 238 §1, 1983)

**Secs. 17-31—17-50. Reserved.**

## **ARTICLE III**

### **Design Standards**

#### **Sec. 17-51. Findings.**

The character and environment of the Town for future years will be greatly affected by the design of subdivisions and the plats that are approved by the Town. Planning, layout and design of a subdivision are of the utmost concern. The residents must have available to them within the area safe and convenient movement to points of destination or collection. Modes of travel to achieve this objective should not conflict with each other or abutting land uses. Lots and blocks should provide desirable settings for the buildings that are to be constructed, make use of natural contours, protect the view, and afford privacy for the residents and protection from adverse noise and vehicular traffic. Natural features and vegetation of the area must be preserved if at all possible. Schools, parks, churches and other community facilities should be planned for as an integral part of the area. (Ord. 238 §1, 1983)

#### **Sec. 17-52. Site considerations.**

(a) Steep land, areas having inadequate drainage and other natural hazard areas, including but not limited to areas of state interest, are problems of such a nature as to endanger health, life or property. Areas with such problems shall not be platted unless acceptable provisions are made by a registered engineer qualified in the particular field which eliminate or control the problems. Such plans must be approved by the Town Engineer who shall judge the same by generally accepted principles of engineering adapted to the particular circumstances. All development in the subdivision shall be carried out in conformity with the plans as finally approved.

(b) Drainage areas wherever possible should be left in a natural state and no encroachments shall be made on the natural channel area. Any land subject to flooding shall be platted in accordance with the flood plain regulations contained in Chapter 18, Article IV of this Code.

(c) The Town regulations pertaining to designated matters of state interest and mineral extraction and any other applicable regulations adopted by the Town shall be adhered to throughout the platting process. (Ord. 238 §1, 1983)

#### **Sec. 17-53. Blocks.**

(a) Block lengths and widths shall be suitable for the uses contemplated and shall be adequate for requirements pertaining to minimum lot sizes and dimensions.

(b) Blocks shall be at least four hundred (400) feet in length and not more than one thousand three hundred twenty (1,320) feet in length between street intersections unless adjacent to a railroad right-of-way, freeway or arterial street, or unless topographical conditions justify a variation of the requirement. (Ord. 238 §1, 1983)

#### **Sec. 17-54. Lots.**

Lot requirements are as follows:

- (1) Lots shall meet all applicable zoning requirements.
- (2) Each lot shall have vehicular access to a public street.
- (3) The maximum depth of all residential lots shall not exceed two and one-half (2½) times the width thereof. For all other lots, the depth shall not exceed three (3) times the width.
- (4) The minimum lot frontage, as measured along the front lot lines, shall be fifty (50) feet, except for lots abutting a cul-de-sac, in which case said lot frontage may be reduced to thirty-five (35) feet.
- (5) Double-frontage lots shall be prohibited except where essential to provide separation from arterial streets or state highways or where warranted by steep terrain. There shall be no vehicular right of access to lots abutting such traffic artery.
- (6) Side lot lines shall be substantially at right angles or radial to street lines. (Ord. 238 §1, 1983)

**Sec. 17-55. Public sites and dedication.**

(a) Dedications of rights-of-way for public streets, drainage easement, utility easements or other public purposes shall be required and shall be made by the subdivider on the plat unless otherwise directed by the Board of Trustees.

(b) Public use dedications shall be as follows:

(1) A minimum of twelve percent (12%) of the total land area of the tract being subdivided shall be dedicated, exclusive of Subsection (a) above, for park, school or other public purposes as determined by the Board of Trustees, and shall be delineated on the final plat. Land dedicated for public use must be suitable, as determined by the Planning Commission, for the type of development and/or the use for which it is intended.

(2) If the Board of Trustees so determines, the subdivider shall pay to the Town in cash an amount equal to twelve percent (12%) of the total appraised value of the land to be subdivided in lieu of the dedication of land required herein. Any appraisal required to establish the value of land herein shall be done at the expense of the subdivider.

(3) In determining which of the above policies to implement, the Planning Commission and the Board of Trustees will consider the size of the development and its adequacy for accommodating a suitable public use site; the community facility aspects of the Comprehensive Plan and the school district's master plan; existing parks and other public uses in the area; the topography, geology and location of land in the subdivision available for dedication; the needs of the people in the area; and any other appropriate factors. If land is dedicated to the Town, it shall be free of all liens and encumbrances.

(4) The requirements of this Section shall not apply in cases where satisfactory dedication arrangements were made and approved by the Board of Trustees at the time of annexation or previous subdivision of the same property. (Ord. 238 §1, 1983)

**Sec. 17-56. Public facilities.**

(a) Engineering specifications for all improvements are contained in the Town public improvements manual or as otherwise required by the Town Engineer.

(b) No improvements shall be made and no building permits shall be issued until all plans, profiles and specifications have been reviewed and approved by the Town Engineer.

(c) In the event oversized utilities or off-site improvements are required, arrangements for reimbursement shall be made whereby the subdivider may be allowed to recover the cost of the utilities or off-site improvements that have been provided by him or her beyond the needs of his or her development. The method and time of payment under the reimbursement shall be established in accordance with the current policies of the Town relating to the emplacement of such oversized utilities or off-site improvements.

(d) Improvements to be provided, constructed, installed or otherwise caused to occur by the subdivider shall include, but not be limited to:

- (1) Permanent survey monuments, range points and lot pins;
- (2) Streets and alleys (when platted) in accordance with the Town road standards;
- (3) Street name signs and all traffic-control signs;
- (4) Bridges, culverts or open drainage channels (where required); and
- (5) Street lights.

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

- (1) Water lines and fire hydrants;
- (2) Sanitary sewer lines; and
- (3) Storm drainage improvements and storm sewers where required. (Ord. 238 §1, 1983)

**Sec. 17-57. Miscellaneous improvements.**

(a) Unless otherwise approved by the Planning Commission due to geological constraints, telephone and electric lines and other like utility services shall be placed underground. The subdivider shall be responsible for complying with the requirements of this Section. He or she shall make the necessary arrangements, including any construction or installation charges, with each of the serving utilities for the installation of such facilities, and shall be subject to all applicable laws and regulations for the construction of the same. Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts and other facilities necessarily appurtenant to such underground utilities may be placed above ground. Electric transmission and distribution feeder lines, communication long-distance trunk and feeder lines and necessary appurtenances thereto may be placed above

ground. Such facilities shall be placed within easements or public rights-of-way provided for particular facilities.

(b) Other improvements not specifically mentioned in this Article but found necessary due to conditions found on the site by the Town Engineer shall be required. (Ord. 238 §1, 1983)

**Sec. 17-58. As-built plans.**

Finished plans of all public improvements as installed shall be required before the Town will grant construction acceptance of the improvements. The working plans as approved are acceptable if they remain true after construction and as long as this is attested to by a registered engineer. (Ord. 238 §1, 1983)

**Sec. 17-59. Release of guarantee.**

(a) The subdivider shall be responsible for having improvements installed, paid for and finally accepted by the Town. Guarantees are required of the subdivider in order to meet this standard. The guarantee may be released, in whole or in part, upon written request by the subdivider to the Board of Trustees, which shall grant the same in accordance with the standards as set forth in this Chapter.

(b) Unless otherwise required by the Town, the guarantees may be reduced to fifty percent (50%) of the original guarantee upon construction acceptance. Upon final acceptance, all guarantees shall be released. (Ord. 238 §1, 1983)

**Secs. 17-60—17-70. Reserved.**

**ARTICLE IV**

**Modifications**

**Sec. 17-71. Intent.**

The Board of Trustees, upon advice of the Planning Commission, may authorize modifications from this Chapter in cases where, due to exceptional topographical conditions or other conditions peculiar to the site, an unnecessary hardship would be placed on the subdivider. Such modifications shall not be granted if it would be detrimental to the public good or impair the basic intent and purposes of this Chapter. Any modifications granted shall be in keeping with the intent of the Comprehensive Plan. (Ord. 238 §1, 1983)

**Sec. 17-72. Planned unit development modifications.**

Modifications to the requirements of this Chapter may be authorized by the Board of Trustees upon advice of the Planning Commission in the case of a planned unit development. (Ord. 238 §1, 1983)

**Sec. 17-73. Dissolution of interior lot lines.**

(a) General provisions, purpose and exceptions. Notwithstanding any other provisions of this Chapter, an existing lot line forming the boundary between two (2) or more platted lots located within

the same subdivision may be eliminated through the following dissolution of lot line process. The purposes of these provisions are to encourage consolidation of lots to reduce the buildable density within the Town, and to increase open areas within the Town. Further, these provisions shall also serve to combine nonconforming lots to create conforming lots. In the event that a proposed lot line dissolution meets these purposes, but does not otherwise meet one (1) or more of the requirements or criteria of Subsection (b), (c) or (d) below, the owner of the lot(s) may apply for a lot line dissolution from the Board of Trustees. For those requirements or criteria of Subsection (b), (c) or (d) below that are not being met, the applicant shall include a detailed explanation of how the purposes of this Subsection are served and why the waiver by the Town should be granted.

(b) Application requirements. All applications for dissolution of lot lines shall conform to the provisions of Articles II and III of this Chapter. The application shall include the following:

(1) An application for dissolution of interior lot line on an application provided by the Town and payment of the associated fees as set forth in the Town's fee schedule.

(2) A title commitment or ownership and encumbrances report current as of the date of submitting the application showing all parties with an interest in the property.

(3) A survey of the proposed land to be consolidated. Such survey shall consist of one (1) of the following:

a. If the original subdivision the applicant is requesting the dissolution of lines in has been approved within the last five (5) years, the applicant may use the subdivision for this requirement;

b. All other applications must provide at a minimum an improvement location certificate within the last five (5) years; or

c. A recorded boundary line survey of the subject property at the County Clerk and Recorder's office within the last five (5) years.

No survey dated more than five (5) years prior to the date of the application shall be accepted.

(4) That the proposed lot meets all of the requirements for a legal lot within the zoning district in which the property is located.

(c) Requirements for approval of dissolution of lot lines. The following criteria shall be met by the applicant prior to approval of a dissolution of lot lines in accordance with the procedures provided in this Section. Properties that do not meet the following requirements must follow the replat provisions of Article II of this Chapter in order to change the location of any lot line.

(1) The dissolution of lot line shall be titled with the same name as that of the original subdivision.

(2) Proposed parcel boundaries and development shall be suitably located and sized with respect to the physical characteristics of the land and the character of the neighborhood.

(3) A lot created by the dissolution of any lot lines in accordance with this Section cannot be resubdivided except in compliance with a subdivision process of this Chapter.

(4) The lots to be combined are held in identical ownership at the time of the application.

(5) The lots to be combined are not separated by an easement, right-of-way or any other dedication to an individual or entity other than the owner of the property.

(6) The lots to be combined are in the same zoning district.

(7) The lots to be combined are part of the same underlying plat.

(d) Properties not eligible for dissolution of lot lines. This Section shall not apply to properties that have any one (1) of the following conditions, subject to the provisions of Subsection (a) above:

(1) The property requires dedication or vacation of easements in order to have the minimum lot requirements for building within the zoning district.

(2) Changes the location of any remaining lot lines in the subdivision.

(3) Any portion of which includes a nonconforming lot as defined in this Code.

(4) Any parcel of land that has not been subdivided pursuant to Section 30-12-110, C.R.S., including but not limited to tract parcels of land or lots that have been illegally subdivided since the last replat of the property.

(5) Any portion of the new lot to be created consists of a portion of an illegally subdivided lot; provided, however, that the procedure in this Section shall be available to dissolve illegally created lot lines to restore a lot to its legally platted boundaries.

(6) The lots to be combined would require any of the following prior to obtaining a replat of the property in accordance with Chapter 17 of this Code:

a. Drainage plan.

b. Wetland delineation, 404 permit determination (federal).

c. Floodplain verification and mitigation.

d. Revegetation and soil erosion plan.

e. Construction of public utility improvements to serve the property.

(e) Approval process.

(1) Any application under this Section shall be submitted to the Zoning Administrator. The Zoning Administrator shall review the application and either:

a. Advise the applicant in writing that the application is incomplete or ineligible for the procedure under this Section and provide the reasons for such determination; or

b. Submit the request to the Planning Commission with the recommendation of the Zoning Administrator. A copy of the recommendation shall be provided to the applicant.

(2) Upon receipt of the recommendations of the Zoning Administrator, the Board of Trustees shall consider the application at its next regularly scheduled meeting that is at least five (5) days after receipt of the recommendation of the Planning Commission.

(3) If approved by the Board of Trustees, the resolution of approval and two (2) original Mylars and two (2) paper copies of the map attached to the application and provided by the applicant shall be recorded by the Town Clerk at the County Clerk and Recorder's office within thirty (30) days after the date of approval. (Ord. 448 §1, 1997; Ord. 503 §1, 1999; Ord. 665 §4, 2008; Ord. 725 §19, 2013)

**Secs. 17-74—17-90. Reserved.**

## **ARTICLE V**

### **Administration and Enforcement**

**Sec. 17-91. Amendment.**

This Chapter may be amended by the Board of Trustees with recommendations of the Planning Commission after holding a public hearing thereon, which public hearing will be held after publishing notice thereof more than fifteen (15) days prior to the date of hearing in a newspaper of general circulation in the Town. (Ord. 238 §1, 1983)

**Sec. 17-92. Interpretation.**

The provisions of this Chapter shall be held to be the minimum requirements for the promotion of the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the Town. Where the conditions imposed by any provision of this Chapter are less restrictive than comparable conditions imposed by any other provisions of this Chapter, or any ordinance or resolution, the provisions which are more restrictive shall govern. (Ord. 238 §1, 1983)

**Sec. 17-93. Violation; penalty.**

Any person violating any of the provisions of this Chapter shall be punished as set forth in Section 1-72 of this Code. (Ord. 238 §1, 1983; Ord. 435 §1, 1996)

**Sec. 17-94. Review of previously approved plats.**

In the event no subdivision agreement has been executed, no construction of required improvements initiated or no building permits issued within twelve (12) months after final approval of the subdivision plat, the Board of Trustees or Planning Commission may call for a review. Upon a properly advertised public hearing and notice given to the subdivider, approval of the subdivision plat

may be revoked or the previous approval may be modified to include additional conditions. (Ord. 238 §1, 1983)

**Sec. 17-95. Replats.**

Replats will require the same review process as a new subdivision unless otherwise approved by the Planning Commission. (Ord. 238 §1, 1983)

**Secs. 17-96—17-110. Reserved.**