

CHAPTER 17

Subdivisions

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ARTICLE 1

General Provisions

Sec. 17-1-10. Title.

These regulations shall be known, cited and referenced as the *Subdivision Regulations of the Town of Fraser, Colorado*. (Ord. 322 §12-1-1, 2006)

Sec. 17-1-20. Authority.

(a) Pursuant to the authority contained in Sections 29-20-101 et seq., 31-23-101 et seq., and 24-67-101 et seq., C.R.S., the Planning Commission and Board of Trustees are vested with the power and authority to adopt and amend subdivision regulations.

(b) Pursuant to Section 31-23-227, C.R.S., the Board of Trustees assumes and reserves to itself the final authority over all acts, powers and duties assigned to a municipal planning commission under Part 2 of Article 23, Title 31, C.R.S. Without limiting the generality of the forgoing, and notwithstanding anything to the contrary contained in this Chapter, the Board of Trustees reserves the final authority: (a) to adopt and amend subdivision regulations; (b) to authorize and accept public streets, parks and other public ways, grounds or open space, public buildings and structures, and public or privately owned public utilities; and (c) to approve or disapprove subdivision plats. As provided in these regulations, the Planning Commission is delegated with the authority to review and make recommendations to the Board of Trustees regarding such matters, but such recommendation shall not be binding on the Board of Trustees. (Ord. 322 §12-1-2, 2006)

Sec. 17-1-30. Policy.

(a) It is the policy of the Town to consider the subdivision of land and the subsequent development of the subdivided land as subject to the control of the Town pursuant to this Code, the Comprehensive Plan, these subdivision regulations and all other applicable regulations, ordinances, codes, and rules of the Town for the orderly, planned, efficient and economical development of the Town. All proposed subdivisions for which Town approval is required under these regulations shall be consistent with the Comprehensive Plan. No application for subdivision shall be approved if not in conformance with the Comprehensive Plan, and such failure shall be a reasonable ground for denial of the application.

(b) Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace. Land shall not be subdivided until adequate public facilities and improvements exist and proper provisions have been made for water, sewer, stormwater drainage, schools, parks, open space, trails, recreation, transportation facilities and other improvements necessary to serve the proposed subdivision. (Ord. 322 §12-1-3, 2006)

Sec. 17-1-40. Purposes.

These regulations are adopted for the following purposes:

- (1) To protect and provide for the public health, safety and welfare of the Town;
- (2) To guide future growth and development of the Town in accordance with the Comprehensive Plan;
- (3) To provide for adequate light, air and privacy, to secure safety from fire, flood and other danger, and to prevent overcrowding of land and undue congestion;
- (4) To protect the character, social and economic stability of all parts of the Town and to encourage orderly and strategic development through appropriate growth management techniques;
- (5) To protect and conserve the value of land, buildings and improvements throughout the Town, and to minimize the conflicts among land uses;
- (6) To guide public policy to ensure that public facilities and services are available with sufficient capacity to serve the proposed development and that the new development does not burden the Town's fiscal resources;
- (7) To provide the most beneficial relationship between land uses and traffic circulation throughout the Town;
- (8) To establish standards of design and procedures for subdivisions and to ensure proper legal descriptions and monumenting of subdivided land;
- (9) To prevent air, water and light pollution and to encourage the wise use and management of natural resources throughout the Town;
- (10) To preserve natural beauty and protect environmentally critical areas throughout the Town and to ensure appropriate development with regard to these natural features;
- (11) To provide for open spaces through the most efficient design and layout of the land; and
- (12) To regulate such other matters as the Board of Trustees may deem necessary in order to protect the best interest of the public. (Ord. 322 §12-1-4, 2006)

Sec. 17-1-50. Jurisdiction.

These regulations apply to all subdivisions and resubdivisions of land located within the corporate boundaries of the Town and, to the extent permitted by Section 31-23-212, C.R.S., also apply to the major street plan component of these regulations and not otherwise, to subdivision of land located within three (3) miles of the corporate boundaries of the Town. (Ord. 322 §12-1-5, 2006)

Sec. 17-1-60. Interpretation, conflict and severability.

- (a) In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of public health, safety and welfare.
- (b) Conflict with public and private provisions.

(1) Public provisions. These regulations are not intended to interfere with, abrogate or annul any other ordinance, rule, regulation, statute or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule, regulation, statute or other provision of law, the provision which is more restrictive or imposes higher standards shall govern.

(2) Private provisions. These regulations are not intended to abrogate any private easement, covenant, agreement or restriction. It is not the intent of these regulations, and it may not be implied or inferred, that the Town will enforce any private easement, covenant, agreement or restriction, such provisions being a function of the right of individual property owners to further or separately restrict the use of their property as one (1) of the rights attendant upon property ownership. These regulations shall not be interpreted to either enhance or diminish such private restrictions, and the existence of such private restrictions shall neither enhance nor diminish the application or enforceability of these regulations.

(c) Severability. If any part, provision or application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which the judgment shall be rendered and shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The Town declares that it would have enacted the remainder of these regulations even without any such part, provision or application which is judged invalid. (Ord. 322 §12-1-6, 2006)

Sec. 17-1-70. Saving provision.

These regulations shall not be construed as abating any action now pending under or, by virtue of prior existing subdivision regulations, as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, as affecting the liability of any person, firm or corporation, as waiving any right of the Town under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the Town, except as shall be expressly provided for in these regulations. (Ord. 322 §12-1-7, 2006)

Sec. 17-1-80. Repeal of prior regulations; application to developments in process.

With the exception of pending subdivision applications for which preliminary plat approval was obtained prior to the effective date of these regulations, all applications for subdivision approval pending on or received after the effective date of these regulations shall be reviewed pursuant to these regulations. Pending subdivision applications which have received preliminary plat approval prior to the effective date of these regulations shall be reviewed pursuant to the subdivision regulations in force and adopted by Resolution 9-1-98 and Ordinance No. 254, as amended. Such resolution and ordinance are continued in force and effect for that limited purpose only and, upon approval or denial of all such remaining applications, shall be deemed repealed. In no event shall any resubmission of a subdivision application after its rejection, or any resubdivision application filed after the effective date of these regulations, be reviewed under any such prior regulations. (Ord. 322 §12-1-8, 2006)

Sec. 17-1-90. Amendments.

For the purpose of protecting the public health, safety and welfare, the Planning Commission may propose amendments to these regulations, as needed. The Planning Commission shall recommend approval or approval with conditions or denial of the proposed amendments at a public hearing following public notice. The amendments must be approved by the Board of Trustees at a public hearing following public notice. The Planning Commission and Board of Trustees may choose to issue coordinated notices of such public hearing in order to conduct a joint public hearing for this purpose. (Ord. 322 §12-1-9, 2006)

Sec. 17-1-100. Fees.

(a) Filing fee: In order to cover the costs of reviewing, processing and enforcing these regulations, the applicant shall submit filing fees. No application will be considered complete until all fees have been paid. No part of the fees shall be refunded on account of any denial, partial processing or withdrawal of part or all of any application. The applicable filing fee shall be paid to the Town in accordance with the current fee schedule established by the Board of Trustees.

(b) Publication fee: The applicant shall pay the cost of publication for each publication required. If republication is necessary due only to Town error, the Town will pay the republication charge.

(c) Mailing fee. The applicant shall pay the mailing cost for notification of adjacent property owners.

(d) Recording fee. The applicant shall pay all recording fees.

(e) Inspection fee. The applicant shall pay all subdivision improvement inspection fees.

(f) Other fees.

(1) The applicant shall pay for additional costs made necessary by review incurred by the Town for the services of professionals, consultants or review agencies, other than the Town staff, during the review and consideration of a proposed subdivision pursuant to these regulations. The Town will send invoices to the applicant for expenses incurred as the Town is billed. All invoices shall be paid in full prior to final Board of Trustees approval of the application or issuance of the applicable permit, certificate or other approval document.

(2) The applicant shall pay for additional costs made necessary by unusual circumstances and more than ordinary review incurred by the Town for the services of other professionals, consultants or review agencies during the review and consideration of a proposed subdivision pursuant to these regulations. The Town will send invoices to the applicant for expenses incurred as the Town is billed. All invoices shall be paid in full prior to final Board of Trustees approval of the application or issuance of the applicable permit, certificate or other approval document. (Ord. 322 §12-1-10, 2006)

Sec. 17-1-110. Enforcement, violations and penalties.

(a) It shall be the duty and responsibility of the Board of Trustees, or a designated representative, to interpret and enforce the provisions of these regulations.

(b) No owner, or agent of the owner, of any lot located in a proposed subdivision shall sell, agree to sell or negotiate to sell any lot, or portion thereof, before a final plat, as-built plat (if applicable) or subdivision exemption plat has been approved by the Planning Commission and Board of Trustees in accordance with the provisions of these regulations and recorded in the office of the County Clerk and Recorder.

(c) No permits shall be issued for the construction of any building or other improvements requiring a permit, nor shall any certificate of occupancy be granted, for any land for which a subdivision plat is required by these regulations, unless and until all requirements of these regulations have been complied with.

(d) It is unlawful to erect, construct, reconstruct, use or alter any building or structure or to use any land in violation of these regulations, and any person who violates this provision shall be subject to a fine and imprisonment as provided in Subsection (e) below.

(e) Any person who violates any of these regulations shall be punished as set forth in Section 1-4-10 of this Code.

(f) Appropriate actions and proceedings may be taken in law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct or abate a violation and to prevent illegal occupancy of a building structure or premises. These remedies shall be in addition to the penalties described in Subsection (e) above. (Ord. 322 §12-1-11, 2006; Ord. 330 §1, 2007)

ARTICLE 2

Definitions

Sec. 17-2-10. Grammatical usage.

For the purposes of these regulations, words and terms used shall be used, interpreted and defined as set forth below:

(1) The particular controls the general.

(2) The word *shall* is always mandatory. The word *may* is permissive.

(3) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural include the singular. (Ord. 322 §12-7-1, 2006)

Sec. 17-2-20. Words and terms defined.

As used in this Chapter, the following terms shall have the meanings indicated:

Acceptance means formal action by the Board of Trustees whereby subdivision improvements which constitute public property are accepted for maintenance. This action can only be taken after the improvements are completed and inspected by authorized personnel and certified for acceptance.

Adequate public facilities means facilities determined to be capable of supporting and servicing the physical area and designated intensity of the proposed subdivision as determined by the Town based upon specified levels of service. See *subdivision improvements*.

Apartment means a structure or structures located on a single lot or parcel of land, containing five (5) or more individual dwelling units which are not platted as condominium or townhome units and are under single ownership.

Applicant, used interchangeably with the terms *developer* and *subdivider*, means the owner of land proposed to be subdivided or his or her representative who is responsible for any undertaking that requires review and approval under these regulations.

As-built plat means the amended final plat that shows exact locations of all public and private improvements on a development site. **For condominiums, as-built plats shall also include horizontal and vertical layouts of the air spaces.**

Block means a tract of land bounded by streets, or a combination of streets and public parks, cemeteries, railroad rights-of-way or boundary lines of municipalities.

Building means any structure built for the support, shelter or enclosure of persons, animals or moveable property of any kind.

Certificate of occupancy is a document stating that the building or structure has been inspected by the Building Official, that all provisions of the adopted Building Code and all other applicable rules and regulations have been complied with, and that the building or structure has been approved for occupancy.

Comprehensive Plan, Community Plan or Master Plan means a plan, pursuant to state statutes, prepared and adopted by the Town for guiding and controlling the physical development of land use and circulation in the Town and up to a three-mile radius beyond the Town limits.

Condominium means a type of ownership which consists of a separate fee simple estate in an individual airspace unit of a multi-unit property, together with an undivided fee simple interest in common elements.

a. *Individual air space* means any enclosed room occupying all or part of a floor in a building of one (1) or more floors to be used for residential, professional, commercial or industrial purposes.

b. *Common elements*, unless otherwise provided in the declaration or by written consent of all the condominium owners, means the land or the interest therein on which a building or buildings are located; the foundations, columns, girders, beams, supports, main walls, roofs, halls, corridors, lobbies, stairs, stairways, fire escapes, entrances and exits of such building or

buildings; the basements, yards, gardens, parking area and storage spaces; the premises for lodging of custodians or persons in charge of the property; installations of central services such as power, light, gas, water, heating, refrigeration, central air conditioning and incinerating; the elevators, tanks, pumps, motors, fans, compressors, ducts and in general all apparatus and installations existing for common use; such community and commercial facilities as may be provided for in the declaration; and all other parts of the property necessary or convenient to its existence, maintenance or safety in common use.

c. *Condominium unit* means an individual air space unit, together with the interest in the common elements appurtenant to such unit.

d. *Declaration* means an instrument which defines the character, duration, rights, obligations and limitations of condominium ownership.

Cul-de-sac means a local street with only one (1) outlet that terminates in a vehicular turnaround and has appropriate dimensions for the safe and convenient reversal of traffic movement, including emergency vehicles.

Dedication means an appropriation of land to some public use, made by the owner and by which the owner reserves to himself or herself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

Developer, used interchangeably with the terms *subdivider* and *applicant*, means the owner of land proposed to be subdivided or his or her representative, who is responsible for any undertaking that requires review and approval under these regulations.

Disturbed area means the area of land proposed to be disturbed or altered in any manner, whether temporarily or permanently, as a result of a subdivision of land and the construction of buildings and improvements. This includes, but is not limited to, temporary and permanent roads, streets and trails, disturbance or removal of vegetation, excavation and the storage of fill materials.

Drainage and erosion control devices means all facilities necessary to control the direction, depth, velocity and volume of water flow within a proposed subdivision, and all facilities necessary to mitigate erosion and related water quality impacts resulting from development. *Drainage and erosion control devices* include, but are not limited to, detention and settling ponds, infiltration galleries, sand traps, grassed waterways, catch basins and revegetation landscaping.

Dwelling unit means one (1) or more rooms connected together, constituting a separate, independent housekeeping establishment for permanent occupancy by not more than one (1) family for living purposes and having not more than one (1) kitchen and sleeping facilities. All dwelling units shall contain at least five hundred (500) square feet of floor area measured on the outside walls.

Easement means authorization by a property owner for another to use the owner's property for a specified purpose. Authorization is generally established in a real estate deed or on a recorded plat.

Final plat means a map, drawing or chart and supporting materials of certain described land, prepared in accordance with these regulations as an instrument for recording real estate interests in the office of the County Clerk and Recorder.

Lot, used interchangeably with the term *parcel*, means a tract, plot or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or possession or for building development. Each lot shall have a twenty-foot minimum access to a public or approved private street. A piece of property which exists by virtue of a separate legal description or a separate deed, either of which has been recorded in the office of the County Clerk and Recorder.

Major subdivision means all subdivisions not classified as minor subdivisions, including but not limited to subdivisions of five (5) or more lots, or any size subdivision requiring any new street or extension of the local Town facilities or the creation of any public improvements.

Minor subdivision means any subdivision containing not more than four (4) lots or dwelling units fronting on an existing street, not involving the construction of a new street or road or the extension of Town facilities, and otherwise meeting the requirements of Article 4 of this Chapter.

Mixed-use residential and commercial subdivision means a subdivision which includes both a residential component consisting of single-family, apartment, condominium and/or townhome development, and a nonresidential component consisting of commercial, office and/or industrial development. All such mixed-use subdivisions must conform with the zoning regulations applicable to the property.

Open space means land which is free of any structures, except those permitted below, and dedicated to the public or conveyed to a homeowners' association for common use of all residents of a subdivision, unless otherwise approved by the Town. *Open space* includes land devoted for landscaping, recreational and visual openness for all residents of a subdivision. Private open space, once created, can only be otherwise utilized by the concurrence of one hundred percent (100%) of the lot owners, which said open space was created to benefit, and the approval of the Town. Uses not specified herein may be approved and/or denied by the Town. Permitted and not permitted uses within dedicated open space are outlined as follows:

<i>Permitted Uses</i>
Trails
Gardens
Uncovered decks
Patios
Access corridors to public lands
Picnic grounds
Golf courses
Athletic fields
Playgrounds
Sidewalks
Disabled ramps

Uncovered hot tubs
Uncovered swimming pools
One-story detached accessory buildings not requiring a building permit
<i>Uses Not Permitted</i>
Covered swimming pools
Streets and roads
Driveways, parking and loading areas
Tennis courts
Structures

Parcel, used interchangeably with the term *lot*, means a piece of property which exists by virtue of a separate legal description or a separate deed, either of which has been recorded at the office of the County Clerk and Recorder.

Planning Commission means the Town of Fraser Planning Commission.

Plat amendment means modifications to an approved and recorded plat that may involve corrections to lot lines and other specifications that do not qualify it for a resubdivision.

Preliminary plat means a map of the proposed subdivision drawn and submitted along with other supporting documents in accordance with these regulations.

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

Public notice means notice to the public of a public hearing by the Board of Trustees or Planning Commission. Unless otherwise specified, such notice shall be published one (1) time in a newspaper of general circulation in the Town at least fourteen (14) days before such hearing.

Reception number means the number assigned to all documents recorded in the office of the County Clerk and Recorder. Amended and as-built plats must show the reception numbers of all previously recorded plats.

Resubdivision means any change on an approved and recorded subdivision plat if such change affects the density, land use, street layout or any area reserved for public use.

Right-of-way means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sewer main, stormwater drain or trees, or for another special use. The usage of the term *right-of-way* for platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sewer mains, stormwater drains, trees or any other use involving maintenance by a public agency shall be dedicated to public use by the subdivider.

Sketch plan means a map of the proposed subdivision, drawn and submitted in accordance with the objectives of these regulations to evaluate development feasibility and design characteristics at an early planning stage.

Staff means authorized administrative personnel of the Board of Trustees or Planning Commission whose responsibility is to perform the day-to-day business functions of the Town.

Street, private means a suitable improved private road as determined by the Town, which provides ingress and egress to and from a subdivision by residents and members of the public, and emergency vehicle access to abutting properties without undue hazard to public property or residents.

Street, public means a right-of-way reserved or dedicated for public use which provides for vehicular traffic, further classified and defined in *The Town of Fraser Street and Roadways Minimum Design Criteria and Construction Standards*.

Structure means an edifice or building of any kind, or any piece of work artificially built up or constructed of parts joined together in some definite manner.

Subdivider means any person who: (a) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; or (b) directly or indirectly sells, leases or develops, offers to sell, lease or develop or advertises to sell, lease or develop any interest, lot, parcel site, unit or plat in a subdivision; or (c) engages directly or through an agent in the business of selling, leasing, developing or offering for sale, lease or development a subdivision or any interest, lot, parcel site, unit or plat in a subdivision; and (d) is directly or indirectly controlled by or under direct or indirect common control with any of the foregoing.

Subdivision means any parcel of land which is to be used for condominiums, townhomes, apartments containing two (2) or more dwelling units or any other multiple-dwelling units, unless such land was previously subdivided and the filing accompanying such subdivision complied with requirements of these regulations with respect to the type and density of such proposed use; or any parcel of land which is to be divided into two (2) or more lots, tracts, parcels, plats, sites, separate interests (including leasehold interests), interests in common or other division for the purpose, whether immediate or future, of transfer of ownership or for building or other development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. Unless the method of disposition is adopted for the purpose of evading the requirements of these regulations, the term *subdivision* shall not apply to any of the following divisions of land or interests in land:

- a. A division of land by order of any court in the State or by operation of law;
- b. A division which is created by a security or unit of interest in any investment trust regulated under the laws of the State or any other interest in an investment entity;
- c. A division which creates cemetery lots;
- d. A division which creates an interest in oil, gas, minerals or water which is severed from the surface ownership of real property;

e. A division which is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy or as tenants in common, and any such interest shall be deemed as only one (1) interest; and/or

f. A division which is created by the conveyance of real property to the Town in satisfaction of land dedication, subdivision, annexation or other Town requirements.

Subdivision improvements means the physical improvements to property made by a subdivider to provide needed public facilities or services, and/or to protect public health, safety and welfare. These are public and private improvements that are necessary to provide the basic infrastructure for the subdivision, and include improvements for which the Town may ultimately assume responsibility for maintenance and operation. Therefore, all such improvements shall be properly bonded for or secured by a letter of credit or other acceptable legal instrument. These improvements include, but are not limited to, the following:

- a. Roads, streets, curbs, gutters, sidewalks and trails;
- b. Potable water production, treatment and distribution systems;
- c. Sanitary sewer collection system;
- d. Storm sewers or storm drainage system, as required;
- e. Utility collection and distribution systems for public parks and open space;
- f. Acquisition, construction and installation of traffic signs, signals, lights and lighting;
- g. Acquisition, construction and installation of street signs at all intersections and along roadways;
- h. Street lights;
- i. Permanent reference monuments and monument boxes;
- j. Underground telephone, electric and gas lines;
- k. Landscaping;
- l. Erosion control devices;
- m. Revegetation;
- n. Open space, parks and recreation areas;
- o. Systems and/or facilities for the transportation of people;
- p. Acquisition, construction, improvement and equipping of temporary and permanent school buildings, fire stations, police stations, public works maintenance facilities, open space, parks and recreation areas;

- q. Acquisition of any and all property, easements and rights-of-way which may be required to carry out the purposes of the project;
- r. Underdrains;
- s. Necessary floodway improvements;
- t. Necessary irrigation ditch improvements; and
- u. Any other improvements deemed necessary by the Board of Trustees.

Subdivision improvements agreement means a written contract entered into by the Town and the applicant providing for and describing conditions of approval for subdivision improvements to be constructed as part of a subdivision development. It shall, at a minimum, set forth construction specifications for required subdivision improvements, provide dates for completion of the improvements and identify the terms and conditions for the acceptance of the improvements to the Town. It shall also provide for such financial assurances as necessary to ensure the proper and timely installation of improvements.

Title commitment means a commitment for title insurance issued by a licensed title insurance company with offices in the County, with an effective date not earlier than thirty (30) days prior to the date that the commitment is filed with or submitted to the Town pursuant to these regulations. Unless otherwise specified, the commitment shall apply to and describe the real property included in the proposed subdivision, shall identify all owners of record of such property and shall list all liens, encumbrances, easements and restrictions affecting such property with the book and page or reception number where such matters appear in the records in the office of the County Clerk and Recorder.

Townhome means a type of ownership which consists of a fee simple interest in an individually deeded lot and residential dwelling unit, plus a membership right in a homeowners' association which shall own in fee simple the common areas subject to all rights and duties as provided in the townhome declaration of the homeowners' association.

- a. The dwelling unit may consist of a single-family dwelling constructed on an individually deeded lot, or as part of a series of two (2) or more dwellings, each of which is either attached to the adjacent dwelling by party walls or is attached with no visible separation between walls or roof.
- b. The term *common areas* will be defined in each declaration and will include such items as the following: open space, open land, greenbelts, yards, parking areas or storage spaces located on the property owned and controlled by the owners through the homeowners' association, but which are not part of individual townhome lots, and all community and commercial facilities or other parts of the property necessary or convenient to the existence, maintenance or safety of all townhomes.
- c. The term *declaration* refers to an instrument which defines the character, duration, rights, obligations and limitations of townhome ownership.

Trail means a multipurpose easement designed to provide a safe and easy passage for travel. (Ord. 322 §12-7-2, 2006; Ord. 330 §1, 2007)

ARTICLE 3

Exemptions, Vacations, Variances and Vested Property Rights

Sec. 17-3-10. Subdivision exemption.

(a) Certain divisions of property may be exempted from the requirements of this Chapter if the activity meets one (1) of the following conditions and if such exemption is approved by the Board of Trustees:

(1) The division does not result in the creation of an additional lot.

(2) A division for the purpose of revising lot lines, only if it creates no more than the prior recorded number of lots. All revised lots must conform to the lot dimensional requirements as established in Chapter 16 of this Code. If the lots of the original recorded plat were nonconforming, any revised lot shall not increase the nonconformity.

(3) A division for the purpose of correcting an engineering or survey error in a recorded plat, provided that the correction continues to meet the standards of these regulations and have no effect on conditions applied to the approval of the recorded plat.

(4) A division which creates parcels for community facilities (including utility land acquisition).

(5) A division which involves the acquisition of access from one (1) parcel of property to another.

(b) An application for an exemption plat shall be accompanied by the following information:

(1) A land use application form.

(2) The applicable fee as established by the Board of Trustees.

(3) A title commitment (two [2] copies) – must be current and dated no more than thirty (30) days from the date of application submittal.

(4) Copies of the exemption plat and associated submittal materials in a format and quantity as specified by Town staff.

(c) Unless the Board of Trustees determines that an exemption may be approved by resolution only, an exemption plat shall be required for all exemptions granted under this Article. Exemption plats shall contain or be accompanied by the following information and conform to the following specifications:

(1) Title:

Subdivision Exemption Plat
Subdivision Name
Prior Reception Numbers
Legal Description
Town of Fraser,
Grand County, Colorado

(2) Plat size: twenty-four (24) inches by thirty-six (36) inches, with a one-half-inch margin on the top, bottom and right-hand side and a one-and-one-half-inch margin on the left-hand side.

(3) Sheets shall be numbered in sequence if more than one (1) sheet is used.

(4) A blank 2¼" x 3" vertical box in the lower right-hand corner of the plat inside the margin for use by the County Clerk and Recorder.

(5) Each sheet shall show the written and graphic scale, north arrow and date of survey preparation.

(6) A general vicinity map.

(7) Names and addresses of the applicant and surveyor.

(8) A statement by the surveyor of the basis of bearing for laying out the boundaries.

(9) A description of all monuments, both found and set, which mark the boundaries of the property, and a description of all control monuments used in conducting the survey.

(10) Signature and seal of the land surveyor. See Appendix D to this Code for signature block text and format.

(11) Signature blocks for owners, lien holders (if applicable) and Board of Trustees. See Appendix D to this Code for signature block text and format.

(12) Dedication and depiction of access rights-of-way to adjacent lands, if applicable.

(13) All recorded and apparent easements and right-of-ways on and/or adjacent to the property.

(14) A land and improvements survey and metes-and-bounds legal description of the property in question by a registered surveyor.

(15) All dimensions necessary to establish the boundaries in the field.

(16) All signatures in black, permanent ink. (Ord. 322 §12-2-1, 2006)

Sec. 17-3-20. Subdivision exemption plat review procedure.

(a) All required submittal materials shall be filed with the Town Planner at least forty-five (45) days prior to the Planning Commission meeting.

(b) Within fourteen (14) days of filing, the Town Planner shall review the application to determine if it is complete and shall notify the applicant of any deficiencies. No application shall be submitted to the Planning Commission or scheduled for a meeting until a complete application has been filed with the Town Planner.

(c) Upon receipt of a complete application, a public hearing shall be scheduled at the next available Planning Commission meeting. Staff comments and recommendations shall be forwarded to the applicant at least five (5) days prior to the public hearing date.

(d) Thirty (30) days in advance of the initial public hearing, the applicant shall provide notice to all surface owners, mineral owners and lessees of mineral owners in accordance with Sections 31-23-215 and 24-65.5-103, C.R.S.

(e) At least fourteen (14) days in advance of the public hearing, the applicant shall provide written notice to all owners of property within two hundred (200) feet of the boundaries of the property that is the subject of the application. Such notice shall be sent via certified mail, return receipt requested, and shall include the following information: A copy of the complete application with all accompanying materials; the name, address and phone number of the authorized contact for the applicant; and the time, date and place of the public hearing. The applicant shall provide the Town with a written affidavit prior to the time of the public hearing reflecting the date of mailings and the names, addresses and legal descriptions of all parties to whom the notifications were transmitted, together with a complete copy of the materials included in the mailing. Failure to properly mail the documents, notify the necessary parties and/or provide the required affidavit shall be grounds for denial of the application or a continuance of the public hearing until such notice is provided.

(f) The Town staff shall publish notice of the public hearing, in a newspaper of general circulation, by one (1) publication at least fourteen (14) days in advance of the public hearing. Proof of publication shall be supplied at the public hearing. All publication expenses shall be paid by the applicant.

(g) No plat shall be submitted to the Planning Commission until the foregoing notice and review requirements have been completed and/or satisfied. The Planning Commission shall consider the application at a public hearing and either recommend approval or approval with conditions or deny the application within thirty (30) days after the commencement of such hearing. Failure by the Planning Commission to act on the plat within said thirty-day period shall constitute approval of the application; provided, however, that the applicant or his or her authorized representative may waive this requirement and consent to an extension of such period for the Planning Commission's determination if necessary to allow the applicant to make revisions or provide additional information before the Planning Commission takes final action. Any conditions of approval or reasons for denial shall be stated in the minutes.

(h) Within thirty (30) days of the Planning Commission public hearing, the Board of Trustees shall review the application and either approve, approve with conditions or deny the application. Upon the Board of Trustees' approval, the plat or resolution shall be recorded by the Town staff in the office of the County Clerk and Recorder. All recording expenses shall be paid by the applicant.

(i) Prior to execution of the subdivision exemption plat, the applicant shall provide the Town with the following:

(1) Executed originals of all legal documents.

(2) Subdivision exemption plat Mylar.

(3) A black line Mylar for the purpose of incorporating the data into a 911 emergency system. The Mylar shall be fourteen (14) inches by eighteen (18) inches and shall contain the name of the subdivision, the section(s), township(s) and range(s) in which the subdivision is located, all street names, lot numbers, street addressing numbers, unit numbers (if applicable) and a range of street addressing numbers for each street. The information contained on the fourteen-inch-by-eighteen-inch Mylar shall also be submitted in AutoCAD.dwg or AutoCAD.dxf format as specified below.

(4) Prior to recording the final plat, electronic media shall be provided in AutoCAD.dwg or AutoCAD.dxf format, which contains the physical features of the development. The drawing shall be referenced to a known coordinate system. A Projection (PRJ) file should be submitted. If not, include a text file with all the parameters describing the datum, projection and coordinate system used for the project. If the survey is not produced using GPS, then the Geographic Control Data Base should be used to obtain PLSS data in NAD 83 datum. The GCDB is available from the BLM at www.BLM.gov/GCDB. The drawing shall include either a data dictionary to explain the layers, or a self-explanatory layering system. (Ord. 322 §12-2-2, 2006)

Sec. 17-3-30. Vacation proceedings.

(a) Methods. Public right-of-way and easement vacation proceedings shall be in compliance with Sections 43-2-302 and 43-2-303, C.R.S.

(b) The Board of Trustees may approve a vacation petition on such terms and conditions as are reasonable to protect public health, safety and welfare. (Ord. 322 §12-2-3, 2006)

Sec. 17-3-40. Right-of-way and/or easement vacation.

An application for a right-of-way and/or easement vacation shall be accompanied by the following information:

(1) A land use application form.

(2) The applicable fee as established by the Board of Trustees.

(3) Twenty (20) copies of a petition requesting vacation of the right-of-way and/or easement and all accompanying documents.

(4) Three (3) copies of the documentation showing that the right-of-way and/or easement sought to be vacated has been legally dedicated to and accepted by the public or authorized agent of the public. (Ord. 322 §12-2-4, 2006)

Sec. 17-3-50. Right-of-way and/or easement vacation review procedure.

(a) All required submittal materials shall be filed with the Town Planner at least forty-five (45) days prior to the Board of Trustees meeting.

(b) Within fourteen (14) days of filing, the Town Planner shall review the application to determine if it is complete and shall notify the applicant of any deficiencies. No application shall be submitted to the Board of Trustees or scheduled for a meeting until a complete application has been filed with the Town Planner.

(c) Upon receipt of a complete application, a public hearing shall be scheduled at the next available Board of Trustees meeting. Staff comments and recommendations shall be forwarded to the applicant at least five (5) days prior to the public hearing date.

(d) The Town staff shall refer a copy of the petition and all accompanying documents to affected government agencies, special districts and private and public utility companies for review and comment.

(e) At least fourteen (14) days in advance of the public hearing, the applicant shall provide written notice to all owners of property within two hundred (200) feet of the boundaries of the proposed vacation. Such notice shall be sent via certified mail, return receipt requested, and shall include the following information: a copy of the application with all accompanying materials, including a letter stating that a petition to vacate has been submitted to the Town, the right-of-way and/or easement sought to be vacated, the reasons for seeking the vacation, the disposition of the vacated portion of the right-of-way/easement, the name, address and phone number of the authorized contact for the applicant and the time, date and place of the public hearing. The applicant shall provide the Town with a written affidavit prior to the time of the public hearing, reflecting the date of mailing and the names, addresses and legal descriptions of all parties to whom the notifications were transmitted, together with a complete copy of the materials included in the mailing. Failure to properly mail the documents, notify the necessary parties and/or provide the required affidavit shall be grounds for denial of consideration of the vacation request or a continuance of the public hearing until such notice is provided.

(f) The Town staff shall publish notice of the public hearing, in a newspaper of general circulation, by one (1) publication at least fourteen (14) days in advance of the public hearing. Proof of publication shall be supplied at the public hearing. All publication expenses shall be paid by the applicant.

(g) No vacation petition shall be deemed to have been submitted to the Board of Trustees until the foregoing notice and review requirements have been completed and/or satisfied. The Board of Trustees shall consider the vacation petition and review an ordinance vacating the right-of-way and/or easement at a public hearing and either approve, approve with conditions or deny the vacation petition within thirty (30) days after the commencement of such hearing. Failure by the Board of Trustees to act on the vacation petition within said thirty-day period shall constitute approval of the vacation petition; provided, however, that the applicant or his or her authorized representative may waive this requirement and consent to an extension of such period for the Board of Trustees' determination if necessary to allow the applicant to make revisions or provide additional information before the Board of Trustees takes final action. Any conditions of approval or reasons for denial shall

be stated in the minutes. Written notice stating these conditions for approval or reasons for denial shall be sent to the applicant. Upon the Board of Trustees' approval, the ordinance shall be recorded by the Town staff in the office of the County Clerk and Recorder. (Ord. 322 §12-2-5, 2006)

Sec. 17-3-60. Plat vacation.

(a) Any plat, or portion thereof, may be vacated upon petition by the owner of the property and approval by the Board of Trustees, at any time before the sale of any lots. When lots have been sold, all owners must consent to the proposed vacation.

(b) An application for a plat vacation shall be accompanied by the following information:

(1) A land use application form.

(2) The applicable fee as established by the Board of Trustees.

(3) A title commitment (two [2] copies) – must be current and dated no more than thirty (30) days from the date of application submittal.

(4) Copies of the vacation plat and associated submittal materials in a format and quantity as specified by Town staff.

(5) Three (3) copies of the recorded plat to be vacated. (Ord. 322 §12-2-6; 2006)

Sec. 17-3-70. Plat vacation review procedure.

(a) All required submittal materials shall be filed with the Town Planner at least forty-five (45) days prior to the Planning Commission.

(b) Within fourteen (14) days of filing, the Town Planner shall review the application to determine if it is complete and shall notify the applicant of any deficiencies. No application shall be submitted to the Planning Commission or scheduled for a meeting until a complete application has been filed with the Town Planner.

(c) Upon receipt of a complete application, a public hearing shall be scheduled at the next available Planning Commission meeting for consideration of the application. Staff comments and recommendations shall be forwarded to the applicant at least five (5) days prior to the meeting date.

(d) The applicant shall provide notice of the public hearing in the manner specified in Subsections 17-3-20(d) and (e) above. The Town staff shall cause notice of such public hearing to be published in the manner specified in Subsection 17-3-20(f) above.

(e) No plat vacation petition shall be deemed to have been submitted to the Planning Commission until the foregoing review requirements have been completed and/or satisfied. The Planning Commission shall consider the plat vacation petition at a public hearing and shall either recommend approval or approval with conditions or deny the vacation plat within thirty (30) days after the commencement of such meeting. Failure by the Planning Commission to act on the plat vacation petition within said thirty-day period shall constitute approval of the plat vacation petition; provided, however, that the applicant or his or her authorized representative may waive this

requirement and consent to an extension of such period for the Planning Commission's determination, if necessary to allow the applicant to make revisions or provide additional information before the Planning Commission takes final action. Any conditions of approval or reasons for denial shall be stated in the minutes.

(f) Within thirty (30) days from the Planning Commission public hearing, the Board of Trustees shall review the plat vacation petition and either approve, approve with conditions or deny the request. Upon the Board of Trustees' approval, a resolution shall be recorded by the Town staff in the office of the County Clerk and Recorder. The owner shall be responsible for vacating all restrictive covenants, condominium or townhome declarations, homeowners' association, articles of incorporation, bylaws and deed of conveyance to the association for common elements, if applicable. (Ord. 322 §12-2-7, 2006)

Sec. 17-3-80. Minor plat amendment.

(a) Certain minor amendments to approved and recorded plats may be considered via a minor plat amendment upon petition by the owner of the property and approval by the Board of Trustees, in cases where the following conditions are met:

(1) The approval of the minor plat amendment will not be detrimental to the public safety, health or welfare or injurious to other adjacent properties.

(2) The minor plat amendment is in conformity with other policies and criteria as established by the Planning Commission.

(3) The minor plat amendment would not alter the overall nature, character, density or intent of the approved plat.

(4) The minor plat amendment request is the result of site conditions encountered after initiation of development, mitigation of plat notes or conditions via alternative means approved by the Planning Commission and Board of Trustees, or errors in engineering or surveying.

(5) The minor plat amendment is consistent with the original intent of the subdivision and/or conditions or plat notes.

(b) An application for a minor plat amendment shall be accompanied by the following information:

(1) A land use application form.

(2) The applicable fee as established by the Board of Trustees.

(3) A title report (two [2] copies) listing all owners of record in the subdivision. The title report must be current and dated no more than thirty (30) days from the date of application submittal.

(3) Twenty (20) copies of a petition requesting the minor plat amendment, describing the impact and the need for the amendment.

(4) Three (3) copies of the recorded plat to be amended.

(5) At the discretion of the Town, in cases where the effects of a minor plat amendment are determined to be negligible to all property owners within the subdivision, the minor plat amendment may be processed on behalf of all owners by a majority of owners, affected owners, the developer of the subdivision or the owners' association. In such cases, the applicant shall provide evidence of notice of the request and hearing to all owners within the subdivision.

(6) At the discretion of the Town, an amended plat may be required to be executed and recorded by Town staff in the office of the County Clerk and Recorder. (Ord. 322 §12-2-8, 2006)

Sec. 17-3-90. Minor plat amendment review procedure.

(a) All required submittal materials shall be filed with the Town Planner at least forty-five (45) days prior to the Planning Commission meeting.

(b) Within fourteen (14) days of filing, the Town staff shall review the application to determine if it is complete and shall notify the applicant of any deficiencies. No application shall be submitted to the Planning Commission or scheduled for a meeting until a complete application has been filed with the Town staff.

(c) Upon receipt of a complete application, a public hearing shall be scheduled at the next available Planning Commission meeting for consideration of the application. Town staff comments and recommendations shall be forwarded to the applicant at least five (5) days prior to the public hearing date.

(d) The applicant shall provide public notice of the public hearing in the manner specified in Subsections 17-3-20(d) and (e) of this Article. The Town staff shall cause notice of such public hearing to be published in the manner specified in Subsection 17-3-20(f).

(e) No petition for a minor plat amendment shall be deemed to have been submitted to the Planning Commission until the foregoing review requirements have been completed and/or satisfied. The Planning Commission shall consider the minor plat amendment and review an amended plat or resolution (as determined appropriate by Town staff) amending the plat at a public hearing and either recommend approval, approval with conditions or denial of the minor plat amendment.

(f) Within thirty (30) days from the Planning Commission public hearing, the Board of Trustees shall review the minor plat amendment and either approve, approve with conditions or deny the request. Upon Board of Trustees approval, a resolution and/or amended plat shall be recorded by the Town staff in the office of the County Clerk and Recorder.

(g) Prior to execution of the minor plat amendment, the applicant shall provide the Town with the following:

(1) Executed originals of all legal documents.

(2) Amended plat Mylar, if applicable.

(3) A black line Mylar for the purpose of incorporating the data into a 911 emergency system. The Mylar shall be fourteen (14) inches by eighteen (18) inches and shall contain the name of the subdivision, the section(s), township(s) and range(s) in which the subdivision is located, all street names, lot numbers, street addressing numbers, unit numbers (if applicable) and a range of street addressing numbers for each street. The information contained on the fourteen-inch-by-eighteen-inch Mylar shall also be submitted in AutoCAD.dwg or AutoCAD.dxf format as specified below.

(4) Prior to recording the final plat, electronic media shall be provided in AutoCAD.dwg or AutoCAD.dxf format, which contains the physical features of the development. The drawing shall be referenced to a known coordinate system. A Projection (PRJ) file should be submitted. If not, include a text file with all the parameters describing the datum, projection and coordinate system used for the project. If the survey is not produced using GPS, then the Geographic Control Data Base should be used to obtain PLSS data in NAD 83 datum. The GCDB is available from the BLM at www.BLM.gov/GCDB. The drawing shall include either a data dictionary to explain the layers, or a self-explanatory layering system. (Ord. 322 §12-2-9, 2006)

Sec. 17-3-100. Variances.

(a) The Planning Commission may authorize variances from these regulations in cases where, due to exceptional topographical conditions or other unusual conditions, an unnecessary hardship is placed on the applicant. A variance may be granted where, in the opinion of the Planning Commission, the best interests of the Town are served by granting a variance. Such variance shall not be granted if it would be detrimental to the public good or impair the intent and purposes of these regulations. The conditions of any variance authorized shall be stated in writing in the minutes of the Planning Commission, with the justifications set forth. The Planning Commission shall consider the following criteria and make specific findings when evaluating each variance request:

(1) The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property located nearby.

(2) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.

(3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.

(4) The variances will not in any manner vary the provisions of Chapter 16 of this Code, the Comprehensive Plan or Official Zoning Map.

(5) The variance is, in the opinion of the Planning Commission, insignificant.

(6) The variance is in conformity with other criteria the Planning Commission sets by policy from time to time.

(b) Conditions. In approving variances, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.

- (c) An application for a variance shall be accompanied by the following information:
- (1) A land use application form.
 - (2) The applicable fee as established by the Board of Trustees.
 - (3) A title commitment (two [2] copies) – must be current and dated no more than thirty (30) days from the date of the application submittal.
 - (4) Twenty (20) copies of the variance request.
 - (5) Twenty (20) copies of a concise statement of the type of variance requested and the applicable subdivision regulation section being referred to for the variance, a statement of the reasons and need for the variance, and the name, address and phone number of the authorized contact for the variance request. (Ord. 322 §12-2-10, 2006)

Sec. 17-3-110. Variance review procedure.

(a) The Planning Commission shall consider variances from these regulations at the preliminary plat public hearing for a major subdivision. All required submittal materials shall be filed with the Town Planner at least forty-five (45) days prior to the Planning Commission meeting.

(b) Within fourteen (14) days of filing, the Town Planner shall review the application to determine if it is complete and shall notify the applicant of any deficiencies. No application shall be submitted to the Planning Commission or scheduled for a meeting until a complete application has been filed with the Town Planner.

(c) Upon receipt of a complete application, a public hearing shall be scheduled at the next available Planning Commission meeting for consideration of the application. Staff comments and recommendations shall be forwarded to the applicant at least five (5) days prior to the public hearing date.

(d) The applicant shall provide notice of the public hearing in the manner specified in Subsection 17-2-20(e) of this Article. The Town staff shall cause notice of such public hearing to be published in the manner specified in Subsection 17-2-20(f) of this Article.

(e) No variance request shall be deemed to have been submitted to the Planning Commission until the forgoing notice and review requirements have been completed and/or satisfied. The Planning Commission shall consider the variance request at a public hearing and either recommend approval or approval with conditions or deny the application within thirty (30) days after commencement of such hearing. Failure of the Planning Commission to act on the variance request within said thirty-day period shall constitute approval of the variance request; provided, however, that the applicant or his or her authorized representative may waive this requirement and consent to an extension of such period for the Planning Commission's determination, if necessary to allow the applicant to make revisions or provide additional information before the Planning Commission takes final action. All decisions of the Planning Commission are final. Any findings, conditions of approval or reasons for denial shall be stated in the minutes. (Ord. 322 §12-2-11, 2006)

Sec. 17-3-120. Vested property rights.

(a) A *site specific development plan*, for purposes of the creation of a vested property right pursuant to Article 68 of Title 24, C.R.S., shall mean the final development plan, irrespective of its title, for a specific parcel of property which is submitted to the Town for approval and which is the final approval step prior to the application for a building permit. No site specific development plan shall be approved and no vested property right shall be created except pursuant to and upon compliance with the requirements of this Section.

(b) In the event that an applicant for site development approval wishes said approval to have the effect of creating vested property rights pursuant to Article 68 of Title 24, C.R.S., the applicant must so request, in writing, at least thirty (30) days prior to the date said approval is to be considered. Failure to so request renders the approval not a *site specific development plan*, and no vested rights shall be deemed to have been created thereby.

(1) A site specific development plan may be approved with terms and conditions as may reasonably be necessary to protect the public health, safety and welfare, and as provided in the Town's other ordinances and regulations applicable to the proposed development. Failure to comply with such terms and conditions shall result in forfeiture of the vested property rights.

(2) Each map, plat or site plan constituting a site specific development plan shall contain the following language: "Approval of this plan creates a vested property right pursuant to Section 24-68-103, C.R.S., as amended."

(c) No site specific development plan shall be approved until it has been considered at a public hearing preceded by public notice of such hearing. If the regulations applicable to the review of the development plan which is proposed to create a vested property right do not otherwise provide for such a public hearing or public notice, then the applicant shall request that such a public hearing be scheduled before the Board of Trustees and shall be responsible for giving public notice of such hearing in the same manner as that required for amendments to the Official Zoning Map, as provided by Section 31-23-304, C.R.S., and Chapter 16 of this Code.

(d) No site specific development plan shall become effective, and no vested property rights shall be created, until publication of a notice of the site specific development plan approval and creation of a vested property right pursuant to Article 68 of Title 24, C.R.S. Such notice shall be published once, not more than fourteen (14) days after approval of the site specific development plan, in a newspaper of general circulation within the Town.

(e) In addition to any and all other fees and charges imposed by the ordinances and resolutions of the Town, the applicant for approval of a site specific development plan shall pay all costs occasioned to the Town as a result of the site specific development plan review, including publication of notices, public hearing and review costs.

(f) In the event amendments to a site specific development plan are proposed and approved, the effective date of such amendments, for purposes of duration of a vested property right, shall be the date of the approval of the original site specific development plan, unless the Board of Trustees specifically finds to the contrary and incorporates such finding in its approval of the amendment.

(g) Nothing in this Section is intended to create any vested property right, but only to implement the provisions of Article 68 of Title 24, C.R.S. In the event of the repeal of said Article or a judicial determination that said Article is invalid or unconstitutional, this Section shall be deemed to be repealed, and the provisions hereof no longer effective. (Ord. 322 §12-2-12, 2006)

ARTICLE 4

Minor Subdivisions

Sec. 17-4-10. Purpose and scope.

(a) The purpose of the minor subdivision plat is to complete a subdivision of land consistent with the subdivision design and improvement standards stated herein when the following conditions exist:

(1) The resulting subdivision will create a total of not more than four (4) lots or four (4) dwelling units (Condominium and townhome developments shall be reviewed as a minor subdivision only if they involve four (4) or fewer dwelling units and are intended to create not more than four (4) individual interests in property capable of being separately transferred.);

(2) There are no exceptions to the subdivision design and improvement standards in Articles 6 and 7 of this Chapter; and

(3) No new streets need to be constructed and municipal utilities exist immediately adjacent to the parcel and do not need to be extended to serve the subdivision.

(b) The minor subdivision review process shall not be used to circumvent the requirements of the major subdivision review process. (Ord. 322 §12-3-1, 2006)

Sec. 17-4-20. Final plat.

(a) General. An approved final plat shall be required for all minor subdivisions within the Town. No minor subdivision shall be approved until such data, surveys, analyses, studies, plans and designs as may be required by these regulations and by the Planning Commission and/or the Board of Trustees have been submitted, reviewed and found to meet all sound planning and engineering requirements of the Town. *Approval and recording of the final plat allows the sales of a subdivision to proceed; except in the case of a subdivision of condominiums and/or townhomes, where approval of an as-built plat allows the sales of a subdivision to proceed.*

(b) An application for a final plat shall be accompanied by the following information:

(1) A land use application form.

(2) The applicable fee as established by the Board of Trustees.

(3) A title commitment (two [2] copies) – must be current and dated no more than thirty (30) days from the date of application submittal.

(4) The location of any proposed connection with existing systems and engineering drawings, if applicable.

(5) Written proof of legal access if the property does not have direct contiguous access to a public or private street.

(6) Images (such as photographs, sketches and/or plans) which illustrate the project intention.

(7) Subdivision improvements agreement, if applicable.

(8) Two (2) copies of the proposed restrictive covenants, condominium or townhome declarations, articles of incorporation and bylaws of any homeowners' association (HOA) and deed of conveyance to the association for common elements, if applicable. Proof of filing the articles of incorporation and the executed originals of such documents shall be submitted prior to recording the plat.

(9) If any liens will exist upon the subdivided property at the time of plat approval, the lienholders shall join in the execution of the declaration and the final plat.

(10) A final drainage plan (refer to Article 7 of this Chapter).

(11) A soil erosion control plan (refer to Article 7 of this Chapter).

(12) A landscaping plan/revegetation plan (refer to Article 7 of this Chapter).

(13) Exterior lighting scheme, including parking lot lighting, mounting height, type of poles, light source intensity, building lighting and sign illumination, if applicable (refer to Article 7 of this Chapter).

(14) Estimated time schedule for development.

(15) Any other reports and information deemed necessary by the Town.

(16) Copies of the final plat and associated submittal materials in a format and quantity as specified by the Town staff.

(c) The final plat shall contain the following information and conform to the following specifications:

(1) Title:

Minor Subdivision – Final Plat
Subdivision Name
Prior Reception Numbers
Legal Description
Town of Fraser,
Grand County, Colorado

- (2) Plat size: twenty-four (24) inches by thirty-six (36) inches, with a one-half-inch margin on the top, bottom and right-hand side and a one-and-one-half-inch margin on the left-hand side.
- (3) Sheets shall be numbered in sequence if more than one (1) sheet is used.
- (4) A blank 2¼" x 3" vertical box in the lower right-hand corner of the plat inside the margin for use by the County Clerk and Recorder.
- (5) Each sheet shall show the written and graphic scale, north arrow and date of survey preparation.
- (6) A general vicinity map.
- (7) Names and addresses of the owner, applicant, engineer and surveyor.
- (8) Land use table. The table shall include: land uses, approximate acreage of each land use and percentage of each land use, total acreage and square footage of property, total numbers of lots and maximum number of each type of dwelling unit proposed.
- (9) Location, dimensions and recorded information of all existing easements.
- (10) Location and dimensions of all proposed easements.
- (11) Basis of bearing and description and location of primary control points, or monuments both found and set, and ties to such control points to which all dimensions, angles, bearings and similar data on the plat shall be referred.
- (12) A scale drawing of tract boundary lines, rights-of-way, easements, property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles, and radii, arcs and central angles of all curves with long chord bearings and distances.
- (13) All dimensions necessary to establish the boundaries in the field.
- (14) The name and right-of-way width of each proposed street (for major subdivision only) and lot and block numbers with street addresses.
- (15) Existing and proposed zoning on and adjacent to the property.
- (16) Existing and proposed locations and dimensions of all improvements, including but not limited to streets, landscaping and revegetation measures, trails, sidewalks, sewer and water mains, sewer and water service lines, telephone, cable, electrical and gas utility lines, drainage facilities and square footage of buildings, if applicable. (Note: The applicant must consult with the appropriate utility service providers regarding the design of all utilities throughout the subdivision.)
- (17) Location for the placement and storage of trash receptacles/enclosures.
- (18) Location, dimensions and proposed ownership of all property, if any, to be dedicated for parks, playgrounds, schools, open space or other public uses.

- (19) Location, function, ownership and manner of maintenance of any private open space.
- (20) The locations, dimensions and areas of all proposed or existing lots.
- (21) Location of all parking spaces and driveways (including the number of parking spaces and their dimensions).
- (22) Location of snow storage areas. It is required that a functional snow storage area be provided which is equal to at least thirty-three percent (33%) of the area to be cleared of snow.
- (23) Number and types of units desired, including the maximum number of bedrooms and the density per acre.
- (24) The required front, rear and side yard setbacks (denoted by dashed lines).
- (25) Location of all existing and proposed watercourses.
- (26) All signatures in black, permanent ink.
- (27) The following certificates are required on the final plat (*see Appendix D to this Code for signature block text and format*):
 - a. Dedication and notary clause.
 - b. A certificate by the registered land surveyor as to the accuracy of the survey and plat and that the survey was performed by him or her.
 - c. A certificate showing approval of the plat and acceptance of dedications and easements by the Board of Trustees, with signature by the Mayor. (Ord. 322 §12-3-2, 2006)

Sec. 17-4-30. Final plat; additional requirements for condominiums, townhomes and apartments.

In addition to the above requirements, any plat of a condominium, townhome and/or apartment development shall also contain the following information:

- (1) The final plat shall include a note as follows: "Approval and recordation of the as-built plat allows the sales of the subdivision to proceed." (Not applicable for apartments.)
- (2) Identify each building and each of the units by letter or number.
- (3) Designate the maximum number of bedrooms in each unit.
- (4) Designate density per acre.
- (5) Identify common open space, if applicable.
- (6) Square footage of land occupied by buildings and percentage to entire acreage.

- (7) Square footage of parking and driveways and percentage to entire acreage.
- (8) Square footage of open space and percentage to entire acreage.
- (9) The words and blanks: "Condominium/ Townhome Declarations recorded at Reception No. _____, Grand County Records." (Not applicable for apartments.) (Ord. 322 §12-3-3, 2006)

Sec. 17-4-40. Final plat review procedure.

(a) Preapplication conference/work session. An applicant may schedule a preapplication conference/work session with Town staff regarding a proposed minor subdivision prior to plat submission. The objective of the preapplication conference/work session is to ensure that all new development is consistent with the Town's goals and that issues are identified early in the development process. Topics to be discussed will include:

- (1) Town regulations and standards;
- (2) The application and review process;
- (3) Submittal requirements; and
- (4) Schedule.

(b) All required final plat submittal materials shall be filed with the Town Planner at least forty-five (45) days prior to the Planning Commission meeting.

(c) Within fourteen (14) days of filing, the Town Planner shall review the application to determine if it is complete and shall notify the applicant of any deficiencies. No application shall be submitted to the Planning Commission or scheduled for a meeting until a complete application has been filed with the Town Planner.

(d) Upon receipt of a complete application, a public hearing shall be scheduled at the next available Planning Commission meeting for consideration of the application. Staff comments and recommendations shall be forwarded to the applicant at least five (5) days prior to the public hearing date.

(e) The applicant shall provide notice of the public hearing in the manner specified in Subsections 17-3-20(d) and (e). Town staff shall cause notice of such public hearing to be published in the manner specified in Subsection 17-3-20(f).

(f) No plat shall be deemed to have been submitted to the Planning Commission until the foregoing notice and review requirements have been completed and/or satisfied. The Planning Commission shall consider the application at a public hearing and either recommend approval or approval with conditions or deny the application within thirty (30) days after the commencement of such hearing. Failure by the Planning Commission to act on the plat within said thirty-day period shall constitute approval of the application; provided, however, that the applicant or his or her authorized representative may waive this requirement and consent to an extension of such period for the Planning Commission's determination if necessary to allow the applicant to make revisions or

provide additional information before the Planning Commission takes final action. Any conditions of approval or reasons for denial shall be stated in the minutes.

(g) Within thirty (30) days from the Planning Commission public hearing, the Board of Trustees shall review the application and either approve, approve with conditions or deny the application. Upon the Board of Trustees' approval, the plat shall be recorded by the Town staff in the office of the County Clerk and Recorder. All recording expenses shall be paid by the applicant.

(h) Prior to execution of the final plat, the applicant shall provide the Town with the following:

(1) Proof of filing the applicable articles of incorporation with the Secretary of State, if applicable, and the executed originals of all legal documents.

(2) Final executed subdivision improvements agreement, required exhibits and the required collateral pursuant to Article 6 of this Chapter, if applicable.

(3) Final plat Mylar.

(4) A black line Mylar for the purpose of incorporating the data into a 911 emergency system. The Mylar shall be fourteen (14) inches by eighteen (18) inches and shall contain the name of the subdivision, the section(s), township(s) and range(s) in which the subdivision is located, all street names, lot numbers, street addressing numbers, unit numbers (if applicable) and a range of street addressing numbers for each street. The information contained on the fourteen-inch-by-eighteen-inch Mylar shall also be submitted in AutoCAD.dwg or AutoCAD.dxf format as specified below.

(5) Prior to recording the final plat, electronic media shall be provided in AutoCAD.dwg or AutoCAD.dxf format, which contains the physical features of the development. The drawing shall be referenced to a known coordinate system. A Projection (PRJ) file should be submitted. If not, include a text file with all the parameters describing the datum, projection and coordinate system used for the project. If the survey is not produced using GPS, then the Geographic Control Data Base should be used to obtain PLSS data in NAD 83 datum. The GCDB is available from the BLM at www.BLM.gov/GCDB. The drawing shall include either a data dictionary to explain the layers, or a self-explanatory layering system. (Ord. 322 §12-3-4, 2006)

Sec. 17-4-50. As-built plat.

(a) After the final plat has been approved and prior to the transfer of property, the applicant of a condominium and/or townhome development is required to have an as-built plat approved by the Town. An as-built plat is an amended final plat that shows exact locations of all public and private improvements on a development site. For condominiums, as-built plats shall also include horizontal and vertical layouts of the airspaces.

(b) The as-built plat shall contain the same information as the approved final plat, with the following changes:

(1) Title:

As-Built Plat
Minor Subdivision-Final Plat Amendment
Subdivision Name
Prior Reception Numbers
Legal Description
Town of Fraser,
Grand County, Colorado

(2) For condominiums, as-built plats shall also include horizontal and vertical layouts of the air spaces. The second and remaining sheets shall contain:

- a. Sufficient plan and section drawings to completely define the positions of those various volumetric spaces within the inside walls and roofs which are referred to in the condominium declarations.
- b. The numerical designation of the individual parcels (volumetric or plane) which will be specifically referred to in deeds to the owners of the spaces or areas.
- (c) Prior to as-built plat approval, the applicant shall provide the following:

- (1) As-built plat Mylar.
- (2) A black line Mylar for the purpose of incorporating the data into a 911 emergency system. The Mylar shall be fourteen (14) inches by eighteen (18) inches and shall contain the name of the subdivision, the section(s), township(s) and range(s) in which the subdivision is located, all street names, lot numbers, street addressing numbers, unit numbers (if applicable) and a range of street addressing numbers for each street. The information contained on the fourteen-inch-by-eighteen-inch Mylar shall also be submitted in AutoCAD.dwg or AutoCAD.dxf. format as specified below.
- (3) Prior to recording the final plat, electronic media shall be provided in AutoCAD.dwg or AutoCAD.dxf format, which contains the physical features of the development. The drawing shall be referenced to a known coordinate system. A Projection (PRJ) file should be submitted. If not, include a text file with all the parameters describing the datum, projection and coordinate system used for the project. If the survey is not produced using GPS, then the Geographic Control Data Base should be used to obtain PLSS data in NAD 83 datum. The GCDB is available from the BLM at www.BLM.gov/GCDB. The drawing shall include either a data dictionary to explain the layers, or a self-explanatory layering system. (Ord. 322 §12-3-5, 2006)

Sec. 17-4-60. As-built plat review procedure.

- (a) After the final plat has been approved and prior to the transfer or occupancy of property, the applicant shall submit four (4) folded copies of the as-built plat and the applicable fee to the Town Planner. The Town staff shall review the plat and check the development site within fourteen (14) days of submission. If the Town staff is satisfied that all of the requirements of these regulations have been met, the as-built plat shall be recorded by the Town staff in the office of the County Clerk and Recorder. All recording expenses shall be paid by the applicant.

(b) Should the Town staff determine that substantial differences exist between the final plat and the as-built plat to warrant review by the Planning Commission, the Town Planner shall schedule a public hearing and the same procedure as specified for final plat review shall be adhered to.

(c) No approvals for certificates of occupancy will be given until after the as-built plat has been approved and recorded in the office of the County Clerk and Recorder. *Approval and recording of the as-built plat allows the sales of the subdivision to proceed.* (Ord. 322 §12-3-6, 2006)

ARTICLE 5

Major Subdivisions

Sec. 17-5-10. Purpose and scope.

(a) The purpose of the major subdivision plat is to divide one (1) or more lots or parcels of land into a total of five (5) or more lots or five (5) or more dwelling units. Condominium, townhome and apartment developments shall be reviewed as a major subdivision if they involve five (5) or more dwelling units or are intended to create five (5) or more individual interests in property capable of being separately transferred.

(b) All major subdivisions must comply with all applicable subdivision design and improvements standards in Articles 6 and 7 of this Chapter. (Ord. 322 §12-4-1, 2006)

Sec. 17-5-20. Sketch plan.

(a) General. A sketch plan shall be submitted prior to a preliminary plat submission for a major subdivision. The sketch plan process is collaborative from the onset. The purpose of the sketch plan is two-fold. First, it provides the Town the opportunity to describe the Town's vision to the applicant. Second, it gives the applicant an opportunity to discuss his or her development plans, explain how the plans will further the Town's vision and obtain input and direction from Town staff early in the process. The objective is to ensure that all new development is consistent with the community's goals and that issues are identified early in the development process. Topics to be discussed will include:

- (1) The applicant's goals for the property;
- (2) The Town's visions and expectations;
- (3) The character and quality of development the Town is seeking;
- (4) Town regulations and standards;
- (5) The application and review process;
- (6) Submittal requirements; and
- (7) Schedule.

(b) An application for a sketch plan shall be accompanied by the following information:

- (1) A land use application form.
 - (2) The applicable fee as established by the Board of Trustees.
 - (3) General development information.
 - (4) Images (such as photographs, sketches and/or plans) which illustrate the project intention.
 - (5) Copies of the sketch plan and associated submittal materials in a format and quantity as specified by Town Staff.
- (c) The sketch plan shall address the following:
- (1) Context/vicinity map, which shows the proposed development in relation to the surrounding area.
 - (2) Base map, which shows the site features (such as topography, watercourses, wetland delineation, floodplain mapping, soils and/or geological conditions).
 - (3) North arrow, scale and date of preparation.
 - (4) Boundary of the proposed project.
 - (5) Existing and proposed zoning on and around the property.
 - (6) Approximate location, dimension and area of all proposed lots.
 - (7) Existing and proposed streets.
 - (8) Topography, including all slopes over thirty percent (30%) and grading.
 - (9) Base flood elevations and floodways.
 - (10) Approximate building shape and location.
 - (11) Existing and proposed land and building uses for the properties.
 - (12) Parking, loading, service areas and snow storage areas.
 - (13) Existing water and sewer lines and stormwater drainage systems and proposed connections.
 - (14) Conceptual landscape plan.
 - (15) Approximate location, dimensions and area of all parcels of land proposed to be set aside for open space/trail networks, parks and schools.
 - (16) Acreage of property.

(17) Proposed number of residential dwelling units and commercial square footage.

(18) Land use table. The table shall include: land uses, approximate acreage of each land use and percentage of each land use, total acreage and square footage of property, total numbers of lots and maximum number of each type of dwelling unit proposed.

(19) Relevant site characteristics and environmental analyses applicable to the proposed subdivision concerning watercourses, wetland delineation, floodplain mapping, and soils and/or geological conditions presenting hazards or requiring special permits.

(d) Within thirty (30) days of submittal, the Town staff shall provide preliminary comments to the applicant regarding the proposed development. The applicant may opt to present the sketch plan to the Planning Commission for preliminary feedback. (Ord. 322 §12-4-2, 2006)

Sec. 17-5-30. Preliminary plat.

(a) General. An approved preliminary plat shall be required for all major subdivisions within the Town prior to approval of a final plat.

(b) An application for a preliminary plat shall be accompanied by the following:

(1) A land use application form.

(2) The applicable fee as established by the Board of Trustees.

(3) A title commitment (two [2] copies) – must be current and dated no more than thirty (30) days from the date of application submittal.

(4) Proposed water and sewer service facilities and the stormwater drainage and management systems, and proposed connection with existing systems.

(5) Proposed access if the property does not have direct contiguous access to a public street.

(6) If any liens will exist upon the subdivided property at the time of plat approval, the lien holders shall join in the execution of the declaration and final plat.

(7) A preliminary drainage report (refer to Article 7 of this Chapter).

(8) A preliminary grading plan.

(9) A preliminary geotechnical report. Please refer to *The Town of Fraser Street and Roadway Minimum Design Criteria and Construction Standards* for details.

(10) A Traffic Impact Analysis (TIA) and/or Traffic Impact Study (TIS) may be required by the Town. Please refer to *The Town of Fraser Street and Roadway Minimum Design Criteria and Construction Standards* for details.

(11) General development information. Provide a written description addressing how the proposed development conforms to the Municipal Code (including development and design standards, zoning regulations and the subdivision regulations) and Comprehensive Plan:

- a. The applicant's goals and vision for the project.
- b. How the proposed subdivision will be connected to and integrated with the surrounding natural and developed areas.
- c. How the project will impact neighboring properties (i.e., water drainage, traffic circulation, environmental impacts and view corridors).
- d. How the design is cost-effective and environmentally responsive to site features and constraints and how potential impacts to natural systems will be mitigated.
- e. How the proposal promotes the efficient use of land and public streets, utilities and governmental services.

(12) Images (such as photographs, sketches and/or plans) which illustrate the project intention. For example, the applicant might bring pictures of:

- a. Important architectural elements and styles.
- b. Ideas for landscaping features, such as Xeriscape.
- c. Streetscape components which contribute to the project's character.
- d. Examples of signs that promote the development's identity.
- e. Photographs of the site.
- f. Anything else that illustrates what the applicant is trying to create.

(13) Any other reports and information deemed necessary by the Town.

(14) Copies of the preliminary plat and associated submittal materials in a format and quantity as specified by Town staff.

(c) The preliminary plat shall contain the following information and shall conform to the same plat specifications as those required for a minor subdivision final plat, as set forth in Article 4 of this Chapter, and the following title change needs to be incorporated:

Title:
Major Subdivision – Preliminary Plat
Subdivision Name
Prior Reception Numbers
Legal Description

Town of Fraser,
Grand County, Colorado

(Ord. 322 §12-4-3, 2006)

Sec. 17-5-40. Preliminary plat; additional requirements for condominiums, townhomes and apartments.

In addition to the requirements mentioned above, any plat of a condominium, townhome and/or apartment development shall also contain the following:

- (1) The final plat shall include a note as follows: "Approval and recordation of the as-built plat allows the sales of the subdivision to proceed." (Not applicable for apartments.)
- (2) Identify each building and each of the units by letter or number.
- (3) Designate the maximum number of bedrooms in each unit.
- (4) Designate density per acre.
- (5) Identify common open space, if applicable.
- (6) Square footage of land occupied by buildings and percentage to entire acreage.
- (7) Square footage of parking and driveways and percentage to entire acreage.
- (8) Square footage of open space and percentage to entire acreage.
- (9) The words and blanks: "Condominium/ Townhome Declarations recorded at Reception No. _____, Grand County Records." (Not applicable for apartments.) (Ord. 322 §12-4-4, 2006)

Sec. 17-5-50. Preliminary plat review procedure.

(a) All required submittal materials shall be filed with the Town Planner at least forty-five (45) days prior to the Planning Commission meeting at which the applicant desires to submit the plat for the Planning Commission's consideration.

(b) Within fourteen (14) days of filing, the Town Planner shall review the application to determine if it is complete and shall notify the applicant of any deficiencies. No application shall be scheduled for a meeting until a complete application has been filed with the Town Planner.

(c) Upon receipt of a complete application, a public hearing shall be scheduled at the next available Planning Commission meeting for consideration of the application. The applicant shall meet with the Town Planner to coordinate referral agency mailings. Staff comments and recommendations shall be forwarded to the applicant at least five (5) days prior to the public hearing date.

(d) Thirty (30) days prior to the scheduled public hearing, the applicant shall refer the preliminary plat application to the following departments and agencies for their comments, unless the

Town Planner finds that the application is not related to the issues addressed by a particular entity listed. The applicant shall be required to provide one (1) reduced plat copy (11" x 17"), unless otherwise noted below, of the preliminary plat application and a letter advising the agency when the public hearing has been scheduled, including a statement that all written comments about the proposed development must be received by the Planning Department fourteen (14) days prior to the scheduled public hearing date (*see Planning Department for sample letter and address labels*). The applicant shall provide the Town with a written affidavit prior to the time of the public hearing reflecting the date of mailings and the agencies and addresses of all parties to whom the preliminary plat application was transmitted, together with a complete copy of the materials included in the packet. Failure to properly mail the proposed application and/or provide the required affidavit shall be grounds for denial of the preliminary plat or for a continuance of the public hearing.

- (1) The water provider (24" x 36" plat).
- (2) The wastewater provider (24" x 36" plat).
- (3) The fire protection provider (24" x 36" plat).
- (4) The Fraser/Winter Park Police Department.
- (5) The gas provider.
- (6) The telephone provider.
- (7) The cable television provider.
- (8) The electric provider.
- (9) The school district.
- (10) The Colorado Division of Wildlife (CDOW), if the proposed development is located within a wildlife migration route as determined by CDOW.
- (11) The County Planning Department, if the proposed development is located within an urban growth boundary.
- (12) The U.S. Army Corps of Engineers, if wetlands may be an issue.
- (13) The Colorado Department of Transportation, if U.S. 40 access is contemplated.
- (14) The Colorado Water Conservation Board, if the proposed development contains at least fifty (50) lots or five (5) acres (whichever is less) and base flood elevation data is required.
- (15) The United States Forest Service, if development abuts national forest land.
- (16) Any other department and/or agency as deemed necessary by the Town (*see Planning Department for sample letter and address labels*).

(e) In accordance with Section 31-23-225, C.R.S., when a subdivision, commercial or industrial activity is proposed which will cover five (5) or more acres of land, the following entities shall also be notified:

- (1) The State Geologist.
- (2) The Board of County Commissioners.

(f) The applicant shall provide notice of the public hearing in the manner specified in Subsections 17-3-20(d) and (e) of this Chapter. The Town staff shall cause notice of such public hearing to be published in the manner specified in Subsection 17-3-20(f) of this Chapter.

(g) No plat shall be submitted to the Planning Commission until the foregoing notice and review requirements have been completed and/or satisfied. The Planning Commission shall consider the application at a public hearing and either recommend approval or approval with conditions or deny the application within thirty (30) days after the commencement of such hearing. Failure by the Planning Commission to act on the plat within said thirty-day period shall constitute approval of the application; provided, however, that the applicant or his or her authorized representative may waive this requirement and consent to an extension of such period for the Planning Commission's determination if necessary to allow the applicant to make revisions or provide additional information before the Planning Commission takes final action. Any conditions of approval or reasons for denial shall be stated in the minutes.

(h) The Planning Commission may, at its discretion, require that the preliminary plat be reviewed by the Board of Trustees; provided, however, that any plat which is approved due to the Planning Commission's failure to take action within thirty (30) days after submission shall automatically be reviewed by the Board of Trustees. The Board of Trustees shall review the preliminary plat within thirty (30) days from the Planning Commission's action. The Board of Trustees may approve, approve with conditions or deny the preliminary plat application.

(i) A preliminary plat shall be effective for a period of one (1) year from the date of Planning Commission action. At the end of the one-year period, the applicant must have submitted a final plat for approval. The applicant may request an extension by submitting a written request to the Planning Commission. The Planning Commission shall be authorized to extend the approval for a period of up to one hundred eighty (180) days.

(j) Preliminary plat approval shall constitute authorization to proceed with an application for final plat approval in accordance with the representations made by the applicant and conditions imposed on the proposed subdivision. Approval of a preliminary plat shall not constitute final approval of the subdivision or permission for development to occur.

(k) At any time after preliminary plat approval and before submission of a final plat, the applicant may request an amendment to the preliminary plat. If the amendment is determined by Town staff to be substantially consistent with the approved preliminary plat, the applicant may proceed to final plat application. Substantial deviation from the approved preliminary plat may require a new preliminary plat application and review process at the discretion of the Town staff. (Ord. 322 §12-4-5, 2006)

Sec. 17-5-60. Final plat.

(a) General. An approved final plat shall be required for all major subdivisions within the Town. No subdivision shall be approved until such data, surveys, analyses, studies, plans and designs as may be required by these regulations and by the Planning Commission and/or the Board of Trustees have been submitted, reviewed and found to meet all sound planning and engineering requirements of the Town. The final plat must be submitted within one (1) year from the date of Planning Commission action, unless the preliminary plat expiration date had been extended by the Planning Commission. *Approval and recording of the final plat allows the sales of a subdivision to proceed; except in the case of a subdivision of condominiums and/or townhomes, where approval of an as-built plat allows the sales of a subdivision to proceed.*

(b) An application for a final plat shall be accompanied by the following information:

- (1) A land use application form.
- (2) The application fee as established by the Board of Trustees.
- (3) A title commitment (two [2] copies) – must be current and dated no more than thirty (30) days from the date of application submittal.
- (4) Written proof of water and sewer service, the location of any proposed connection with existing systems and engineering drawings (if applicable).
- (5) Letters of support and commitment to serve. Letters to serve signed by a representative of each utility provider for the electric, gas, cable television and telephone companies, etc.
- (6) Engineering drawings of streets. The Town has adopted street and roadway standards by separate document. Please refer to *The Town of Fraser Street and Roadway Minimum Design Criteria and Construction Standards* for the minimum design and technical criteria for the design and construction of roads, bridges, drainage utilities and associated infrastructure within the Town.
- (7) Written proof of legal access if the property does not have direct contiguous access to a public and/or private street.
- (8) Draft subdivision improvements agreement.
- (9) Two (2) copies of the proposed restrictive covenants, condominium or townhome declaration, articles of incorporation and bylaws of any homeowners' association and deed of conveyance to the association for common elements, if applicable. Proof of filing the articles of incorporation and the executed originals of such documents shall be submitted prior to recording the plat.
- (10) If any liens will exist upon the subdivided property at the time of plat approval and/or execution of the plat, the lienholders shall join in the execution of the declaration and plat.
- (11) Final environmental studies (wetland delineation, floodplain mapping, geotechnical report, construction feasibility, etc.).

(12) A final drainage report shall be prepared by a registered engineer according to generally accepted storm drainage practices and the Town policies (refer to Article 7 of this Chapter).

(13) A final grading plan which illustrates the extent and limits of the land disturbance which is to occur on the proposed development. The grading plan shall illustrate existing site features and estimated amounts of cut-and-fill, and shall depict existing and proposed contours, using a contour interval of one (1) foot.

(14) A soil erosion control plan (refer to Article 7 of this Chapter).

(15) A landscaping plan/revegetation plan (refer to Article 7 of this Chapter).

(16) A Traffic Impact Analysis (TIA) and/or Traffic Impact Study (TIS) may be required by the Town. Please refer to *The Town of Fraser Street and Roadway Minimum Design Criteria and Construction Standards* for details.

(17) General development information. Provide a written description addressing how the proposed development conforms to the Municipal Code (including development and design standards, zoning regulations and the subdivision regulations) and Comprehensive Plan.

(18) Exterior lighting scheme, including parking lot lighting, mounting height, type of poles, light source intensity, building lighting and sign illumination, if applicable.

(19) Estimated time schedule for development.

(20) Any other special reports and/or information deemed necessary by the Town.

(21) Copies of the final plat and associated submittal materials in a format and quantity as specified by Town staff.

(c) The final plat shall contain the following information and shall conform to the same plat specifications as those required for a minor subdivision final plat in Article 4 of this Chapter, except that the following title change needs to be incorporated:

Title:
Major Subdivision – Final Plat
Subdivision Name
Prior Reception Numbers
Legal Description
Town of Fraser,
Grand County, Colorado

(Ord. 322 §12-4-6, 2006)

Sec. 17-5-70. Final plat; additional requirements for condominiums, townhomes and apartments.

In addition to the requirements mentioned above, any final plat of a condominium, townhome and/or apartment development shall also contain the following:

- (1) The final plat shall include a note as follows: "Approval and recordation of the as-built plat allows the sales of the subdivision to proceed." (Not applicable for apartments.)
- (2) Identify each building and each of the units by letter or number.
- (3) Designate the maximum number of bedrooms in each unit.
- (4) Designate density per acre.
- (5) Identify common open space, if applicable.
- (5) Square footage of land occupied by buildings and percentage to entire acreage.
- (6) Square footage of parking and driveways and percentage to entire acreage.
- (7) Square footage of open space and percentage to entire acreage.
- (8) The words and blanks: "Condominium/ Townhome Declarations recorded at Reception No. _____, Grand County Records" (not applicable for apartments). (Ord. 322 §12-4-7, 2006)

Sec. 17-5-80. Final plat review procedure.

(a) All required submittal materials shall be filed with the Town Planner at least forty-five (45) days prior to the Planning Commission meeting at which the applicant desires to submit the plat for the Planning Commission's consideration.

(b) Within fourteen (14) days of filing, the Town Planner shall review the application to determine if it is complete and shall notify the applicant of any deficiencies. No application shall be submitted to the Planning Commission or scheduled for a meeting until a complete application has been filed with the Town Planner.

(c) Upon receipt of a complete application, a public hearing shall be scheduled at the next available Planning Commission meeting for consideration of the application. Staff comments and recommendations shall be forwarded to the applicant at least five (5) days prior to the public hearing date.

(d) The Town Planner shall transmit copies of the final plat application to those departments and agencies to which distribution of the preliminary plat was made, if additional comment is deemed necessary due to the greater detail being provided or substantial modifications to the development proposal. Each referral department or agency shall be notified of the date of the public hearing. The applicant shall be required to provide one (1) copy of the final plat application for each entity. The mailing cost shall be paid by the applicant. The Town Planner shall instruct each of the departments and agencies that all comments must be submitted to the Planning Department fourteen (14) days

prior to the scheduled public hearing date, or the final plat application, as proposed by the applicant, shall be deemed to have been approved by the referral department or agency.

(e) At least fourteen (14) days in advance of the public hearing, the applicant shall be responsible for giving notice to all surface owners, mineral owners and lessees of mineral owners to whom notice is to be sent pursuant to Section 31-23-215, C.R.S.

(f) The Town staff shall publish notice of the public hearing in the official newspaper of record for the Town at least fourteen (14) days in advance of the public hearing. Proof of publication shall be supplied at the public hearing. All publication expenses shall be paid by the applicant.

(g) No plat shall be deemed to have been submitted to the Planning Commission until the foregoing notice and review requirements have been completed and/or satisfied and a public hearing for consideration of the plat has been duly convened by the Planning Commission. At such public hearing, the Planning Commission shall consider the application and either approve, approve with conditions or deny the application within thirty (30) days after the commencement of such hearing. Failure by the Planning Commission to act on the plat within said thirty-day period shall constitute approval of the application; provided, however, that the applicant or his or her authorized representative may waive this requirement and consent to an extension of such period for the Planning Commission's determination if necessary to allow the applicant to make revisions or provide additional information before the Planning Commission takes final action. Any conditions of approval or reasons for denial shall be stated in the minutes. Written notice stating these conditions of approval or reasons for denial shall be sent to the applicant and the Board of Trustees.

(h) Within thirty (30) days from the Planning Commission's recommendation for approval or approval with conditions, the Board of Trustees shall review the application and either approve, approve with conditions or deny the application. Upon the Board of Trustees' approval, the plat shall be recorded by the Town staff in the office of the County Clerk and Recorder.

(i) Prior to execution of the final plat, the applicant shall provide the Town with the following:

(1) Proof of filing the applicable articles of incorporation with the Secretary of State and the executed originals of all legal documents.

(2) Final executed subdivision improvements agreement, required exhibits and the required collateral pursuant to Article 6 of this Chapter.

(3) Final plat Mylar.

(4) A black line Mylar for the purpose of incorporating the data into a 911 emergency system. The Mylar shall be fourteen (14) inches by eighteen (18) inches and shall contain the name of the subdivision, the section(s), township(s) and range(s) in which the subdivision is located, all street names, lot numbers, street addressing numbers, unit numbers (if applicable) and a range of street addressing numbers for each street. The information contained on the fourteen-inch-by-eighteen-inch Mylar shall also be submitted in AutoCAD.dwg or AutoCAD.dxf format as specified below.

(5) Prior to recording the final plat, electronic media shall be provided in AutoCAD.dwg or AutoCAD.dxf format, which contains the physical features of the development. The drawing shall

be referenced to a known coordinate system. A Projection (PRJ) file should be submitted. If not, include a text file with all the parameters describing the datum, projection and coordinate system used for the project. If the survey is not produced using GPS, then the Geographic Control Data Base should be used to obtain PLSS data in NAD 83 datum. The GCDB is available from the BLM at www.BLM.gov/GCDB. The drawing shall include either a data dictionary to explain the layers, or a self-explanatory layering system. (Ord. 322 §12-4-8, 2006)

Sec. 17-5-90. As-built plat.

(a) After the final plat has been approved and prior to the transfer of property, the applicant of a condominium and/or townhome development is required to have an as-built plat approved by the Town. As as-built plat is an amended final plat that shows exact locations of all public and private improvements on a development site. For condominiums, as-built plats shall also include horizontal and vertical layouts of the airspaces.

(b) The as-built plat shall contain the same information as the approved final plat with the following changes:

(1) Title:

As-Built Plat
Minor Subdivision - Final Plat Amendment
Subdivision Name
Legal Description
Prior Reception Numbers
Town of Fraser,
Grand County, Colorado

(2) **For condominiums, as-built plats shall also include horizontal and vertical layouts of the air spaces.** The second and remaining sheets shall contain:

a. Sufficient plan and section drawings to completely define the positions of those various volumetric spaces within the inside walls and roofs which are referred to in the condominium declarations.

b. The numerical designation of the individual parcels (volumetric or plane) which will be specifically referred to in deeds to the owners of the spaces or areas.

(c) Prior to the execution of the as-built plat, the applicant shall provide the Town with the following:

(1) As-built plat Mylar.

(2) A black line Mylar for the purpose of incorporating the data into a 911 emergency system. The Mylar shall be fourteen (14) inches by eighteen (18) inches and shall contain the name of the subdivision, the section(s), township(s) and range(s) in which the subdivision is located, all street names, lot numbers, street addressing numbers, unit numbers (if applicable) and a range of street

addressing numbers for each street. The information contained on the fourteen-inch-by-eighteen-inch Mylar shall also be submitted in AutoCAD.dwg or AutoCAD.dxf format as specified below.

(3) Prior to recording the final plat, electronic media shall be provided in AutoCAD.dwg or AutoCAD.dxf format, which contains the physical features of the development. The drawing shall be referenced to a known coordinate system. A Projection (PRJ) file should be submitted. If not, include a text file with all the parameters describing the datum, projection and coordinate system used for the project. If the survey is not produced using GPS, then the Geographic Control Data Base should be used to obtain PLSS data in NAD 83 datum. The GCDB is available from the BLM at www.BLM.gov/GCDB. The drawing shall include either a data dictionary to explain the layers, or a self-explanatory layering system. (Ord. 322 §12-4-9, 2006)

Sec. 17-5-100. As-built plat review procedure.

(a) After the final plat has been approved and prior to the transfer or occupancy of property, the applicant shall submit four (4) folded copies of the as-built plat and the applicable fee to the Town Planner. The Town staff shall review the plat and check the development site within fourteen (14) days of submission. If the Town staff is satisfied that all of the requirements of these regulations have been met, the as-built plat shall be recorded by the Town staff in the office of the County Clerk and Recorder.

(b) Should the Town staff determine that substantial differences exist between the final plat and the as-built plat to warrant review by the Planning Commission, the Town Planner shall schedule a public hearing and the same procedure as specified for final plat review in Section 17-5-80 above shall be adhered to.

(c) No approvals for certificates of occupancy will be given until after the as-built plat has been approved and recorded in the office of the County Clerk and Recorder. *Approval and recording of the as-built plat allows the sales of the subdivision to proceed.* (Ord. 322 §12-4-10, 2006; Ord. 330 §1, 2007)

ARTICLE 6

Assurance for Completion and Maintenance of Improvements

Sec. 17-6-10. Subdivision and development improvements agreement.

(a) Purpose. The applicant shall be required to complete all public and private improvements as specified in these regulations and as provided on the final plat and all supplemental plans and documents, including construction drawings and specifications, approved by the Town (the "Final Plat Documents"). As a condition of approval of any plat or development permit, the applicant and the Town shall agree on the type, location and extent of all required improvements, depending on the characteristics of the proposed development and its relationship to the surrounding area. Failure to reach agreement on all such matters shall be grounds for denying approval of the final plat or permit. All required improvements shall be made at the applicant's expense, according to the specifications of the Town.

(b) Agreement required. The subdivision improvements agreement (SIA) or development improvement agreement (DIA) is a written contract between the Town and the applicant providing for construction of the required improvements, with collateral security to guarantee completion of such improvements as provided in these regulations. No subdivision plat shall be signed by the Town or recorded in the office of the County Clerk and Recorder and no building permit shall be issued for any subdivision or development with required improvements, until a SIA between the Town and the applicant has been executed. Such agreement shall include a description of required improvements, an estimate of the cost of such improvements, the form of guarantee for the improvements and any other provisions or conditions deemed necessary by the Board of Trustees to ensure that all improvements will be completed in a timely, quality and cost-effective manner. The SIA shall be recorded in the office of the County Clerk and Recorder and shall run with the land and bind all successors, heirs and assignees of the applicant. Other agreements or contracts setting forth the plan, method and parties responsible for the construction of any required improvements may also be required.

(c) Costs of improvements. All required improvements shall be constructed by the applicant, at his or her expense, without reimbursement by the Town or any improvement district; provided that the Board of Trustees may, upon application and at its direction, approve the creation of a special district or improvement district under state law to construct and/or finance the construction of required improvements. If the applicant does form or cause to be formed a special district or improvement district for the purposes identified in this Subsection, the Town shall not release the applicant from his or her obligations under any subdivision improvements agreement, nor shall the Town release any collateral until the special district has sold bonds or otherwise certifies to the Town that it has an absolute right to raise revenues sufficient to construct, maintain and warrant the quality of the required improvements.

(d) Collateral required.

(1) Suitable collateral to ensure the completion of required improvements, as stipulated in the subdivision improvements agreement, shall accompany the final plat submission. The collateral shall be no less than one hundred twenty-five percent (125%) of the estimated costs of all subdivision improvements. The collateral shall be in the form of a letter of credit, cash deposit or other such legal assurance as may be deemed appropriate by the Town and approved by the Town Attorney.

(2) No collateral drawn upon a company, bank or financial institutional having any relationship to the applicant or any principal, director, officer or shareholder of the applicant (other than the relationship of depositor or checking account holder) shall be acceptable. The Town may reject any security for any reason.

(3) If collateral is provided in the form of a letter of credit or deposit arrangement that includes an expiration date, the applicant shall provide evidence of extension of such expiration or replacement of equivalent collateral in a form acceptable to the Town. Failure to provide proof of such extension or replacement collateral no later than fourteen (14) days prior to the date of expiration shall be cause for the Town to draw on the collateral funds. Funds withdrawn in this manner may be expended as necessary to correct, repair and/or construct the required improvements or may be released upon provision of replacement collateral in a format acceptable to the Town.

(e) Required improvements. The following improvements shall be required unless waived by the Board of Trustees:

- (1) Roads, streets, curbs, gutters, sidewalks and trails.
- (2) Potable water production, treatment and distribution systems.
- (3) Sanitary sewer collection system.
- (4) Storm sewers or storm drainage system, as required.
- (5) Utility collection and distribution systems for public parks and open space.
- (6) Acquisition, construction and installation of traffic signs, signals, lights and lighting.
- (7) Acquisition, construction and installation of street signs at all intersections and along roadways.
- (8) Street lights.
- (9) Permanent reference monuments and monument boxes.
- (10) Underground telephone, electric and gas lines.
- (11) Landscaping.
- (12) Erosion control devices.
- (13) Revegetation.
- (14) Open space, parks and recreation areas.
- (15) Systems and/or facilities for the transportation of people.
- (16) Acquisition, construction, improvement and equipping of temporary and permanent school buildings, fire stations, police stations, public works maintenance facilities, open space and park and recreation areas.
- (17) Acquisition of any and all property, easements and rights-of-way which may be required to carry out the purposes of the project.
- (18) Underdrains.
- (19) Necessary floodway improvements.
- (20) Necessary irrigation ditch improvements.
- (21) Any other improvements deemed necessary by the Board of Trustees.

(f) Time for completion. Unless otherwise provided in the SIA, the required time for the completion of all required improvements shall be two (2) years from the recording date of the final plat. The Board of Trustees may extend such time for completion upon request from the applicant, for good cause shown.

(g) Construction standards; progress inspections. The required improvements shall be constructed in a good and workmanlike manner, strictly in accordance with the Final Plat Documents and, to the extent not otherwise provided in such Final Plat Documents, in accordance with all applicable laws, ordinances, codes, regulations and standards applicable in the Town. There shall be no changes made in the approved Final Plat Documents, including construction drawings and specifications, without the written approval of the Town. Periodic inspections may be made by the Town staff or designated consultants during the progress of the work to confirm that the required improvements are being constructed in compliance with such requirements. Such inspections may be conducted in a manner, in such areas and at such times, whether scheduled or unannounced, as deemed appropriate by the Town staff or consultants. Such inspections shall not relieve the applicant of the responsibility for ensuring that the required improvements are constructed in accordance with the standards set forth herein, nor shall it relieve the applicant of the applicant's warranty obligations as provided in these regulations.

(h) Phased inspections and acceptance of improvements. Inspection and preliminary acceptance of a portion of the required improvements in one (1) or more phases of construction shall occur only if specifically provided for in the subdivision improvements agreement, or as determined appropriate by Town staff, in its discretion. Otherwise, all required improvements shall be completed before preliminary acceptance will be granted. Any proposed phasing must be logically related to the project as a whole and allow for the efficient integration of the phased required improvements into the Town's infrastructure. The Town staff may require adjustments in previously approved phasing schedules when deemed necessary to accommodate changed conditions or unforeseen circumstances.

(i) Preliminary acceptance.

(1) Upon completion of all required improvements or an approved phase of required improvements, the applicant shall notify Town staff that the improvements are ready for preliminary acceptance and shall provide to the Town three (3) complete sets of the following documentation:

a. Adequate assurance by a registered engineer that the required improvements have been constructed and completed in accordance with the approved plans and specifications;

b. "As-built" drawings for the required improvements;

c. All test reports and logs required by the plans and construction drawings and applicable regulations; and

d. An affidavit or affidavits identifying all contractors, subcontractors and materialmen who supplied labor or materials for the improvements and verifying that all have been fully paid, together with a lien waiver from each such contractor, subcontractor and material supplier acknowledging payment and waiver of any lien rights.

(2) If any required improvements that are designed or intended to be public improvements have not previously been dedicated on the final plat of the subdivision, such improvements shall be conveyed to the Town, or other appropriate entity, by general warranty deed (if real estate) or by bill of sale with full warranty of title (if personal property), free and clear of all liens, encumbrances and restrictions. If such improvements include real estate not dedicated on the final plat, the applicant shall provide a policy of title insurance, in an amount approved by the Town, demonstrating to the satisfaction of the Town Attorney that the Town or other entity is or will be the owner of such improvements free and clear of any and all liens, encumbrances and restrictions.

(3) Upon satisfaction of the requirements referred to in Paragraphs (1) and (2) above, and subject to satisfaction of any additional requirements provided in these regulations or the subdivision improvements agreement, the Town staff or designated consultants shall inspect the required improvements and shall, within thirty (30) days following the inspection, notify the applicant in writing of nonacceptance or preliminary acceptance of the required improvements. If the required improvements are not accepted, the reasons for nonacceptance shall be stated. The Town shall not be required to make inspections during any period when climatic conditions interfere with making a thorough inspection, as determined by the Town representative making the inspection.

(4) Preliminary acceptance of all or any portion of the required improvements does not constitute a waiver by the Town of the right to draw on the collateral security to remedy any defect in or failure of the required improvements that is detected or which occurs after acceptance of the required improvements, nor shall such acceptance operate to release the applicant from the applicant's warranty as herein provided.

(5) Upon preliminary acceptance, the Town will assume responsibility for snow removal on accepted public streets, but the applicant shall remain responsible for all other maintenance and repairs pending final acceptance. At the Town's discretion, it may elect not to plow any accepted streets until there is development on individual lots that warrant access.

(j) Final acceptance. Final acceptance of the required improvements by the Town requires formal action by the Board of Trustees, after all required improvements have been completed, inspected and certified for final acceptance by Town staff. The Town shall not be required to finally accept any of the required improvements until the Board of Trustees determines that:

(1) All required improvements have been satisfactorily completed in accordance with the approved plans and specifications for the required improvements and have been preliminarily accepted by the Town;

(2) All warranty periods provided in these regulations and the subdivision improvements agreement have ended and any defects found upon inspection of the required improvements have been satisfactorily remedied by the applicant; and

(3) All other applicable requirements contained in these regulations, the Town's design and construction standards and the subdivision improvements agreement have been satisfied.

(k) Warranty.

(1) The applicant shall warrant that all required improvements shall remain free from defects for a period of one (1) year from the date that the Town preliminarily accepts the improvements as provided in these regulations and the subdivision improvements agreement. During such one-year period, any defect determined to exist with respect to such required improvements shall be repaired or the improvements replaced, at the Town's option, at the sole cost of the applicant. The Town shall have no maintenance or repair obligations with respect to the required improvements, except for snowplowing and operation of water system and sanitary sewer system improvements, if applicable, until all such required improvements have been finally accepted by the Town in accordance with these regulations and the subdivision improvements agreement. The applicant shall maintain, in a reasonable, suitable and proper condition for travel, ingress and egress, all streets located within the subdivision until such time as the streets are accepted for maintenance by the Town, if ever.

(2) If, during such warranty period, the Town determines that any required improvement is defective for any reason, the Town shall provide written notice to the applicant requiring the correction of the defect, except that, in case of an emergency, the Town may undertake corrective action without notice and bill the applicant for the costs thereby incurred. The applicant shall have thirty (30) days from the giving of such notice to remedy the defect. Such thirty-day time limit may be extended by the Town if the Town determines that such defect cannot reasonably be remedied within such thirty-day period. In the event the applicant fails to remedy the defect within the thirty-day period, or any extension thereof granted by the Town, the Town may utilize the collateral security to correct the defect or exercise any other remedy provided in the subdivision improvements agreement.

(3) At the end of the warranty period and upon final acceptance of the required improvements, the Town will assume future maintenance and repair responsibilities with respect to the accepted public improvements.

(l) Release of collateral; request for partial release. The applicant may make periodic requests for the partial release of the collateral in accordance with the provisions of this Subsection. All such requests shall be in writing to the Board of Trustees, shall be for a reduction of at least twenty percent (20%) of the total original collateral amount, shall correspond with a portion of the required improvements that have been substantially constructed or installed in accordance with these regulations and the subdivision improvements agreement, and shall be accompanied by an invoice for the portion of the work reflected in the request. No more than one (1) request for a partial release of collateral may be submitted each month. No reduction of the performance guarantee shall be allowed which would reduce the amount of collateral to less than one hundred twenty-five percent (125%) of the estimated cost of any remaining or incomplete improvements; and the final twenty percent (20%) of the initial collateral amount may not be released until all of the required improvements have been preliminarily accepted, the one-year warranty period has run and the improvements are finally accepted by the Town. There shall be no reduction in the amount of the collateral security if the applicant is in default under the subdivision improvements agreement.

(m) Town use of collateral. Except as otherwise provided in the subdivision improvements agreement, the Town may draw upon and utilize the collateral security to pay for the construction, completion or correction of the required improvements or to restore and revegetate the site in the event the applicant fails to timely perform the obligations provided in this Section or is otherwise in default under the terms of the subdivision improvements agreement. Application of the collateral

may include covering such costs, including reasonable engineering and attorney's fees, as are necessary for the Town to administer the construction and correct, repair or complete the required improvements. (Ord. 322 §12-5-1 2006; Ord. 358 Part 1, 2009)

Sec. 17-6-20. Deferral or waiver of required subdivision improvements.

(a) At the time of final plat approval, the Board of Trustees may defer or waive, subject to appropriate conditions, the provision of any or all subdivision improvements as, in its judgment, are not requisite in the interests of public health, safety and welfare, or which are inappropriate because of inadequacy or lack of connecting facilities. Any determination to defer or waive the provisions of any subdivision improvements must be specifically stated on public record, including the reasons for the deferral or waiver.

(b) Whenever it is deemed necessary by the Board of Trustees to defer the construction of any subdivision improvements required because of incompatible grades, future planning, inadequate or nonexisting connecting facilities, or for other reasons, the applicant shall pay his or her share of the costs of the future improvements to the Town prior to the Planning Commission and Board of Trustees signing the final plat, or the applicant may execute a subdivision improvements agreement secured by collateral guaranteeing completion of the deferred subdivision improvements upon demand of the Town. (Ord. 322 §12-5-2, 2006)

ARTICLE 7

Subdivision Design and Improvement Standards

Division 1

General Provisions and Compliance

Sec. 17-7-10. General.

Proposed projects should be designed to be integrated with the existing community and minimize negative impacts on adjacent land uses. No subdivision shall be approved unless the Town determines that public facilities will be adequate to support and service the area of the proposed subdivision. Area needs for water, wastewater treatment facilities, stormwater drainage facilities, open space, parks, schools, fire stations and other public facilities must be provided depending on the location and density of each subdivision. No proposed subdivision shall be approved unless the Town finds that it complies with all applicable general and specific design and improvement standards set forth below. (Ord. 322 §12-6-1, 2006)

Sec. 17-7-20. Conformance to applicable rules and regulations.

(a) In addition to the requirements established in these regulations, all subdivisions shall comply with laws, rules and regulations identified in or by:

(1) State statutes;

(2) This Code, specifically including Chapter 16, the currently adopted editions of the building, mechanical, plumbing, traffic and fire codes adopted by the Town, *The Town of Fraser*

Water Utility Minimum Design Criteria and Construction Standards, The Town of Fraser Sanitary Sewer Minimum Design Criteria and Construction Standards, The Town of Fraser Street and Roadways Minimum Design Criteria and Construction Standards, Grand County Storm Drainage Design and Criteria Manual and all other applicable rules and regulations of the Town;

(3) The Comprehensive Plan and Official Zoning Map; and

(4) The rules of any state and/or federal agencies having jurisdiction over certain development aspects.

(b) No application for subdivision shall be approved if not in compliance with the foregoing requirements, and such failure shall be reasonable grounds for denial of the application. (Ord. 322 §12-6-2, 2006; Ord. 358 Part 1, 2009)

Sec. 17-7-30. Self-imposed restrictions.

If the owner places restrictions on any land contained in a subdivision greater than those required by these and/or other rules and regulations of the Town, such restrictions or reference to those restrictions shall be denoted on the plat and subsequently recorded in the office of the County Clerk and Recorder. (Ord. 322 §12-6-2, 2006)

Sec. 17-7-40. Plats straddling municipal boundaries.

Lot lines should be laid out so as not to cross municipal boundaries. Whenever access to a subdivision is required across land outside the Town boundaries, the Town shall require assurance that access is legally established, that the access road is adequately improved and/or that a guarantee has been executed and is sufficient in amount to assure the construction of the access road. (Ord. 322 §12-6-2, 2006)

Sec. 17-7-50. Monuments.

All monuments and surveys in a subdivision, including all interior lot corners, shall be set in accordance with Articles 50 and 51 of Title 38, C.R.S., prior to the execution of the final and/or exemption plat. (Ord. 322 §12-6-2, 2006)

*Division 2
Special Site Considerations*

Sec. 17-7-110. Natural hazards and conditions.

Based on a finding by a qualified engineer, engineering geologist or other professional, no land shall be subdivided which is held by the Planning Commission to be unsuitable for development by reason of one-hundred-year flooding frequency, high water table, mudflow, rockslide or other potential natural hazard, feature or condition likely to be harmful to the health, safety or welfare of the Town, its residents or future residents in the proposed subdivision may be subdivided unless the natural hazards are mitigated in a manner acceptable to the Town. (Ord. 322 §12-6-3, 2006)

Sec. 17-7-120. Floodplains.

Development is discouraged within the one-hundred-year floodplain. All subdivision proposals and other proposed developments which contain at least fifty (50) lots or five (5) acres (whichever is less) shall provide the Town with base flood elevation data per the Town's regulations pertaining to the prevention of flood damage. Technical data and other information requested by the Town shall be prepared by a registered professional engineer. This and other information is necessary to determine applicability to and evaluation of developments on lands subject to flooding or located in a natural drainage area. A permit shall be obtained before construction begins within any area of special flood hazard as set forth in Chapter 18, Article 4 of this Code. (Ord. 322 §12-6-3, 2006)

Sec. 17-7-130. Stream setbacks.

A minimum thirty-foot setback from the high water mark on each side of Fraser River, Elk Creek, Leland Creek and Saint Louis Creek shall be protected for water quality. Earth and vegetation disturbance within this setback shall be minimized to protect the integrity of the watercourse. Water diversion facilities, flood control structures, bridges and other reasonable and necessary structures requiring some disturbance within this setback may be permitted. Trails may be permitted within this setback at the discretion of the Town. A greater setback, up to one hundred fifty (150) feet, may be required depending on environmental factors such as, but not limited to, soil permeability, the potential for erosion and sedimentation, existing vegetation cover slope, intensity of adjacent land use and wildlife habitat. The required stream setbacks shall be determined by the Planning Commission. (Ord. 322 §12-6-3, 2006)

Sec. 17-7-140. Wetlands.

Dredging and/or filling of wetlands and construction in or directly adjacent to any watercourse, such as culvert or bridge installations, shall require measures to protect water quality and channel stability. In all cases, construction shall conform to applicable U.S. Army Corps of Engineers permitting requirements. (Ord. 322 §12-6-3, 2006)

Sec. 17-7-150. Soils.

(a) Report. Soil types shall be described and/or illustrated in sufficient detail to indicate any potential development problems resulting from groundwater, instability in road excavations and fills, expansive soils and structural bearing strength for building foundations.

(b) Stabilization. All disturbed areas and exposed soils shall be stabilized and protected to effectively control erosion by using appropriate techniques such as hydromulching, erosion control blankets, bonded fiber matrices or other equally protective measures. Grass or straw mulch should be crimped, tracked or tacked in place to promote surface anchoring. Within two (2) full growing seasons of project completion, vegetative site coverage shall have a perennial herbaceous component equal to or greater than seventy percent (70%) of the adjacent undisturbed areas. (Ord. 322 §12-6-3, 2006)

Sec. 17-7-160. Steep slopes.

In general, development shall not occur on slopes greater than thirty percent (30%) or on land with inadequate drainage unless a part of each lot or tract, sufficient to accommodate a building permit, is deemed buildable by a qualified engineer and all mitigation measures necessary to prevent lateral movement and/or slippage of improvements have been approved by the Town Engineer. (Ord. 322 §12-6-3, 2006)

Sec. 17-7-170. Cut-and-fill slopes.

Cut-and-fill slopes shall be kept to a minimum. Graded or filled slopes shall be kept to a three-to-one (3:1) slope or less and designed for long-term stability, unless otherwise approved by the Town. Stabilization may be attained by permanent vegetation, utilizing retaining walls, rock walls, up-slope runoff diversions, terracing, slope drains, soil nailing, mulch binders, erosion control blankets or other measures appropriate for the specific situation. (Ord. 322 §12-6-3, 2006)

Sec. 17-7-180. Wildlife habitat.

(a) Subdivision design shall avoid development in or near significant wildlife habitat, as determined by the Colorado Division of Wildlife.

(b) Buffer zones, as recommended by the Colorado Division of Wildlife, shall be provided and maintained between wildlife habitat areas and developed areas.

(c) Removal of vegetation shall be prohibited within identified wildlife habitat areas and buffer zones.

(d) Historic access for managing wildlife shall be maintained. (Ord. 322 §12-6-3, 2006)

Sec. 17-7-190. Buffers.

Where a residential subdivision borders a railroad and/or highway right-of-way, the Town may require a minimum twenty-five-foot buffer strip, in addition to the normal depth of the lot required in the zoning district, between the right-of-way and the subdivision to serve as protection against hazards and undesirable effects of the railroad and/or highway. The buffer strip shall contain plantings, landscaped earthen berms, screening, retention of existing vegetation, fencing or other reasonable measures to substantially reduce adverse impacts. No improvements shall be constructed in a manner that would create adverse impacts to the buffered area. At the discretion of the Planning Commission, a plat note may denote that this buffer strip shall permanently remain free of any structures. (Ord. 322 §12-6-3, 2006)

Sec. 17-7-200. Lots.

(a) Lot dimension. Lot dimensions shall comply with the minimum standards of Chapter 16 of this Code.

(b) Lot arrangement. Lots with unusual configurations will be discouraged, unless topography or other physical limitations of the property suggest otherwise.

(c) Access to lots and double-frontage lots.

(1) Each lot shall have safe access to a public or private street.

(2) Access from arterial and/or collector streets. Lots shall not derive access exclusively from an arterial or collector street.

(3) Double-frontage lots. Double-frontage and reversed-frontage lots shall be avoided except where necessary to provide separation from incompatible land uses or to overcome specific disadvantages of topography and/or orientation.

(d) On a corner lot, the shorter street frontage shall be considered the front lot line. (Ord. 322 §12-6-4, 2006)

Sec. 17-7-210. Blocks.

(a) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this block width shall be permitted in blocks adjacent to major streets, railroads or waterways, or in the case of unusual or difficult topography.

(b) The lengths, widths and shapes of blocks shall be such as are appropriate for the Town, limitations of topography and the type of development contemplated, but block lengths in residential areas shall not exceed two thousand two hundred (2,200) feet or twelve (12) times the minimum lot width required in the zoning district, nor be less than four hundred (400) feet in length. Wherever practicable, blocks along arterial and collector streets shall be not less than one thousand (1,000) feet in length.

(c) In long blocks, the Planning Commission may require the reservation of an easement through the block to accommodate trails, utilities, stormwater drainage facilities and/or snow storage. (Ord. 322 §12-6-5, 2006)

*Division 3
Public Dedication Requirements*

Sec. 17-7-310. Purpose.

The purpose of the public dedication requirement is to provide public facilities and/or services made necessary as a consequence of a subdivision, in an amount roughly proportional to the impact of the subdivision upon such facilities and/or services or the increased need for them brought about by a subdivision. New residential subdivisions require services provided through municipal facilities which are constructed, in part, through dedication of land necessary to construct the facilities. Absent land dedication by new subdivisions, sufficient land may not be made available at the time of subdivision to provide necessary services to new residents. In order to provide public services, the Town requires certain dedications of land or, in the appropriate circumstances, payment of fees in lieu of dedication. It is the intent of this Section that new development pay its proportionate or pro rata share of the costs attributable to the new growth, thereby relieving the public generally from subsidizing the cost of improvements and facilities attributable to new development. Each residential

subdivision of land within the Town shall dedicate land or, where appropriate, pay a fee in lieu of dedication for schools and parks in accordance with this Section. The location of dedication required shall be mutually agreed upon by the Town and the applicant. The Town may consider recommendations from other agencies which would be directly involved in the development and services of these areas. (Ord. 322 §12-6-6, 2006; Ord. 358 Part 1, 2009)

Sec. 17-7-320. Dedications and/or conveyances.

Land dedications and/or conveyances shall be negotiated either upon annexation of the land area to the Town or prior to final plat approval and shall be implemented in one (1) of the following ways:

- (1) A fee simple dedication to the Town granted via plat note on the final plat.
- (2) A fee simple conveyance to the Town granted via warranty deed.
- (3) A fee simple conveyance to a homeowners' association granted via warranty deed may be acceptable for open space, if approved by the Town.
- (4) Payment of fees in lieu of land dedications where permitted and approved by the Town. (Ord. 322 §12-6-6, 2006)

Sec. 17-7-330. Dedications and/or conveyances to Town and/or homeowners' association.

Whenever a subdivision application involves land that is to be dedicated and/or conveyed to the Town and/or to a homeowners' association (HOA), the applicant shall submit, with the final plat application, a warranty deed to transfer such property to the Town or the HOA, together with a title insurance commitment indicating that the land is owned by the applicant free and clear from all liens, encumbrances and restrictions. Title insurance shall be provided by the applicant in an amount equal to the approximate value of the property to be dedicated and/or conveyed, as approved by the Town. The executed deed, if applicable, and the payment of the premium for the title insurance policy shall be delivered to the Town prior to the recording of the final plat. (Ord. 322 §12-6-6, 2006)

Sec. 17-7-340. Land dedication for schools.

The Board of Trustees has adopted a resolution setting forth the formula to be used to determine the provision of land areas for schools within a subdivision. Land dedicated for public school use within a subdivision shall not include steep slopes, hazardous geologic formations, adverse topography or other features that may be harmful to the health, safety or welfare of the public. (Ord. 322 §12-6-6, 2006; Ord. 324 Part 10.1, 2007)

Sec. 17-7-350. Fees-in-lieu for schools.

(a) In lieu of any dedication of land required by this Division, the Town may request and, if requested, the applicant shall make, a payment to the Town if:

- (1) The Town determines that the amount or quality of land to be dedicated by the applicant pursuant to this Section would not be of adequate size or quality to achieve the purpose of the dedication; or

(2) The Town determines that the dedication of land would not serve the health, safety or welfare of the public.

(b) The amount of the payment in lieu of any land dedication shall be determined as follows: multiply the fair market per acre value of the entire property proposed for subdivision, as of the date immediately prior to approval of the final plat, by the total acreage of land that is required for dedication.

(c) The fair market acre value of land, for purposes of determining the amount of a payment in lieu of land dedication, shall be determined by mutual agreement between the Town and the applicant. In the event of inability of the above parties to agree on the fair market acre value of the subject land, an independent real estate appraisal shall be obtained by the Town at the applicant's cost. The value determined by the appraisal shall be binding upon the Town and the applicant.

(d) Payments made under the requirements of this Section shall be made payable to the Town of Fraser. All moneys collected by the Town shall be deposited in an interest-bearing account which clearly identifies the category, amount or fund of capital expenditure for which the moneys were collected. Each such category, account or fund shall be accounted for separately. Any interest or other income earned on such moneys shall be credited to the account. The Town shall receive such funds either upon annexation of the land area to the Town or at the time of final plat approval.

(e) Funds may be withdrawn from the interest-bearing account only for the acquisition of reasonably necessary sites and land areas or for capital outlay purposes for schools and/or for growth-related planning functions by the school district for educational purposes. (Ord. 322 §12-6-6, 2006; Ord. 324 Part 10.2, 2006)

Sec. 17-7-360. Transfer to school district.

Land conveyed to the Town for public school sites shall be transferred and conveyed to the appropriate school district upon written request by the district. Funds paid to the Town in lieu of dedication of land areas for public school sites shall be made available to the appropriate school district upon written request by the school district. (Ord. 322 §12-6-6, 2006)

Sec. 17-7-370. Land dedication for parks.

(a) The Board of Trustees has adopted a resolution setting forth the percentage to be used to determine the provision of land areas for parks within a subdivision.

(b) Land dedicated for public park use:

(1) May include open space, historical or natural features and proposed public areas;

(2) Shall lend itself to utilization for active recreational use such as a public park, picnic area, trails, ball fields or recreational structures and shall include a minimum of ninety percent (90%) of land with a slope of ten percent (10%) or less, unless approved by the Town;

(3) Shall not include steep slopes, hazardous geologic formations, adverse topography or other features that may be harmful to the health, safety or welfare of the public, unless approved by the Town; and

(4) Shall not be less than three thousand (3,000) square feet in size unless approved by the Town. (Ord. 322 §12-6-6, 2006; Ord. 324 Part 9.1, 2007)

Sec. 17-7-380. Fees-in-lieu for parks.

(a) In lieu of any dedication of land required by this Division, the Town may request and, if requested, the applicant shall make a payment to the Town if:

(1) The Town determines that the amount or quality of the land to be dedicated by the applicant pursuant to this Section would not be of adequate size or quality to achieve the purpose of the dedication; or

(2) The Town determines that the dedication of the land would not serve the health, safety or welfare of the public.

(b) The amount of the payment in lieu of any land dedication shall be determined as follows: multiply the fair market per acre value of the entire property proposed for subdivision, as of the date immediately prior to approval of the final plat, by the total acreage of land that is required for dedication.

(c) The fair market acre value of land for purposes of determining the amount of a payment in lieu of land dedication shall be determined by mutual agreement between the applicant and the Town. In the event of inability of any of the above parties to agree on the fair market acre value of the subject land, an independent real estate appraisal shall be obtained by the Town at the applicant's cost. The value determined by the appraisal shall be binding upon the applicant and the Town.

(d) Payments made under the requirements of this Section shall be made payable to the Town of Fraser. All moneys collected by the Town shall be deposited in an interest-bearing account which clearly identifies the category, amount or fund of capital expenditure for which the moneys were collected. Each such category, account or fund shall be accounted for separately. Any interest or other income earned on such moneys shall be credited to the account. The Town shall receive such funds either upon annexation of the land area to the Town or at the time of final plat approval.

(e) Funds may be withdrawn from the interest-bearing account only for the acquisition of reasonably necessary sites and land areas or for other capital outlay purposes for parks and/or for the development of the sites and land areas for park purposes. (Ord. 322 §12-6-6, 2006; Ord. 324 Part 9.2, 2006)

Sec. 17-7-390. Substitute land dedication.

As an alternative means of satisfying the required dedication of land within a subdivision as provided by this Division, an applicant may offer to the Town a substitute dedication of land of equivalent size owned by the applicant that is located outside of the proposed subdivision; provided, however, that nothing herein shall obligate the Town to accept such substitute dedication. The Town

shall not accept any substitute dedication located more than three (3) miles from the Town boundary existing at the time of subdivision. (Ord. 322 §12-6-6, 2006)

Sec. 17-7-400. Applicant's option for site specific dedication study.

In the event that the applicant disagrees with the Town's determination concerning dedication of land and/or payment in lieu of dedication of land as required by this Section, the applicant may request a continuation of any subdivision processing and review by the Town, and the applicant may prepare a study evaluating the demand for public facilities made necessary or generated by the proposed development. Such study shall be undertaken at the applicant's cost by a licensed professional engineer or other professional approved in advance by the Town. To the greatest extent possible, the study shall include an evaluation of the Town's present supply or capacity and present demand for all public facilities and/or services required by the proposed development. The study shall identify and quantify the additional demand placed upon such public facilities and/or services by the proposed development. The study shall incorporate the conclusions of reports, evaluations and other studies published by authoritative sources concerning the per capita and other ratio of schools and parks commonly found in other communities. The study shall identify the necessary public land and improvements required to be dedicated or constructed by the applicant in order to serve the demand generated by the proposed development. Such study shall be considered by the Town in determining the dedication of land required by this Division for the proposed development. (Ord. 322 §12-6-6, 2006)

Sec. 17-7-410. Waiver of requirements.

The Town may waive the required dedication of land or the payment in lieu of dedication required by this Division in the following cases:

- (1) When the project has already been fully developed and the subdivision of land is necessary to bring the land into conformance with the as-built or as-constructed development; or
- (2) When the development does not result in any increase in demand for schools and parks or open space. (Ord. 322 §12-6-6, 2006)

*Division 4
Public Rights-of-Way*

Sec. 17-7-510. Adoption of standards.

The Town has adopted street and roadway standards by separate document. Please refer to *The Town of Fraser Street and Roadway Minimum Design Criteria and Construction Standards* for the minimum design and technical criteria for the design and construction of roads, bridges, drainage utilities and associated infrastructure within the Town. (Ord. 322 §12-6-7, 2006)

Sec. 17-7-520. General.

(a) All streets shall be located within a dedicated public right-of-way or easement, unless otherwise approved by the Town.

(b) In order to provide for streets of suitable location, width and improvement to accommodate prospective traffic and provide satisfactory access to police, firefighting, snow removal, water, wastewater, stormwater drainage and road maintenance equipment, and to coordinate streets so as to create a convenient system, the street design standards as set forth in this Division are required. (Ord. 322 §12-6-7, 2006)

Sec. 17-7-530. Streets, trails, sidewalks and rights-of-way.

(a) Streets, trails and sidewalks shall be aligned to join with planned or existing public rights-of-way adjacent to a subdivision.

(b) Streets shall be extended to the boundaries of the subdivision and to adjacent lands, except where such extension is prevented by topography or other physical conditions, or where the connection of streets with existing or probable future streets is deemed unnecessary by the Town.

(c) Right-of-way widths in excess of the standards designated in these regulations shall be required whenever, due to topography or other conditions, additional width is necessary.

(d) Half streets shall be prohibited. When a proposed half street in one (1) subdivision is adjacent to another property, the entire street shall be platted and dedicated by the owners. It shall be the responsibility of the applicant to acquire any additional right-of-way that may be necessary. (Ord. 322 §12-6-7, 2006)

Sec. 17-7-540. Street names, signs and traffic control.

(a) All street names shall be shown on the final plat. The applicant shall pay for and install all parking, striping, traffic control and street signs necessary to serve the proposed subdivision. Street signs shall be consistent in size and design with the existing street signs throughout the Town, unless otherwise approved by the Town. No street names shall be used which duplicate or may be confused with the names of existing streets in the Town and/or the County. The Planning Commission may accept recommended names for streets from the applicant or choose other names it finds more appropriate. Existing street names shall be used for all extensions or continued alignments of existing streets.

(b) Subdivision road systems shall be designed with two (2) or more publicly dedicated access easements and constructed roads for separate, multiple ingress and egress. (Ord. 322 §12-6-7, 2006)

Sec. 17-7-550. Exterior boundary fences and gated communities.

To prevent the segregation of neighborhoods, subdivision boundary fences and gated communities are prohibited. (Ord. 322 §12-6-7, 2006)

Sec. 17-7-560. Street standards.

(a) On all areas of land proposed for subdivision where the general configuration of the undisturbed surface slopes exceed fifteen percent (15%) or more in any direction, a grading plan showing revised contours for street construction shall be submitted. Such plan shall show the extent and percent slope of cut-and-fill areas created by street construction. No back slope shall exceed a

ratio of three (3) feet horizontal to one (1) foot vertical (3:1). All cut-and-fill slopes and retaining structures shown as a result of street construction shall be located within the dedicated right-of-way or easement, unless otherwise approved by the Town. A revegetation plan shall be submitted for all cut-and-fill slopes. The revegetation plan shall use native or similar plants and include a cost estimate. The revegetation plan shall be implemented concurrently with street construction.

(b) When a street parallel to a railroad right-of-way intersects a street which crosses an at-grade railroad right-of-way, it shall, to the extent practicable, be at a distance of at least one hundred fifty (150) feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

(c) Unless agreed to otherwise in a subdivision improvements agreement, upon preliminary acceptance of public streets within a subdivision, the Town shall assume responsibility for snow removal, but the applicant shall remain responsible for all other maintenance and repairs pending final acceptance. At the Town's discretion, it may elect not to plow the streets until there is development on individual lots that warrants access. Upon final acceptance of public streets within a subdivision, the Town shall assume all future maintenance and repair responsibilities for the public streets.

(d) Widening and realignment of existing roads. Where a subdivision borders an existing narrow street or when the Comprehensive Plan and/or Official Map indicate plans for widening and/or realignment of a street that would require use of some of the land in the subdivision, the applicant shall be required to improve and dedicate at his or her expense such areas for widening and/or realignment of such streets. (Ord. 322 §12-6-7, 2006)

Sec. 17-7-570. Easements.

Utility easements shall be provided along lot lines, as needed. Easement width shall be ten (10) feet to twenty (20) feet, to be determined during plat review. (Ord. 322 §12-6-7, 2006)

*Division 5
General Standards*

Sec. 17-7-610. Trail and sidewalk standards.

(a) Trail requirements. It is the policy of the Town to require trails to be dedicated to the Town to provide a means for alternative transportation and recreational opportunities. Subdivision proposals shall include, as a component of the required subdivision improvements, a trail system designed to integrate with established and planned trails in the Town and within three (3) miles of the Town limits. Trails shall be constructed by the applicant and dedicated via easements to the Town or, if outside the Town limits, to the County.

(b) Location requirements. The applicant shall construct and dedicate trails which are reasonably necessary and convenient to the subdivision, including the following:

- (1) Trails identified on the Town of Fraser Master Pathway Plan;

- (2) Trails identified in the Grand County Headwaters Trails Master Plan;
- (3) Trails that provide access to schools, business areas, parks, existing trails, open space, neighborhoods, public lands and other public places;
- (4) Trails that are encouraged to take advantage of the visual qualities of the area and should be designed to be an alternative to vehicular traffic;
- (5) Trails that link residential areas;
- (6) Trails parallel to watercourses; and
- (7) Detached, paved, eight-foot-wide trails that shall be provided adjacent to arterial and collector streets.

(c) Design requirements.

(1) Separation between public rights-of-way and trails is encouraged unless topography or other physical constraints necessitate a trail adjacent to a public right-of-way. The minimum distance between public rights-of-way and trails shall be ten (10) feet horizontally. Grade differential or differing surfaces shall be provided between trails and public rights-of-way to discourage crossover by vehicles, pedestrians and bicycles.

(2) Trails that create unsafe road crossings shall be avoided. Special structures and/or traffic control devices may be required at road crossings for safety.

(3) The type of construction for trails shall be compatible with the anticipated use. All trails shall be constructed to provide stable subgrades suitable for support of heavy equipment and pavement.

(4) Sidewalks shall be a minimum of eight (8) feet wide on each side of the street and shall be required in the Business Zone District and in all Mixed Use, Accommodation, Lodging and Commercial zoned planning areas in all Planned Development Districts (PDDs). Sidewalks shall be required on at least one (1) side of the street in residential areas if trails are not provided.

(5) All trails and sidewalks shall be ramped at intersections and other pedestrian crossings and constructed in accordance with handicapped accessibility standards of the Americans with Disabilities Act (ADA).

(6) Adequate drainage measures shall be provided along and across trails and sidewalks to prevent erosion damage and to allow free passage of drainage flows. Surface drainage shall not sheet flow across a trail or sidewalk. Drainage shall cross a trail or sidewalk at specified locations.

(7) Trails may overlap with other easements, provided that any overlapping easement does not compromise the functional use of any other easement. (Ord. 322 §12-6-8, 2006)

Sec. 17-7-620. Water quality.

The applicant shall show evidence and plans to ensure that the proposed development will not result in the degradation of streams, rivers, creeks or other watercourses. This standard shall apply to construction activities, the ultimate use of the land and any off-site snow storage. Runoff from developed impervious surfaces shall drain over grass buffer strips or infiltration devices before flowing into a watercourse. Direct discharges into streams, rivers, creeks or other watercourses are prohibited. All development and construction activities shall be consistent with the requirements of the Clean Water Act, the State of Colorado Stormwater Management Plan (SWMP) requirements and Chapter 18, Article 5 of this Code, and shall include appropriate best management practices. (Ord. 322 §12-6-9, 2006)

Sec. 17-7-630. Erosion and sediment control devices.

(a) General. Erosion control devices shall be incorporated into all new developments and installed and stabilized prior to site grading or other construction. A properly implemented SWMP will reduce erosion potential and eliminate sedimentation in off-site downstream conveyances. Erosion can be controlled in a number of ways, such as keeping the disturbed area small, quickly restabilizing disturbed areas and retention of sediment within the disturbed area by using sediment basins, silt fences and/or straw bales.

(b) Inspection and maintenance. The applicant or designated representative shall inspect all erosion and sediment control devices after any precipitation and make repairs. Erosion and sediment control devices shall be maintained in a manner to support their effectiveness. Accumulated sediment shall be periodically removed from sediment basins; silt fences and straw bales shall be checked and repaired as needed.

(c) Revegetation. All disturbed areas and exposed soils shall be stabilized and protected to effectively control erosion by using appropriate techniques such as hydromulching, erosion control blankets, bonded fiber matrices or other equally protective measures. Grass or straw mulch should be crimped, tracked or tacked in place to promote surface anchoring. Within two (2) full growing seasons of project completion, vegetative site coverage shall have a perennial herbaceous component equal to or greater than seventy percent (70%) of the adjacent undisturbed areas. (Ord. 322 §12-6-9, 2006)

Sec. 17-7-640. Snow storage.

(a) On-site snow storage. Adequate and functional on-site snow storage shall be required and depicted on the final plat. Snow storage is prohibited on areas devoted to vehicular and/or pedestrian use, including parking, trails and sidewalks and designated drainage courses/ swales.

(1) One (1) square foot of snow storage space is necessary for each three (3) square feet of parking and driveway to be cleared.

(2) Snow storage shall be graded so that drainage for these areas flows away from adjacent properties and building sites.

(3) Snow storage shall not interfere with intersection views, traffic, signage, fire hydrants or water, wastewater and stormwater facilities.

(4) Snow storage shall not be located on or within twenty-five (25) feet of wetlands.

(5) Snow storage shall not be located on or within twenty-five (25) feet of the high water mark on each side of a watercourse.

(b) Off-site snow storage. If the development parcel necessitates off-site snow storage, an easement from the property owner is required. The applicant shall show evidence and plans to ensure that the off-site snow storage will not result in the degradation of streams, rivers, creeks or other watercourses. (Ord. 322 §12-6-9, 2006)

Sec. 17-7-650. Adoption of erosion standards.

The Town has adopted street and roadway standards by separate document. Please refer to *The Town of Fraser Street and Roadway Minimum Design Criteria and Construction Standards* for regulatory requirements on revegetation, erosion and sediment control within the Town. (Ord. 322 §12-6-9, 2006)

Sec. 17-7-660. Stormwater drainage and management facilities.

(a) General. The Town shall not approve any subdivision plat that does not make adequate provision for stormwater drainage and management. The stormwater drainage system shall be separate and independent from any wastewater system. The Town shall require on-site detention of stormwater flows during peak periods. New development shall release water from the development at a rate equal to the historic rate prior to the development. Stormwater drainage and management facilities must be constructed within the first phase of any development activity. Appropriate measures shall be in place during construction of these facilities to mitigate any impact to water quality, adjacent properties and/or downstream properties.

(b) Drainage plan. An approved drainage *plan* shall be required for a minor subdivision. The drainage plan (preferred scale 1" = 20', optional scale 1" = 50') shall include the following: existing and proposed improvements, existing and proposed contours, existing and proposed easements, snow storage areas, utility lines, spot elevations and flow direction arrows, as needed, to clearly portray the proposed drainage layout and detail, and any drainage facilities needed to mitigate the anticipated impacts. If swales are proposed, include a cross-section detail of the proposed swale with dimensions. Silt fences, sediment traps, catch basins and/or detention ponds may be required at the discretion of the Town. The drainage plan shall also indicate temporary and permanent methods to be used to stabilize and prevent the erosion of soils. Revisions to a submitted drainage plan may be required at the discretion of the Town.

(c) Drainage report. An approved drainage *report* shall be required for a major subdivision. The drainage report shall be prepared by a registered engineer and in accordance with the criteria and requirements of the *Grand County Storm Drainage Design and Criteria Manual*, Chapters 2 through 10. The Board of Trustees may from time to time adopt a resolution specifying the current manual to be used. The preliminary drainage report shall be submitted concurrently with a preliminary plat for a

major subdivision. The final drainage report shall be submitted concurrently with a final plat for a major subdivision.

(d) Drainage easements and drainage ways.

(1) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual, unobstructed easements shall be provided across property. Drainage easements shall extend from the road to the drainage facilities to provide satisfactory access. Easements shall be indicated on the final plat.

(2) When a proposed drainage system will carry across private land outside the subdivision, appropriate drainage easements must be secured in writing and indicated on the final plat.

(3) Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Such lands subject to periodic flooding shall not be computed in determining the number of lots to be utilized for average density procedures nor for computing the area requirement of any lot.

(e) Valley gutters. Concrete valley gutters are required at street intersections to direct water through intersections.

(f) Lot and adjacent land drainage. Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general drainage pattern for the area and to maintain the individual lot drainage on the specific lot as much as possible. The drainage system shall be designed to accommodate not only runoff from the subdivision, but also historic runoff for those areas adjacent to and upstream from the proposed subdivision, as well as its effect on lands downstream.

(g) Phased development drainage reports. A preliminary drainage report for the entire subdivision shall be submitted as part of the first phase of a phased development. A final drainage report shall be submitted for each phase of development at the appropriate time it is submitted in final detail for approval to the Town.

(h) Operations and maintenance. The continued maintenance of all stormwater drainage facilities is necessary to ensure that they will function as designed. As such, maintenance access shall be provided to all stormwater drainage facilities to ensure continuous operational capability of such facilities.

(i) Applicants shall be required to connect to and conform to the specifications of the Town stormwater drainage system, policy and plan. (Ord. 322 §12-6-10, 2006)

Sec. 17-7-670. Exterior lighting.

(a) General. The purpose of exterior lighting is to illuminate and provide security. Exterior lighting shall be provided in locations that receive heavy pedestrian or vehicular use and in areas that are dangerous if unlit, such as stairs, ramps, intersections or abrupt changes in grade. All exterior lighting shall be designed, located, placed and shielded to be architecturally and aesthetically in

keeping with buildings and surroundings, shall create minimum light pollution and shall not directly illuminate adjoining property. If the Town deems necessary, a lighting or illumination engineer shall review the proposed type of lighting. All costs associated with the review shall be paid by the applicant.

(b) Specifications.

- (1) There shall be no single bulb intensity which exceeds two hundred fifty (250) watts.
- (2) Maximum height of fixtures shall not exceed twenty-five (25) feet.
- (3) Light intensity at ground level shall not exceed two (2) foot-candles average within a maximum to minimum ratio of fifteen (15) to one (1).
- (4) Lighting shall be designed and installed to direct the light inward and downward onto the site and away from the adjoining properties. The source of light shall not be visible above a horizontal plane and shall fall within the property line. This can be accomplished by installing lighting fixtures designed to direct the light down or by installing shields in combination with angled lighting directing the light downward.
- (5) Fixtures located on buildings shall not be located above the eave line or above the top of the parapet wall.
- (6) Light fixtures on buildings shall not exceed a twenty-five-foot mounting height.
- (7) Floodlights shall be shielded so as to direct the light away from adjoining properties, have motion detectors and illuminate functional areas only, such as garage doors, storage areas, walks and drives. Motion detectors may allow light to stay lit up to thirty (30) minutes after the last motion detection.
- (8) All exterior lighting, except those required for security, shall be extinguished by 10:00 p.m. or within one (1) hour after the end of business hours of the business served, whichever is later, and shall remain extinguished until one (1) hour prior to the commencement of business hours.
- (9) All sports arena exterior lighting used for the purpose of illumination of the playing area shall be extinguished by 10:00 p.m. or immediately after the conclusion of the final event of the day. The remainder of the facility lighting, except for reasons of security, shall be extinguished at 10:00 p.m. or within one (1) hour after the event, whichever is later, and remain extinguished until one (1) hour prior to the commencement of the next event.

(c) Prohibited exterior lighting. No person shall install, illuminate or maintain any beacon or searchlight. Architectural spotlights are not permitted, for they add to light pollution and draw undue attention to a structure. Low-voltage landscape lighting may be permitted along sidewalks at the discretion of the Town. (Ord. 322 §12-6-11, 2006)

Sec. 17-7-680. Utility standards.

(a) Location. All utility facilities, including but not limited to water, sanitary sewer, natural gas, electric, telephone and cable television, shall be located underground throughout the subdivision. Transformers, pedestals or connection boxes may be located above ground but must be adequately screened with planting material. Transformers, pedestals or connection boxes shall not be placed in any public right-of-way so as to avoid conflict with snow removal operations. All existing and proposed utility facilities throughout the subdivision shall be shown on the final plat. Underground service connections to the property line of each platted lot shall be required and installed at the applicant's expense. At the discretion of the Planning Commission, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use. Utility systems shall be arranged and located in such a manner as to minimize trenching and adequately separate incompatible systems. Cross-connections shall be prohibited.

(b) The Town has adopted water utility standards by separate document. Please refer to *The Town of Fraser Water Utility Minimum Design Criteria and Construction Standards* for the requirements for material and installation of additions/modifications to the current Town water distribution system. The Town has adopted sanitary sewer utility standards by separate document. Please refer to *The Town of Fraser Sanitary Sewer Minimum Design Criteria and Construction Standards* for requirements for materials and installation of additions/ modifications to the current Town sanitary sewer collection system.

(c) Oversizing for extensions. Utility lines, water and sewer mains and stormwater drainage facilities shall be sized to serve the total number of proposed units in the entire subdivision and future phases of development. Oversizing may also be required to serve adjacent properties.

(d) Soil compaction. Soil compaction shall be required for fill of all utility lines, including service connections, within any public right-of-way. The compaction shall be ninety-five percent (95%) Standard Proctor Density.

(e) Coordination. Proper coordination shall be established between the applicant and the applicable utility companies for the establishment of utility easements, all of which shall be indicated and dedicated on the final plat. (Ord. 322 §12-6-12, 2006; Ord. 358 Part 1, 2009)

Sec. 17-7-690. Water supply.

(a) Connection required. Each new subdivision within the Town shall be required to connect to the municipal water system.

(b) Design. The internal water distribution system of each subdivision shall be designed and sized hydraulically to meet the initial and future demands of the proposed subdivision and shall be approved by the Town prior to construction. The Town has adopted water utility standards by separate document. Please refer to *The Town of Fraser Water Utility Minimum Design Criteria and Construction Standards* for the requirements for material and installation of additions/ modifications to the current Town water distribution system.

(c) Fire hydrants. Fire hydrants shall be required in all subdivisions and shall be located in conformity with the adopted Fire Code. Generally, fire hydrants shall be located no more than five (500) feet apart. Hydrant locations and fire flow demands shall be approved by the Town and the Fire District. Fire hydrant spacing along streets where hydrants are not needed for protection of structures and/or water system operations shall not exceed one thousand (1,000) feet. (Ord. 322 §12-6-13, 2006)

Sec. 17-7-700. Wastewater disposal.

(a) Connection required. Each new subdivision within the Town shall be required to connect to the municipal wastewater system.

(b) Design. Collection systems shall be designed to meet the initial and future demands of the proposed subdivision and shall be approved by the Fraser Sanitation District or its successor prior to construction. The Fraser Sanitation District has adopted wastewater utility standards by separate document. Please refer to *The Fraser Sanitation District Construction Standards and Minimum Design Criteria* for the requirements for material and installation of additions/modifications to the current Fraser Sanitation District wastewater collection system. (Ord. 322 §12-6-14, 2006)

Sec. 17-7-710. Natural features and landscaping requirements.

(a) General. Because landscaping is essential to the aesthetic values, ecology and soil conservation of the Town, it is hereby declared to be a benefit to the general public. As such, landscaping shall be subject to regulation and ensured by a performance guarantee.

(b) Preserve existing trees, shrubs and natural features. All developments shall be responsive to site and natural conditions and minimize disturbance to land and existing vegetation. Removal of trees, shrubs and nonhazardous native plant materials generally should be limited to removal of those essential for development of the site. The landscaping plan shall demonstrate that a reasonable effort has been made to preserve existing healthy trees and shrubs. Watercourses, historic sites and similar irreplaceable assets shall also be preserved in the design of the subdivision. The landscaping plan shall show the number and location of all existing and proposed trees and shrubs.

(c) Appropriate plant materials. Native and drought-tolerant plant species and seed mixes containing grasses and wildflowers are strongly encouraged, and noxious weeds and plants are prohibited, per the Colorado Noxious Weed Act (Section 35-5.5-101, et seq., C.R.S.). Bluegrass and other grasses requiring high consumption of water are prohibited. Ornamental nonliving materials, such as decorative rock, wood chips, mulch, brick and paving stones, shall be permitted to be incorporated into a landscaping plan. The Town Gardener shall review all landscaping plans.

(d) Guarantee. Performance guarantees shall include the success of all revegetation and landscaping improvements for two (2) growing seasons after installation. Landscaping that dies within the two-year period shall be replaced and shall be required to live for at least two (2) years from the time it is replanted.

(e) Obstruction of signs and fire hydrants. Vegetation shall be placed so as not to block sight distances from driveways, corners and intersecting streets. Fire hydrants shall not be obstructed by landscaping.

(f) Wildfire defensible space. Creating a defensible space around a home and on property is an important step to take in order to protect them from wildfire. Defensible space is an area around a structure where fuels and vegetation are treated, cleared or reduced to slow the spread of wildfire towards the structure. It also creates an area where fire suppression operations can occur. (Ord. 322 §12-6-15, 2006)

*Division 6
Additional Standards*

Sec. 17-7-810. Residential condominium and townhome subdivisions and apartment developments.

(a) Density. All design standards set forth above shall apply to the construction of condominiums, townhomes and apartments. In addition, there shall be a maximum density of one (1) unit per two thousand one hundred seventy-eight (2,178) square feet of gross land area of the property subdivided. This equates to twenty (20) units per acre.

(b) Open space. Fifty-five percent (55%) of the area subdivided shall remain as open space. The open space shall be established by dedication, conveyance or reservation. No such dedication, conveyance or reservation of open space shall be to the public or the Town without specific written acceptance of such open space by the Town. If any dedication, conveyance or reservation is for the use of owners of units within the condominium or townhome project, then the applicant shall provide for the creation of a homeowners' association with powers of assessment for maintenance, improvements and upkeep of such areas. Articles of incorporation, bylaws and other necessary legal documentation establishing the homeowners' association are also to be submitted to, approved by and recorded by the Town. Of the fifty-five percent (55%) open space, fifteen percent (15%) shall consist of a landscaping plan consistent with the standards in Section 17-7-710 of this Article.

(c) Declarations. When any division of property creates an individual airspace unit and/or an interest in common elements, condominium/townhome declarations shall be executed by the fee title owners and lienholders, if applicable, which shall include, as a minimum, the following:

- (1) The legal description of the real property and the individual units.
- (2) The character, duration, rights, obligations and limitations of ownership.

(d) As-built plat. An as-built plat, which is an amended final plat that shows the exact locations of all public and private improvements on a development site, must be recorded in the office of the County Clerk and Recorder. *For condominiums, as-built plats shall also include horizontal and vertical layouts of the air spaces.*

(e) Parking spaces and driveways. All parking spaces are to be defined with cribbing, curbing or similar material and parking stalls clearly defined. All parking spaces and driveways shall be hard-surfaced. Please refer to *The Town of Fraser Street and Roadway Minimum Design Criteria and Construction Standards*.

(f) Snow storage. A snow storage and/or off-site removal plan shall be required for all driveways and parking areas (refer to Section 17-7-640 of this Article).

(g) Trash areas. All dumpsters shall be easily accessible by trash collection vehicles and completely screened from public view by either landscaping or a fenced-in dumpster enclosure. Enclosure materials shall be consistent with building materials and colors.

(h) Building materials and colors.

(1) Building materials should be predominately natural, such as wood siding, natural stone masonry, exposed wood structural beams, logs, heavy timbers and masonry.

(2) Colors of buildings should predominately be natural colors and stains. Bright colors should be reserved for trim, etc. (Ord. 322 §12-6-16, 2006)

Sec. 17-7-820. Commercial condominium and townhome subdivisions.

(a) Landscaping and open space. A landscaping/open space plan shall be required, detailing the landscape design, plant species and permanent maintenance provisions for a minimum of fifteen percent (15%) of the gross land area of the site. The applicant shall be responsible for the replacement of revegetation and landscape plantings for two (2) growing seasons after installation. Drought-resistant plant species are encouraged (refer to Section 17-7-710 of this Article).

(b) Buffer area landscaping requirements. Where a business, commercial or industrial use abuts residential uses, a landscaped wall or fence with a minimum height of five (5) feet must be placed along such abutting property line.

(c) Square footage. The minimum square footage per commercial condominium/ townhome shall be three hundred (300) square feet.

(d) Applicable rules and regulations. Conversion of existing commercial leased space shall meet all applicable rules and regulations of the Town.

(e) Parking spaces and driveways. All parking spaces and driveways are to be defined with curbing, curbing or similar material and parking stalls clearly defined. All parking spaces and driveways shall be hard-surfaced. Please refer to *The Town of Fraser Street and Roadway Minimum Design Criteria and Construction Standards*.

(f) Snow storage. A snow storage and/or removal plan shall be required for all driveways and parking and loading areas (refer to Subsection 17-7-640(b) of this Article).

(g) Trash and storage areas. All trash and storage areas are to be completely screened from public view by either landscaping or a fenced-in dumpster enclosure. These areas are to be accessible for easy pick-up and delivery. Enclosure materials shall be consistent with building materials and colors.

(h) Legal documents. Legal documents such as those described for a residential condominium/townhome development shall also be required and recorded in the office of the County Clerk and Recorder. (Ord. 322 §12-6-17, 2006)

Sec. 17-7-830. Mixed-use residential and commercial subdivisions.

(a) Landscaping. A landscaping plan shall be required detailing the landscape design, plant species and permanent maintenance provisions for all mixed use developments. The landscaping plan shall be for a minimum of fifteen percent (15%) of the gross land area of the site (refer to Section 17-7-710 of this Article).

(b) Buffer area landscaping requirements. Where a business, commercial or industrial use abuts residential uses, a landscaped wall or fence with a minimum height of five (5) feet must be placed along such abutting property line.

(c) Open space.

(1) Except as provided in Subsection (2) below, the percentage of open space required will be based on the following formula:

<i>Group</i>	<i>Percentage of Floor Area</i>	<i>Use</i>	<i>Open Space Land Area Required</i>
I	76%—100% 24%—0%	C, O, I, R	15% 15%
II	50%—75% 50%—25%	C, O, I, R	30% 30%
III	5%—49% 95%—51%	C, O, I, R	40% 40%
IV	0%—4% 100%—96%	C, O, I, R	55% 55%

C = Commercial O = Office
I = Industrial R = Residential

(2) For a mixed-use residential and commercial subdivision in the Business Zone District consisting of commercial and/or office development occupying one hundred percent (100%) of the ground floor of all structures in the subdivision, mixed with apartment development occupying some or all of the other floors in such structures, the minimum open space requirement shall be fifteen percent (15%) of the gross land area included in the subdivision, regardless of the ratio of residential to nonresidential development. (Ord. 322 §12-6-18, 2006)