

Title 16
SUBDIVISIONS

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Chapter 16.04

General Provisions

Sections:

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- 16.04.070 Violation and penalty.

16.04.010 Title.

This title shall be known and be cited as "The Subdivision Ordinance of the Town of Firestone, Colorado."
(Prior code §10-99)

16.04.020 Definitions.

For the purpose of this title, certain words used in this title are defined as follows:

A. "Board of trustees" means the board of trustees of the town.

B. "Lot" means a parcel of land intended for transfer of ownership or building development, having its full frontage on a public street.

C. "Planning commission" means the planning and zoning commission of the town.

D. Streets and alleys.

1. "Access roads" means special rights-of-way used for access to properties abutting major arterials.

2. "Alley" means a minor or secondary way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

3. "Collector" means a street which will carry moderate volumes of traffic from local streets to major arterial and secondary streets.

4. "Cul-de-sac" or "dead-end street" means a minor street with only one outlet.

5. "Local" means a street used primarily for access to the abutting properties and which will carry limited volumes of traffic.

6. "Major arterial" means a street used primarily for heavy vehicular speeds or heavy volumes of traffic.

7. "Parkway" means a street which will carry moderate traffic from local streets to major arterial streets.

8. "Street" means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

E. "Subdivider" means any individual, firm, association, syndicate, copartnership, corporation, trust or any other legal entity who has a proprietary interest in the land sought to be subdivided and who commences proceedings under this title to effect a subdivision of land hereunder for himself and/or for any co-owners.

F. "Subdivision" means the division of a lot, tract or parcel of land into two or more lots, parcels or sites for the purpose, whether immediate or future, of sale, transfer of ownership or building development. "Subdivision" also means any division of land previously subdivided or platted. "Subdivision" does not mean or include any division of land for the sole purpose of conveying to the town additional right-of-way for the widening or other improvement of any arterial street.

G. "Town" means the town of Firestone, Colorado. (Ord. 496 §2, 2002; Ord. 434 §1, 2000; prior code §10-100)

16.04.030 Subdividing fees.

The base fee for any subdivider, as defined in this chapter, seeking a subdivision of property shall be five hundred dollars. The fee shall be due at the time of the application for the approval of the subdivision and shall be nonrefundable. In addition, every subdivider shall be responsible for and shall pay to the town all out-of-pocket expenses incurred by the town relative to the consideration of the subdivision proposal. The out-of-pocket expenses shall include, but shall not be limited to, engineering fees, attorneys fees, testing fees, survey fees and studies required in the consideration of the subdivision proposal. All such out-of-pocket expenses will be billed to the subdivider and shall be due and payable within fifteen days of billing. (Prior code §10-107)

16.04.040 Plan or plat required; jurisdiction.

A. Whoever divides or participates in the division of a lot, tract or parcel of land into two or more lots, sites or other divisions of land for the purpose, whether immediate or future, of sale, transfer of ownership or building development, or who desires to build a structure upon any tract of land which has not been previously platted, shall make the transaction subject to the provisions of this title and a plat or other applicable approval therefor must be submitted to and accepted by the town according to the terms set forth in this title. The terms of this title shall also include and refer to any division of land previously subdivided or platted.

B. The provisions of this title 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 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;
3. Any division of land by the foreclosure of a deed of trust; and
4. Any division of land otherwise expressly exempted by the provisions of this title.

C. No plat or other document purporting to accomplish a division of land subject to this title shall be used for purposes of sale, transfer of ownership or building development, or filed and recorded until approved by the town, with such approval entered in writing on the plat or other document required hereunder and signed by the mayor or other authorized town official.

D. No building permit shall be issued, no development shall be permitted and there shall be no installation of utilities, streets, curbs or gutters whatsoever unless a utility and street plan and subdivision plat or, if applicable, boundary line adjustment, has been approved by the board of trustees and recorded in the office of the Weld County clerk and recorder. (Ord. 496 §3, 2002; Ord. 246 §133, 1988; prior code §10-108)

16.04.050 Firestone development regulations.

The board of trustees shall from time to time adopt development regulations by resolution establishing standards and procedures not inconsistent with this title relating to the subdivision of land within the town and implementing the provisions of this title. Such rules and regulations shall be open to public inspection. All applicants for the subdivision of land shall be advised as to existence of such regulations and which shall be made available to such applicants. (Ord. 331 §20, 1996)

16.04.055 Water rights dedication.

No subdivision plat, and no final development plan or building permit for any unplatted area, shall receive final approval until the town becomes titled owner of all water required for the area subject to such plat, plan or permit, as determined pursuant to Sections 1.08.050 and 13.08.010 of this code, as applicable, and any agreement governing the platted area. If required by the town, the manner of satisfaction of the water dedication requirements shall be set forth in the subdivision agreement for the subdivision. The town, at all times and as a condition of water service and approval of any plat, final development plan or building permit for any nonresidential area, shall have the right to require the dedication of additional water rights or, at the town's option, the payment of cash in lieu thereof, in the event actual water use for any such area exceeds the estimated potable water demand, as calculated by the town. (Ord. 661 §3, 2007)

16.04.055 Water rights dedication.

No subdivision plat, and no final development plan or building permit for any unplatted area, shall receive final approval until the town becomes titled owner of all water required for the area subject to such plat, plan or permit, as determined pursuant to Sections 1.08.050 and 13.08.010 of this code, as applicable, and any agreement governing the platted area. If required by the town, the manner of satisfaction of the water dedication requirements shall be set forth in the subdivision agreement for the subdivision. The town, at all times and as a condition of water service and approval of any plat, final development plan or building permit for any nonresidential area, shall have the right to require the dedication of additional water rights or, at the town's option, the payment of cash in lieu thereof, in the event actual water use for any such area exceeds the estimated potable water demand, as calculated by the town. (Ord. 661 §3, 2007)

16.04.060 Fair contribution for public school sites.

A. For all subdivisions of land, the subdivider shall dedicate land for a public school site to the St. Vrain Valley School District RE-1J ("School District"), or, in the event the dedication of land is not deemed feasible or in the best interest of the School District, as determined by the superintendent or designee of the School District, the subdivider shall make a payment in lieu of land dedication. The amount of such contribution of either land or payment in lieu of land (the "fair contribution for public school sites") shall be determined pursuant to the tables set forth in Subsection E. below.

B. The following uses shall be excepted from the fair contribution for public school sites requirements:

1. Construction of any nonresidential building or structure;
2. Alteration, replacement with a comparable building or structure or expansion of any legally existing building or structure provided that such alteration, replacement or expansion does not increase the number of residential dwelling units;
3. Construction of any building or structure for a limited-term stay or for long-term assisted living, including but not limited to bed and breakfast establishments, boarding or rooming houses, family-care homes, group-care homes, halfway houses, hotels, motels, nursing homes or hospices;
4. Construction of any residential building or structure classified as housing for older persons, pursuant to the Federal Fair Housing Act then in effect; and
5. Construction of any residential building or structure owned by any housing authority of the Town.

C. In the event the fair contribution for public school sites includes the dedication of land, the subdivider shall provide to the town, prior to recording of the final plat, proof that such dedication has been made to the School District in accordance with the following requirements:

1. The subdivider has conveyed to the School District by general warranty deed title to the land slated for dedication, which title is free and clear of all liens, encumbrances and exceptions (except those approved in writing by the School District) including, without limitation, real property taxes, which will be prorated to the date of conveyance or dedication. The subdivider shall also enter into a contract with the School District for the sale and purchase of real property containing customary terms for the land which is being conveyed to or purchased by the School District.
2. The subdivider shall provide all environmental site assessments and hazardous waste studies to the School District for review of the suitability of the dedicated property.
3. At the time of dedication or conveyance, the subdivider shall provide a title insurance commitment and policy in an amount equal to the fair market value of the dedicated property.
4. Arrangements have been made such that at the appropriate time, and not later than the issuance of the first building permit for the subdivision, the subdivider shall pay or provide for the payment of its proportionate share of street development costs for the streets adjacent to the dedicated land and shall either provide or pay or make provision for payment of the costs associated with making improvements for water, sewer and all other utilities stubbed to the dedicated land, make the necessary water dedication

pursuant to, as applicable, the Methodology, Town annexation/subdivision regulations and agreements, and provide over-lot grading of the dedicated land. The town, at all times and as a condition of water service, shall have the right to require the School District or its successors dedicate additional water rights or, at the Town's option, pay cash in lieu thereof, in the event actual water use on the property exceeds the estimated potable water demand as was calculated by the town, or the actual use of the property differs from the School District's proposed use for which the water demand was initially calculated.

5. The land being dedicated or conveyed to the School District shall be located and configured as directed by the School District.

6. In addition to the lands dedicated or conveyed, the subdivider shall provide to the School District an option to purchase abutting lands identified as a school site at their fair market value so that the dedicated or conveyed and purchased lands together form a contiguous parcel which meets the School District's land area requirements set forth in Subsection E. below.

D. If the fair contribution for public school sites includes payment in lieu of dedication of land, then prior to the issuance of any building permit for any residential dwelling unit in the subdivision not otherwise exempt under Subsection B. above, the town shall be provided with proof that, for the lot for which the permit is sought, the required payment in lieu of dedication of land has been made to the School District.

E. Effective November 1, 2008, the following Tables E.1 through E.5, containing school planning standards and calculations of in-lieu fees, shall be used to determine the fair contribution for public school sites required for the various occupancies addressed in such tables:

SCHOOL PLANNING STANDARDS AND CALCULATION OF IN-LIEU FEES
TABLE E.1
SINGLE-FAMILY

	<i>Number of Units</i>	<i>Projected Student Yield</i>	<i>Student Facility Standard</i>	<i>Site Size Standard Acres</i>	<i>Acres of Land Contribution</i>	<i>Developed Land Value</i>	<i>Cash-in-lieu Contribution</i>
Elementary	100	0.2222	525	10	0.42	\$80,117	
Middle level	100	0.110	750	25	0.33	\$80,117	
High School	100	0.1111	1200	50	0.46	\$80,117	
Total	100	43			1.21	\$80,117	\$96,999
Single-Family Student Yield is .66							\$970 per unit

SCHOOL PLANNING STANDARDS AND CALCULATION OF IN-LIEU FEES
TABLE E.2
DUPLEX/TRIPLEX

	<i>Number of Units</i>	<i>Projected Student Yield</i>	<i>Student Facility Standard</i>	<i>Site Size Standard Acres</i>	<i>Acres of Land Contribution</i>	<i>Developed Land Value</i>	<i>Cash-in-lieu Contribution</i>
Elementary	100	0.220	525	10	0.38	\$80,117	
Middle level	100	0.099	750	25	0.30	\$80,117	
High School	100	0.099	1200	50	0.38	\$80,117	
Total	100	38			1.06	\$80,117	\$84,600
Duplex/Triplex Student Yield is .56							\$846 per unit

SCHOOL PLANNING STANDARDS AND CALCULATION OF IN-LIEU FEES
TABLE E.3
MULTIFAMILY

	<i>Number of Units</i>	<i>Projected Student Yield</i>	<i>Student Facility Standard</i>	<i>Site Size Standard Acres</i>	<i>Acres of Land Contribution</i>	<i>Developed Land Value</i>	<i>Cash-in-lieu Contribution</i>
Elementary	100	0.1515	525	10	0.29	\$80,117	
Middle level	100	0.066	750	25	0.20	\$80,117	
High School	100	0.066	1200	50	0.25	\$80,117	
Total	100	27			0.74	\$80,117	\$58,943
Multifamily Student Yield is .25							\$589 per unit

SCHOOL PLANNING STANDARDS AND CALCULATION OF IN-LIEU FEES
TABLE E.4
CONDO/TOWNHOUSE

	<i>Number of Units</i>	<i>Projected Student Yield</i>	<i>Student Facility Standard</i>	<i>Site Size Standard Acres</i>	<i>Acres of Land Contribution</i>	<i>Developed Land Value</i>	<i>Cash-in-lieu Contribution</i>
Elementary	100	0.077	525	10	0.13	\$80,117	
Middle level	100	0.044	750	25	0.13	\$80,117	
High School	100	0.044	1200	50	0.17	\$80,117	
Total	100	15			0.43	\$80,117	\$34,717
Condo/Townhouse Student Yield is .29							\$347 per unit

SCHOOL PLANNING STANDARDS AND CALCULATION OF IN-LIEU FEES
TABLE E.5
MOBILE HOME

	<i>Number of Units</i>	<i>Projected Student Yield</i>	<i>Student Facility Standard</i>	<i>Site Size Standard Acres</i>	<i>Acres of Land Contribution</i>	<i>Developed Land Value</i>	<i>Cash-in-lieu Contribution</i>	
Elementary	100	0.1616	525	10	0.30	\$80,117		
Middle level	100	0.099	750	25	0.30	\$80,117		
High School	100	0.099	1200	50	0.38	\$80,117		
Total	100	34			0.98	\$80,117	\$78,496	
Mobile Home Student Yield is .42								\$785 per unit

(Ord. 698 §1, 2008; Ord 600 §1, 2006; Ord. 598 §1, 2006; Ord. 474 §§3,4 2001; Ord. 367 §1, 1997)

16.04.070 Violation and penalty.

It is unlawful for any person to violate the provisions of this chapter. Any person who violates any provision of this chapter shall be guilty of a municipal offense and shall be subject to the general penalty provision provided in Section 1.16.010. Additionally, the town, for any such violation, may exercise all remedies available under Sections 31-23-216 and 31-23-216.5, C.R.S., and all remedies of the town shall be cumulative. (Ord. 496 §4, 2002)

Chapter 16.08

Preliminary Plat

Sections:

- 16.08.010 Compliance required.
- 16.08.020 Generally.
- 16.08.030 Outline map required.
- 16.08.040 Action on outline map.
- 16.08.050 Preliminary plat.
- 16.08.060 Notice and hearings on preliminary plat.
- 16.08.070 Effect of action on preliminary plat.
- 16.08.080 Supplementary information to preliminary plat.

16.08.010 Compliance required.

Before subdividing a tract of land, a subdivider shall comply with the procedure set out in this chapter. (Prior code §10-101)

16.08.020 Generally.

The subdivider or authorized representative shall first consult with the office of the town clerk for general information regarding subdivision regulations and required procedure, street and highway requirements, street grading, servicing and improvements, possible drainage problems, meeting dates of the planning commission and such other matters as shall be applicable to the proposed subdivision. (Prior code §10-101.1)

16.08.030 Outline map required.

The subdivider shall submit to the office of the town engineer an outline map for study and recommendations of appropriate public agencies concerned. Such outline map shall set forth:

- A. Legal description of the proposed subdivision;
- B. Proposed connections to existing town utilities. (Prior code §10-101.2)

16.08.040 Action on outline map.

Following the preliminary consultation and within thirty days after the outline map is submitted, or as long thereafter as it shall be reasonably necessary to consider such outline map, the office of the mayor shall issue a statement to the subdivider which shall contain the following information:

- A. Date of preliminary consultation with subdivider;
- B. Approval or disapproval of outline map;
- C. Special requirements or conditions relative to such approval or disapproval. (Prior code §10-101.3)

16.08.050 Preliminary plat.

Four sets of a preliminary plat application which shall contain the information required by this title and the Firestone Development Regulations shall be submitted to the town. The submittal shall be reviewed and processed in accordance with this title and the Firestone Development Regulations. After the second submittal has been received and all referral and comment periods have been completed, as stated in the Firestone Development Regulations, the preliminary plat application shall be transmitted to the secretary of the planning commission and a hearing on the application shall be set for a regular meeting of the planning commission. (Ord. 435B §1, 2000; Prior code §10-101.4)

16.08.060 Notice and hearings on preliminary plat.

A. The planning commission shall provide notice and hold its public hearing on the preliminary plat application in the manner prescribed by Chapter 17.44 for the amendment or change of zoning ordinances. The planning commission shall hold its hearing and approve, disapprove or approve the preliminary plat with modifications within thirty days after the plat has been transmitted to it pursuant to Section 16.08.050, above, unless the applicant requests or consents to a longer period of time. The notice of the subdivision application may be combined with any other notice required under this title or Title 17. The secretary of the Planning Commission shall transmit the preliminary plat and the Commission's recommendations to the Board of Trustees for its action.

B. The Board of Trustees, within sixty days after receipt of the preliminary plat, shall hold a public hearing on the preliminary plat and approve, disapprove or approve with modifications the preliminary plat. The Board of Trustees may also refer the preliminary plat back to the Planning Commission for further study. The Board of Trustees shall provide notice and hold its public hearing on the preliminary plat application in the manner prescribed by Chapter 17.44 for the amendment or change of zoning ordinances. The notice of the subdivision application may be combined with any other notice required under this title or Title 17. (Ord. 435B §2, 2000; prior code §10-101.5)

16.08.070 Effect of action on preliminary plat.

If the preliminary plat is approved, the same shall be filed in the office of the Town Clerk. The approval of a preliminary plat shall not result in the creation of any vested property rights. Such approval shall allow the applicant to proceed to the final plat stage, subject to the time limits and other requirements of this Chapter. (Ord. 435B §3, 2000; prior code §10-101.6)

16.08.080 Supplementary information to preliminary plat.

The preliminary plat shall be accompanied by the following information: a current list of the names and last known mailing addresses of all property owners and occupants of that adjacent to the tract to be subdivided. (Prior code §10-103)

Chapter 16.12

Final Plat

Sections:

- 16.12.010 Generally.
- 16.12.020 Required.
- 16.12.030 Subdivision agreement – Guarantee.
- 16.12.040 Statement of preliminary completion.
- 16.12.050 Submission and statement of compliance.
- 16.12.060 Planning Commission action on final plat.
- 16.12.070 Board action on final plat.
- 16.12.075 Action on preliminary and final plats.
- 16.12.080 Requirements of final plat.
- 16.12.090 Minor subdivisions.
- 16.12.100 Vacation of final plat by mineral estate owner.

16.12.010 Generally.

After receiving preliminary approval of the plat, the procedure set out in this Chapter shall be followed. (Prior code §10-102)

16.12.020 Required.

A final plat shall be prepared complying with the requirements as set forth in this Chapter and Chapter 16.16. (Prior code §10-102.1)

16.12.030 Subdivision agreement – Guarantee.

The subdivider shall enter into a contract with the Town, which contract shall give the Town full assurance that improvements, including but not limited to streets, street lights, street signage, public parks, park improvements, landscaping, drainage facilities, utilities, walks and gutters, shall be completed by the subdivider to Town specifications. Such approved subdivision plat may be divided into predetermined segments in accordance with a phasing plan approved by the Town in its sole discretion and set forth in said contract, with each segment providing full utility service and street access. No plat shall be recorded until full financial security is provided to the Town for the initial segment or segments of improvements identified in the approved phasing plan, and no building permit shall be issued for subsequent segments for which security was not posted at the time of recording until full financial security is provided to the Town for all improvements to be completed in such segment. Such financial security may be in the form of a letter of credit, cash, certified check or such other equivalent means as shall be approved by the Board of Trustees. (Ord. 785 §3, 2011; Ord. 568 §15, 2004; prior code §10-102.2)

16.12.040 Statement of preliminary completion.

After completion of requirements set forth in Sections 16.12.010 and 16.12.020, the mayor shall issue a written statement of completion of preliminary requirements to the subdivider, setting forth any special requirements or conditions. (Prior code §10-102.3)

16.12.050 Submission and statement of compliance.

A. Within three years from the approval of the preliminary plat, the following shall be submitted:

1. A complete final plat application, including all submittal materials and supporting information, in the forms and as required by state law, town ordinances and the Firestone Development Regulations; and

2. A copy of the final approval and signed preliminary plat and any information required to satisfy any outstanding conditions of approval for such preliminary plat.

B. The final plat application shall not be considered complete until a cost agreement and all required submittal materials have been submitted in the forms and amounts required by the town and the application has been determined complete by town staff.

C. If more than three years elapse before compliance with this section, a new preliminary plat must be filed. (Ord. 525 §1, 2003; Prior code §10-102.4)

16.12.060 Planning commission action on final plat.

A. Four sets of a final plat application, which shall contain the information required by this title and the Firestone Development Regulations, shall be submitted to the town. The submittal shall be reviewed and processed in accordance with this title and the Firestone Development Regulations. After the second submittal has been received and all referral and comment periods have been completed, as stated in the Firestone Development Regulations, the final plat application shall be transmitted to the secretary of the planning commission and a hearing on the application shall be set for a regular meeting of the planning commission.

B. The planning commission shall provide notice and hold a public hearing on the final plat application in the manner prescribed by Chapter 17.44 for the amendment or change of zoning ordinances. The planning commission shall hold its hearing and approve, disapprove or approve with modifications the final plat within thirty days after the plat has been transmitted to it pursuant to Subsection A above, unless the applicant requests or consents to a longer period of time. The notice of the subdivision application may be combined with any other notice required under this title or Title 17. The secretary of the planning commission shall transmit the final plat and the commission's recommendations to the board of trustees for its action. (Ord. 435B §4 2000; Prior code §10-102.5)

16.12.070 Board action on final plat.

A. The board of trustees, within sixty days after receipt of the final plat, shall hold a public hearing on the final plat and approve, disapprove or approve with modifications the final plat. The board may also accept or reject dedications and require the construction or installation of improvements if not completed. The board may also refer the final plat back to the planning commission for further study. If the plat is approved, the town shall record the plat in the office of the county clerk and recorder in accordance with state statutes.

B. The board of trustees shall provide notice and hold its public hearing on the final plat application in the manner prescribed by Chapter 17.44 for the amendment or change of zoning ordinances. The notice of the subdivision application may be combined with any other notice required under this title or Title 17. (Ord. 435B §5, 2000; Prior code §10-102.6)

16.12.075 Action on preliminary and final plats.

A. In deciding whether to approve, approve with modifications or disapprove a preliminary plat or a final plat, the planning commission and board of trustees shall be guided by the following standards:

1. Whether the plat conforms to all requirements and standards of this title and the Firestone Development Regulations;
2. Whether approval of the plat will promote the purposes of this title and be consistent with the town's comprehensive plan, applicable zoning requirements and other applicable federal, state and town laws;
3. Whether improvements in or serving the proposed subdivision will comply with the requirements and standards of the town's design criteria and construction specifications; and
4. Whether the plat conforms with all other ordinances, resolutions, regulations, agreements and policies governing the subdivision thereof.

B. Nothing in this title is intended to limit the authority of the planning commission granted pursuant to Section 31-23-215(2), C.R.S. to impose use, height, area or bulk requirements or restrictions governing buildings and premises within a subdivision, so long as such requirements and restrictions do not authorize violation of the town zoning ordinance, and the board of trustees shall have the same authority. (Ord. 435B §6, 2000)

16.12.080 Requirements of final plat.

The final plat shall contain all information required on the preliminary plat together with the following:

A. Description. Accurate dimensions for all lines, angles and curves used to describe boundaries, streets, alleys, easements, areas to be reserved for public use and other significant features. All dimensions shall be determined by an accurate field survey which must balance and close within a limit of one in five thousand.

B. Lots and Blocks. An identification system for all lots and blocks and names for streets.

C. Dedication of Property. An enumeration of the streets, alleys, easements, parks and other public facilities as shown on the plat, and a dedication thereof to be public use; the dedication to be signed by the property owner, and owners of encumbrances, in black waterproof ink in hand acknowledged before a notary public.

D. Cost of Improvements. A statement that the initial installation of improvements, including water system, sanitary sewer systems, gas service, electrical service, grading and landscaping, storm sewer systems, curbs and gutters, street pavement and sidewalks shall not be the responsibility of the town, unless specifically agreed to by the town in writing.

E. Drafting of Plat. All drawings and signatures in waterproof ink on tracing paper (or other permanent reproducible form acceptable to the town) with dimensions of twenty-four inches by thirty-six inches and drawn to a scale of not less than one hundred feet to the inch. (Prior code §10-104)

16.12.090 Minor subdivisions.

A. The following minor subdivision procedure may be used for a subdivision application meeting one or more of the following requirements:

1. The subdivision is a replat of an approved final subdivision plat which does not increase the number of lots or increase density, and which does not result in a material change in the extent, location or type of public improvements, easements, arrangement of streets, open space or utilities;

2. The subdivision is a division of a parcel into not more than two lots; each lot has access to an accepted and maintained public street; the subdivision will not require the dedication of streets, alleys or easements, or the construction of improvements as set forth in Section 16.12.030; and each lot will meet the requirements of the town's zoning regulations without the necessity for a variance and no variance has been granted within the three previous years; or

3. The subdivision is of a lot, previously created by an approved final subdivision plat, which is split or subdivided into no more than two lots and the lots created by the split comply with the applicable requirements of the town's zoning regulations.

4. The subdivision is a division of a parcel or lot into not more than two lots, one or both of which are to be conveyed to the town, or into three lots, at least two of which are to be conveyed to the town. The approval of any subdivision under this section may be conditioned upon conveyance to the town of such lots.

B. A minor subdivision plat shall not be approved if the property is within any parcel or lot, any part of which has been subdivided by a minor subdivision within the three years preceding the date of the current application. A subdivision meeting the requirements of Subsection 16.12.090.A.4 shall not be considered in determining compliance with this subsection.

C. A subdivider may apply through the minor subdivision procedure set forth in this section by submitting to the town planner a written minor subdivision application, the subdivider's certification to the town that all required improvements are installed, available and adequate to serve each lot of the minor subdivision, a final plat and six copies thereof in accordance with Section 16.12.080, and such other information as may be required by the town planner. The town planner and town engineer shall review the request to determine whether it complies with the requirements of this section for a minor subdivision.

D. If the town planner and town engineer determine that the proposed subdivision complies with the requirements of this section, they shall approve the request for minor subdivision review and submit the application to the planning commission. The town planner and town engineer may waive any final plat requirement set forth in Section 16.12.080 to the extent they determine such requirement to be unnecessary or inapplicable to the minor subdivision plat.

E. The planning commission may, following notice and hearing, either approve, disapprove or conditionally approve the plat subject to compliance with any minimum design standards, to dedication of additional right-of-way, easements or to the installation of additional improvements. The subdivider has the burden of proving that the criteria of Subsection 16.12.090A have been met.

F. The planning commission shall submit the plat together with its recommendations to the board of trustees. The board of trustees may approve, disapprove or refer the plat back to the planning commission for further study. Following plat approval by the board of trustees, the town shall record the plat in the office of the county clerk and recorder in accordance with state statute. (Ord. 434 §§2, 3, 2000; Ord. 313 §1, 1995)

16.12.100 Vacation of final plat by mineral estate owner.

For qualifying surface developments as defined in Section 16.16.230 of this title, a mineral estate owner may apply for the vacation of a final plat covering an area in which the mineral estate owner owns a mineral estate after depletion of the incremental drilling funds in an escrow account posted under Section 24-65.5-103.7, C.R.S., in connection with the recording of such plat only to the extent of areas encompassed within the Colorado Oil and Gas Conservation Commission (Commission) approved drilling windows, subject to the following procedures:

1. The mineral estate owner shall apply for vacation of the final plat and pay the application fee as amended from time to time by the town.

2. The board of trustees shall hold a public hearing on the request to vacate the final plat. The town shall provide notice and hold its public hearing in the manner prescribed by Chapter 17.44 of this code. The board of trustees may vacate the portion of the final plat covering the area of the mineral estate owner's mineral estate upon the following findings:

- a. That the incremental drilling funds in an escrow account posted under Section 24-65.5-103.7, C.R.S., have been depleted;

b. That the area of the final plat requested to be vacated is within an area encompassed within the Commission-approved drilling window; and

c. That the mineral estate owner has established to the satisfaction of the town that there is no reasonable likelihood that the surface development approved in such plat will occur.

3. Upon the granting of any such vacation, the ordinance vacating any portion of the final plat shall be recorded in the records of the clerk for Weld County at the mineral estate owner's expense.

4. Upon the granting of any such vacation, the mineral estate owner may conduct oil and gas drilling and production operations within the Commission-approved drilling windows upon receipt of any permits or approvals required by this code and in compliance with applicable laws, ordinances and regulations. (Ord. 669 §1, 2008)

Chapter 16.14

Boundary Line Adjustments

Sections:

- 16.14.010 Purpose.
- 16.14.020 Approval required.
- 16.14.030 Boundary line adjustment procedure.
- 16.14.040 Submittal requirements.
- 16.14.050 Boundary line adjustment review standards.
- 16.14.060 Finalization and recording of boundary line adjustment.

16.14.010 Purpose.

The purpose of this chapter is to permit minor changes in the boundary lines of adjacent lots or parcels without requiring the processing of an entire subdivision plat application. (Ord. 496 §1, 2002)

16.14.020 Approval required.

Before any boundary line adjustment shall be legally effective for any purpose, whether immediate or future, including but not limited to any sale, transfer of ownership or building development of the affected or resulting lots or parcels, the procedures prescribed by this chapter shall be followed. (Ord. 496 §1, 2002)

16.14.030 Boundary line adjustment procedure.

A. A boundary line adjustment review process may be commenced by filing an application for a boundary line adjustment with the town. The application shall be filed on forms furnished by the town, shall be accompanied by all information required by this chapter, and shall be signed by the owners of all of the property involved or by their duly authorized agents. The application shall be accompanied by an application fee of five hundred dollars, which fee shall be nonrefundable except as provided in Subsection E below. In addition, the applicant shall be responsible for and shall pay to the town any additional expenses incurred by the town relative to consideration of the adjustment application. Such expenses shall include, but shall not be limited to, planning, surveying, engineering and attorney's fees incurred in processing the application.

B. Upon receipt of a complete boundary line adjustment application, the town planner and town engineer shall review the request to determine whether it complies with the requirements of this chapter. The application may be referred to other town departments and to other appropriate agencies and persons, and referral comments regarding the application may be received from such departments, agencies and persons. The applicant shall be provided with copies of any written referral comments.

C. If the town planner and town engineer determine that the proposed boundary line adjustment complies with the requirements of this title, they shall in writing approve or conditionally approve the application. In such event, the approved application shall be finalized, and appropriate documents recorded, as provided in Section 16.14.060.

D. If the town planner and town engineer deny the application, written notice of such denial shall be provided to the applicant. Within fifteen days after the date of such decision, the applicant may appeal the decision to the planning commission and board of trustees. To invoke this right of appeal, the applicant shall file with the town clerk and within such fifteen-day period a written notice of appeal. The notice shall state the basis for the appeal. Upon receipt of such notice of appeal, the requested boundary line adjustment shall be scheduled for de novo review before the planning commission and board of trustees pursuant to the public hearing procedures applicable to a minor subdivision plat. Upon completion of such public hearing process, the board of trustees may approve, deny or approve with conditions the requested boundary line adjustment, and the board of trustees' decision shall be final.

E. If, upon receipt of a complete application for a boundary line adjustment, the town planner and town engineer determine that such request is not eligible for consideration under this chapter, then the applicant shall be so notified in writing. Thereafter, the applicant may withdraw the application by written request to the town, and in such event the application fee shall be refunded to the applicant. An application for subdivision approval may thereafter be submitted pursuant to the applicable provisions of the title.

F. There may be imposed on any boundary line adjustment approval conditions as may be necessary to conform the application to the requirements of this chapter or to other applicable requirements of this code or the Firestone Development Regulations.

G. A decision by the town planner and town engineer to approve, approve with conditions or deny an application for boundary line adjustment shall be issued within thirty days after the town has determined that the application is complete. (Ord. 496 §1, 2002)

16.14.040 Submittal requirements.

A. Application for a boundary line adjustment shall include the following information:

1. The completed town application form and filing fee;
2. A vicinity map showing the general location of the affected properties;
3. An eleven-inch-by-seventeen-inch or larger scaled site plan drawing showing the existing and proposed boundary lines, dimensions and bearings of the properties to be affected by the adjustment; the locations, dimensions and setbacks for all existing and proposed improvements, structures, easements and utilities; and the current zoning of the properties;

4. The legal descriptions of the properties affected by the adjustment, describing such properties before and after the proposed adjustment, and a legal description of the area subject to the adjustment;

5. The proposed deeds or other instruments of conveyance to be used to effectuate the adjustment, together with legal descriptions;

6. A current title report in the form of a title commitment indicating the current ownership and the encumbrances, if any, on the affected properties. The report shall have been issued within three months prior to submission of the application, and updated commitments shall be provided upon request;

7. A certificate of taxes due or other evidence demonstrating that there are no overdue taxes on the affected properties;

8. Certified mail return receipts and copies of the letters from the owners to the holders of any mortgages or deeds of trust upon the properties evidencing the fact that the owners have sent a copy of the application to such holders and notified the holders of the requested boundary line adjustment;

9. Such other data and information as may be prescribed by the Firestone Development Regulations or reasonably required by the town.

B. The applicant shall promptly comply with any requests to provide additional or supplemental information that may be reasonably required by the town for review of the application. The deadline for action on an adjustment application shall be automatically extended to reflect the submittal date of any additional or supplemental information. (Ord. 496 §1, 2002)

16.14.050 Boundary line adjustment review standards.

A. The decision to approve, conditionally approve or deny a proposed boundary line adjustment shall be based upon whether the applicant has demonstrated that the proposed adjustment meets all of the following standards:

1. The adjustment involves adjacent lots or parcels;

2. No new lot or parcel is created;

3. The resulting lots or parcels comply with the applicable zoning standards;

4. The lots or parcels, as approved, will not conflict with existing structures or utilities upon the property;

5. The lots or parcels, as approved, will not be deprived of access or have nonconforming access, as a result of the adjustment;

6. The adjustment does not create, or mitigates to the extent possible, negative impacts on the surrounding property;

7. If applicable, the adjustment does not materially impair the purposes, intent or development contemplated under the planned unit development plan affecting the property;

8. The resulting lots or parcels allow for the efficient use of property;

9. The adjustment involves only lots or parcels with identical zoning;

10. All owners and record title interest holders have consented to the adjustment;

11. The properties subject to the proposed adjustment are not owned by persons who, within the preceding six months, have submitted one or more boundary line adjustments for properties adjacent to or within the same block as the properties subject to the application.

B. A boundary line adjustment shall not dedicate rights-of-way or easements.

C. A boundary line adjustment shall not be used to adjust building envelopes or building site dimensions where no adjustment of legal boundaries is proposed. (Ord. 496 §1, 2002)

16.14.060 Finalization and recording of boundary line adjustment.

A. The approval of a boundary line adjustment shall be evidenced by the issuance by the town of a certificate of approval that has been executed by the mayor on behalf of the town. The certificate shall be void and of no further force and effect unless it is ready to be recorded as hereinafter provided within one hundred eighty days of the date of the decision on the boundary line adjustment.

B. Prior to the recordation of the certificate of approval, the final site plan drawing, all final deeds exchanging property between the affected parcels, and all final instruments necessary to release or amend deeds of trust or similar encumbrances on the properties shall be submitted to the town for final review. The applicant shall be responsible for addressing any corrections requested by the town. Upon town approval, the fully executed originals of such documents shall be recorded in the office of the Weld County clerk and recorder by the town, the applicant or an escrow agent (if an escrow has been opened by the applicant), as the town may direct. Immediately following the recordation of such items, the original, fully executed town certificate of approval shall be recorded. No boundary adjustment shall be effective unless and until such certificate has been recorded.

C. The applicant shall pay all recording costs associated with the boundary line adjustment.

D. In the event the deeds, final site plan or other documents required for the finalization of the approved boundary line adjustment are not submitted to the town within one hundred eighty days following the effective date of the approval, such approval shall be void and of no further force and effect and no town certificate of approval shall be recorded. (Ord. 496 §1, 2002)

Chapter 16.16

Design Standards

Sections:

- 16.16.010 Generally.
- 16.16.020 Suitable land.
- 16.16.030 Flood control.

- 16.16.040 Railroad rights-of-way.
- 16.16.050 Conformity to street pattern.
- 16.16.060 Street widths and grades.
- 16.16.070 Street alignment.
- 16.16.080 Street names.
- 16.16.090 Half streets.
- 16.16.100 Dead-end streets.
- 16.16.110 Private streets.
- 16.16.120 Reserve strips.
- 16.16.130 Off-street loading and parking facilities.
- 16.16.140 Marginal access streets.
- 16.16.150 Acceptance of public streets.
- 16.16.160 Relation of lots to streets.
- 16.16.170 Lot arrangement.
- 16.16.180 Lot dimensions.
- 16.16.190 Subsidence.
- 16.16.200 Utility and drainage easements.
- 16.16.210 Large scale developments.
- 16.16.220 Public sites and dedications.
- 16.16.230 Setbacks to oil and gas operations.

16.16.010 Generally.

The following minimum design standards of this chapter will apply in the layout of town subdivisions. (Prior code §10-105)

16.16.020 Suitable land.

The subdivision site shall be suitable for the kind of usage proposed. Provisions shall be made for eliminating or controlling any problems likely to be caused by unusual earth or rock conditions. The subdivider shall have soil tests made as required by the town engineer. (Prior code §10-105.1)

16.16.030 Flood control.

Lots subject to flooding or any natural drainage pattern shall not be platted for occupancy until adequate provisions are made and approved by the town engineer. Such provisions shall be made to protect the health, safety and welfare of the public as well as to eliminate any general flood hazard resulting from the development of the area. (Prior code §10-105.2)

16.16.040 Railroad rights-of-way.

Where a subdivision borders on or contains a railroad right-of-way, the planning commission may require a parallel street or a buffer strip to such an extent and type as it shall deem necessary. Railroad crossings shall be separated by at least one-half mile. (Prior code §10-105.3)

16.16.050 Conformity to street pattern.

Streets shall bear a logical relationship to the topography and to the pattern of existing streets and provisions shall be made for the extension of major arterial and secondary streets as required by the planning commission. (Prior code §10-105.4)

16.16.060 Street widths and grades.

For the purposes of this chapter street widths and grades shall be as follows:

Classification	R.O.W. (in feet)	Roadway (in feet)	Min. Grade	Max. Grade
Major arterial	100-120	48-68	0.4	5%
Parkways	80	44	0.4	5%
Collector streets	75	44	0.4	5%
Local streets				
Residential area	60	40	0.4	5%
Commercial area	60	44	0.4	5%
Industrial area	60	44	0.4	5%
Access roads	45	34	0.4	10%
Cul de sacs	50	40	0.4	10%
Alleys (min.)	20	15		
(Commercial and industrial areas)				

(Prior code §10-105.5)

16.16.070 Street alignment.

A. Intersections shall be as nearly at right angles as possible and no intersection shall be at an angle of less than seventy-five degrees.

B. Street jogs with centerline offsets of less than one hundred thirty-five feet should be avoided.

C. Collector and secondary streets shall be spaced approximately one-quarter to one-half mile from each other or from a major arterial.

D. A tangent at least two hundred feet long on arterial streets and at least one hundred feet on secondary and collector streets shall be introduced between reverse curves. (Prior code §10-105.6)

16.16.080 Street names.

Proposed streets shall be named in conformance with the Firestone Street Name Grid and Policies which are included within the Firestone Development Regulations. (Ord. 397 §2, 1998; prior code §10-105.7)

16.16.090 Half streets.

Streets of less than the entire minimum right-of-way as required by Section 16.16.060 should be avoided and permitted only by approval of the planning commission, in which event the subdivider shall place in escrow with the town a sum determined by the town engineer to be the ultimate cost of finishing the half street to town standards. (Prior code §10-105.8)

16.16.100 Dead-end streets.

Dead-end streets, designed to be so permanently, shall be in the form of a cul-de-sac and shall not be longer than five hundred feet from the edge of the feeder road right-of-way to the center point of the cul-de-sac. The closed end shall have a turn-around radius at the gutter flow line of at least forty feet and a right-of-way radius of at least fifty feet, and assurance of adequate stormwater drainage. Dead-end streets without a cul-de-sac shall not be allowed unless designed to connect with future streets and adjacent land and written approval thereof is given by the adjacent landowners and planning commission. (Prior code §10-105.9)

16.16.110 Private streets.

There shall be no private streets platted within a subdivision. (Prior code §10-105.10)

16.16.120 Reserve strips.

There shall be no reserve strips controlling access to streets or for other purposes, except where such control is placed in the town under conditions approved by the planning commission. (Prior code §10-105.11)

16.16.130 Off-street loading and parking facilities.

In commercial and industrial subdivisions, space for adequate off-street loading and parking to meet the needs of the proposed use shall be reserved and shall not be used for building proposed. Where deemed necessary by the planning commission, alleys shall be provided for service access. (Prior code §10-105.12)

16.16.140 Marginal access streets.

Where a subdivision adjoins or contains an existing or proposed arterial highway on which traffic volumes and vehicular speeds warrant special considerations, the planning commission may require marginal access streets. (Prior code §10-105.13)

16.16.150 Acceptance of public streets.

A. Approval of a final plat by the board of trustees and recording thereof with the county clerk and recorder imposes no obligation on the town to install or maintain streets or alleys shown on such plat.

B. Installation of streets and alleys shall not be the responsibility of the town and maintenance of streets and alleys shall be provided by the town only after such streets and alleys are installed to town specifications and are thereafter accepted by a formal resolution of the board of trustees. (Prior code §10-105.19)

16.16.160 Relation of lots to streets.

All lots shall have access to a public street or road. (Prior code §10-105.14)

16.16.170 Lot arrangement.

Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines. (Prior code §10-105.15)

16.16.180 Lot dimensions.

Lot dimensions shall conform to the requirements of the zoning title, except a greater area may be required by the planning commission if there are factors of drainage, soil conditions or other conditions to cause potential health problems. (Prior code §10-105.16)

16.16.190 Subsidence.

Lots subject to subsidence shall not be platted for occupancy until adequate provisions are made and approved by the town engineer. Such provisions shall be made to protect the health, safety and welfare of the public as well as to eliminate any subsidence hazard resulting from the development of the area. (Ord. 246 §132, 1988; prior code §10-105.20)

16.16.200 Utility and drainage easements.

A. Easements across lots or centered on rear or side lots shall be provided where necessary for utilities. Such easements shall be ten feet on each side of rear lot lines and five feet on each side of side lot lines.

B. A stormwater easement or drainage right-of-way may be required by the planning commission where necessary for proper drainage within or through a subdivision.

C. The cost of utility main extensions necessary to serve the subdivided land shall be borne by the subdivider. The town may at its discretion require oversizing of mains to serve anticipated future needs. In this event, the town shall pay the difference between the oversizing and that required to serve adequately the subdivided land. If utility mains have previously been extended to the subdivided land, the subdivider must pay any outstanding assessments due on the existing mains. (Ord. 312 §2, 1995; prior code §10-105.17)

16.16.210 Large scale developments.

A. These standards may be modified by the planning commission to give a subdivider more freedom in arrangement of lots, blocks and streets in the event the subdivision is to be developed as a neighborhood or community unit with a development and building program that, in the opinion of the planning commission, provides adequate public open spaces, traffic circulation and service needs. The minimum size area which may be developed under this section is thirty acres, with the maximum population density consistent with the zoning standards applicable to the area.

B. The planning commission must ascertain that the proposed project will not infringe on the health, safety and welfare of the future residents of the subdivision, the surrounding property or the entire community and shall constitute a desirable and stable environment in harmony with the surrounding area. The plans for such a proposed development shall include covenants, restrictions or financial guarantees to assure that the plan will be followed and fully achieved. (Prior code §10-105.18)

16.16.220 Public sites and dedications.

A. Dedications of rights-of-way for public streets, drainage, 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. Drainage easements shall be adequate as determined by the planning commission for the protection

of the town from the hazards of flood. Rights-of-way for public streets shall be sufficient to insure the adequate circulation of vehicles and pedestrians within the subdivision.

B. A minimum of ten percent of the total land area of the land being subdivided shall be dedicated, exclusive of Subsection A above, free and clear of all liens and encumbrances for park, open space 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 for which it is intended.

C. If the board of trustees so determines, the subdivider shall pay to the town in cash an amount equal to eight percent of the total appraised value of the land to be subdivided in lieu of the dedication of land required herein, or a combination of dedication and cash in lieu. Any appraisal required to establish the value of land shall be done at the expense of the subdivider.

D. The increase in the dedication requirement from eight to ten percent, as provided in Subsection B of this section, shall take effect on March 3, 2000, and shall apply to all subdivision applications submitted on or after such date.

E. The land dedication requirement and the size of such dedication requirement set forth in this section are designed and intended to reasonably relate to the needs created or contributed to by subdivision development within the town.

F. Retention ponds or other land left open solely for the purposes of development, such as land under power lines, will not be considered as part of the land dedication required under this section. Lands within required oil and gas facility setbacks are generally not suitable for public use and will not be considered as part of the land dedication required under this section. Detention ponds may be applied to the land dedication requirement if the planning commission finds that such area is suitable for use in meeting a specific need.

G. If the board of trustees determines that land is required to be dedicated pursuant to this section for a neighborhood or smaller park, the subdivider shall submit as part of its proposed development a landscape design and improvement plan for such park. The plan shall be reviewed and approved by the town. The subdivider shall at its expense install the improvements set forth in the approved plan in conjunction with any other required public improvements. The town may require a guarantee that such improvements will be installed. (Ord. 568 §16, 2004; Ord. 435B §§7, 8, 2000; Ord. 312 §3, 1995)

16.16.230 Setbacks to oil and gas operations.

A. Each subdivision plat shall provide for the following setbacks from existing oil and gas facilities:

1. Lots shall not be platted within one hundred fifty feet of an existing oil or gas well or its production facilities.

2. Lots intended for use for a school, educational facility, hospital, nursing home or congregate care facility, or any assembly building (as defined in COGCC regulations) shall not be platted to allow a building site within three hundred fifty feet of an existing oil or gas well or its production facilities.

3. Streets shall not be platted within one hundred fifty feet of an existing oil or gas well or its production facilities. The foregoing shall not apply to flow lines, which shall be subject to Subsection 4, below.

4. Any flow lines within or traversing an area proposed for platting shall be placed in a separate tract and shall not be placed within public rights-of-way, other public lands or lots intended for residential use. Streets may cross flow lines at right angles, or substantially at right angles as determined and approved by the town engineer. Lots shall not be platted to allow any building site within ten feet of a flow line. Building envelopes for habitable structures shall not be platted within twenty-five feet of a flow line.

5. Lots and streets may be platted over well and production sites that have been abandoned and reclaimed in accordance with state law and COGCC regulations and Section 15.48.120 of this code. Such platting shall occur only after the completion of the abandonment and reclamation process. Such platting may not be accomplished by a boundary adjustment.

B. Qualifying Surface Developments.

1. Definitions.

a. "Qualifying surface development" means an application for development covering at least one hundred sixty gross acres, plus or minus five percent, within the greater Wattenberg Area, including any applications for development filed by affiliates sharing a common boundary, in whole or in part.

b. "Greater Wattenberg Area" means those lands from and including townships 2 south to 7 north and ranges 61 west to 69 west of the sixth principal meridian.

2. In addition to the requirements in Subsection A above, each subdivision plat within the boundaries of a qualifying surface development shall comply with the Section 24-65.5-103.5, C.R.S., as in effect from time to time. (Ord. 669 §2, 2008; Ord. 551 §1, 2004)

Chapter 16.20

Conditional Exceptions

Sections:

- 16.20.010 Petition for exception.
- 16.20.020 Conditions for exception.

16.20.010 Petition for exception.

The planning commission, upon the verified petition of any subdivider stating fully the grounds of the application and all the facts relied upon by the petitioner, may recommend that the board of trustees authorize conditional exceptions to the regulations. It shall be necessary that the planning commission shall find the following facts with respect to the petition thereto:

- A. That there are special circumstances or conditions affecting the property;

B. That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner;

C. That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated. (Prior code §10-106.1)

16.20.020 Conditions for exception.

In recommending such exceptions, the planning commission shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulations to which the exceptions are granted. In recommending the authorization of any exception, the planning commission shall report to the board of trustees its findings with respect thereto and all facts in connection therewith, and shall specify and fully set forth the exception recommended and the conditions designated. Upon receipt of such report, the board of trustees may, by resolution, authorize the planning commission to approve the preliminary plat and the exceptions and conditions recommended. (Prior code §10-106.2)