

CHAPTER 17

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ARTICLE I

General Provisions

Sec. 17-1-10. Title.

This Chapter shall be known as the *Subdivision Regulations of the Town of Platteville*, and may be so cited and pleaded. (Prior code 16-1-1)

Sec. 17-1-20. Authority.

These regulations have been prepared and enacted in accordance with Article 20 of Title 29 and with Title 31, C.R.S. (Prior code 16-1-2)

Sec. 17-1-30. Jurisdiction.

The territory within which these regulations are applicable shall include all land located within the legal boundaries of the Town and all land located within three (3) miles of the corporate limits of the Town and not located in any other municipality for purposes of control with reference to the plan for major streets only. These regulations shall also apply to land in the process of annexation. (Prior code 16-1-3)

Sec. 17-1-40. Administration.

Whoever divides or participates in the division of a lot, tract or parcel of land into two (2) or more lots, plats, sites or other division of land for the purpose, whether immediate or future, of sale or of building development, whether residential, industrial, commercial, business or other use, shall make the transaction subject to the provisions of these regulations, and a plat therefor must be submitted to and accepted by the Town according to the terms as herein set forth. The terms thereof shall also include and refer to any divisions of land previously subdivided or platted. It is unlawful to file or record a plat of a subdivision of land with the County Clerk and Recorder, until the plat is approved by the Planning Commission and the Board of Trustees and signed by duly authorized representatives of such bodies. It is unlawful to use any plat of a subdivision of land for purposes of sale or building development until such plat is approved by the Planning Commission and Board of Trustees and signed by duly authorized representatives of such bodies. (Prior code 16-1-4; Ord. 532, 2001)

Sec. 17-1-45. Application fee and cost reimbursement.

(a) All applications submitted to the Town pursuant to this Chapter are subject to a nonrefundable fee as set forth in Appendix A to this Code, as the same may be amended from time to time by resolution of the Board of Trustees. This application fee partially offsets the Town's expenses incurred during the application process, including but not limited to legal publications, notices, reproduction of materials, public hearing expenses, recording of documents, planning fees, engineering fees and legal services in reviewing the application, consultant fees and other staff costs incurred by the Town which are incurred as a result of, or which are otherwise related to, the application submitted and its subsequent review. In addition to such fee, the applicant shall enter into a cost reimbursement agreement to reimburse all of the Town's actual costs of reviewing and processing any application filed pursuant to this Chapter, including but not limited to major

subdivision, minor subdivision, administrative plat amendment, vacation of subdivision, required public improvements agreement and all costs associated with the conveyance and acceptance of public facilities. A sample cost reimbursement agreement is set forth in Appendix B to this Code and may be administratively amended from time to time. Unless exempted herein, no application submitted pursuant to this Chapter shall be processed unless the Town has received the applicable fee and a signed cost reimbursement agreement.

(b) As used in this Section, *actual costs* shall include all direct and indirect costs incurred by the Town to review and process an application and all related documents, including but not limited to publication, mailing, recording, engineering, legal, Town personnel and contract staff expense, supplies, material, equipment and overhead expenses.

(c) The Town shall furnish a detailed accounting of all charges made to process an application within ten (10) days after the end of each month in which such charges are made. The petitioner shall pay the invoiced amount within thirty (30) days of the date of the invoice. The Town need not perform or continue any review or processing services for the petitioner if payment is not received within thirty (30) days after the date of the invoice.

(d) The petitioner may request the Town Manager to reconsider the charge of one (1) or more expenses by filing a written request therefor with the Town Manager not later than ten (10) days after the date of notice of the charged expenses. The written request shall identify the expense questioned and state the reasons that the charge should be deleted or modified. The Town Manager shall promptly reconsider the questioned charges and respond in writing to either: (1) affirm the charge; (2) delete the charge as inappropriate or unwarranted; or (3) modify or reduce the charge, in all cases stating the reasons for the action taken. The petitioner may appeal the Town Manager's decision to the Board of Trustees by delivering a written appeal to the Town Clerk within ten (10) days after the date of the Town Manager's decision. Unless the Board of Trustees desires to hear the petitioner in person, such appeal shall be considered by the Board of Trustees as an administrative matter, based solely upon the written record. Following its review of the matter, the Board of Trustees shall issue its written decision to either: (1) affirm the charge; (2) delete the charge as inappropriate or unwarranted; or (3) modify or reduce the charge, in all cases stating the reasons for the action taken. The Board of Trustees' decision, or any decision of the Town Manager not requested for reconsideration or appealed within the time provided herein, shall be the final order of the Town. The costs of processing a timely request for reconsideration or appeal shall not be charged as a review cost within the meaning of this Section. (Ord. 648 §1, 2010)

Sec. 17-1-50. Interpretation.

(a) Minimum requirements. In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements for the promotion of the public health, safety and welfare. Whenever the requirements of this Chapter are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or that imposing the higher standards shall govern.

(b) Rules of construction. The language set forth in the text of these regulations shall be interpreted in accordance with the following rules of construction:

- (1) The particular controls the general.

- (2) The word *shall* is always mandatory and not directory. The word *may* is permissive.
- (3) Words used in the present tense include the future, unless the context clearly indicates the contrary.
- (4) Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary. (Prior code 16-1-5)

Sec. 17-1-60. Purposes.

The purposes of this Chapter are as follows:

- (1) To assist orderly, efficient and integrated development.
- (2) To promote the health, safety, morals, convenience, order, prosperity and general welfare of the present and future residents of the Town.
- (3) To ensure conformance of land subdivision plans with the public improvement plans of the Town, County, State and other public agencies.
- (4) To ensure coordination of all plans and programs of the Town.
- (5) To encourage the proper arrangement of streets in relation to existing or planned streets and to policies in the Comprehensive Plan.
- (6) To provide for adequate and convenient open spaces for traffic utilities, recreation sites and educational facilities.
- (7) To encourage well-planned subdivisions by establishing adequate standards for design and improvements.
- (8) To secure equitable handling of all subdivision plans by providing uniform procedures and standards.
- (9) To protect natural vegetation, wetlands and scenic areas.
- (10) To prevent and control erosion, sedimentation and other pollution of surface and subsurface water.
- (11) To prevent flood damage to persons and properties and minimize expenditures for flood control projects.
- (12) To restrict building on flood lands, shore lands, areas covered by poor soils or in areas poorly suited for building or construction.
- (13) To prevent loss and injury from subsidence areas, expansive soils and other geologic hazards.
- (14) To prevent population congestion.

(15) To improve land survey monuments and records by establishing standards for surveys and plats.

(16) To safeguard the interests of the public, the homeowner and the subdivider.

(17) To implement the Comprehensive Plan.

(18) To regulate such other matters as the Board of Trustees may deem necessary in order to protect the best interest of the public. (Prior code 16-1-6; Ord. 532, 2001)

Sec. 17-1-70. Definitions.

For the purposes of this Chapter, the following terms shall have the meanings indicated:

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

Aquifer means a water-bearing layer of sand, gravel or porous rock.

Block means a parcel of land bounded on all sides by a street or streets.

Building ground coverage means any area or portion of a lot which is covered by any building or structure. Building ground coverage shall be measured at the ground floor of all buildings or structures and shall be expressed as the ratio between all horizontal buildings and structures on a lot and the total lot area. Building coverage excludes all uncovered porches, patios and decks less than thirty (30) inches in height measured at grade.

Channel means a natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water. *Channel flow*, thus, is that water which is flowing within the limits of the defined channel.

Comprehensive Plan means a plan for guiding and controlling the future growth, protection and development of the Town, affording adequate facilities for housing and other land uses, transportation and circulation, comfort, convenience, public health, safety and general welfare of its population and any amendment or extension of such a plan.

Conservation standards means guidelines and specifications for soil and water conservation practices and management enumerated in the technical guide prepared by the USDA Soil Conservation Service, adopted by the County Soil and Water Conservation District supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities from which the landowner selects that alternative which best meets his or her needs in developing his or her soil and water conservation plan.

Consumer means any person contacted as a potential purchaser, lessee or renter as well as one who actually purchases, leases or rents property in the subdivision.

Crosswalk or *walkway* means a right-of-way dedicated to public use, to facilitate pedestrian access through a subdivision block.

Dedication means a grant by the owner of a right to use land to the public in general involving a transfer of property rights and an acceptance of the dedicated property by the appropriate public agency.

Disposition means a contract of sale resulting in the transfer of equitable title to an interest in subdivided land; an option to purchase an interest in subdivided land; a lease or an assignment of an interest in subdivided land; or any other conveyance of an interest in subdivided land which is not made pursuant to one (1) of the foregoing.

Driveway means a constructed access serving one (1) or more properties and abutting to a public or private road.

Dwelling unit means a housekeeping unit designed and used for occupancy by a single individual or a family and containing cooking, living, sleeping and sanitary facilities, and having a separate entrance.

Dwelling unit, multi-family means a structure or portion thereof designed to house two (2) or more families, with each dwelling unit having a separate entrance.

Easement means a right to land generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation or particular persons for specified uses.

Evidence means any map, table, chart, contract or any other document or testimony prepared or certified by a qualified person to attest to a specific claim or condition, which evidence must be relevant and competent and must support the position maintained by the subdivision.

Family means a collective body of persons, including parents, children and servants, who live in one (1) dwelling under one (1) head of the household. The word *family* shall not include paying guests or the occupants of boarding houses, hotels and the like.

Final plat means a map and support materials of certain described land prepared in accordance with subdivision regulations as an instrument for recording of real estate interests with the County Clerk and Recorder.

Flood profile means a graph of a longitudinal profile showing the relationship of the water surface elevation of a flood event to a location along a stream or river.

Floodplain means an area adjacent to a stream, which area is subject to flooding as the result of the occurrence of an intermediate regional flood and which area thus is so adverse to past, current or foreseeable construction or land use so as to constitute a significant hazard to public health and safety or to property.

Floodproofing means a combination of structural provisions, changes or adjustments to lands, properties and structures subject to flooding primarily for the reduction or elimination of damages to lands, properties, water and sanitary facilities, structures and contents of buildings in a flood hazard area.

Floodway area means that geographical area which includes the channel of a stream and those portions of the floodplain adjoining the channel that must be reserved in order to discharge an intermediate regional flood which: (a) will be one and one-half (1½) feet or greater in depth; or (b) will create velocities of three (3) feet per second or greater.

Identified floodplain means an area delineated once specific engineering or hydrologic data relevant to the exact location of the floodplain is obtained and is accepted by the Board of Trustees. A requirement for delineation shall be the water surface elevation of the intermediate regional flood. Location of the intermediate regional floodwater surface elevation is needed to allow a registered land surveyor to accurately locate in the field the floodplain outline on maps and plans representative of the physical ground locations. The identified floodplain boundary will be subdivided into two (2) component areas: floodway and low hazard areas.

Intermediate regional flood means a type of flood, including the water surface elevation and territorial occupation thereof, which can be expected to occur at any time in a given area based upon recorded historical precipitation and other valid data, but with an average statistical one percent (1%) chance of being equaled or exceeded during any one (1) year. The term is used interchangeably with a one percent (1%) or one-hundred-year flood.

Lateral sewer means a sewer which discharges into another sewer and has only building sewers tributary to it.

Lot means a specific ownership parcel into which real property is divided or purportedly divided by or on a subdivision plat, whether such plat is of record or is being reviewed and considered pursuant to this Chapter.

Low hazard flood area means that geographical area which is outside of the floodway but within the delineated floodplain; where the waters of an intermediate regional flood will not attain a maximum depth of one and one-half (1½) feet or greater, or a maximum velocity of three (3) feet per second or greater.

Mailed notice means U.S. certified mail, return receipt requested, to the addressee only.

Map means a graphical representation of location and orientation of topographical or subsurface features found to exist on the property being subdivided.

Multi-family dwelling means a building providing separate dwelling units for two (2) or more families.

Municipality includes an incorporated city or town.

National Cooperative Soil Survey means the soil survey conducted by the U.S. Department of Agriculture in cooperation with the State Agricultural Experiment Station and other federal and state agencies.

Obstruction means any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or

regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

Off-street parking space means the space required to park one (1) passenger vehicle, which space shall be not less than two hundred (200) square feet in area, exclusive of access drives on private land.

Overall density means the number of dwelling units per acre over the area of the subdivision, including roads and other public improvements in land area.

Park/open space means ground area which satisfies visual, recreational and psychological needs of residents or occupants of a development for light and air. *Parks and open space* may include, but is not limited to, lawns, vegetation, open balconies, open patios, walkways, active and passive recreational areas, fountains, swimming pools, wooded areas, water surfaces, floodplains, drainage-ways, steep slopes and drainage detention areas. *Parks and open space* does not include public rights-of-way, parking lots, driveways or buildings and structures.

Permanent monument means any structure of masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference.

Person means an individual, partnership, corporation, association, unincorporated organization, trust or any other legal or commercial entity, including a joint venture or affiliated ownership. *Person* also means a municipality or state agency.

Plan means a graphical representation of proposed modifications to the property as a result of the subdivision.

Planning Commission means the Planning Commission of the Town.

Preapplication conference means an optional conference between the subdivider, the Planning Commission and Town staff to provide an opportunity to conduct an informal preliminary review of the proposed subdivision for general scope and conditions which might affect the plan.

Preliminary submittal means the map of a proposed subdivision and specific supporting materials, drawn and submitted in accordance with the requirements of this Chapter, to permit the evaluation of the proposal prior to detailed engineering and design.

Public improvements agreement means one (1) or more security arrangements which may be accepted by the Board of Trustees to secure the construction of such public improvements as are required by this Chapter within the subdivision.

Public sewer means municipal, Town-operated or quasi-municipal (such as a sanitation district) trunk outfall lines and treatment facility for wastewater.

Reservation means a legal obligation to keep property free from development for a stated period of time, not involving any transfer of property rights.

Resubdivision means the changing of any existing lots of any subdivision plat previously recorded with the County Clerk and Recorder.

Reverse frontage lots means lots which front on one (1) public street and back on another.

Right-of-way means that portion of land dedicated to public use for street and/or path and/or utility purposes.

Roadway means that portion of the street right-of-way designed for vehicular traffic.

Roadway-controlled access means the condition where the right of the owners of abutting land or other persons to access to a highway is fully or partially controlled by public authority.

Staff means any person, whether publicly or privately employed, who provides administrative, planning, engineering or other services to the Town at the Town's request.

Street means any way for vehicular traffic however designated, shown upon a plat heretofore approved, pursuant to law or approved by official action; the term *street* includes the land between street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and other areas within the right-of-way. For the purpose of this Chapter, *streets* shall be classified as defined in Subparagraphs a. through k. below.

a. *Expressway/freeway* means a divided multi-lane major regional highway, including interstate highways, designed to carry very large volumes of vehicular traffic with full control of access and all intersections grade separated. An expressway is a divided multi-lane arterial for through traffic with controlled access and with some crossings at grade.

b. *Arterial* means a continuous, controlled access street designed to carry high volumes of vehicular traffic over long distances in a direct manner with crossings at grade.

c. *Collector* means a vicinity-wide, continuous access street designed to collect or distribute vehicular traffic from one (1) or more residential or nonresidential areas and their local streets to or from arterials.

d. *Local street* means a street designed to carry vehicular traffic from one (1) or more abutting individual residential or nonresidential units to or from a collector.

e. *Major street* means an expressway/ freeway or arterial street.

f. *Minor street* means a collector or local street.

g. *Cul-de-sac* means a short dead-end street terminating in a vehicular turnaround area.

h. *Dead-end street* means a street that terminates at a property line without a vehicular turnaround area.

i. *Half street* means a street parallel and continuous to a property line and of lesser right-of-way width than is required for minor or major streets.

j. *Service road* means a street paralleling and abutting a major street to provide access to adjacent property so that each adjacent lot will not have direct access to the major street.

k. *Stub street* means a street extending from within a subdivision boundary and terminating there with no permanent vehicular turnaround. Stub streets are provided to permit adjacent undeveloped parcels of land to be developed later with an adjacent connecting street system.

Street right-of-way means that portion of land dedicated to public use for roadway and utility purposes.

Subdivider or *developer* means any person, firm, partnership, joint venture, association or corporation who shall participate as owner, promoter, developer or sales agent in planning, platting, development, promotion, sale or lease of a subdivision.

Subdivision means the division of a lot, tract or parcel of land into two (2) or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes resubdivision and, where appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. It also includes subdivision of large lots into smaller lots which still conform to the requirements of Chapter 16 of this Code.

a. Exemptions from subdivision. Unless any of the following divisions of land are utilized for the purpose of evading this Chapter, the terms *subdivision* and *subdivided land*, as defined in this Chapter, shall not apply to any division of land:

1. Which is created by order of any court in this State or by operation of law;
2. Which is created by a lien, mortgage, deed of trust or any other security instrument, or by foreclosure thereof;
3. Which is created by a security or unit of interest in any investment trust regulated under state law or any other interest in an investment entity;
4. Which creates cemetery lots;
5. Which creates an interest in oil, gas, minerals or water which is now or hereafter severed from the surface ownership of real property; or
6. 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 for purposes of this Subsection as only one (1) interest.

b. Board of Trustees exemptions. The Board of Trustees may, pursuant to this Chapter, exempt from this definition of *subdivision* any division of land if the Board of Trustees determines that such division is not within the purposes of this Chapter.

Timeliness of notice means that all notices required by this Chapter shall be considered to have been given in a timely manner if they are postmarked on the date notice is required or they are personally served on the date notice is required. (Prior codes 16-2-1-16-2-56; Ord. 532, 2001; Ord. 549 §6, 2003)

Sec. 17-1-80. Acceptance of public lands and facilities.

Approval of a subdivision by the Planning Commission and the Board of Trustees shall not constitute an acceptance by the Town of the roads, streets, alleys, bicycle paths, water and sewer facilities or other public lands or facilities indicated on the plat for dedication to the Town for maintenance. The dedication of any of these lands or facilities indicated for public use shall be accepted only by the express act of the Town, according to the procedures set forth in Article VII of this Chapter. (Prior code 16-1-7; Ord. 532, 2001)

Sec. 17-1-90. Conformance with existing laws.

Land shall be subdivided in conformance with the Comprehensive Plan, Chapter 16 and other ordinances and regulations in effect, and state law. (Prior code 16-1-8; Ord. 532, 2001)

Sec. 17-1-100. Severability.

It is hereby declared to be the legislative intent that the provisions of this Chapter shall be severable in accordance with the following provisions:

(1) If any provision of this Chapter is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:

a. The effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid; and

b. Such decision shall not affect, impair or nullify this Chapter as a whole or any other part thereof, but the rest of this Chapter shall continue in full force and effect.

(2) If the application of any provision of this Chapter to any tract of land is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:

a. The effect of such decision shall be limited to that tract of land immediately involved in the controversy, action or proceeding in which the judgment or decree of invalidity was rendered; and

b. Such decision shall not affect, impair or nullify this Chapter as a whole or the application of any provision thereof to any other tract of land. (Prior code 16-1-9; Ord. 532, 2001)

ARTICLE II

Procedures

Sec. 17-2-10. Preapplication conference.

(a) Conference; purpose. Any application for a subdivision may, at the election of the subdivider, be preceded by a preapplication conference between the subdivider, the Planning

Commission and the Town staff. The purpose of the preapplication conference is to permit the subdivider, the Planning Commission and staff to conduct an informal preliminary review of the proposed subdivision for general scope and conditions which might affect the plan.

(b) Submittal requirements. A subdivider who desires a preapplication conference shall file a written request for the same with the Town Clerk, along with the material specified for a preapplication submittal in Article III, Division 1 of this Chapter, together with a preapplication fee in an amount to be determined from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code.

(c) Notice of completeness; set date of conference. Upon receipt of a complete submittal, the Town Clerk shall notify the subdivider thereof and of the time, date and place for the preapplication conference.

(d) Scope. The preapplication conference is intended to allow the mutual exchange of information and development concepts. Topics of discussion may include but shall not be limited to:

(1) Characteristics of the site and surrounding area, including its location; significant natural and man-made features with particular attention to natural hazard, resource or other special areas; the size and accessibility of the site; surrounding development and land use; and existing zoning.

(2) The nature of the development proposed, including land uses and their densities; the placement of proposed buildings and other improvements on the site; the location, type and method of maintenance of common open space or treatment of public use areas and internal circulation system, including trails and bicycle paths; the total ground coverage of paved areas and structures; and water and sewage treatment system proposed.

(3) Community policy considerations, including degree of conformity of the proposed development with current Town policies and the Comprehensive Plan; and the nature of the information, technical analysis, reports and certifications which are likely to be required of the applicant.

(4) Any of the preliminary or final plat submission requirements contained herein that may be considered inappropriate or not applicable to the proposal in question.

(5) The stages of review and submittal requirements for the proposal.

(e) Summary report of preapplication conference. At the conclusion of the preapplication conference, the staff shall submit a written summary of the topics discussed at the preapplication conference and shall include any special information, reports or certifications to be included in subsequent submissions. (Ord. 549 §§7—10, 2003; Ord. 648 §2, 2010)

Sec. 17-2-20. Preliminary plat submittal.

(a) Time of submittal. After any preapplication conference and receipt of the staff report from such conference, the applicant may submit the formal application for preliminary plat review.

(b) Material to be submitted:

(1) The subdivider shall submit the required materials for a preliminary plat submittal as listed in Article III, Division 2 of this Chapter. The number of copies of each shall be as determined from time to time by the Town Manager and set forth in the development review manual of the Town. Additional copies may be required by the staff for referrals to outside agencies.

(2) The subdivider shall submit a statement that the subdivider has performed the records searches and other investigations necessary to comply with Section 24-65.5-103, C.R.S., regarding notice to mineral estate owners and that the subdivider is then fully prepared to give notice of the public hearing on the preliminary plat submittal immediately upon scheduling thereof. The subdivider shall attach a complete mailing list of the persons entitled to receive such notice to the statement required by this Paragraph (2).

(3) The subdivider shall submit a written waiver of the thirty-day time limitation for approval of the submittal set forth in Section 31-2-215(a), C.R.S.

(c) Fee and cost reimbursement. Any applicant for a preliminary plat shall pay a fee at the time such application is made to the Town Clerk in an amount to be determined from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code and shall sign a cost reimbursement agreement as required by Section 17-1-45 of this Chapter.

(d) Incomplete submittal. The Town shall notify the subdivider in writing of any deficiencies or omissions in the submittal. Failure of the subdivider to submit all the required materials shall constitute cause for the staff to delay proceeding with further steps of the process until such additional material is supplied by the subdivider.

(e) Notice of complete submittal; set public hearing. Upon receipt of a complete submittal, the Town Clerk shall notify the subdivider that the preliminary submittal has been formally accepted for review by the Planning Commission and notify the subdivider, in writing sent by certified mail, return receipt requested, of the date, time and place of the public hearing before the Planning Commission on the preliminary submittal. In setting the public hearing, the Town Clerk shall allow sufficient time to permit notification to mineral estate owners as required by Section 24-65.5-103, C.R.S.

(f) Distribution of preliminary submittal material. The Town shall distribute copies of the materials provided by the subdivider as follows:

(1) To School District RE-1.

(2) To those utility companies, special districts and ditch companies which serve or may be affected by the subdivision, including without limitation the Platteville-Gilcrest Fire Protection District, the Northern Colorado Water Conservancy District, the Central Weld County Water District, natural gas and electric utilities, telecommunication companies and CATV franchisees.

(3) To the Platte Valley Soil Conservation District for explicit reviews and recommendations regarding soil suitability and flooding problems. Such referral shall be made even though all or part of a proposed subdivision is not located within the conservation district boundary.

(4) To Weld County Planning and Transportation Departments.

(5) When applicable, to the State Engineer for a statement concerning all related water rights, historic use and estimated water yield to supply the proposed development, including underground or surface water rights.

(6) When applicable, to the Colorado Department of Transportation.

(7) To the Colorado Geological Survey for an evaluation of those geologic factors which would have a significant impact on the proposed subdivision.

(8) To the Colorado Water Conservation Board for an evaluation of potential flooding problems and storm drainage problems and their impacts on the proposed subdivision.

(9) To the Colorado Land Use Commission in cases involving a subdivision of five (5) or more acres.

(10) To such other agencies as the Town may deem necessary or appropriate in a given case.

(g) Reports of the reviewing agencies. The agencies named in this Section shall be requested to make recommendations within ten (10) days after the mailing by the Town of such plans. Failure to respond within the allotted time shall be considered a no adverse comment unless a necessary extension of not more than twenty (20) days has been requested by the reviewer. (Ord. 549 §§7—10, 2003; Ord. 574 §1, 2005; Ord. 648 §3, 2010)

Sec. 17-2-30. Public hearing before Planning Commission.

(a) Notice of hearing. The subdivider shall cause written notice of the date, time and place of the hearing, in the form prepared by the Town Clerk, to be given to all interested parties in the following manner:

(1) Publication. Notice shall be published by the subdivider once in a newspaper of general circulation within the Town no later than fifteen (15) days prior to the date of the hearing.

(2) Mailed notice to surface estate owners. Notice shall be mailed by the subdivider by first class mail, postage prepaid, to each surface estate owner of property located outside of but within one hundred (100) feet of the property in the proposed subdivision, disregarding intervening public streets and alleys, not less than fifteen (15) days before the scheduled date of the hearing.

(3) Mailed notice to mineral estate owners. Notice shall be mailed by the subdivider to the mineral estate owners entitled to receive the same, as provided by Section 24-65.5-103, C.R.S.

(4) Posting. Notice shall be posted on the subdivision property no later than fifteen (15) days before the hearing. The sign shall be prepared by the Town and posted by the subdivider on a street frontage so that it is weather-protected and legible from a distance of thirty (30) feet.

(5) Proof of notice. Not later than 12:00 p.m. on the Friday immediately preceding the date scheduled for the public hearing, the subdivider shall file with the Town Clerk the certificate of notice to mineral estate owners required by Section 24-65.5-103, C.R.S., and affidavits demonstrating timely publication, mailing to surface estate owners and posting of the notice in accordance with the foregoing requirements.

(b) Conduct of hearing. The hearing shall be conducted at the time and place designated in the public notice and as provided in this Subsection (b). In the absence of a quorum, the hearing shall be rescheduled to a date and time certain which shall be determined and announced publicly by the members present. No additional notice shall be required. No continuance of the hearing upon the request of the subdivider shall be granted except for good cause.

(1) Staff presentation. The preliminary submittal, along with the comments of Town staff and the referral agencies and governmental bodies, and all other written comments, shall be presented by the Town staff.

(2) Acceptance of evidence. The Planning Commission shall accept relevant and material evidence offered at the hearing. The Planning Commission shall have sole responsibility for determining the admissibility of evidence offered.

(3) Burden of proof. The burden of proof shall be on the subdivider to demonstrate that the preliminary submittal conforms with the applicable requirements of this Chapter and meets the approval criteria set forth in Subsection (d) above.

(4) Additional information, investigations. If the Planning Commission determines that additional information, maps, reports, certifications or agreements are necessary before making a decision on the proposal, or desires to conduct investigations on its own, it may require the subdivider to furnish such additional information and may request such investigations, examinations, tests and site evaluations as it deems necessary. The subdivider shall permit Town representatives to enter upon the property for these purposes.

(5) Continuances. The Planning Commission may recess and continue the public hearing from time to time in its reasonable discretion to accomplish the purposes of Paragraph (4) above.

(6) Close of public hearing. Upon completion of the presentation of evidence and public comment, the Planning Commission shall close the hearing.

(c) Deliberations. Upon closing the public hearing, the Planning Commission shall deliberate on the merits of the proposal.

(d) Approval criteria. In order to receive a recommendation of approval, the preliminary submittal must meet all applicable requirements of this Chapter and demonstrate that it meets the following requirements for public health, safety and general welfare:

(1) The subdivision will be served by a public water system.

(2) The subdivision will be served by a public sanitary sewer system.

(3) The subdivision will not cause soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

(4) The subdivision will not unreasonably jeopardize people or property downstream as a result of modified drainage patterns.

(5) The subdivision will not cause air pollution. In making this determination, the Planning Commission shall consider the elevation of land above sea level, land topography, prevailing winds or the absence thereof, local and regional airsheds, increase in sources or quantity of emission, as well as quality of such, and such other items as are deemed pertinent.

(6) The subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to use of the highways existing or proposed.

(7) The subdivider is current in the performance of his or her obligations to the school district pursuant to Section 17-4-270 below.

(8) The subdivision will not place an unreasonable burden on the ability of the Town, special districts, utilities or other entities to provide water, sanitary sewer, fire protection, police protection, hospital care, solid waste disposal and other services to the property, its residents and occupants. Lack of capacity or other conditions which render any such service unavailable at the time of consideration of the preliminary plat shall not require denial of the submittal if it is reasonable to expect that such service will become available to the property within a reasonable time after any approval of the final plat.

(9) The subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas.

(10) The subdivision will not have an undue adverse effect on wildlife and its habitat or on the preservation of wetlands and open space.

(11) The subdivision will not have an undue adverse effect on adjacent land uses.

(12) The subdivision will not alone or cumulatively with other subdivisions in the Town cause any of the adverse effects described above.

(13) The subdivision does not create any violation or nonconformity with the requirements of Chapter 16 of this Code.

(14) The subdivision meets the goals and policies embodied in the Comprehensive Plan.

(e) Recommendation of the Planning Commission. Upon completing its deliberations, the Planning Commission shall issue written findings of fact and recommendations to the Board of Trustees, which shall be in the form of approved minutes of the Planning Commission, as follows:

(1) Approval. The Planning Commission may recommend approval of the proposal as presented.

(2) Approval with conditions. The Planning Commission may recommend approval of the preliminary plat with conditions.

(3) Disapproval for cause. A recommendation of disapproval of a preliminary plat shall contain the specific reasons for denial. (Ord. 549 §§7—10, 2003)

Sec. 17-2-40. Review of preliminary plat by Board of Trustees.

(a) Date of review. The Board of Trustees shall review the Planning Commission's recommendation on the preliminary plat. In no case shall such review take place until five (5) workdays after the transmittal to the Board of Trustees of the Planning Commission's recommendation on the preliminary plat.

(b) Reserved.

(c) Notice of review. There shall be no requirement for notice to be published, posted or mailed to interested parties other than the subdivider.

(d) Conduct of review.

(1) Review of Planning Commission recommendations. The Board of Trustees shall consider the recommendation of the Planning Commission based upon the record of the public hearing before the Planning Commission.

(2) Approval criteria. In order to receive approval, the preliminary plat must meet the requirements set forth in Subsection 17-2-30(d) above.

(3) Remand/public hearing for additional fact finding. If the Board of Trustees determines that the record of the Planning Commission is incomplete or that additional information is necessary to enable the Board of Trustees to make an informed decision on the preliminary plat, it may remand the case to the Planning Commission with appropriate instructions or schedule a public hearing before the Board of Trustees to take additional evidence as it deems necessary. The subdivider shall give notice of any such public hearing by publication, mailing by first class mail, postage prepaid, to interested persons who appeared or submitted evidence at the public hearing before the Planning Commission, and posting of the property not less than fifteen (15) days prior to the date scheduled for the hearing, generally as provided by Subsection 17-2-30(a) above.

(e) Board of Trustees action. The Board of Trustees shall take affirmative action to approve the preliminary plat, approve the preliminary plat with conditions, or disapprove the preliminary plat for cause.

(1) Approval. The Board of Trustees approves the proposal as presented. Approval of a preliminary plat shall be effective for twelve (12) months from the date of the approval.

(2) Approval with conditions. The Board of Trustees may approve the preliminary plat subject to conditions. The conditions may be those recommended by the Planning Commission or conditions developed by the Board of Trustees. If approval conditions imposed by the Board of Trustees would result in substantial and material changes from the form of the preliminary plat received from the Planning Commission, the Board of Trustees shall notify the subdivider to refile the preliminary plat submittal, revised to incorporate the approval conditions, and proceed in accordance with Section 17-2-50 of this Article. If approval conditions imposed by the Board of Trustees would not result in substantial or material changes, the Board of Trustees shall notify the subdivider to incorporate the same into any final plat submittal.

(3) Disapproval for cause. A disapproval of a preliminary plat shall contain the specific reasons for disapproval.

(f) Judicial review. For purposes of determining the availability of judicial review, disapproval of the preliminary plat or the imposition of conditions by the Board of Trustees shall be deemed a final action by the Town. Approval of the preliminary plat shall entitle the subdivider to apply for final plat approval as provided in this Article but shall not be deemed final action by the Town on the development proposed by the preliminary plat. (Ord. 549 §§7—10, 2003; Ord. 648 §4, 2010)

Sec. 17-2-50. Review of refiled preliminary plat submittal.

(a) Timeliness. If the Board of Trustees specifies conditions for approval of a preliminary plat which would result in substantial and material changes from the form of the preliminary plat received from the Planning Commission, the subdivider may, within sixty (60) days of such action, refile the preliminary plat submittal revised to incorporate and comply with said conditions.

(b) Reserved.

(c) Affidavit of compliance. The refiled preliminary plat submittal shall include an affidavit affirming that the conditions specified by the Board of Trustees are met by the amended filing.

(d) Public hearing; notice. The Board of Trustees shall hold a public hearing on the preliminary plat submittal as revised in accordance with the conditions imposed. The subdivider shall give notice of the public hearing conducted pursuant to this Subsection (d) by publication, mailing by first class mail, postage prepaid, to interested persons who appeared or submitted evidence at the public hearing before the Planning Commission, and posting of the property not less than fifteen (15) days prior to the date scheduled for the hearing, generally as provided by Subsection 17-2-30(a) above. Additionally, the Town shall send a copy of the approval conditions and of relevant portions of the refiled preliminary plat submittal to those referral agencies listed in Subsection 17-2-20(f) above that are affected by changes resulting from said conditions.

(e) Board of Trustees action. The Board of Trustees shall conduct the public hearing and take action on the refiled preliminary plat submittal substantially as provided in Subsection 17-2-30(f) of this Article. At the conclusion thereof, the Board of Trustees shall either approve or deny the preliminary plat submittal, applying the approval criteria specified in subsection 17-2-30(d) above.

(f) Failure to refile. Any preliminary plat submittal refiled more than sixty (60) days after the imposition of conditions by the Board of Trustees shall be considered a new preliminary plat submittal and shall be required to comply with all requirements for new preliminary plat submittals. (Ord. 549 §§7—10, 2003; Ord. 648 §5, 2010)

Sec. 17-2-60. Reserved.

Sec. 17-2-70. Final plat submittal.

(a) Timeliness of submittal.

(1) A subdivider may submit the required final plat materials to the Town not more than twelve (12) months after approval of the preliminary plat.

(2) An extension of the twelve-month time period may be approved by the Planning Commission in accordance with Section 17-2-80 of this Article.

(3) Failure to submit the final plat materials within the twelve-month time limit shall automatically void Town approval of the preliminary plat and require the subdivider to go through the entire process of the preliminary plat submittal from the beginning.

(b) Material to be submitted. The subdivider shall submit the required final plat materials as listed in Article III, Division 3 of this Chapter, together with a written waiver of the thirty-day limitation for approval of the submittal set forth in Section 31-2-215(a), C.R.S. The number of copies of each shall be as determined from time to time by the Town Manager and set forth in the development review manual of the Town.

(c) Fee and cost reimbursement. Any applicant for a final plat shall pay a fee at the time such application is made to the Town Clerk in an amount to be determined from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code and shall sign a cost reimbursement agreement as required by Section 17-1-45 of this Chapter.

(d) Incomplete submittal. The Town shall notify the subdivider in writing of any deficiencies or omissions in the submittal. Failure of the subdivider to submit all the required materials shall constitute cause for the staff to delay proceeding with further steps of the process until such additional material is supplied by the subdivider.

(e) Notice of complete submittal. Upon receipt of a complete submittal, the Town Clerk shall notify the subdivider that the final plat submittal has been formally accepted for review by the Planning Commission and advise the subdivider of the date, time and place of the public meeting at which the submittal will be considered by the Planning Commission. In scheduling Planning Commission review, the Town Clerk shall allow sufficient time for full staff review of the submittal. (Ord. 549 §§7—10, 2003; Ord. 574 §1, 2005; Ord. 648 §6, 2010)

Sec. 17-2-80. Extension of time limit for final plat submission.

One (1) extension of the twelve-month limitation for submission of the final plat of an approved preliminary plat may be granted by the Planning Commission if it deems such an extension necessary. (Ord. 549 §§7—10, 2003)

Sec. 17-2-90. Final plat review by Planning Commission.

(a) Review schedule. At the public meeting of the Planning Commission, notice of which has been given to the subdivider, the Planning Commission shall review the final plat materials.

(b) Notice of review. There shall be no requirement for notice to be published, posted or mailed to interested parties other than the subdivider.

(c) Conduct of review. The Planning Commission shall discuss the merits of the proposal in open session. The Planning Commission may recommend that a new preliminary plat submittal be required in case of a final plat submittal which is substantially and materially changed from the preliminary plat approved by the Board of Trustees in scope and concept. Substantial and material changes may include but shall not be limited to any of the following:

(1) An increase of more than five percent (5%) in the residential density expressed as the number of dwelling units per site acre.

(2) An increase of more than five percent (5%) in the floor area proposed for nonresidential use of a commercial or industrial nature.

(3) A significant change in the height or location of any structures that would impact adjacent land uses or structures.

(4) A reduction of more than five percent (5%) in the area set aside for common space. (Ord. 549 §§7—10, 2003)

Sec. 17-2-100. Recommendation of Planning Commission.

Upon completion of its review of the final plat, the Planning Commission shall issue its written findings of fact and recommendations to the Board of Trustees, as follows:

(1) Approval. The Planning Commission shall recommend approval of the final plat if the final plat and all supplemental data are in conformity with the approved preliminary plat, comply with the applicable requirements of this Chapter and satisfactorily incorporate any conditions imposed by the Board of Trustees in its approval of the preliminary plat.

(2) Approval with conditions. The Planning Commission may recommend approval of the final plat with conditions.

(3) Disapproval for cause. The Planning Commission shall recommend disapproval of the final plat if it is not in conformity with the approved preliminary plat, fails to comply with any material requirement of this Article or fails satisfactorily to incorporate any condition imposed by the Board of Trustees in its approval of the preliminary plat. (Ord. 549 §§7—10, 2003)

Sec. 17-2-110. Public hearing before Board of Trustees.

(a) Setting date of hearing. Upon receipt of the findings of fact and recommendation of the Planning Commission, the Town Clerk shall notify the subdivider to file a written affirmation that the subdivider has performed the records searches and other investigations necessary to comply with Section 24-65.5-103 C.R.S., regarding notice to mineral estate owners, and that the subdivider is then fully prepared to give notice of the public hearing on the final plat immediately upon scheduling thereof. The subdivider shall attach a complete mailing list of the persons entitled to receive such notice to the statement required by this Subsection. Upon receipt thereof, the Town Clerk shall schedule a public hearing to be held by the Board of Trustees, affording sufficient time to permit notice to mineral estate owners pursuant to Section 24-65.5-103, C.R.S. The Town Clerk shall send

written notice of the date, time and place of the public hearing to the subdivider by certified mail, return receipt requested.

(b) Reserved.

(c) Notice of hearing. The subdivider shall cause written notice of the date, time and place of the hearing, in the form prepared by the Town Clerk, to be given to all interested parties in the following manner:

(1) Publication. Notice shall be published by the subdivider once in a newspaper of general circulation within the Town no later than fifteen (15) days prior to the date of the hearing.

(2) Mailed notice to surface estate owners. Notice shall be mailed by the subdivider by first class mail, postage prepaid, to each surface estate owner of property located outside of but within one hundred (100) feet of the property in the proposed subdivision, disregarding intervening public streets and alleys, not less than fifteen (15) days before the scheduled date of the hearing.

(3) Mailed notice to mineral estate owners. Notice shall be mailed by the subdivider to the mineral estate owners entitled to receive the same, as provided by Section 24-65.5-103, C.R.S.

(4) Posting. Notice shall be posted on the subdivision property no later than fifteen (15) days before the hearing. The sign shall be prepared by the Town and posted by the subdivider on a street frontage so that it is weather-protected and legible from a distance of thirty (30) feet.

(5) Proof of notice. Not later than 12:00 p.m. on the Friday immediately preceding the date scheduled for the public hearing, the subdivider shall file with the Town Clerk the certificate of notice to mineral estate owners required by Section 24-65.5-103, C.R.S., and affidavits demonstrating timely publication, mailing to surface estate owners and posting of notice in accordance with the foregoing requirements.

(d) Conduct of hearing. The hearing shall be conducted at the time and place designated in the public notice and as provided in this Subsection (d). In the absence of a quorum, the hearing shall be rescheduled to a date and time certain which shall be determined and announced publicly by the members present. No additional notice shall be required. No continuance of the hearing upon the request of the subdivider shall be granted except for good cause.

(1) Staff presentation. The final plat, along with the comments of Town staff, and all other written comments, shall be presented by the Town staff.

(2) Acceptance of evidence. The Board of Trustees shall accept relevant and material evidence offered at the hearing. The Board of Trustees shall have sole responsibility for determining the admissibility of evidence offered.

(3) Burden of proof. The burden of proof shall be on the subdivider to demonstrate that the final plat submittal conforms with the applicable requirements of this Article and meets the approval criteria set forth in Subsection (f) below.

(4) Additional information, investigations. If the Board of Trustees determines that additional information, maps, reports, certifications or agreements are necessary before making a decision on the proposal, or desires to conduct investigations on its own, it may require the subdivider to furnish such additional information, and may conduct such investigations, examinations, tests and site evaluations as it deems necessary. The subdivider shall permit Town representatives to enter upon the property for these purposes.

(5) Continuances. The Board of Trustees may recess and continue the public hearing from time to time in its reasonable discretion to accomplish the purposes of Paragraph (4) above.

(6) Close of public hearing. Upon completion of the presentation of evidence and public comment, the Board of Trustees shall close the hearing.

(e) Deliberations. Upon closing the public hearing, the Board of Trustees shall deliberate on the merits of the proposal.

(f) Approval criteria. In order to receive approval, the final plat submittal must meet all applicable requirements of this Article and demonstrate that it meets the following requirements for public health, safety and general welfare:

(1) The subdivision will be served by a public water system.

(2) The subdivision will be served by a public sanitary sewer system.

(3) The subdivision will not cause soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

(4) The subdivision will not unreasonably jeopardize people or property downstream as a result of modified drainage patterns.

(5) The subdivision will not cause air pollution. In making this determination, the Board of Trustees shall consider the elevation of land above sea level, land topography, prevailing winds or the absence thereof, local and regional airsheds, increase in sources or quantity of emission, as well as quality of such, and such other items as are deemed pertinent.

(6) The subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to use of the highways existing or proposed.

(7) The subdivider is current in the performance of its obligations to the school district pursuant to Section 17-4-270 below.

(8) The subdivision will not place an unreasonable burden on the ability of the Town, special districts, utilities or other entities to provide water, sewage treatment, fire protection, police protection, hospital care, solid waste disposal and other services to the property, its residents and occupants. Lack of capacity or other conditions which render any such service unavailable at the time of consideration of the final plat shall not require denial thereof if the Board of Trustees is satisfied that specific measures or undertakings to remedy such lack of capacity or unavailability have been identified and undertaken, and may reasonably be expected to effect such remedy

within the times necessary to permit the subdivision to develop as planned. Approval of the final plat does not constitute a representation or guaranty by the Town as to the actual availability of any service at any time, present or future.

(9) The subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas.

(10) The subdivision will not have an undue adverse effect on wildlife and its habitat, or on the preservation of wetlands and open space.

(11) The subdivision will not have an undue adverse effect on adjacent land uses.

(12) The subdivision will not alone or cumulatively with other subdivisions in the Town cause any of the adverse effects described above.

(13) The subdivision does not create any violation or nonconformity with the requirements of Chapter 16 of this Code.

(14) The subdivision meets the goals and policies embodied in the Comprehensive Plan. (Ord. 549 §§7—10, 2003; Ord. 648 §7, 2010)

Sec. 17-2-120. Board of Trustees consideration of final plat.

(a) Findings of fact and order. Upon completing its deliberations on the final plat submittal, the Board of Trustees shall issue its written findings of fact and order by resolution, either approving the same, approving it subject to correction of minor deficiencies or disapproving the same, as follows:

(1) Approval. If the final plat submittal meets the approval criteria set forth in Subsection 17-2-110(f) above, the Board of Trustees shall approve the same.

(2) Approval subject to corrections. If the final plat submittal meets the approval criteria specified above except for minor deficiencies which can be corrected without further involvement of the Board of Trustees, it may approve the final plat subject to the correction of such deficiencies, which shall be specified in detail in the resolution approving the final plat.

(3) Disapproval for cause. The Board of Trustees shall disapprove the final plat, specifying the reasons for such disapproval, if it does not meet the criteria for approval set forth above.

(b) Terms and conditions of approval; effective date. The resolution approving a final plat shall be deemed effective for purposes of judicial review and referendum as of the date it is adopted and approved by the Board of Trustees. Any such resolution shall, however, be subject to the following conditions, all of which must be met before the final plat will be executed by the Town and recorded pursuant to Subsection 17-2-140(b) below:

(1) All minor deficiencies specified in the approval resolution are corrected by the subdivider and the corrections have been accepted by the Town;

(2) The subdivider has executed and delivered to the Town the Improvements Agreement required by Section 17-5-10 of this Chapter, and the improvements security provided for therein is in place and has been delivered to the Town;

(3) The subdivider has met the requirements of Section 17-4-270 of this Chapter and applicable provisions of the intergovernmental agreement described therein to the reasonable satisfaction of the Weld County School District RE-1, and all required dedication deeds and payments have been received as provided therein; and

(4) The subdivider has paid any fees in lieu of park and open space dedications as required by Section 17-4-240 below.

(c) If any of the above and foregoing conditions remains unmet after the expiration of sixty (60) days from the date of the resolution approving the final plat submittal, the Board of Trustees may, upon notice to the subdivider, by resolution rescind its approval of the final plat at any time prior to performance of all of said conditions. (Ord. 549 §§7—10, 2003)

Sec. 17-2-130. Reserved.

Sec. 17-2-140. Filing of final plat.

(a) Material required from subdivider. The subdivider shall provide to the Town Clerk the original and one (1) reproducible copy of the final plat, fully executed and acknowledged by the subdivider and all other persons acting on behalf of the subdivider whose signatures are required by Section 17-3-890 of this Chapter, and ready for execution by the Town.

(b) Responsibility of Town to file. Upon verifying that all requirements of Subsection 17-2-120(b) above have been met, the Town Manager shall cause the appropriate officers of the Town to execute the plat and shall file it for record in the records of the County Clerk and Recorder.

(c) Certified copy of recorded plat. The Town Clerk shall obtain a certified copy of the recorded plat and all other documents filed with the County Clerk and Recorder and maintain the same in the permanent records of the Town.

(d) Distribution of copies of recorded plat. Upon receipt of the certified copy of the recorded plat, the Town Clerk shall make and distribute a copy thereof to the Town Engineer and the Town Attorney. (Ord. 549 §§7—10, 2003; Ord. 574 §1, 2005)

ARTICLE III

Submittal Specifications

Division I

Preapplication Conference

Sec. 17-3-10. Request.

Except as provided in Section 17-3-20 below regarding the sketch plan, a subdivider who desires a preapplication conference shall submit a written request for preapplication conference to the Town Clerk on a form provided by the Town. Such request shall be signed by the subdivider and be accompanied by the sketch plan and general development report provided in Sections 17-3-20 and 17-3-30 below. The number of copies of each shall be as determined from time to time by the Town Manager and set forth in the development review manual of the Town. (Prior code 16-4-1; Ord. 532, 2001; Ord. 549 §11, 2003; Ord. 574 §1, 2005)

Sec. 17-3-20. Sketch plan of subdivision.

The subdivider shall submit a sketch plan, consisting of a free-hand or scaled drawing of the proposed subdivision depicting proposed land uses, topography of the land to be developed, the proposed street system with approximate right-of-way width, the block and lot pattern with approximate lot areas noted, and the location of utilities and existing development on the subject and adjacent land. (Prior code 16-4-1; Ord. 532, 2001; Ord. 549 §13, 2003)

Sec. 17-3-30. General development report.

The subdivider shall provide a general development report describing or outlining the existing conditions of the site and the proposed development as necessary to supplement the sketch plan. The report shall include:

- (1) Information on existing land characteristics.
- (2) Information on existing covenants.
- (3) Information describing the development proposal, such as:
 - a. Number of residential lots or dwelling units.
 - b. Residential unit-type mix.
 - c. Square footage of nonresidential development and type of development.
 - d. Typical lot width and depth.
 - e. Common facilities and structures.
 - f. Proposed protective covenants. (Prior code 16-4-1; Ord. 532, 2001; Ord. 549 §14, 2003)

Division 2
Preliminary Submittal

Sec. 17-3-200. Preliminary plat submittal materials.

The subdivider shall submit the materials specified in this Division to the Town Clerk. The dimensions of the maps or plans submitted shall be as follows: full size (twenty-four [24] inches by thirty-six [36] inches), and reduced size (eleven [11] inches by seventeen [17] inches) for copies to referral agencies. The number of copies of each size shall be as determined from time to time by the Town Manager and set forth in the development review manual of the Town. All written reports shall be bound securely along the margin and the maps shall meet the requirements in Section 17-3-450 below. (Prior code 16-4-2; Ord. 532, 2001; Ord. 549 §15, 2003; Ord. 574 §1, 2005)

Sec. 17-3-205. Application.

The subdivider shall submit an application for review and approval, in a form furnished by the Town, and signed by all owners of record of the subdivision property. (Ord. 549 §16, 2003)

Sec. 17-3-210. Location map.

A location map shall be drawn to a scale of not less than 1" = 600' showing:

- (1) The general location of the project and its property boundaries.
- (2) True north and scale of map.
- (3) All significant natural and man-made features on the site.
- (4) All adjacent land uses within one-half (½) mile of the site. (Prior code 16-4-2; Ord. 532, 2001)

Sec. 17-3-220. Existing conditions map.

The subdivider shall provide an existing conditions map showing the following information, if applicable:

- (1) All existing structures, including surface and subsurface oil and gas facilities.
- (2) All existing uses on the site.
- (3) Major public facilities.
- (4) Existing zoning districts, taxing districts or any other special districts.
- (5) Perimeter outline of the project and abutting property lines.
- (6) A survey plat description of the perimeter of the proposed subdivision, including ties to existing section monuments or records and a description of monuments (the survey plat shall have

an error not greater than one [1] part in ten thousand [10,000], and monuments shall conform to the requirements of Section 38-51-101, C.R.S.)

(7) The location and identification of all existing public and private easements, rights-of-way, roads, streets, alleys, bicycle paths, railroads, section lines within and adjacent to the proposed subdivision and the names of existing streets.

(8) The location and identification of all existing public and private utilities on the property and within two hundred (200) feet of its boundaries.

(9) Boundaries and the names and addresses of all owners of record of each parcel of real property lying within five hundred (500) feet of the boundaries of the subdivision, exclusive of public rights-of-way. (Prior code 16-4-2; Ord. 532, 2001; Ord. 549 §17, 2003)

Sec. 17-3-230. Topographic and vegetative map.

The subdivider shall provide a topographic and vegetative map showing the following information, which may be shown in overlay form:

(1) Lot and street layout of all proposed land uses.

(2) The existing contours at two-foot intervals for predominant ground slopes on the property under fifteen percent (15%) grade, and five-foot contours for predominant ground slopes on the property over fifteen percent (15%) grade. Elevations shall be based on National Geodetic Survey sea level data. In cases of predominantly level topography throughout the project, one-foot contour intervals are required.

(3) Slopes shall be broken into the following categories and clearly illustrated on the map:

- a. Zero percent (0%) to five percent (5%)
- b. Five percent (5%) to eight percent (8%)
- c. Eight percent (8%) to fifteen percent (15%)
- d. Fifteen percent (15%) to thirty percent (30%) and
- e. Greater than thirty percent (30%).

(4) The type and location of the site's major vegetative features, including the general location of all trees over six (6) inches in diameter measured at six (6) feet above the ground. In cases of heavily wooded sites, indicate the outline of wooded areas and location of trees that are to remain. (It is the intent of this requirement to determine the approximate location of trees for design evaluation rather than to require surveying of exact tree location.) (Prior code 16-4-2; Ord. 532, 2001)

Sec. 17-3-240. Soils, geology and natural hazards map.

The subdivider shall provide a soils, geology and natural hazards map to accompany the professionally prepared, bound reports listed in Section 17-3-410 of this Chapter. This map shall show the following information and may be presented in overlay form:

- (1) Lot and street layout and location of proposed land uses as in Sections 17-3-250 through 17-3-290 of this Division.
- (2) Soil types reflecting the information provided in the soils report submitted.
- (3) Significant geologic and natural features and characteristics of the site subject to natural hazards, including, if applicable:
 - a. One-hundred-year floodplain and the floodway.
 - b. Unstable soils.
 - c. Expansive soils.
 - d. Subsidence areas.
 - e. Wetlands.
- (4) The location of areas on or adjacent to the property which are considered to be important wildlife areas. (Prior code 16-4-2; Ord. 532, 2001; Ord. 549 §18, 2003)

Sec. 17-3-250. Preliminary site plan.

The subdivider shall provide a preliminary site plan which contains or is accompanied by the following information:

- (1) Proposed name of the subdivision.
- (2) Location of the subdivision as a part of some larger subdivision or tract of land and by reference to permanent survey monuments with a tie to a section corner or a quarter-section corner. Also, it shall include a vicinity map of the surrounding one-mile area.
- (3) Names and addresses of the subdivider, his or her engineer or designer and land surveyor (who shall be licensed by the State).
- (4) Total acreage of the subdivision and tabulation of acreage and square footage in parks, open areas, commercial land, residential lots, single- and multi-family lots and all other uses of the land with their respective percentages of the total area.
- (5) Date of preparation, scale and North arrow (designated as true North).
- (6) Topography at five-foot intervals where the average slope is less than fifteen percent (15%) and at intervals of twenty (20) feet where the average slope exceeds fifteen percent (15%),

provided that the same interval is used throughout the subdivision (interval used is to be clearly indicated on the plat).

(7) Designation of areas subject to periodic flooding and the volume of water during such floods.

(8) Evidence to establish that provision has been made for public water and sanitary sewer systems.

(9) The names of abutting subdivisions and the names of the owners of abutting unplatted property.

(10) Location and principal dimensions for all existing streets (including their names), alleys, easements, water courses and other important features within and adjacent to the tract to be subdivided.

(11) Location and principal dimensions for all proposed streets (including their names), alleys, easements, lot lines and areas to be reserved or dedicated for parks, schools or other public uses.

(12) The location and size of existing and proposed utilities within or adjacent to the tract and letters of intent to serve and conditions from utilities.

(13) Site data, including proposed sites for residential use and number of dwelling units and proposed sizes for nonresidential uses, including the square footage by use category and areas allocated for schools, parks and other public uses.

(14) Such additional preliminary information as may be required by the Town in order to adequately describe proposed utility systems, surface improvements or other construction projects contemplated within the area to be subdivided.

(15) Application form for zoning the area to be subdivided or an application form for rezoning when so required.

(16) A copy of any proposed restrictive covenants for the subdivision.

(17) Total number of square feet of proposed nonresidential floor space.

(18) Estimated number of proposed off-street parking spaces and location, excluding those associated with single-family residential development.

(19) Estimated total number of gallons per day of water system requirements and methods of computations, including fire needs.

(20) Estimated total number of gallons per day of sanitary sewer flows.

(21) Estimated construction cost and proposed method of financing of the streets and related facilities, water distribution systems, sewage collection systems, storm drainage facilities and such other utilities as may be required of the development by the Town.

(22) Written acknowledgement that the subdivider shall be required to convey to the Town any water rights historically associated with the property being subdivided, in order to augment the Town's physical and legal supply of water.

(23) Evidence that the subdivider shall have taken appropriate action, such as setting up an escrow account, to ensure that all property taxes in the year of approval of the final plat will be paid.

(24) All soil and geological hazard areas.

(25) The names and addresses of all surface owners, mineral owners and lessees of mineral owners.

(26) Letters from the subdivider, his or her engineer and attorney certifying that the submittal meets all requirements of this Section. (Prior code 16-4-2; Ord. 532, 2001; Ord. 549 §18, 2003)

Sec. 17-3-260. Preliminary utilities plan.

The subdivider shall provide a proposed utilities plan showing:

(1) Proposed utilities and proposed tie-ins to existing utilities (this shall include the proposed locations of all fire hydrants).

(2) Proposed utility easements and tie-ins to existing utility easements. (Prior code 16-4-2; Ord. 532, 2001)

Sec. 17-3-270. Traffic study.

The subdivider shall provide a traffic study current as of the date of submittal prepared by a qualified traffic engineer showing projected population, and demographics and trip generation information for the project, based upon generally accepted criteria and standards. (Ord. 532, 2001)

Sec. 17-3-280. Preliminary road plan.

The subdivider shall provide a preliminary road plan to include graphic:

(1) Alignments.

(2) Dimensioned right-of-way widths.

(3) Curve radii and tangent lengths.

(4) The proposed typical structural and geometric cross-sections.

(5) The locations, type and approximate size of appurtenant structures such as bridges, major culverts, traffic control devices, lot lines and other controlling design features.

(6) Alignments, right-of-way dimensions and cross-sections for bicycle paths.

(7) Percent grades on roads and bicycle paths. (Prior code 16-4-2; Ord. 532, 2001)

Sec. 17-3-290. Preliminary hydrology, drainage and grading plan.

A preliminary hydrology, drainage and grading map to accompany the professionally prepared report listed in Section 17-3-410 below, which shall show the following information and may be shown in overlay form:

(1) Lot and street layout and location of all proposed land uses.

(2) Existing and proposed major hydrologic features on the site, including lakes, streams, marshes and wet areas.

(3) A stormwater drainage plan designed by a licensed professional engineer experienced in open channel hydrology according to the standards listed in Sections 17-4-130 through 17-4-210 of this Chapter, showing:

a. Existing drainage facilities and structures, including irrigation and drainage ditches, gutters and culverts.

b. The overall drainage area boundary and drainage subarea boundaries.

c. The location of proposed culverts and other drainage structures indicating the method of moving storm runoff water through the subdivision.

d. The proposed outfall point for runoff from the study area.

e. Runoff concentrations in acres of drainage area on each street entering each intersection.

f. For storm drainage facilities not on or adjacent to the tract, the direction and distance to, size and invert elevation or nearest extension of such utilities.

g. The plan shall show the routing and accumulative flows at various critical points for runoff from a two-year storm and from a one-hundred-year storm.

h. Details of drainage facilities, including sizes and grades of culverts, drain inlets and storm drainage sewers, quantities of flow at each pickup point, and a demonstration of the adequacy of drainage outlets through plans or cross-sections.

(4) Grading plan. A generalized grading plan identifying areas of cut and fill and proposed street gradients. Proposed contours shall be shown as dotted lines at the same interval required for existing contours. (Prior code 16-4-2; Ord. 532, 2001)

Sec. 17-3-300. Application form.

The subdivider shall provide one (1) copy of an application for preliminary submittal review. (Prior code 16-4-2; Ord. 532, 2001)

Sec. 17-3-310. Statement of proposal concepts and objectives.

The subdivider shall provide a statement outlining the basic objectives and concepts of the proposal, including but not limited to:

- (1) All proposed land uses and total area devoted to each within all areas scheduled for development.
- (2) The percentage of total project area devoted to each type of land use.
- (3) The overall density proposed.
- (4) The total number of dwelling units proposed.
- (5) The estimated total number of square feet of nonresidential floor space proposed.
- (6) The total number of off-street parking spaces listed separately by use type. (Prior code 16-4-2; Ord. 532, 2001)

Sec. 17-3-320. Legal description of property.

The subdivider shall provide a legal metes and bounds description of the property and acreage performed by a registered land surveyor. (Prior code 16-4-2; Ord. 532, 2001)

Sec. 17-3-330. Open space.

The subdivider shall provide a statement regarding the location and function of common open space, common buildings and other common structures, including both common open space and facilities reserved or dedicated for public use and common open space and facilities not so reserved or dedicated. (Prior code 16-4-2; Ord. 532, 2001)

Sec. 17-3-340. Restrictive covenants, special conditions and easements.

The subdivider shall provide a statement regarding the substance of any existing or proposed covenants, special conditions, grants of easements, or other restrictions applying to all or any portion of the proposed site, including a statement of how such restrictions will ensure compliance of subsequent development and use with Town policies. (Prior code 16-4-2; Ord. 532, 2001)

Sec. 17-3-350. Ownership of common facilities.

The subdivider shall provide, if applicable, a discussion of the substance of the proposed legal treatment of ownership and maintenance of any streets, paths or ways, common open areas, common buildings or other common structures within the development. (Prior code 16-4-2; Ord. 532, 2001)

Sec. 17-3-360. Utility requirements.

(a) Water distribution system. The subdivider shall provide a description of the method proposed to effect water service to the property, including, but not limited to the following:

- (1) Location and size of pipes.
 - (2) Storage facilities to be provided.
 - (3) The number and size of proposed taps.
 - (4) The number and size of proposed fire taps.
 - (5) The manner of connection to the present Town system.
- (b) Sanitary sewer system. The subdivider shall provide:
- (1) A statement outlining the type of sewer system proposed; the method of wastewater disposal; and the estimated quantity of sewage to be generated, including an estimate of the average number of pounds of BOD per day that will need treatment.
 - (2) A study showing the feasibility of extending services to the project.
- (c) Electric, telephone, gas, CATV utilities. The subdivider shall provide:
- (1) A statement outlining the type of utility sources to be used.
 - (2) When appropriate, a letter from the appropriate utility companies or special districts indicating their ability and willingness to serve the proposed subdivision.
- (d) Storm drainage system. The subdivider shall provide a description of the method proposed to effect sanitary sewer service to the property's storm drainage system and how it connects with the Town's existing storm drainage system, if applicable:
- (1) Location and approximate size of pipes, culverts and bridges.
 - (2) Location and capacity of storm drainage detention facilities.
 - (3) Location of major aboveground storm drainage facilities such as swales and ditches.
- (e) Recipients of storm drainage releases. The subdivider shall provide a letter from each owner of property to be affected by the release of stormwater from the site beyond historic flows, indicating the owner's acceptance of the proposed storm drainage plan, or the areas of conflict with the proposed storm drainage plan.
- (f) Solid waste generation and disposal. The subdivider shall provide:
- (1) A statement concerning the estimated amount of solid waste generated by the project.
 - (2) A statement concerning the proposed method of disposal.
 - (3) When applicable, a letter from the appropriate collection company or special district indicating its ability and willingness to serve the proposed subdivisions.

(g) Fire protection. The subdivider shall provide a statement concerning the type of fire protection to be provided, including, when appropriate, a letter from the appropriate special district or entity indicating its ability and willingness to serve the proposed subdivisions.

(h) Notice of service approval. The subdivider shall provide a letter from each special district, utility company or other entity involved, including the Town, addressed to the Planning Commission, stating that specific services and/or utilities are available and stating that the entity has reviewed the plan and is forwarding its comments concerning the extent of services and the design of utility easements. (Prior code 16-4-2; Ord. 532, 2001)

Sec. 17-3-370. Public use areas.

The subdivider shall provide a statement outlining in general terms the anticipated need within the project for public use areas such as school sites, municipal buildings, parks or other forms of open space. (Prior code 16-4-2; Ord. 532, 2001)

Sec. 17-3-380. Low and/or moderately priced housing.

The subdivider shall provide, if applicable, a statement regarding the provisions for low and/or moderately priced housing. (Prior code 16-4-2; Ord. 532, 2001)

Sec. 17-3-390. Potential for radiation hazard.

The subdivider shall provide, if applicable, a statement pertaining to the potential for radiation hazard to the proposed land use. (Prior code 16-4-2; Ord. 532, 2001)

Sec. 17-3-400. Evidence of title.

The subdivider shall provide evidence of fee ownership of each separately owned parcel of land included within the proposed subdivision. Such evidence shall consist of a commitment for or a title insurance policy, a written attorney title opinion, a subdivision certificate or a written ownership and encumbrance report, all dated within thirty (30) days before the date of submission to the Town. Copies of deeds and tax notices ARE NOT sufficient. If a corporation, partnership or joint venture owns the property, the subdivider shall furnish such additional information (i.e., partnership agreement, joint venture affidavit as provided by Section 38-30-166, C.R.S., etc.) as may be requested by the Town in order to determine that the signatories have been authorized by that entity to execute such documents. (Prior code 16-4-2; Ord. 532, 2001)

Sec. 17-3-410. Reserved.

Sec. 17-3-420. Estimated public facility construction costs and proposed financing.

The subdivider shall provide a statement outlining estimated construction costs and proposed methods of financing of the streets and related facilities, water distribution system, sewage collection system, storm drainage facilities and such other utilities and improvements as may be necessary. (Prior code 16-4-2; Ord. 532, 2001)

Sec. 17-3-430. Schedule of development.

The subdivider shall provide information concerning the proposed schedule of development, including:

- (1) The approximate date when construction of the project is proposed to begin, number of dwellings and unit mix for each phase and the general time span of the entire development.
- (2) The stages in which the project will be built and the approximate date when construction of each stage is proposed to begin.
- (3) The common open space, if any, that will be provided at each stage. (Prior code 16-4-2; Ord. 532, 2001)

Sec. 17-3-440. Additional information.

The subdivider shall provide any additional information which the Planning Commission or the Board of Trustees may reasonably request to assist them in the review of the proposed subdivision. (Prior code 16-4-2; Ord. 532, 2001)

Sec. 17-3-450. Map and plan requirements.

(a) Scale of maps and plans.

(1) All maps and plans included with the preliminary plat submittal, except the location map, shall be drawn at the scale of 1" = 100' or 1" = 50'.

(2) Some variation from this may be acceptable in the case of unusually large projects, provided that the maps or plans and design are clearly legible.

(b) Quality and workmanship.

(1) The prints of the maps and plans shall be black on white or blue on white; reproductions shall be clear and crisp.

(2) A workmanlike execution of the map or plan shall be made in every detail. A poorly drawn or illegible map or plan is sufficient cause for its rejection.

(c) Map and plan accuracy. The accuracy of location of alignments, boundaries and monuments shall be certified by a registered land surveyor licensed to do such work in the State.

(d) Map size and plan.

(1) The dimensions of each and every map or plan submitted shall be twenty-four (24) inches by thirty-six (36) inches, and eleven (11) inches by seventeen (17) inches, as provided in Section 17-3-200 above.

(2) Some variation from this may be acceptable in case of unusually large projects.

(3) In case of multiple sheets, a key map or plan showing the relationship of the individual sheets shall be provided.

(e) Map and plan legend.

(1) Name of the project.

(2) Name of the county.

(3) Date of submission.

(4) Dates of preparation and all subsequent revisions.

(5) U.S.G.S. township, range, section and quarter section.

(6) True north points.

(7) Scale.

(8) Monuments (pins) set and found.

(f) Certifications.

(1) All maps, plans, reports and certifications must bear suitable evidence of the professional qualifications of the person responsible.

(2) Owner's certification of acceptance of conditions and restrictions as set forth on the preliminary development plan.

(3) Maps or plans certifying water supply, sanitation, utilities, drainage, soils, road construction, structures or other engineering work must be certified by a duly registered Colorado professional engineer.

(4) All documents containing land survey descriptions and the required topographic maps shall be certified by a duly registered Colorado professional land surveyor.

(5) All data submitted regarding environmental studies and other disciplines not currently requiring registration by the State must be accompanied by qualifications sufficient to demonstrate the author's degree of expertise and experience. (Prior code 16-4-2; Ord. 532, 2001; Ord. 549 §20, 2003)

*Division 3
Final Plat*

Sec. 17-3-550. Final plat materials.

The subdivider shall submit the final plat materials specified in this Division to the Town Clerk. The dimensions of the maps or plans submitted shall be as follows: full size (twenty-four [24] inches

by thirty-six [36] inches), and reduced size (eleven [11] inches by seventeen [17] inches) for copies to referral agencies. The number of copies of each shall be as determined from time to time by the Town Manager and set forth in the development review manual of the Town. All written reports shall be bound securely along the margin. (Prior code 16-4-3; Ord. 532, 2001; Ord. 549 §21, 2003; Ord. 574 §1, 2005)

Sec. 17-3-555. Application.

The subdivider shall submit an application for review and approval, in a form furnished by the Town and signed by all owners of record of the subdivision property. (Ord. 549 §22, 2003)

Sec. 17-3-560. Final plat.

A final plat shows the same information that was on the conceptual site plan included in the preliminary submittal, in finalized form with engineering and design complete. This final plat will be recorded with the County Clerk and Recorder upon final plat approval by the Board of Trustees. The final plat drawing shall comply with the following standards:

(1) Preparation and certification.

a. The plat shall be submitted in a form and format that is then currently acceptable to the County Clerk and Recorder's office for recording.

b. The plat shall be prepared and certification made as to its accuracy by a registered land surveyor licensed to do such work according to the State.

c. The scale shall be 1" = 50' unless otherwise approved by the Town.

d. A workmanlike execution of the plat shall be made in every detail.

e. A poorly drawn or illegible plat is sufficient cause for its rejection.

(2) Plat content. The information on the plat shall include:

a. Name of subdivision.

b. Astronomic north arrow and basis thereof.

c. Date.

d. Name and address of the owner of record.

e. Total acreage of subdivision and total number of lots.

f. Township, range, section (and quarter section, if portion of a section), Principal Meridian.

g. Block and lot numbers.

- h. Graphic scale.
- i. The square footage of each lot or tract.
- j. Any additional information required by Section 38-51-102, C.R.S.

(3) Perimeter survey and ties. The perimeter survey description of the proposed subdivision shall include at least one (1) tie to an existing section monument of record and a description of monuments. The survey shown on the final plat shall not have an error greater than one (1) part in ten thousand (10,000). Monuments shall conform to the requirements of Section 38-51-101, C.R.S.

(4) Perimeter boundary lines. The bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line with the lot dimensions. When the plat is bounded by an irregular shoreline or a body of water, the bearings and distances of a closing meander traverse should be given and a notation made that the plat includes all land to the water's edge or otherwise.

(5) Dimensions of lots. Bearings and lengths shall be given for all lot lines, except that bearings and lengths need not be given for interior lot lines where the bearings and lengths are the same as those of both end lot lines.

(6) Accuracy of dimensions. Lengths shall be shown to hundredths of a foot, and angles and bearings shall be shown to seconds of arc.

(7) Dimensions of irregularly shaped lots. All dimensions of irregularly shaped lots shall be indicated in each lot.

(8) Curve data. On curved boundaries and all curves on the plat, sufficient data shall be given to enable the reestablishment of the curves on the ground. This curve data shall include the following for circular curves: radius of curve, central angle, tangent, arc length, chord length and bearing, and notation of nontangent curves.

(9) Lot and block identification. All blocks shall be lettered in alphabetical order or numbered consecutively and all lots in each block shall be numbered consecutively.

(10) Excepted parcels. Excepted parcels shall be marked "Not Included in This Subdivision" and the boundary completely indicated by bearings and distances.

(11) Public streets and ways. All streets, bicycle paths, walkways and alleys shall be designated as such; streets shall be named and bearings and dimensions must be given.

(12) Easements. All easements, including easements for use other than utilities, shall be designated as such and bearings and dimensions given.

(13) Total area accounted for in the plat. All lands within the boundaries of the plat shall be accounted for either as lots, walkways, streets, alleys, bicycle paths, public areas such as school sites, parks or common areas, or excepted parcels.

(14) Contiguous and noncontiguous parcels. Parcels not contiguous shall not be included in one (1) plat, nor shall more than one (1) plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one (1) plat, provided that all owners join in the dedication and acknowledgement.

(15) Plat revisions. If a plat is revised, a copy of the old plat shall be provided for comparison purposes. (Prior code 16-4-3; Ord. 549 §23, 2003)

Sec. 17-3-570. Site plan.

The subdivider shall provide a detailed site plan showing the following:

- (1) Layout. Lot and street layout, including:
 - a. Dimensions of all lots to be the nearest foot (which may be scaled values).
 - b. Lots and blocks numbered and lettered consecutively.
 - c. Sites, if any, for multi-family dwellings, commercial uses, community facilities, industry or other uses exclusive of single-family dwellings.
 - d. Existing and proposed street names; existing and proposed bicycle paths.
 - e. Sites to be dedicated for parks, playgrounds, schools or other public uses.
 - f. The location of common open space and common facilities not reserved or dedicated to the public.
 - g. The location of paved, lighted off-street parking.

(2) Building site elevations. Elevations of the first habitable floor of all buildings or any other additional information that may be required. (Prior code 16-4-3; Ord. 532, 2001)

Sec. 17-3-580. Traffic study.

The subdivider shall provide a traffic study current as of the date of submittal prepared by a qualified traffic engineer showing projected population, demographics and trip generation information for the project, based upon generally accepted criteria and standards. (Ord. 532, 2001)

Sec. 17-3-590. Roads.

(a) Road construction plans and profiles.

(1) The scale shall be 1" = 100' or 1" = 50' horizontal, 1" = 5" vertical in flat and rolling terrain. The horizontal to vertical distortion is to be chosen to best depict the critical elevation aspect of design.

(2) The typical road geometric and structural cross-section is to be shown on each plan sheet.

(3) The plan must show right-of-way lines and widths, road names, lot lines, tangent lengths and bearings, curve radii, delta angles, curve lengths, chord lengths and bearings, stationing at all beginning of curves and end of curves, intersections, structures, angles, curb lines, cross pans, traffic control devices (islands, striping, signs, etc.), drive cuts, curb returns and radii and all other features to enable construction in accordance with approved standards.

(4) The profiles shall include ground lines, grade lines, elevation at point of intersection of vertical curves, beginning of vertical curves and end of vertical curves, intersections and other critical points, structures and all other features required to enable construction in accordance with approved standards.

(5) The pavement design shall be accompanied by pavement design computations and all necessary construction specifications.

(b) Road structure details.

(1) Sufficient data should be given to construct major structures and road appurtenances such as bridges, culverts and gutters, drives, walks, cross pans, etc.

(2) Detail should include orientation, line and grade, cross-section, dimensions, reinforcement schedules, materials, quality specifications, compaction specifications, etc. (Prior code 16-4-3; Ord. 532, 2001)

Sec. 17-3-600. Utilities plan.

The subdivider shall provide a composite utilities plan showing:

(1) Easements. Location, size and proposed use of all existing and proposed easements: water, sewer, gas, electric, telephone, etc.; subsequently, all utilities must be constructed within approved easements.

(2) Water. Water distribution system and any off-site retail facilities required.

(3) Wastewater. Wastewater collection system, including any lift stations, and any off-site retail facilities required.

(4) Other utility locations. Location and dimensions of all existing and proposed traffic controls, trash disposal areas and enclosures. (Prior code 16-4-3; Ord. 532, 2001; Ord. 549 §24, 2003)

Sec. 17-3-610. Detailed sewage collection and water distribution plans.

The subdivider shall provide sewage collection and water supply distribution system plans, profiles and specifications, including materials, compaction and other construction specifications, based upon the approved preliminary plans. (Prior code 16-4-3; Ord. 532, 2001)

Sec. 17-3-620. Erosion control and revegetation plan.

The subdivider shall provide an erosion control and revegetation plan when required by the Planning Commission or the Board of Trustees. (Prior code 16-4-3; Ord. 532, 2001)

Sec. 17-3-630. Detailed drainage and grading plan.

The subdivider shall provide a detailed drainage and grading plan, based upon the approved preliminary hydrology, drainage and grading plan and report, and showing the following features. (Where any construction details would duplicate those required by Section 17-3-590 of this Division, they shall only be submitted once.)

(1) Existing contours shown by dashed lines with proposed contours shown by solid lines superimposed. Such contours shall be shown at two-foot intervals. In case of predominantly level topography throughout a subdivision, one-foot contour intervals may be required.

(2) Detailed plans for the final storm drainage system, including:

a. Construction details and alignment of storm sewers, catch basins, manholes, ditches, berms, slope protection, dams, detention ponds and other drainage structures and features.

b. Direction, location and quantity of flow with arrows and quantity figures.

(3) Flow line profiles and layout elevations at minimum one-hundred-foot stations and natural ground elevations to show significant surface irregularities for all proposed conduits, channels and structures.

(4) Cross-sections of each water carrier, showing high water elevations and adjacent features that may be affected thereby.

(5) Construction details of curb, curb and gutter, cross pans, driveway aprons, culverts, drainage swales and ditches.

(6) Written approvals, as may be required, from other agencies or parties that may be affected by the drainage proposal.

(7) Supporting calculations for runoffs, times of concentrations, flow capacity and other drainage quantities, with all assumptions clearly stated with proper justification when needed or requested, all to be prepared in accordance with the requirements of Sections 17-4-130 through 17-4-210 of this Chapter. (Prior code 16-4-3; Ord. 532, 2001)

Sec. 17-3-635. Signage plan.

The subdivider shall provide a signage plan describing and illustrating the size, location, type and material of all signs. (Ord. 549 §25, 2003)

Sec. 17-3-640. Landscaping plan.

The subdivider shall provide a landscape plan showing:

- (1) All landscaping materials at mature sizes.
- (2) The maintenance system for landscaping, including the location of all sprinkler lines, valves, heads and electric control systems on property to be dedicated to the Town.
- (3) Any other landscaping features. (Prior code 16-4-3; Ord. 532, 2001)

Sec. 17-3-650. Copies of preliminary submittal.

The subdivider shall provide copies of the preliminary submittal for the project, with any modifications required as a condition for approval, and copies of the Planning Commission's recommendations on the preliminary submittal. (Prior code 16-4-3; Ord. 532, 2001)

Sec. 17-3-660. Evidence of title.

The subdivider shall provide evidence of fee ownership of each separately owned parcel of land included within the proposed subdivision. Such evidence shall consist of a commitment for or a title insurance policy, a written attorney title opinion, a subdivision certificate or a written ownership and encumbrance report, all dated within thirty (30) days before the date of submission to the Town. Copies of deeds and tax notices ARE NOT sufficient. If a corporation, partnership or joint venture owns the property, the subdivider shall furnish such additional information (i.e., partnership agreement, joint venture affidavit as provided by Section 38-30-166, C.R.S., etc.) as may be requested by the Town in order to determine that the signatories have been authorized by that entity to execute such documents. (Prior code 16-4-3; Ord. 532, 2001)

Sec. 17-3-670. Taxes paid.

The subdivider shall provide certification from the County Treasurer's office that all ad valorem taxes applicable to the subject land have been paid for years prior to that year in which approval is granted. (Prior code 16-4-3; Ord. 532, 2001)

Sec. 17-3-680. Survey notes.

The subdivider shall provide survey notes of a subdivision perimeter survey and copies of all monument records required pursuant to state law. (Prior code 16-4-3; Ord. 532, 2001)

Sec. 17-3-690. Covenants.

The subdivider shall provide the substance of all covenants, grants of easements or restrictions to be imposed upon the use of the land, buildings and structures. Where a portion of an existing easement is contiguous to a proposed easement or right-of-way of a new subdivision, proof of the dedication of the existing easement or right-of-way acceptable to the Board of Trustees must be submitted. (Prior code 16-4-3; Ord. 532, 2001)

Sec. 17-3-700. Public dedications.

The subdivider shall submit an agreement outlining the dedication of land for public uses or payment of monies in lieu of land. Said proposal shall outline the timing of conveyance of lands or the payment of monies. Where land is to be dedicated for roads, parks or other public purpose, a

letter from the agency to receive the property indicating that agency's willingness and ability to accept the land to be dedicated shall be submitted. (Prior code 16-4-3; Ord. 532, 2001)

Sec. 17-3-710. Public improvements cost estimate and construction schedule.

The subdivider shall furnish a current cost estimate and proposed construction schedule for all public improvements to be furnished, constructed and installed by the subdivider, on- and off-site, to serve the subdivision. (Prior code 16-4-3; Ord. 532, 2001)

Sec. 17-3-715. Statement of fiscal impact.

The subdivider shall provide a statement of the anticipated fiscal impact to the Town generated by the development. A fiscal impact analysis may be required if a projection of direct public costs and revenues is needed to determine the Town's ability to provide efficient municipal services. (Ord. 549 §26, 2003).

Sec. 17-3-720. Ownership and maintenance of open space.

The subdivider shall provide documents indicating the function, ownership and manner of maintenance of common open space and other common facilities not otherwise reserved or dedicated for public use. These shall include any written covenants, contracts or homeowners' association bylaws that apply to the common open space or common facilities. (Prior code 16-4-3; Ord. 532, 2001)

Sec. 17-3-730. Special documents.

The subdivider shall provide, as required, homeowners' association documents, special improvement district documents, maintenance bonds, special agreements, escrow fund documents and approvals from ditch companies and other entities, such as the Colorado Department of Transportation, railroad companies or any others that are involved. (Prior code 16-4-3; Ord. 532, 2001)

Sec. 17-3-740. Land use information.

The subdivider shall provide a statement or table indicating the area in acres of each land use, including the acreage of each open space area. This land area data shall be submitted to allow the Planning Commission to make a determination as to compliance with requirements for land use intensity under Chapter 16 of this Code. (Prior code 16-4-3; Ord. 532, 2001)

Sec. 17-3-750. Dwelling unit information.

The subdivider shall provide a statement or table indicating the total number of dwelling units proposed. (Prior code 16-4-3; Ord. 532, 2001)

Sec. 17-3-760. Nonresidential land use information.

The subdivider shall provide a statement or table indicating the total number of square feet of proposed nonresidential floor space and the percentage of total area devoted to each type of

nonresidential land use. The projected number of employees and the type of activity shall be specified for each land use. (Prior code 16-4-3; Ord. 532, 2001)

Sec. 17-3-765. Market study.

If directed by the Town, the subdivider shall submit a market study to demonstrate the feasibility of proposed industrial and commercial uses. (Ord. 549 §27, 2003)

Sec. 17-3-770. Off-street parking information.

The subdivider shall provide a statement or table indicating the total number of proposed off-street parking spaces, with those associated with single family residential areas listed separately. (Prior code 16-4-3; Ord. 532, 2001)

Sec. 17-3-780. Estimated cost of construction for public improvements.

The subdivider shall provide a statement indicating the estimated construction cost and proposed method of financing the following:

- (1) Streets (including curb and gutter), bicycle paths and related facilities.
- (2) Water distribution system.
- (3) Sewage collection system.
- (4) Floodplain protection facilities.
- (5) Storm drainage facilities.
- (6) Other facilities as may be necessary. (Prior code 16-4-3; Ord. 532, 2001)

Sec. 17-3-790. Low-income and moderate-income housing.

The subdivider shall provide, if applicable, a discussion of provisions for low-income and moderate-income housing. (Prior code 16-4-3; Ord. 532, 2001)

Sec. 17-3-800. Project phasing.

The subdivider shall provide a statement indicating the project's phasing schedule, including:

- (1) The approximate date when construction of the project is proposed to begin and the general time span of the entire development.
- (2) A description of the areas involved in each phase and the approximate date when the construction of each stage is proposed to begin.
- (3) The common open space, if any, that will be provided at each phase and any other common facilities that will be provided at each phase. (Prior code 16-4-3; Ord. 532, 2001)

Sec. 17-3-810. Utility availability.

The subdivider shall provide letters from gas, electric, telephone, CATV and other necessary utilities and service districts or agencies reaffirming that service will be provided to the subdivision. (Prior code 16-4-3; Ord. 532, 2001)

Sec. 17-3-820. Highway permits.

When a new street will intersect with a state highway, a copy of the state highway permit allowing the intersection shall be provided. (Prior code 16-4-3)

Sec. 17-3-830. Landscaping materials.

When a landscaping plan is required by the Planning Commission or the Board of Trustees, the subdivider shall provide a complete listing of all landscaping materials, including scientific and common names, quantity, size at planting, size at maturity and a symbol or label to identify materials on the site plan. A description of planned maintenance of the landscape material shall be provided. (Prior code 16-4-3; Ord. 532, 2001)

Sec. 17-3-840. Additional material.

In cases of applications which are designated by the Planning Commission or the Board of Trustees to be of major significance due to the number of units proposed, precedent-setting potential or the nature of the use proposed, the applicant may be requested to submit the following additional information:

- (1) Transportation impacts. A statement indicating:
 - a. A description of type and condition of roads serving the property.
 - b. The expected traffic count increase on adjacent roads arising from the proposed use of the property.
 - c. The total number and type of motor vehicles expected to use or be stationed upon such building site.
 - d. The frequency and hours of proposed usage of adjacent roads.
 - e. The provision of on- and off-site parking.
 - f. The location of alternate transit means, bus routes, bicycle paths and pedestrian paths.
 - g. The proposed methods to accommodate changes in traffic patterns on existing and proposed public and private roadways.
- (2) Subdivider's experience. A statement indicating the applicant's past experience or record in projects similar to that proposed in the final plat.

(3) Public cost-revenue analysis. Information needed to perform a cost-revenue analysis predicting public revenues and public expenditures related to the proposed project. (Prior code 16-4-3; Ord. 532, 2001)

Sec. 17-3-850. Maps and plans.

(a) Scale of maps and plans.

(1) All maps and plans included with the final plat submittal, except the location map, shall be drawn at the scale of 1" = 100' or 1" = 50', as determined by the Town Manager.

(2) Some variation from this may be acceptable in the case of unusually large projects, provided that the maps or plans and design are clearly legible.

(b) Quality and workmanship.

(1) The prints of the maps and plans shall be black on white or blue on white; reproductions shall be clear and crisp.

(2) A workmanlike execution of the map or plan shall be made in every detail. A poorly drawn or illegible map or plan is sufficient cause for its rejection.

(c) Map and plan accuracy. The accuracy of location of alignments, boundaries and monuments shall be certified by a registered land surveyor licensed to do such work in the State.

(d) Map size and plan.

(1) The dimensions of each and every map or plan submitted shall be twenty-four (24) inches by thirty-six (36) inches, and eleven (11) inches by seventeen (17) inches, as provided in Section 17-3-200 above.

(2) Some variation from this may be acceptable in the case of unusually large projects.

(3) In case of multiple sheets, a key map or plan showing the relationship of the individual sheets shall be provided.

(e) Map and plan legend.

(1) Name of the project.

(2) Name of the county.

(3) Date of submission.

(4) Dates of preparation and all subsequent revisions.

(5) U.S.G.S. township, range, section and quarter section.

(6) True north points.

(7) Scale.

(8) Monuments (pins) set and found.

(f) Certifications.

(1) All maps, plans, reports and certifications must bear suitable evidence of the professional qualifications of the person responsible.

(2) Maps or plans certifying water supply, sanitation, utilities, drainage, soils, road construction, structures or other engineering work must be certified by a duly registered Colorado professional engineer.

(3) All documents containing land survey descriptions and the required topographic maps shall be certified by a duly registered Colorado professional land surveyor.

(4) All data submitted regarding environmental studies and other disciplines, not currently requiring registration by the State, must be accompanied by qualifications sufficient to demonstrate the author's degree of expertise and experience. (Prior code 16-4-3; Ord. 532, 2001; Ord. 549 §28, 2003; Ord. 574 §1, 2005)

Sec. 17-3-860. Conformity to preliminary submittal.

The final plat material shall conform in all major respects to the preliminary submittal material as previously reviewed and approved by the Board of Trustees and shall incorporate all modifications required in the reviews of the Planning Commission and Board of Trustees. The Planning Commission and the Board of Trustees may, however, approve a final plat which has been modified to reflect improvements in design or changes which have occurred in its natural surroundings and environment since the time of the preliminary submittal review and approval. However, the Planning Commission or the Board of Trustees may require a new preliminary submittal application in the case of a final plat which is changed substantially from the preliminary submittal in scope and concept. A substantial change may include, but shall not be limited to, any of the following:

(1) An increase of more than five percent (5%) in the residential density expressed as the number of dwelling units per site acre.

(2) An increase of more than five percent (5%) in the floor area proposed for nonresidential use of a commercial or industrial nature.

(3) A significant change in the height or location of any structures that would impact adjacent land uses or structures.

(4) A reduction of more than five percent (5%) in the area set aside for common space. (Prior code 16-4-3; Ord. 532, 2001)

Sec. 17-3-870. Phasing of final plat.

A final plat may be submitted in sections covering representative and reasonable portions of the subdivision tract. In such cases, submission shall include a key map, indicating the sections

designated for the entire tract and each sheet numbered accordingly, and title, legend, match lines and other appropriate information. (Prior code 16-4-3; Ord. 532, 2001)

Sec. 17-3-880. Monuments.

(a) Permanent reference monuments shall be set on the external boundary of the subdivision, pursuant to Section 38-51-101, C.R.S.

(b) Block and lot monuments shall be set pursuant to Section 38-51-101, C.R.S.

(c) At least one (1) second-order benchmark (Geodetic Survey Datum) shall be set (where practical to tie in) within every subdivision or subsequent filing prior to submission of the final plat for approval.

(d) Detailed requirements on monument construction, marking and setting are provided by the Town in a separate document.

(e) The surveyor making a final plat shall certify on the plat that it conforms to these regulations and to all applicable state laws and that the monuments described in it have been placed as described. He or she shall affix his or her name and seal. (Prior code 16-4-3)

Sec. 17-3-890. Certification on final plat.

The final plat shall contain the following certificates:

(1) Certificate of dedication and ownership.

Know all men by these presents that _____ being the Owner(s), Mortgagee or Lien holder of certain lands in Platteville, Colorado, described as follows: Beginning _____ (etc.) Containing _____ acres more or less: have by these presents laid out, platted and subdivided the same into lots and blocks, as shown on this plat, under the name and style of _____ and do hereby dedicate to the public all ways and other public rights-of-way and easements for the purpose shown hereon.

Executed this ___ day of _____, 20___.

[Signatures and acknowledgments
of all fee owners and mortgagees
of property]

(2) Surveying certificate.

I, _____ [Surveyor] _____ a registered Professional Land Surveyor in the State of Colorado, do hereby certify that the survey represented by this plat was made under my supervision and the monuments shown thereon actually exist and this plat accurately represents said survey.

Registered Land Surveyor

(3) Planning Commission certificate.

This plat approved by the Platteville Planning Commission this ____ day of _____, 20__.

Chairman

(4) Certificate of approval by the Board of Trustees.

Approved by the Board of Trustees of Platteville, Colorado, this ____ day of _____, 20 __.

Mayor

Attest:

Town Clerk

(5) Recorder's certificate.

This plat was filed for record in the office of the County Clerk and Recorder of Weld County at _____ .M., on the ____ day of _____, 20 ____, in Book _____, Page _____, Map _____, Reception _____.

County Clerk and Recorder

By: _____
Deputy

(Prior code 16-4-3; Ord. 532, 2001)

ARTICLE IV

Design Standards

Sec. 17-4-10. Final plat approval.

No final plat shall be approved by the Board of Trustees unless it complies with the following standards and the engineering criteria provided in the *Platteville Standard Specifications and Drawings for Design and Construction*. (Prior code 16-5)

Sec. 17-4-20. Planning considerations.

(a) Conformance to Comprehensive Plan. In designing and planning subdivisions, consideration shall be given to the Comprehensive Plan, Chapter 16 of this Code and any other relevant regulation. The Planning Commission shall study and review all subdivision plats in relation to the general

character of the area, the general requirements of the community and the particular requirements of the neighborhood.

(b) Consideration of hazards. Particular consideration will be given to geologic hazards and topography in relation to the suitability of the land for development, flooding, storm drainage and preservation of natural areas for open space.

(c) Consideration of public advisory agencies. Preapplication conference materials for residential subdivision proposals may be submitted to the following agencies for specific recommendations concerning dwelling unit densities appropriate to the capabilities of the area and the proposed water and sewer systems:

- (1) The Colorado Water Conservation Board.
- (2) The Colorado Geological Survey.
- (3) The Platte Valley Soil Conservation District.

Should assistance from the above agencies not be readily available, the Town may, at its discretion and in consultation with the subdivider, seek additional review assistance from private agency sources. Any costs shall be borne by the subdivider. If additional information is needed for proper review, the subdivider shall provide it. (Prior code 16-5-1; Ord. 532, 2001)

Sec. 17-4-30. General standards.

(a) The design and development of subdivisions shall preserve, insofar as it is possible, the natural terrain, natural drainage, existing topsoil and trees.

(b) Land subject to hazardous conditions such as landslides, mudflows, rockfalls, snowdrifts, possible mine subsidence, shallow water table, open quarries, floods and polluted or nonpotable water supply shall be identified and shall not be subdivided until the hazards have been eliminated or will be eliminated by the subdivision and construction plans.

(c) Provision shall be made to preserve groves of trees, streams, unusually attractive topography and other desirable natural landscape features.

(d) A proposed subdivision shall be designed in such a manner as to be coordinated with adjoining subdivisions with respect to the alignment of street rights-of-way and utility and drainage easements and open space.

(e) A proposed subdivision shall not, by reason of its location or design, cast an undue burden on public utility systems and community facilities on or adjacent to the tract. Where extension and enlargement of public utility systems and community facilities are necessary, the subdivider shall make provision to offset higher net public cost or earlier incursion of public cost necessitated by the subdivision. Due consideration shall be given to the difference between anticipated public costs of installation, operation and maintenance and anticipated public revenue derived from the fully developed subdivision in determining added net public cost. (Prior code 16-5-2)

Sec. 17-4-40. Lot size standards.

(a) Size and shape appropriate for intended use. Lot size, width, depth, shape, orientation and minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated, and shall facilitate the placement of buildings with sufficient access, outdoor space, privacy and view.

(b) Size and shape of commercial and industrial lots appropriate for intended use. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking, landscaping or planting area and loading areas required by the type of use and development contemplated.

(c) Conformance to zoning regulations. Lot widths and square footages shall conform to the requirements of Chapter 16 of this Code.

(d) Division of a lot. A lot shall not be divided by a road, alley or other lot.

(e) Access to public street. Each lot shall be provided with satisfactory access to a public street.

(f) Corner lot setback requirements. Corner lots shall have extra width to accommodate the required building setback line on both street frontages.

(g) Wedge-shaped lots. In the case of wedge-shaped lots, no lot shall be less than thirty (30) feet in width at the front property lines.

(h) Length of lots. No lot shall be more than three (3) times as long as it is wide.

(i) Lot lines. Side lot lines shall be at substantially right angles and radial to curved streets. Where lot lines are not at right angles to the street lines, this shall be indicated.

(j) Front on public street. Double frontages and reverse frontage lots shall not be permitted except where essential to provide separation of residential properties from arterial streets or adjacent commercial uses. (Prior code 16-5-3; Ord. 532, 2001)

Sec. 17-4-50. Block standards.

The lengths, widths and shapes of blocks shall be determined with due regard to the following:

(1) Building site suitability. Provision of adequate building sites suitable to the special needs of the type of use contemplated.

(2) Conformance to zoning regulations. Block dimensions shall conform to the requirements of Chapter 16 of this Code.

(3) Access. Needs for convenient access and control and safety of vehicular and pedestrian traffic circulation, and emergency vehicles.

(4) Conformance to topography. Limitations and opportunities of topography.

(5) Maximum block length. Maximum block length between intersecting streets shall be one thousand five hundred (1,500) feet. (Prior code 16-5-4; Ord. 532, 2001)

Sec. 17-4-60. Streets.

(a) A safe, efficient internal roadway system shall be constructed by the subdivider and dedicated to the Town in accordance with the provisions of Article VII of this Chapter and the public improvements agreement provided by Article V of this Chapter.

(b) The subdivider shall construct and convey to the Town in accordance with the provisions of Article VII of this Chapter such off-site road and street improvements, including paving and up-sizing of existing streets, connecting the property with the existing and planned roadway system of the Town as may be required to accommodate the traffic generated by the subdivision. These requirements shall be based upon the traffic studies submitted as a part of the project. (Prior code 16-5-5; Ord. 532, 2001)

Sec. 17-4-70. Street requirements.

(a) Street plan. The arrangement, extent, width, type and location of all streets shall be designed in relation to existing or planned streets, to topographic conditions, to public convenience and safety and to the proposed use of land to be served. The street or highway layout shall conform to the Comprehensive Plan. Streets shall be extended to the boundaries of the property, 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 for the advantageous development of adjacent properties. All building sites shall have access to a public street.

(b) Through traffic. Local streets shall be arranged so that their use by through traffic will be discouraged.

(c) Intersections.

(1) Freeways and arterial streets shall not be intersected by local streets.

(2) Collector streets shall not intersect major arterial streets at intervals of less than one thousand three hundred twenty (1,320) feet (¼ mile).

(3) No more than two (2) streets shall intersect at one (1) point.

(4) Streets shall intersect at ninety (90) degrees, except where this may be impractical. Angles of less than ninety (90) degrees may be designed, subject to the approval of the Planning Commission.

(5) Two (2) streets meeting a third street from opposite sides shall meet at the same point, or their centerlines shall be offset at least one hundred (100) feet. This requirement shall not apply to the alignment of opposing cul-de-sac streets, provided that the cul-de-sacs are one hundred (100) feet or less.

(d) Service roads and direct access to major highway. Where a residential subdivision abuts a major highway, service roads shall be required. The roadway of such service roads shall be at least

forty-four (44) feet in width. Driveways shall not be permitted to have direct access to major highways.

(e) Landscaped noise buffer. Where a subdivision borders a railroad right-of-way, freeway or arterial street, a landscaped buffer area of not less than twenty (20) feet shall be provided for adequate reduction of noise pollution.

(f) Cul-de-sac streets. Permanent cul-de-sac streets up to a maximum length of six hundred (600) feet may be permitted and must be provided with a right-of-way at the turnaround of a radius of sixty-five (65) feet, and the outside curb or pavement edge radius must be fifty-five (55) feet or more.

(g) Stub streets. Stub streets or extension of new streets must be provided to connect to existing stub streets for an efficient street system. Not more than six (6) lots shall front on a stub street except where a temporary turnaround is provided. Such turnaround shall have a minimum outside radius of forty (40) feet.

(h) Dead-end streets. Dead-end streets shall not be permitted.

(i) Half-streets. Half-streets shall not be permitted unless:

(1) They are required to complete a half-street already in existence;

(2) The subdivider obtains for the Town a dedication from the abutting landowner of the other one-half ($\frac{1}{2}$) of the street;

(3) The subdivider obtains from the abutting landowner an agreement in a form satisfactory to the Town which guarantees the cost of the improvements and construction of the same on the half-street within a time suitable to the Town; and

(4) The subdivider guarantees the construction of the improvements on the half-street which he or she is dedicating.

(j) Perimeter streets. When the plat dedicates a street which ends on the plat or is on the perimeter of the plat, the subdivider shall convey the last foot of the street on the terminal end or outside border of the plat to the Town in fee simple and such shall be designated as an *outlot*; the Town shall put the same to public use for public road and access purposes when, within its sole and absolute discretion, it deems advisable.

(k) Right-of-way width. Streets shall have the following minimum right-of-way widths:

(1) Freeway: two hundred fifty (250) feet.

(2) Major arterial: one hundred forty (140) feet.

(3) Minor arterial: one hundred (100) feet.

(4) Collector street: sixty (60) feet.

(5) Local street and service road: fifty (50) feet.

(l) Roadway width. Streets shall have the following roadway minimum widths:

(1) Four-lane arterial street: sixty-four (64) feet.

(2) Collector street: forty (40) feet.

(3) Local street or service road: forty (40) feet.

(4) At least six-foot paved shoulders shall be provided on arterial streets where curbs are not provided. (Prior code 16-5-5; Ord. 532, 2001)

Sec. 17-4-80. Street curvature and alignment.

(a) Horizontal curves. To ensure adequate sight distances, when street roadway lines deflect more than five (5) degrees, connection shall be made by horizontal curves. The minimum centerline radii for local streets shall be one hundred (100) feet; for collector streets, two hundred (200) feet; and for all other streets, four hundred (400) feet. On collector and arterial streets, a minimum tangent of one hundred (100) feet shall be required between a curve and a street intersection; a minimum tangent of one hundred (100) feet shall be required between reverse curves.

(b) Vertical curves.

(1) Vertical curves shall be used at changes of grade exceeding one percent (1%) and shall be designed to provide minimum sight distances of two hundred (200) feet for local streets and three hundred (300) feet for all other streets.

(2) Vertical curves for collector and arterial streets shall be as determined by the current specifications of the American Association of State Highway Officials.

(3) No vertical grade shall be less than one-half of one percent (0.5%) in order to facilitate adequate drainage.

(4) Maximum percent of street grade, except as provided by Subsections (5) and (6) below, shall be:

<i>Street Type</i>	<i>Maximum Street Grade</i>
Local street	7%
Collector street	6%
Arterial street	5%

(5) Where a horizontal curve occurs on a grade of over five percent (5%), the maximum allowable percent of grade on the curve shall be reduced by one-half of one percent (0.5%) for each fifty (50) feet that the curve radius is less than four hundred (400) feet.

(6) Street grades shall not exceed two percent (2%) for a distance extending at least seventy-five (75) feet in each direction from a street intersection.

(c) Cross street alignment. Cross streets which cannot be directly aligned at intersections shall be separated by a horizontal offset of not less than one hundred (100) feet between centerlines, provided that this requirement shall not apply to the alignment of short, opposing cul-de-sac streets. (Prior code 16-5-5; Ord. 532, 2001)

Sec. 17-4-90. Roadbed construction standards.

All roads and streets to be dedicated to the Town shall be paved in accordance with the *Platteville Standard Specifications and Drawings for Design and Construction*. (Prior code 16-5-5; Ord. 532, 2001)

Sec. 17-4-100. Street names.

All proposed street names shall be submitted with preliminary submittal materials. Streets that are in alignment with existing streets shall have the same names as those existing streets. Otherwise, there shall be no duplication of street names within the area. All street names and addresses shall be subject to the approval of the Planning Commission. (Prior code 16-5-5; Ord. 532, 2001)

Sec. 17-4-110. Alleys, driveways, bicycle paths, pedestrian walks, easements, sidewalks, curbs and gutters.

Alleys, driveways, bicycle paths, pedestrian walks, sidewalks, curbs and gutters are required to be constructed by the subdivider and dedicated to the Town in accordance with the provisions of Article VII of this Chapter and the public improvements agreement provided by Article V of this Chapter.

(1) Alleys. Service access to the interior of blocks may be permitted in certain instances, in which case such alleys must be indicated in the plat and shall be paved in accordance with the *Platteville Standard Specifications and Drawings for Design and Construction*.

(2) Driveways. Driveways shall be provided for vehicular access to each structure or parking or loading area. Driveways shall not be permitted to have direct access to major and minor arterial streets.

(3) Bicycle paths. When required by the Planning Commission or the Board of Trustees, separate bicycle paths shall be provided in all subdivisions and dedicated to the Town for public use. Rights-of-way shall be fifteen (15) feet wide with a ten-foot-wide concrete surface within the right-of-way. All bicycle path alignments shall comply with the Comprehensive Plan and shall be subject to the approval of the Planning Commission and the Board of Trustees. Construction shall be in accordance with the *Platteville Standard Specifications and Drawings for Design and Construction*.

(4) Pedestrian walks. Where blocks exceed one thousand (1,000) feet in length, pedestrian rights-of-way of not less than seven (7) feet in width shall be provided through blocks where needed for adequate pedestrian circulation. Improved walks of not less than six (6) feet in width shall be placed within the pedestrian rights-of-way. Construction shall be in accordance with the *Platteville Standard Specifications and Drawings for Design and Construction*.

(5) Sidewalks, curbs and gutters. All streets shall be provided with concrete curb and gutter for the pavement edging. Sidewalks, curbs and gutters shall be constructed according to the *Platteville Standard Specifications and Drawings for Design and Construction*.

a. When required by the Planning Commission or the Board of Trustees, sidewalks shall be provided on both sides of all streets. Curb ramps shall be installed at all street corners.

b. On local streets, service roads and collector streets, curbs shall be either rollover or vertical curbs as designated by the Planning Commission or the Board of Trustees. On all other streets, curbs shall be vertical curbs.

(6) Utility easement standards.

a. Easements for electric, gas, CATV and telecommunications shall follow rear and side lot lines whenever practical and shall have a minimum width of twenty (20) feet. The centerline of any easement shall not coincide with a property line, and wherever possible the easement shall lie entirely on one (1) side of the property line. Where front line easements are required, a minimum of fifteen (15) feet shall be allocated as a utility easement.

b. Easements shall be determined so as to provide efficient installation of utilities. Special guying easements at corners may be required. Public utility installations shall be so located as to permit multiple installations within the easements to avoid cross connections, minimize trenching and adequately separate incompatible systems.

c. The developer shall establish rough-cut final utility grades prior to the utility installations.

d. The location and width of all utility easements shall be subject to the approval of the Board of Trustees and of the utilities using the easement.

1. Telephone lines, electric lines, CATV lines and other like utility services shall be placed underground. The subdivider shall be responsible for complying with the requirements of this Section. He or she shall make the necessary arrangements including any construction or installation charges with each of the serving utilities for the installation of such facilities.

2. Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts, street lighting and other facilities necessarily appurtenant to such underground utilities shall be placed underground or on the surface but not on utility poles. Adequate screening or fencing is required for such uses.

3. Electric transmission and distribution feeder lines, communication long-distance trunk and feeder lines and necessary appurtenances thereto may be placed aboveground. Such facilities shall be placed within easements or public street, as herein provided, or upon private easements or rights-of-way provided for particular facilities.

e. Drainage easement requirements shall be as provided by Section 17-4-130 of this Chapter. (Prior code 16-5-6; Ord. 532, 2001)

Sec. 17-4-120. Water and sewer utilities.

(a) General provisions.

(1) Construction. Water and sewer utility lines are required to be constructed by the subdivider and dedicated to the Town in accordance with the provisions of Article VII of this Chapter and the public improvements agreement provided by Article V of this Chapter.

(2) Oversizing. Off-site retail facilities and reasonable oversizing of sewer or water lines may be required by the Town. Reimbursement of a portion of the costs of the same may be provided pursuant to Section 17-7-60 of this Chapter.

(b) Water distribution systems.

(1) Water service required. The developer shall construct and install a domestic water system for all platted lots within the subdivision, as required herein and in Chapter 13 of this Code, and connect the same to the existing Town system.

(2) Distribution system design and installation. The water distribution system of the subdivision shall contain mains of sufficient size and having a sufficient number of outlets to furnish an adequate water supply for each lot or parcel in the subdivision and to provide adequate fire protection.

a. Location. All water mains shall be installed in dedicated streets, alleys or easements.

b. The minimum size of water mains shall be six (6) inches, unless the Board of Trustees specifically directs otherwise for good cause.

c. Minimum ground cover. The minimum ground cover over water mains shall be four and one-half (4½) feet.

d. Valves on mains. Valves shall be located so that only two (2) blocks need to be closed off in the event of a line break.

e. Building service line connections. All service lines shall be installed to the curb stop at the time of main construction.

f. Building connections. All building connections shall be made by a licensed plumber.

g. Fire hydrants. Fire hydrants shall be installed at street intersections and at other points as necessary to assure that no building is located more than five hundred (500) feet from the nearest hydrant. Fire hydrants shall have National Standard threads, two-and-one-half-inch outlets and four-and-one-half-inch or six-inch streamers. Minimum residual pressure of thirty (30) psi at the fire hydrant shall be provided for minimum fire protection. Design of the water system shall include any equipment, such as pumps or elevated storage, needed to provide minimum residual pressure. The minimum pipe size to the fire hydrant shall be six (6) inches. Adequate valving shall be provided for the service line to the fire hydrant. Fire hydrants shall be installed and activated prior to the issuance of any building permits for structures in the subdivision.

(c) Sanitary sewer.

(1) Sanitary sewer required. The developer shall construct and install a sanitary sewer system for all platted lots within the subdivision, as required herein and in Chapter 13 of this Code, and connect the same to the existing Town system.

(2) Design and installation. The design and construction of all sewer facilities must be accepted by the Town and the Weld County Health Department.

(3) Location. All sewer mains and laterals shall be installed only in deeded easements and/or dedicated public streets.

(4) Test procedures. Test procedures shall be conducted in accordance with the U.S. Public Health Service Publications Number 526, 1963 edition, and other Weld County Health Department requirements.

(5) Size. The minimum inside diameter of sewer lines shall be eight (8) inches.

(6) Manholes. The maximum distance between manholes shall be four hundred (400) feet. Manholes shall be installed wherever there is a change in elevation, a change in line size, a change in line direction or slope, at junctions and at the end of each main.

(7) Time of installation. Service lines shall be stubbed to the curblin at the time of the sewer main construction. All building connections shall be made by a licensed plumber. (Prior code 16-5-7; Ord. 532, 2001)

Sec. 17-4-130. Stormwater drainage.

(a) Preservation of present drainage systems. Drainage areas shall be left in a natural state unless approved by the Planning Commission and the Board of Trustees, and no encroachment shall be made on the natural channel. A plan to prevent water pollution shall be submitted and adhered to wherever any modification of topography is required during construction within one hundred (100) feet of any stream, irrigation ditch or drainage channel.

(b) Drainage system design. Complete drainage systems for the entire subdivision area shall be designed by a professional engineer licensed in the State and qualified to perform such work. The drainage system design shall be shown graphically. All existing drainage features which are to be incorporated in the design shall be so identified. If the final plat is to be presented in sections, a general drainage plan for the entire area shall be presented with the first section and appropriate development stages for the drainage system for each section shall be indicated.

(c) Drainage easements. Where a subdivision is traversed by a watercourse, drainageway or stream, there shall be provided a perpetual drainage easement conforming substantially with the lines of such watercourse, and of such width as necessary and adequate to carry off the predictable volume of storm-water drainage from a twenty-five-year-frequency storm as determined by the standard method for calculations used by the Corps of Engineers.

(d) Development adjacent to floodplains. In addition, any development adjacent to such watercourses, drainageways or streams shall conform to the requirements of Sections 17-4-160 through 17-4-210 of this Chapter regarding development in floodplain. (Prior code 16-5-8; Ord. 532, 2001)

Sec. 17-4-140. Design of drainage systems.

(a) Design standards. All stormwater drainage designs shall be prepared in accordance with the most current edition of the *Denver Regional Council of Governments' Urban Storm Drainage Criteria Manual*.

(1) The rainfall frequency rate used in determining the flow of stormwater shall be based on the current hydrology computations method as used by the U.S.D.A. Soil Conservation Service offices, or the generally accepted rational formula and tabulation as used to calculate individual drainage areas, time of flow and ultimate quantities at each collection point. ($Q = AIC$: where Q = quantity of runoff, A = area of drainage in square feet, I = intensity/time ratio in inches per minute, and C = runoff coefficient.) The rainfall curve included in Appendix 17-C to this Chapter shall be used in calculating stormwater flow rates.

(2) In general, culvert sizes shall be sufficient to accommodate the flow computed with no head at the inlet and no less than the equivalent of an eighteen-inch-diameter pipe. The velocity of flow in an unlined ditch shall be compatible with the soil erosion characteristics or the treatment to be afforded the ditch.

(3) The quantity and velocity of flow in streets shall be computed from acceptable flow charts or by the usual methods used in computing flows in open channels.

(4) Whenever a subdivision is traversed by a drainageway which is approved by the Planning Commission for surface drainage, provisions shall be made for the dedication to the public of adequate rights-of-way for access and maintenance.

(b) Scope of design. The stormwater drainage system shall be designed to consider the drainage basin as a whole and shall accommodate not only runoff from the subdivision area but also, where applicable, the runoff from those areas adjacent to and upstream from the subdivision itself. It shall also consider the effects on lands downstream to mitigate damage to lands and buildings to the greatest extent practicable.

(c) Stormwater drainage design criteria. The stormwater drainage system shall be designed to meet the following criteria:

(1) No curb overtopping and flow spreading to the crown of the street on local streets after a two-year storm.

(2) No curb overtopping and flow spread that leaves at least one (1) lane free of water on collector streets after a two-year storm.

(3) No curb overtopping and flow spread that leaves at least one (1) lane free of water in each direction on arterial streets after a two-year storm.

- (4) No encroachment on any traffic lane on freeways after a two-year storm.
 - (5) On local and collector streets, no buildings of any kind shall be inundated at the ground line after a one-hundred-year storm, unless they have been adequately floodproofed as detailed in Sections 17-4-160 through 17-4-210 of this Chapter. The depth of water over the gutter flow line shall not exceed eighteen (18) inches after a one-hundred-year storm.
 - (6) On arterial streets and freeways, no buildings of any kind shall be inundated at the ground line after a one-hundred-year storm, unless they have been adequately flood-proofed as detailed in Sections 17-4-160 through 17-4-210 of this Chapter. The depth of water over the flow line shall not exceed eighteen (18) inches after a one-hundred-year storm, and the depth of water at the crown shall not exceed six (6) inches, to allow the operation of emergency vehicles.
 - (7) On local and collector streets where there are cross parts, the depth of cross-street flow after a two-year storm shall not exceed six (6) inches. After a one-hundred-year storm, the depth of cross-street flow shall not exceed eighteen (18) inches above the gutter flow line.
 - (8) On arterial streets and freeways, there shall be no cross-street flow after a two-year storm. After a one-hundred-year storm, the cross-street flow shall not exceed six (6) inches over the crown.
- (d) Multiple use of drainage facilities. Multiple use of drainage facilities for park and open space is encouraged.
- (e) Installation of no-joint pipe. When no-joint pipe is installed, it shall be installed in accordance with ASTM Designation C477-61T.
- (f) Documentation required. Input data and procedures used in the calculations for designing the storm drainage system shall be provided to the Town upon request by the Planning Commission or the Board of Trustees.
- (g) Preliminary stormwater drainage report. The preliminary stormwater drainage report to be included with the preliminary submittal materials shall include but not be limited to the following items:
- (1) A map of the major watershed in which the subdivision is located.
 - (2) An analysis of overall drainage considerations, including downstream to a major creek such as the South Platte River. The analysis must identify areas offsite of the development from which drainage water will enter the development.
 - (3) Identification of all nearby irrigation ditches, reservoirs or other irrigation facilities which will affect or be affected by drainage area.
 - (4) Peak flows for drainages entering and leaving the development for the two-year and one-hundred-year storms. A clear statement of and justifications for the assumptions upon which the flows are based shall be presented. These flows shall be computed for the existing and fully developed conditions of the site.

(5) Details of the relationship of the proposed drainage facilities to other drainage facilities in adjacent developments and letters from owners of areas which will be affected by stormwater release from the site shall be included.

(h) Final stormwater drainage report. The final stormwater drainage report to be included with the final plat material shall include all of the above material in addition to the following:

(1) Street capacities and flow calculations at critical street sections for two-year and one-hundred-year storm runoff.

(2) Backwater profiles for open channel for two-year and one-hundred-year storm runoff.

(3) Results of culvert design calculations.

(4) Inflow and outflow design hydrographs and stage-volume curves, outlet rating curves and spillway rating curves for detention facilities. (Prior code 16-5-8; Ord. 532, 2001)

Sec. 17-4-150. Storm drainage water quality control.

(a) Surface water. Stormwater drainage systems shall be designed to reduce water pollution from urban runoff and construction by providing detention for settling and skimmer devices for floating pollutants in detention ponds. Detention facilities shall be provided with a method of cleaning, such as a ramp for a front-end loader.

(b) Aquifers. Any use of land which would pollute or contaminate an aquifer is prohibited. The following regulations apply to development over aquifers that are within twenty (20) feet of the land surface and in the areas of aquifer recharge:

(1) Construction of buildings shall not be permitted unless approved by the State Health Department and the Colorado Geological Survey.

(2) Building construction shall have foundations designed by a professional engineer. (Prior code 16-5-8; Ord. 532, 2001)

Sec. 17-4-160. Floodplain development policies.

(a) Open space activities such as agriculture, recreation and mineral extraction shall be encouraged in the floodplains.

(b) Building of structures in the floodplain shall be designed in terms of the availability of flood protection devices, proposed intensity of use, effects on the acceleration of floodwaters and other impact of such development on downstream communities such as the creation of obstructions during floods.

(c) Existing shallow wells, solid waste disposal sites, septic tanks and sewage disposal systems shall be protected from inundation by floodwaters. (Prior code 16-5-8; Ord. 532, 2001)

Sec. 17-4-170. Prohibited uses in floodways.

No development, use, fill, construction or alteration on or over any portion of a floodway shall be permitted which alone, or cumulatively with other such activities, would cause or result in any of the following:

- (1) The storage or processing of materials that in times of flooding are buoyant, flammable, explosive or otherwise potentially injurious to human, animal or plant life.
- (2) The disposal of garbage or other solid waste materials.
- (3) The human occupation of structures, either fixed or mobile, for residential purposes, either permanent or temporary.
- (4) The inundation of shallow wells, uncased deep wells, sanitary landfills, septic tank and on-lot sewage disposal systems, water treatment plants and sewage disposal systems.
- (5) Substantial solid debris being carried downstream by floodwaters.
- (6) Any obstruction which would adversely affect the efficiency of or restrict the flow capacity of an identified floodplain so as to cause foreseeable damage to others, wherever located. (Prior code 16-5-8; Ord. 532, 2001)

Sec. 17-4-180. Criteria for low hazard flood area uses.

All uses in the low hazard flood area, unless open space uses, shall meet the following criteria:

- (1) Such use shall not cause an enlargement of the floodplain so as to cause damage to or on lands other than those owned by the user, or to increase the water surface elevation more than one-half (½) of a foot at any point.
- (2) Any building or structure, whether fixed or mobile, designed for human occupancy or the storage of property, and occupying a space greater than one hundred (100) square feet, shall be constructed or located so that any external wall shall be not less than fifteen (15) feet from the stream side of the low hazard flood area.
- (3) The lowest floor of any such building or structure shall be not less than two (2) feet above the maximum water elevation of the computed intermediate regional flood, or where such data is not available, five (5) feet above the elevation of the maximum flood of record, unless such building or structure has been adequately floodproofed.
- (4) In the event that the floodwater in a low hazard flood area can be expected to attain a velocity greater than three (3) feet per second, additional floodproofing shall be required sufficient to withstand such greater velocity. (Prior code 16-5-8; Ord. 532, 2001)

Sec. 17-4-190. Floodplain submittal requirements.

(a) All floodplain studies shall be prepared by a licensed professional engineer experienced in open channel hydrology and shall, at a minimum, determine the one-hundred-year flood, its depth and

elevation for the entire area of the site and its depth and elevation for two hundred (200) yards above and below the site, including, at a minimum, one (1) entire valley cross-section.

(b) All maps shall be drawn at a scale of 1" = 100' or 1" = 50' as specified in the preliminary submittal and final plat sections of this Chapter.

(c) If the subdivider or the Planning Commission believes that more detailed information on submittal requirements is needed, the Colorado Water Conservation Board and/or the U.S. Army Corps of Engineers shall be consulted for such information. (Prior code 16-5-8; Ord. 532, 2001)

Sec. 17-4-200. Criteria for approval.

Giving due consideration to the purposes listed in Section 17-1-60 of this Chapter, the Planning Commission and the Board of Trustees shall approve a floodplain use only if the following design and performance standards are met:

(1) New or replacement water supply systems or waste disposal systems shall be installed, where necessary.

(2) Any necessary limitations on periods of use and operation are specified as an integral part of the development.

(3) Operational controls, sureties or deed restrictions are imposed, where necessary.

(4) Any contemplated floodplain encroachment or channeling is thoroughly analyzed and its effect on stream flow determined before it is undertaken. This includes the preparation of revised floodplain maps showing the floodplain and floodway as they would appear after the proposed floodplain use was implemented.

(5) All structures shall be floodproofed to or above the level of the intermediate regional flood in accordance with the standards for completely floodproofed structures contained within Section 210-2.1 FP1 or 210-2.2 FP2 of the 1972 edition of the *Flood-Proofing Regulations*, or the most current edition thereof. The subdivider shall submit a plan or document certified by a registered professional engineer or hydrologist showing that floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

(6) The following floodproofing measures may be required:

a. Installation of watertight doors, bulkheads and shutters, or similar methods of construction.

b. Anchorage to resist flotation and lateral movement.

c. Reinforcement of walls to resist water pressures.

d. Use of paints, membranes or mortars to reduce seepage of water through walls.

e. Addition of mass or weight to structures to resist flotation.

- f. Installation of pumps to lower water levels in structures.
- g. Construction of water supply and waste treatment systems so as to prevent the entrance of floodwaters.
- h. Installation of pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall and basement flood pressures.
- i. Construction to resist rupture or collapse by water pressure on floating debris.
- j. Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and storm waters into the buildings or structures. Gravity draining of basements may be eliminated by mechanical devices.
- k. Location of all electrical equipment, circuits and installed electrical appliances in a manner which will assure they are protected from inundation by the intermediate regional flood.
- l. Location of any structural storage facilities for chemical explosives, buoyant materials, flammable liquids or other toxic materials, which could be hazardous to public health, safety and welfare in a manner which will assure that the facilities are situated at elevations above the height associated with the regulatory protection elevation or are adequately floodproofed to prevent flotation of storage containers, or damage to storage containers which would result in the escape of toxic materials.

(7) For all new mobile home parks or expansions to existing mobile home parks, and existing mobile home parks where the repair, reconstruction or improvement of streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced, floodproofing measures shall include:

- a. Stands or lots elevated on compacted fill or on piers so that the lowest floor of the home will be at or above the one-hundred-year flood level.
- b. Adequate surface drainage and easy access for a hauler of mobile homes to place or remove the mobile home.
- c. In the instance of elevation on piers, lots large enough to permit steps. Pier foundations placed on stable soil no more than ten (10) feet apart and steel reinforcement for piers more than six (6) feet high. (Prior code 16-5-8; Ord. 532, 2001)

Sec. 17-4-210. Platted lots within floodplain.

(a) No lot one (1) acre or less in area shall include land in a floodway or low hazard area. This requirement shall apply to the floodplain as designated after filling and grading of land has been conducted in accordance with the requirements of Sections 17-4-170 and 17-4-180 of this Chapter. Such use will require a revised floodplain map showing the floodplain and floodway as they would appear after the proposed use was implemented.

(b) All lots more than one (1) acre in area shall contain not less than forty thousand (40,000) square feet of land which is at an elevation at least two (2) feet above the elevation of the one-hundred-year recurrence interval flood or, where such data is not available, five (5) feet above the elevation of the maximum flood of record. (Prior code 16-5-8; Ord. 532, 2001)

Sec. 17-4-220. Irrigation ditches.

Existing irrigation ditches shall be incorporated within the subdivision plan in a manner such that their function is not impaired. The ditches shall be protected from encroachment and may be fenced in a manner acceptable to the ditch company. (Prior code 16-5-9)

Sec. 17-4-230. Abandoned mines.

Building construction proposed in areas of abandoned mines shall be approved by a professional engineer. (Prior code 16-5-10)

Sec. 17-4-240. Parks, open space and trails.

(a) Land dedication. Subject to the provisions of Subsection (d) below, and except as provided otherwise for PUDs in Subsection (b) below, the subdivider shall dedicate land in the subdivision for parks, open space and trails to the Town, free of all liens and encumbrances. The area and location of such areas shall be determined by the Town in accordance with the planning standards and methods adopted for such purposes by the Town and set forth in Appendix 17-E to this Chapter.

(b) Reservation by covenant. Reservation by covenant, in lieu of dedication of land or a payment of cash in lieu of land dedication, may be permitted by the Planning Commission and the Board of Trustees in some cases such as planned unit development where land is to be used for recreational or amenity purposes by the property owners.

(c) Payments in lieu. If the Town determines that its requirements for dedication of land within the subdivision exceed the area that would be required to be dedicated based upon the planning standards and methodology, or that the location of the subdivision is not suitable for a park, recreation, open space or public building site, and if the subdivider and the Town do not enter into a written agreement for reservation of land within the subdivision as provided in Subsection (d) below, the subdivider shall be required to make a payment of cash in lieu of dedication ("in-lieu payment") in an amount determined by the Town in accordance with the planning standards and methodology adopted for such purposes by the Town and set forth in Appendix 17-E to this Chapter. An in-lieu payment shall be due, in full, upon approval of the final plat by the Board of Trustees.

(d) Reservations. If the Town and the subdivider enter into a written agreement for the reservation of land within the subdivision to be acquired by the Town at some time in the future, the Town shall not approve the final plat for the subdivision or any portion of it unless such plat shows the parcel reserved as a specific ownership parcel and restricts the future use thereof in accordance with the terms of the reservation agreement.

(e) Public access to parks, open space and trails. All areas reserved or dedicated pursuant to this Section shall be served by public vehicular, pedestrian or bicycle access. (Prior code 16-5-11; Ord. 532, 2001; Ord. 549 §29, 2003)

Sec. 17-4-250. Street lights.

Ornamental street lighting and associated underground street lighting supply circuits shall be installed. The street lighting plan specifying the number, kind and approximate location of street lights must be included on the final plat. (Prior code 16-5-12)

Sec. 17-4-260. Parking facilities.

Each dwelling unit shall be provided with a minimum of two (2) off-street parking spaces, each at least two hundred (200) square feet in size. Such parking spaces shall be provided with reasonable and easy pedestrian access to the dwelling units which they serve. All parking facilities shall be subject to Planning Commission approval. (Prior code 16-5-13)

Sec. 17-4-270. Dedication of school sites; in-lieu payments.

(a) Land dedication. Except as provided in Subsection (b) below, and subject to the limitations set forth in Subsection (c) below, property within every subdivision proposed for residential uses shall be dedicated to the Weld County School District RE-1, hereinafter called the *school district*, for school sites. The area and location of such sites shall be determined by the Town in accordance with the planning standards and methodology adopted for such purposes by the Town and set forth in Appendix 17-D to this Chapter.

(b) In-lieu payments. If the school district determines that its space requirements for dedication of land within the subdivision exceed the area that would be required to be dedicated based upon the planning standards and methodology, or that the location of the subdivision is not suitable for a school site, and if the subdivider and the school district do not enter into a written agreement for reservation of land within the subdivision as provided in Section 3.B of the intergovernmental agreement described in Subsection (d) below, the subdivider shall be required to make a payment of cash in lieu of dedication ("in-lieu payment") in an amount determined by the Town in accordance with the planning standards and methodology adopted for such purposes by the Town and set forth in Appendix 17-D to this Chapter.

(c) Applicability. The requirements of this Section shall apply only to property which (1) is subject to an application for subdivision approval, including plat amendments, minor subdivisions and resubdivisions, filed on or after August 8, 2001, and (2) is proposed for residential uses at a density greater than that permitted by an existing subdivision approval for such property, provided however, that property subject or proposed to be subject to recorded covenants permanently restricting the age of all residents of all dwelling units such that the dwelling units may be classified as "housing for older persons" pursuant to the Federal Fair Housing Amendments Act of 1988, shall be exempt from the requirements of this Section.

(d) Intergovernmental agreement with school district. The provisions of this Section shall be administered, interpreted and enforced in accordance with the Intergovernmental Agreement Concerning Land Dedications or Payments in Lieu for School Purposes dated effective as of July 17, 2001, between the Town and the school district, as now or hereafter constituted. To the extent that the provisions of said agreement do not conflict with an express provision of this Section, said provisions shall be deemed incorporated herein by reference.

(e) Periodic review and amendment of standards and methodology. It is anticipated that the Town and the school district will review and revise the standards and methodology set forth in Appendix 17-D to this Chapter from time to time in order to ensure that the provisions thereof accurately reflect current market and school facility demand conditions and standards. Said provisions may therefore be amended, supplemented, revised and changed from time to time by resolution of the Board of Trustees. (Ord. 524 §4, 2001; Ord. 532, 2001)

Sec 17-4-280. Oil and gas wells and production facilities.

(a) Any application under this Chapter that proposes the surface use of land above and surrounding oil and gas wells and production facilities must comply with all applicable state and federal laws, rules, regulations and policies concerning the same. It is the applicant's burden to demonstrate such compliance to the satisfaction of the Town, including identification of all mineral interests of record for the subject property and mailed notice as required by Section 24-65.5-103, C.R.S. For the purposes of this Section, all references to mineral interests herein include both ownership and leasehold interests.

(b) Plugged and abandoned oil and gas wells or abandoned dry holes must comply with all applicable state and federal laws, rules, regulations and policies concerning the same.

(c) Any setbacks required by state or federal law, rule, regulation or policy shall be considered by the Town to be a "safety zone," in which human activity and occupation is not allowed. Accordingly, no such safety zone shall count towards the parks, open space and trail land dedication requirements of this Chapter.

(d) The following setbacks are required for existing oil and gas facilities:

(1) No lot shall be platted within one hundred fifty (150) feet of any existing oil or gas wellhead, production tank, pit or associated on-site production equipment (except for flow lines or gathering lines).

(2) Buildings not necessary to the operation of the well shall not be constructed within two hundred (200) feet of any such well.

(3) No street shall be platted within seventy-five (75) feet of an existing oil or gas wellhead, production tank, pit or associated on-site production equipment; provided, however, that streets may cross flow lines or gathering lines at right angles or at substantially right angles as determined by the Town Engineer.

(4) No educational facility, hospital, nursing home, board and care facility, jail or any public facility that is occupied by more than fifty (50) persons shall be located within three hundred fifty (350) feet of any existing oil or gas wellhead, production tank, pit or associated on-site production equipment (except for flow lines or gathering lines).

(5) Existing oil and gas flow and gathering lines servicing wells shall be protected by an easement not less than twenty (20) feet in width, centered on the flow line or gathering line, or such greater width as shall be necessary to protect the lines, the adjacent structures and the public from the hazards inherent with such lines.

(6) As an alternative to Paragraph (5) above, the applicant may, subject to a surface use agreement with the operator of the line, relocate the flow line or gathering line to a dedicated easement not less than twenty (20) feet in width, centered on the flow line or gathering line, or such greater width as shall be sufficient, as determined by the Town, to protect the lines, the adjacent structures and the public from the hazards inherent with such lines and to permit the operator of the line to inspect and maintain the line.

(e) Lots intended as building sites shall not be platted across a flow line or gathering line easement.

(f) Lots and streets may be platted over well and production sites that have been abandoned and reclaimed in accordance with the rules and regulations of the Colorado Oil and Gas Conservation Commission. Such platting shall only occur after the completion of the abandonment and reclamation process.

(g) Where all or part of a proposed subdivision is to involve land or properties subject to mineral interests, the applicant shall work with the mineral interest holder to reach a surface use agreement prior to submission of the final plat.

(h) No further expansion of oil and gas facilities is permitted without a Master Plan, as described below, for the mineral interests.

(1) Should the mineral interest holder wish to expand the existing oil and gas facilities, now or in the future, said interest holder shall submit a Master Plan for the mineral interest which designates all reasonably potential well, accessory, equipment and structure sites and all land area reasonably necessary to the exploration and operation of the mineral interest at the time of filing an application.

(2) Said Master Plan shall:

a. Be of sufficient scale to convey clearly the required information.

b. Represent all existing physical features, including topography, major vegetation, drainage ways, roads, well accessory equipment, water wells and structures. The Master Plan shall also depict all existing subdivisions, whether developed or not. This information shall encompass all of the mineral interest, plus an additional five hundred (500) feet beyond the boundaries of the mineral interest.

c. Identify all intended or potential wells, accessory equipment and structure sites within the mineral interest.

d. Identify all lands within the boundaries of the mineral interest which would be reasonably necessary to the exploration and operation of the mineral interest.

(3) The mineral interest holders shall have sixty (60) calendar days from the date of notice in which to prepare a Master Plan as above specified, with copies to the applicant and to the Town Clerk.

(4) Should mineral interest holders fail to provide the prescribed Master Plan within the established sixty-calendar-day period, the Town and the applicant shall have the right and duty to make such plans and land reservations as may be necessary to protect the rights of the owners of interest under the standards of this Code.

(i) Notice of the existence and approval of such Master Plan shall be recorded with the County Clerk and Recorder.

(j) The Master Plan may be amended from time to time under the procedures and requirements specified above. (Ord. 639 §2, 2009)

ARTICLE V

Public Improvements Agreement

Sec. 17-5-10. Agreement required; construction prerequisite.

(a) Requirement. No final plat shall be finally approved for recording until the subdivider and the Town have executed a public improvements agreement detailing the subdivider's obligations to design and construct the public improvements required, and the improvements security required by Section 17-5-20 is in place and fully effective.

(b) Commencement of construction. No construction shall begin in any subdivision or phase thereof until a preconstruction conference has been held.

(c) Phasing. Construction of public improvements may be phased in cases where the Town determines that the public improvements to be constructed immediately will function properly in all respects and provide the required level of service in the area to be developed, without the public improvements in the remaining areas. Where phasing occurs, a separate improvements agreement shall be used for each phase, clearly designating the lots and blocks included in such phase and the public improvements to be constructed for it. No building permit shall issue for any property not covered by an improvements agreement. (Prior code 16-6-1; Ord. 532, 2001; Ord. 549 §30, 2003)

Sec. 17-5-20. Improvements security.

(a) Letter of credit. The subdivider may, at his or her option, furnish an irrevocable and unconditional letter of credit in the amount of the estimated costs as defined in Subsection (c) below. Such letter of credit must be in form and substance acceptable to the Town, issued by an institution designated by the State as an eligible public depository and having a net worth in excess of ten million dollars (\$10,000,000.00). The Town will review the financial condition of the proposed issuer and in its discretion may require that the letter of credit be confirmed by another institution. The letter of credit shall be subject to draft by the Town upon a determination in its sole discretion that the subdivider has defaulted in making payments or otherwise performing his or her obligations under the public improvements agreement. If the Town drafts the letter of credit, it shall hold the proceeds, without interest, and use the same to pay for all costs incurred by it, including attorney fees, in enforcing its rights under the agreement and performing the subdivider's remaining obligations. Nothing in this Section shall require the Town to adhere to any construction schedules specified in

said agreement. The parties may provide in the improvements agreement for release and partial release of the letter of credit as public improvements are completed and conditionally accepted by the Town pursuant to Article VII of this Chapter.

(b) Supervised construction loan. If the subdivider fails or declines to furnish a letter of credit meeting the requirements of Subsection (a) above, he or she shall be required to furnish evidence of a loan to fund construction of the public improvements procured from an eligible public depository or other institutional lender not controlled directly or indirectly by the subdivider or under common control with the subdivider. For the purposes of this Subsection, such evidence shall consist of a construction loan agreement in form and substance conforming to industry standards and acceptable to the Town, providing at a minimum for the following:

(1) Commitment by the lender to loan an amount which, together with any funds contributed by the subdivider, equals or exceeds the estimated costs as defined in Subsection (c) below;

(2) Disbursement of loan proceeds only to construction or design contractors, subcontractors or materialmen for payment of the costs of the public improvements upon reasonable proof, e.g., engineer certification or Town approval, that the public improvements for which payment is sought have been constructed and installed in accordance with approved plans; and

(3) The lender's right on default to assume control of construction, together with written assignments of all design, construction and materialmen contracts and subcontracts.

(c) Estimated costs. As used in this Section, *estimated costs* means a dollar amount established as follows: The subdivider shall furnish the Town with a written, detailed engineer's estimate of all costs of completing the required public improvements, by class or type, according to approved design and schedule specifications. Estimated costs must include a contingency allowance of not less than fifteen percent (15%) of the estimated construction costs. Following review by the Town, the number to be used as estimated costs shall be established by mutual agreement between the Town and the subdivider prior to approval of the final plat.

(d) Effective date of security. In order for the improvements security to be in place and fully effective within the meaning of Subsection 17-5-10(a) above, the subdivider must deliver to the Town:

(1) The original letter of credit described in Subsection (a) above, duly issued; or

(2) Written certification by the lender that the construction loan agreement furnished pursuant to Subsection (b) above has been duly executed by both parties and is in full force and effect and that the lender is presently prepared to fund the loan. (Prior code 16-6-2; Ord. 532, 2001; Ord. 549 §30, 2003)

Sec. 17-5-30. Construction of buildings.

(a) Letter of credit. When the improvements security consists of a letter of credit, building permits shall not be issued for more than fifty percent (50%) of the lots designated on the approved final plat, or phase thereof, for any subdivision until such time as the public improvements necessary

to serve the lots in such subdivision or phase thereof have been constructed and conditionally accepted by the Town pursuant to Article VII of this Chapter.

(b) Supervised construction loan. When the improvements security consists of a supervised construction loan, building permits shall not be issued for more than ten percent (10%) of the lots designated on the approved final plat, or phase thereof, for any subdivision until such time as at least fifty percent (50%) of the public improvements necessary to serve the lots in such subdivision or phase thereof have been constructed and conditionally accepted by the Town pursuant to Article VII of this Chapter. Building permits shall not be issued for more than twenty percent (20%) of such lots until all of such public improvements have been so constructed and accepted. (Prior code 16-6-3; Ord. 532, 2001)

Sec. 17-5-40. Improvements.

The improvements to be constructed as specified in the public improvements agreement shall include the following:

- (1) Street improvements, both on- and off-site.
- (2) Storm sewers, including all necessary catch basins, inlets and other appurtenances.
- (3) Sanitary sewer laterals or extensions, including all necessary building services, hydrants, valves and other appurtenances.
- (4) Water main laterals or extensions, including all necessary building services and other appurtenances.
- (5) Sidewalks and bike paths.
- (6) Standard street name signs at all newly opened intersections and such other traffic control signs within the subdivision determined to be necessary by the Town.
- (7) Address numbers for all buildings, such address numbers to be acceptable to the Planning Commission.
- (8) Landscaping and irrigation distribution system, where applicable.
- (9) Permanent reference monuments and monument boxes.
- (10) Street lighting.
- (11) Underground electric and communication utility lines and services, and all street lighting circuits.
- (12) Traffic control devices.
- (13) Adequate parking facilities.

(14) Other facilities as may be specified or required in this Chapter by the Planning Commission or the Board of Trustees. (Prior code 16-6-4; Ord. 532, 2001)

ARTICLE VI

Administrative Provisions

Sec. 17-6-10. Conveyance and acceptance of public facilities constructed by subdivider.

Conveyance and acceptance of all public improvements constructed and installed by the subdivider in connection with the subdivision shall be in accordance with the provisions of Article VII of this Chapter. (Prior code 16-7-1; Ord. 532, 2001)

Sec. 17-6-20. Subdividing or planning all of parcel.

Where an entire parcel is not subdivided, the subdivider must indicate his or her intended plans for disposition of the remainder of the parcel. (Prior code 16-7-2)

Sec. 17-6-30. Minor subdivision.

(a) Purpose, scope. This Section is intended to waive certain procedural requirements pursuant to the authority in Section 31-23-214(1), C.R.S., in order to permit the expeditious and economical processing of subdivisions defined in Subsection (b) below, whose impacts upon other properties are nominal. Where applicable, the provisions of this Section supersede conflicting or inconsistent provisions of other sections of this Chapter. Notwithstanding any provision of this Section to the contrary, the Board of Trustees may by resolution authorize a subdivision application not meeting the strict requirements of Subsection (b) below to be processed in accordance with this Section if it finds the same to be in the best interests of the Town.

(b) Definition. For the purposes of this Section, *minor subdivision* means a subdivision which does not create more than five (5) lots.

(c) Procedure. A person who desires to utilize the provisions of this Section shall file the submittals described in Subsection (d) below with the Town Manager. The filing shall be deemed made when the Town Manager determines that the submittals are complete. Subject to direction from the Board of Trustees pursuant to Subsection (a) above, the Town Manager shall determine whether the application qualifies for processing under this Section and summarily deny any application which does not. The Town Manager shall promptly refer all completed applications to the Planning Commission.

(1) Planning Commission. Qualifying applications shall be set for public hearing with notice given and the public hearing conducted as provided in Section 17-2-30 of this Chapter. At the conclusion of the public hearing, the Planning Commission shall act upon the application as provided in Section 17-2-40(e) of this Chapter.

(2) Board of Trustees. Not later than at its first regularly scheduled meeting following receipt of the Planning Commission's recommendations, the Board of Trustees shall review the application and act thereon generally as provided in Section 17-2-40 of this Chapter. Action of the

Board of Trustees shall be deemed the final order of the Town. Approved plats shall be recorded and otherwise processed the same as provided in this Chapter.

(d) Submittals. Required submittals include the following:

(1) A written application signed by the record owner of the property involved on a form provided by the Town.

(2) Paper copies of a minor subdivision plat in the number specified in the minor subdivision application form containing the following information. Upon final approval of the plat, the Town may require one (1) or more Mylar copies.

- a. Name of the subdivision, if any;
- b. Written and graphic scale at a minimum of one hundred feet to one inch (100' = 1");
- c. North arrow;
- d. Date of preparation;
- e. Lot lines to the nearest foot;
- f. Street dimensions to the nearest foot;
- g. Location of structures, if applicable;
- h. Zoning and existing densities on adjoining properties; and
- i. Any and all additional information required on a final subdivision plat pursuant to Division 3 of Article III of this Chapter.

(3) Evidence of fee ownership of each parcel of land included within the proposed minor subdivision. Such evidence shall consist of a commitment for or a title insurance policy, a written attorney title opinion, a subdivision certificate or a written ownership and encumbrance report, all dated within thirty (30) days before the date of submission to the Town. Copies of deeds and tax notices ARE NOT sufficient. If a corporation, partnership or joint venture owns the property, the subdivider shall furnish such additional information (i.e., partnership agreement, joint venture affidavit as provided by Section 38-30-166, C.R.S., etc.) as may be requested by the Town in order to determine that the signatories have been authorized by that entity to execute such documents.

(4) Written comments from telecommunications, gas and electric utilities serving the property and any and all cable television operators franchised to do business in the Town.

(5) Written acknowledgement from Weld County School District RE-1 that the subdivider has furnished to it a copy of the proposed plat and has notified the school district of his or her intent to file a subdivision application for the same with the Town.

(6) A statement that the subdivider has performed the records searches and other investigations necessary to comply with Section 24-65.5-103, C.R.S., regarding notice to mineral estate owners and that the subdivider is then fully prepared to give notice of the public hearing on the minor subdivision immediately upon scheduling thereof. The subdivider shall attach a complete mailing list of the persons entitled to receive such notice to the statement required by this Paragraph (6).

(7) Fee and cost reimbursement. Any applicant for a minor subdivision shall pay a fee at the time such application is made to the Town Clerk in an amount to be determined from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code and shall sign a cost reimbursement agreement as required by Section 17-1-45 of this Chapter.

(8) A letter of commitment from the sanitation district.

(9) A written statement containing the following:

- a. Gross acreage of the subdivision;
- b. Number and type of units;
- c. Acreage of drives and open parking and percentage of the total area of subdivision;
- d. Acreage and percentage of open space;
- e. Acreage covered by buildings or structures and percentage of total acreage;
- f. Acreage of each lot;
- g. A legal description of the total subdivision area; and
- h. Names and addresses of the property owner and subdivider.

(10) If public improvements are required, a public improvements agreement in conformance with Article V of this Chapter.

(e) Conformity with zoning and building regulations. No minor subdivision shall cause or continue any nonconforming lot as defined for zoning purposes unless a variance therefor is first approved pursuant to Chapter 16, Article V of this Code, or any violation of a building code in effect in the Town. (Prior code 16-7-3; Ord. 523 §10, 2001; Ord. 532, 2001; Ord. 549 §31, 2003; Ord. 574 §1, 2005; Ord. 586 §§2—4, 2006; Ord. 648 §8, 2010; Ord. 667 §1, 2011)

Sec. 17-6-40. Administrative plat amendment.

(a) Purpose, scope. This Section is intended to provide a prompt, efficient process to correct clerical and other nonmaterial errors in approved plats and to approve minor lot line adjustments pursuant to the authority in Section 31-23-214(1), C.R.S., in cases meeting the requirements of Subsection (b) below. Where applicable, the provisions of this Section supersede conflicting or inconsistent provisions of other sections of this Chapter.

(b) For the purposes of this Section, *administrative plat amendment* means a subdivision of land already in an approved plat which meets one (1) or more of the following criteria:

- (1) The amendment involves minor lot line adjustments, including the consolidation of contiguous lots under common ownership, which do not increase the number of lots previously included within the area involved in the amendment.
- (2) The amendment effects minor adjustments in the boundaries of streets or utility easements.
- (3) The amendment changes the names of streets or the name of the existing plat.
- (4) The amendment corrects minor errors on a plat including, but not limited to:
 - a. typographical and spelling errors or transpositions,
 - b. incorrect seal;
 - c. incorrect dates;
 - d. monumentation incorrectly noted or drawn;
 - e. incorrect or missing interior dimensions on the drawing; and
 - f. missing or incorrectly displayed arrows or symbols.

(c) Procedure. A person who desires to utilize the provisions of this Section shall file the submittals described in Subsection (d) below with the Town Manager. The filing shall be deemed made when the Town Manager determines that the submittals are complete. The Town Manager shall promptly refer all completed applications to the Public Works Director, the Town Planner and the Town Attorney, who shall provide their written comments thereon to the Town Manager within twenty (20) days of their receipt of the referral. If the Town Manager finds that the submittal meets the requirements set forth in Subsection (d) below, the Town Manager shall approve the same. The Town Manager shall be authorized to execute the Town certificate of approval on the plat or the Town approval of an affidavit of correction made pursuant to Subsection (e) below. Approved plats shall be recorded and otherwise processed as provided in this Chapter.

(d) Submittals. Required submittals include the following:

- (1) A written application signed by the record owner of the property involved on a form provided by the Town.
- (2) A Mylar and copies of the proposed plat meeting the requirements for a final plat as provided in Division 3 of Article III of this Chapter, except that the approval certificate for the Town shall be prepared for the signature of the Town Manager only. The number of copies shall be as determined from time to time by the Town Manager and set forth in the development review manual of the Town.
- (3) Evidence of fee ownership of each parcel of land included within the proposed plat amendment. Such evidence shall consist of a commitment for or a title insurance policy, a written

attorney title opinion, a subdivision certificate or a written ownership and encumbrance report, all dated within thirty (30) days before the date of submission to the Town. Copies of deeds and tax notices ARE NOT sufficient. If a corporation, partnership or joint venture owns the property, the subdivider shall furnish such additional information (i.e., partnership agreement, joint venture affidavit as provided by Section 38-30-166, C.R.S., etc.) as may be requested by the Town in order to determine that the signatories have been authorized by that entity to execute such documents.

(4) Written comments from telecommunications, gas and electric utilities serving the property, and any and all cable television operators franchised to do business in the Town.

(5) Fee and cost reimbursement. Any applicant for an administrative plat amendment shall pay a fee at the time such application is made to the Town Clerk in an amount to be determined from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code and shall sign a cost reimbursement agreement as required by Section 17-1-45 of this Chapter.

(e) Affidavit of correction. If the purpose of the administrative plat amendment is to correct one (1) or more minor errors or omissions in an approved plat, e.g., a name or internal dimension, and such correction can be accomplished by a narrative statement, in lieu of submitting a plat as required by Paragraph (d)(2) above, the applicant may submit an affidavit of correction prepared, signed and stamped by a professional land surveyor and signed by the owner which fully and adequately describes each error and each correction to be made, by specific reference to the approved plat. Upon approval of the administrative plat amendment, the affidavit of correction shall be recorded in lieu of a plat, along with appropriate evidence of approval thereof by the Town.

(f) Conformity with zoning and building regulations. No administrative plat amendment shall cause or continue any nonconforming lot as defined for zoning purposes unless a variance therefor is first approved pursuant to Chapter 16, Article V of this Code, or a violation of any building code in effect in the Town. (Ord. 549 §32, 2003; Ord. 574 §1, 2005; Ord. 648 §9, 2010; Ord. 667 §1, 2011)

Sec. 17-6-50. Vacation of subdivision.

(a) Application for vacation. The landowners may petition the Board of Trustees to vacate any plat of record under the following conditions:

(1) Vacation of the subdivision will not interfere with development or deny access via public thoroughfare to the adjoining properties or utility services and other improvements.

(2) Extension of utility services to the subdivision is not feasible for immediate development in the near future.

(b) Forms and other documentation required. The following forms are required to be submitted to perfect the plat vacation request:

(1) The completed plat vacation request form supplied by the Town.

(2) A copy of the plat as recorded in the County Clerk and Recorder's office.

(3) A list of all owners of surface rights of property contiguous to the property in question. The list shall include both the legal description of the property by lot and block number or other legal description and the mailing address of the property owner.

(4) One (1) set of 9½" x 4¼" envelopes addressed to each of the property owners of property identified in Subsection (3) above.

(c) Fee and cost reimbursement. Any applicant for vacation of a subdivision shall pay a fee at the time such application is made to the Town Clerk in an amount to be determined from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code and shall sign a reimbursement agreement as required by Section 17-1-45 of this Chapter.

(d) Duties of the Town.

(1) The Town Clerk shall determine that the plat vacation request is complete and in proper form. He or she shall then forward a copy of the request to the Planning Commission for review and schedule a hearing before the Board of Trustees in accordance with Subsection (f) below.

(2) Town employees or consultants employed by the Town shall review the plat vacation request and shall prepare documents for use by the Planning Commission and the Board of Trustees, addressing all aspects of the plat vacation request, its conformance with sound land use planning and its conformance with the Comprehensive Plan.

(e) Planning Commission review. The Planning Commission shall review the plat vacation request at its next regularly scheduled meeting or at a special meeting and forward its recommendation to the Board of Trustees prior to the Board of Trustees' hearing on the requested plat vacation.

(f) Board of Trustees' hearing and action.

(1) Setting date. The date of a hearing before the Board of Trustees shall be set by the Town Clerk not less than twenty (20) days or more than thirty-one (31) days from the receipt of the petition for vacation of the plat, the payment of all required fees and the filing of all required attachments.

(2) Notice of hearing. Notice of the hearing before the Board of Trustees shall be given to all interested parties in the following manner:

a. Publication. Notice of the date and time of the hearing, the property affected (by legal description and address), the relief requested and the name of the petitioner shall be published once in a paper of general circulation within the Town no later than fifteen (15) days prior to the date of the hearing.

b. Mailed notice. Notice of the date and time of the hearing, the property affected (by legal description and address), the relief requested and the name of the petitioner shall be mailed by certified mail, return receipt requested, to each owner of surface rights of property contiguous to the property in question, including the petitioner. The Town's source of ownership shall be the list prepared by the petitioner.

c. Posting of property. No posting of the property in question shall be required.

(3) Conduct of hearing. The hearing shall be conducted as part of a scheduled meeting of the Board of Trustees. The recommendations of the Planning Commission shall be reviewed and considered by the Board of Trustees. Testimony and comments of the petitioner and other interested parties shall be accepted.

(4) Orders of the Board of Trustees. The Board of Trustees may approve or deny the request for vacation of the plat. Approval of the plat vacation shall be by ordinance.

(g) Filing of vacation. The Town Clerk shall record the plat vacation in the real estate records of the County Clerk and Recorder within five (5) working days after approval of the vacation by the Board of Trustees. (Prior code 16-7-5; Ord. 523 §11, 2001; Ord. 532, 2001; Ord. 648 §10, 2010)

Sec. 17-6-60. Exemptions.

(a) Exemptions from subdivision requirements. A subdivider may petition the Board of Trustees for exemption from the definition of *subdivision* or for a variance of this Chapter when, because of special conditions relating to the subject land, a literal enforcement of the provisions of this Chapter would result in unnecessary hardship to the subdivider.

(b) Criteria for granting of exemptions from subdivision requirements. The Board of Trustees shall apply the following standards to all exemption requests.

(1) Relief from the provisions of this Chapter may not be granted when the hardship is brought about solely through the actions of the subdivider.

(2) Relief may not be granted when the result of granting the requested relief is detrimental to the public good or if the relief is contrary to the purpose and intent of this Chapter or of the Comprehensive Plan.

(3) Under no circumstances shall the Board of Trustees grant an exemption to allow a use not permissible under the terms of Chapter 16 of this Code in the zoning district involved, or any use expressly or by implication prohibited by terms of said Chapter 16.

(4) No exemption shall be granted by the Board of Trustees to allow for building use or lot use violations that may be prosecuted under the terms of this Chapter or Chapter 16 of this Code.

(5) No nonconforming use of neighboring lots, structures or buildings in the same zoning district, and no permitted or nonconforming use of lots, structures or buildings in other zoning districts shall be considered grounds for the issuance of an exemption.

(6) In granting any exemption, the Board of Trustees may prescribe appropriate conditions and safeguards in conformity with this Chapter and Chapter 16 of this Code. Violation of such conditions and safeguards, when made a part of the terms under which the exemption was granted, shall be deemed a violation of this Chapter and Chapter 16 and punishable thereby.

(c) Exemption procedure. An exemption request shall be processed in accordance with the following procedure:

(1) Written exemption request. All exemption requests must be made in writing on forms provided by the Town and shall contain all information required by these rules. All exemption requests must be made by or in the name of the property owner. Exemption requests shall be submitted to the Town Clerk at the Town Hall.

(2) Time of application. An exemption request may be filed at any time that it becomes evident that a strict application of the requirements of this Chapter would not permit the use of the applicant's property in the manner desired. The need for an exemption may be triggered by a denial of a preliminary or final plat, or by an order, decision or determination of the Building Inspector or other authorized official of the Town concerning the enforcement of the provisions of this Chapter.

(3) Forms and other documentation required. The following are required to be submitted to perfect the exemption request:

a. The completed exemption request form supplied by the Town.

b. A location map showing the site involved in the request in relationship to existing features, such as structures, fences, streams, public or private rights-of-way and streets, street intersections, zoning districts and other significant topographical or structural features within one hundred fifty (150) feet of the site.

c. A site plan of the property involved in the exemption request, drawn to scale on 8½" x 11" paper, showing dimensions or all significant features which relate to the exemption request.

d. A copy of a deed, purchase contract or other legal instrument demonstrating that the applicant has an interest in said property. The deed, purchase contract or legal instrument shall include a complete and accurate legal description of the property.

e. A written statement of or specific citation to the subdivision regulations from which relief is requested.

f. A written statement demonstrating that special conditions and circumstances exist which are peculiar to the lot, structure or building involved and which are not applicable to other lots, structures or buildings in the same zoning district.

g. A written statement demonstrating that literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of Chapter 16 of this Code.

h. A written statement demonstrating that the special conditions or circumstances do not result solely from the action of the appellant.

i. A written explanation of how the exemption requested is the minimum variance that will make possible the reasonable use of the lot, building or structure.

j. A list of all owners of surface rights of property located within one hundred fifty (150) feet of the property in question. The list shall include both the legal description of the property by lot and block number or other legal description and the mailing address of the property owner.

k. One (1) set of 9½" x 4¼" envelopes addressed to each of the property owners of property identified in Paragraph j above.

l. Any other information determined to be necessary by the Board of Trustees that will aid in making a decision which will not impair the intent and purpose of Chapter 16 of this Code.

(4) Fee and cost reimbursement. Any person who wishes to be exempt from subdivision requirements shall pay a fee at the time such application is made to the Town Clerk in an amount to be determined from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code and shall sign a cost reimbursement agreement as required by Section 17-1-45 of this Chapter.

(5) Duties of Town.

a. The Town Clerk shall determine that the exemption request is complete and in proper form. He or she shall then schedule a hearing in accordance with Paragraph (6) below.

b. Town employees or consultants employed by the Town shall review the exemption request and shall prepare comments for use by the Board of Trustees, addressing all aspects of the exemption request and its conformance with sound land use planning practice, the Comprehensive Plan, this Chapter and Chapter 16 of this Code.

(6) Hearings. Public hearings shall be conducted on all exemption requests by the Board of Trustees in accordance with the procedures provided by this Subsection and Subsection (7) below.

a. Setting date. The date of a hearing before the Board of Trustees shall be set by the Town Clerk not less than twenty (20) days or more than thirty-one (31) days from the receipt of the written request for exemption, the filing of all required attachments and payment in full of all fees.

b. Notice of hearing. Notice of the hearing before the Board of Trustees shall be given to all interested parties in the following manner.

1. Publication. Notice of the date and time of the hearing, the property affected (by legal description and address), the relief requested and the name of the petitioner shall be published once in a paper of general circulation within the Town no later than fifteen (15) days prior to the date of the hearing.

2. Mailing notice. Notice of the date and time of the hearing, the property affected (by legal description and address), the relief requested and the name of the subdivider shall be mailed by certified mail, return receipt requested, to each owner of surface rights of property located within one hundred fifty (150) feet of the property in question of said

property, including the subdivider. The Town's source of the ownership list shall be the list prepared by the subdivider.

3. Posting. Notice of the date and time of the hearing, the property affected (by legal description and address), the relief requested and the name of the subdivider shall be posted on the property to be affected no later than ten (10) days before the hearing. The posting shall be done by the Town. The signs shall be placed on a street frontage where possible. The signs shall be legible from a distance of thirty (30) feet and shall be weather-protected.

(7) Conduct of the hearing. The hearing shall be conducted as a part of a scheduled meeting of the Board of Trustees in accordance with the following:

a. The hearing shall be conducted at the time and place designated in the public notice.

b. Absence of quorum. In the absence of a quorum, the hearing shall be called to order and the hearing rescheduled to a date certain. No additional notice shall be required, nor shall any additional fees be charged to the subdivider for a rehearing caused by the lack of a quorum.

c. Continuance of hearing. No continuance of the hearing upon request of the subdivider shall be granted except for good cause. Notice of the rescheduled hearing shall be mailed to all parties in interest. All direct costs incurred by the Town for rescheduling the hearing shall be paid by the petitioner.

d. Withdrawal of an exemption request. The subdivider may withdraw his or her exemption request at any time prior to the close of the hearing.

e. Verbatim record of hearing. A record of the entire hearing shall be made either by a certified court reporter or by an electronic recording device. A verbatim transcript of the hearing will be made upon request, with the requesting party paying the entire cost of producing the transcript.

f. Summary minutes of hearing. Summary minutes of the hearing shall be prepared by the Town Clerk. These minutes shall contain a summary of the pertinent testimony offered and the findings of fact and order of the Board of Trustees.

g. Acceptance of testimony and public comments at the hearing. The Board of Trustees shall accept oral testimony, written documents and general comments from all parties that are pertinent to the subject of the hearing. The Board of Trustees shall have sole responsibility for determining the admissibility of written or oral testimony and general comments.

h. Subdivider representation. The subdivider may be represented by legal counsel or other appropriate persons.

i. Board of Trustees legal counsel. The Board of Trustees may request legal counsel from the Town Attorney or other special counsel of its choosing.

j. Close of public hearing. Upon the completion of the presentation of sworn testimony, the receipt of documentary evidence and comments from the public, the Board of Trustees

shall close the hearing and adjourn to its business meeting for discussion and formulating the decision.

k. Board of Trustees action on exemption request. Immediately following the close of the hearing and adjournment to the business meeting, the Board of Trustees shall discuss the merits of the exemption request in open meeting and cause to be prepared a written findings of fact and orders in the matter heard. In matters of complexity, the Board of Trustees may continue the meeting until a date not more than seven (7) days after the hearing date to prepare the written findings of fact and order. On the date set, the Board of Trustees shall consider and approve its findings of fact and orders. The written findings of fact and orders shall be served upon the petitioner by personal service or by certified mail, return receipt requested.

(8) Orders of Board of Trustees. Any order of the Board of Trustees shall be in full force and effect upon issuance and shall be binding upon all parties subject to it unless and until it may be found to be contrary to law or its enforcement enjoined by a court of competent jurisdiction.

(9) Conditions. In granting exemptions, the Board of Trustees may require such conditions as will, in its judgment, secure substantially the objectives of this Chapter. (Prior code 16-7-6; Ord. 523 §12, 2001, Ord. 532, 2001; Ord. 648 §11, 2010)

Sec. 17-6-70. Administrative appeals.

Any party in interest who is aggrieved by any order, requirement, decision or determination of the Building Inspector or any other administrative official of the Town charged with the enforcement of this Chapter may appeal therefrom in accordance with the provisions set forth in Sections 17-6-80 through 17-6-100. (Prior code 16-7-7; Ord. 532, 2001)

Sec. 17-6-80. Appeal procedure.

(a) Written appeals. All appeals must be in writing, on forms provided by the Town, and shall contain all information required by these general rules. Appeals are to be filed with the Town Clerk and the official whose order is appealed at the Town Hall for processing.

(b) Time of submittal. Appeals must be made within ten (10) calendar days of receipt of a written notice of an order, requirement, decision or determination of the Building Inspector or other authorized official of the Town.

(c) Forms and other documentation required. The following forms are required to be submitted to perfect the appeal:

(1) The completed appeal to the Board of Trustees form supplied by the Town.

(2) A location map showing the site involved in the appeal in relationship to existing features, such as structures, fences, streams, public or private rights-of-way and streets, street intersections, zoning districts and other significant topographical or structural features within one hundred fifty (150) feet of the site.

(3) A site plan of the property involved in the appeal, drawn to scale on an 8½" x 11" paper, showing dimensions and all significant features which relate to the appeal, including proposed structures.

(4) A copy of a deed, purchase contract or other legal instrument indicating that the applicant has interest in said property. The deed, purchase contract or legal instrument shall include a complete and accurate legal description of the property.

(5) A copy or other form of clear identification of the order, requirement, decision or determination of the Building Inspector or other authorized Town official being appealed.

(6) A statement of the relief requested and the legal and factual basis upon which it is sought.

(7) A written statement that demonstrates that the application of the order, requirement, decision or determination of the Building Inspector or other authorized Town official being appealed would deprive the appellant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Chapter.

(8) A written statement that demonstrates that special conditions and circumstances exist which are peculiar to the lot, structure or building involved and which are not applicable to other lots, structures or buildings in the same zoning district.

(9) A written statement that demonstrates that the special conditions or circumstances do not result solely from the action of the appellant.

(10) A list of all owners of surface rights of property located within one hundred fifty (150) feet of the property in question. The list shall include both the legal description of the property by lot and block number or other legal description and the mailing address of the property owner.

(11) One (1) set of 9½" x 4¼" envelopes addressed to each of the property owners of property identified in Subsection (10) above.

(12) Any other information determined to be necessary by the Board of Trustees that will aid it in making a decision which will not impair the intent and purpose of this Chapter.

(d) Fee and cost reimbursement. Any person who wishes to appeal any order, decision or determination by any authorized Town official shall pay a fee at the time such application is made to the Town Clerk in an amount to be determined from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code and shall sign a cost reimbursement agreement as required by Section 17-1-45 of this Chapter.

(e) Duties of Town.

(1) The Town Clerk shall determine that the appeal is complete and in proper form. He or she shall then schedule a hearing in accordance with Section 17-6-90 below.

(2) Town employees or consultants employed by the Town shall review the appeal and shall prepare comments for use by the Board of Trustees, addressing all aspects of the appeal and its

conformance with sound land use planning practice, the Comprehensive Plan and this Chapter. (Prior code 16-7-7; Ord. 523 §13, 2001, Ord. 532, 2001; Ord. 648 §12, 2010)

Sec. 17-6-90. Hearings.

Public hearings shall be conducted on all appeals by the Board of Trustees in accordance with the following procedures:

(1) Setting date. The date of a hearing before the Board of Trustees shall be set by the Town Clerk not less than twenty (20) days or more than thirty-one (31) days from the receipt of the written appeal, the payment of all required fees and the filing of all required attachments.

(2) Notice of hearing. Notice of the hearing before the Board of Trustees shall be given to all interested parties in the following manner:

a. Publication. Notice of the date and time of the hearing, the property affected (by legal description and address), the relief requested and the name of the petitioner shall be published once in a paper of general circulation within the Town no later than fifteen (15) days prior to the date of the hearing.

b. Mailing notice. Notice of the date and time of the hearing, the property affected (by legal description and address), the relief requested and the name of the petitioner shall be mailed by certified mail, return receipt requested, to each owner of surface rights of property located within one hundred fifty (150) feet of the property in question, including the petitioner. The Town's source of the ownership list shall be the list prepared by the petitioner.

c. Posting. Notice of the date and time of the hearing, the property affected (by legal description and address), the relief requested and the name of the petitioner shall be posted on the property to be affected no later than ten (10) days before the hearing. The posting shall be done by the Town. The signs shall be placed on a street frontage where possible. The signs shall be legible from a distance of thirty (30) feet and shall be weather-protected.

(3) Conduct of the hearing. The hearing shall be conducted as a part of a scheduled meeting of the Board of Trustees in accordance with the following:

a. Time and date of hearing. The hearing shall be conducted at the time and place designated in the public notice.

b. Absence of quorum. In the absence of a quorum, the hearing shall be called to order and the hearing rescheduled to a date certain. No additional notice shall be required, nor shall any additional fees be charged to the petitioner for a rehearing caused by the lack of a quorum.

c. Continuance of hearing. No continuance of the hearing upon request of the petitioner shall be granted except for good cause. Notice of the rescheduled hearing shall be mailed to all parties in interest. All direct costs incurred by the Town for rescheduling the hearing shall be paid by the petitioner.

d. Withdrawal of appeal. The petitioner may withdraw his or her appeal at any time prior to the close of the hearing.

e. Verbatim record of hearing. A record of the entire hearing shall be made either by a certified court reporter or by an electronic recording device. A verbatim transcript of the hearing will be made upon request, with the requesting party paying the entire cost of producing the transcript.

f. Summary minutes of hearing. Summary minutes of the hearing shall be prepared by the Town Clerk. These minutes shall contain a summary of the pertinent testimony offered and the findings of fact and order of the Board of Trustees.

g. Acceptance of testimony at hearing. The Board of Trustees shall accept sworn testimony and written documents from all parties that are pertinent to the subject of the hearing. The Board of Trustees shall have sole responsibility for determining the admissibility of written or sworn testimony.

h. Acceptance of public comments. The Board of Trustees may permit general comments concerning opinions to be made by the public in attendance at the hearing. These comments shall not be considered by the Board of Trustees with the same weight as sworn testimony.

i. Petitioner representation. The petitioner may be represented by legal counsel or other appropriate persons.

j. Board of Trustees legal counsel. The Board of Trustees may request legal counsel from the Town Attorney or other special counsel of its choosing.

k. Close of the public hearing. Upon the completion of the presentation of sworn testimony, the receipt of documentary evidence and comments from the public, the Board of Trustees shall close the hearing and adjourn to its business meeting for discussion and formulating the decision. (Prior code 16-7-7; 2001; Ord. 532, 2001)

Sec. 17-6-100. Board of Trustees action.

(a) Action on appeal. Immediately following the close of the hearing and adjournment to the business meeting, the Board of Trustees shall discuss the merits of the appeal in open meeting and cause to be prepared a written findings of fact and orders on the matter heard. In matters of complexity, the Board of Trustees may continue the meeting until a date not more than seven (7) days after the hearing date, to prepare the written findings of fact and orders. On the date set, the Board of Trustees shall consider and approve its findings of fact and orders. The written findings of fact and orders shall be served upon the petitioner by personal service or by certified mail, return receipt requested.

(b) Orders of Board of Trustees. Any order of the Board of Trustees shall be in full force and effect upon issuance and shall be binding upon all parties subject to it unless and until it may be found to be contrary to law or its enforcement enjoined by a court of competent jurisdiction.

(c) Conditions. In granting appeals, the Board of Trustees may require such conditions as will, in its judgment, secure substantially the objectives of this Chapter. (Prior code 16-7-7; Ord. 532, 2001)

Sec. 17-6-110. Amendments to this Chapter.

The Board of Trustees may amend this Chapter at any time, but before finally adopting any such amendment, it shall hold a public hearing thereon following not less than fifteen (15) days' advance notice of the time and place of the hearing and a brief description of the proposed amendments given by one (1) publication in a newspaper of general circulation in the Town. (Prior code 16-7-8; Ord. 532, 2001)

Sec. 17-6-120. Reserved.

Sec. 17-6-130. Record system.

The Planning Commission shall maintain an adequate numbered filing system for all subdivisions, including copies of all maps, data and actions. Also, a master location map referenced to the filing system shall be kept for use and examination. (Prior code 16-7-10; Ord. 532, 2001)

Sec. 17-6-140. Violations and penalties.

(a) Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers, sells, agrees to sell or negotiates to sell any land by reference to or exhibition of or by use of a plat of a subdivision, before such plat has been approved by the Planning Commission and the Board of Trustees and recorded or filed in the office of the County Clerk and Recorder, shall forfeit and pay a penalty of one hundred dollars (\$100.00) for each lot or parcel so transferred, sold or agreed or negotiated to be sold. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from remedies provided in this Section.

(b) The Board of Trustees may enjoin such transfer, sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the penalty by civil action in any court of competent jurisdiction. (Prior code 16-7-11; Ord. 532, 2001)

Sec. 17-6-150. Suspension of approval.

(a) Authority. The Planning Commission or the Board of Trustees may suspend or withdraw any approval of a plan or plat or may require certain corrective measures to be taken following a determination that the information provided by the subdivider upon which such approval was based is false or inaccurate information or that significant new information has been brought to its attention. Suspension of approval may occur at any step in the subdivision process up to the approval of the final plat by the Board of Trustees. Suspension of approval must take place at a regular meeting.

(b) Notice and hearing. A written notice from the Town Clerk, sent by certified mail, shall be served upon the subdivider, setting out a clear and concise statement of alleged facts and directing the subdivider to appear at the certain regular meeting of the Planning Commission or the Board of Trustees not less than ten (10) days nor more than thirty (30) days after the date of service of notice.

(c) Action. The Planning Commission or the Board of Trustees shall determine at the meeting the nature and content of alleged false or inaccurate information that has been brought to its attention, and shall have power, upon good cause being shown, to suspend or withdraw any approval or require certain corrective measures to be taken. (Prior code 16-7-12; Ord. 532, 2001)

ARTICLE VII

Conveyance of Public Facilities

Sec. 17-7-10. Scope.

Every public improvement and facility constructed by any property owner, subdivider or developer (collectively referred to as *developer* herein) and required to be dedicated to the Town, herein called a *facility*, whether associated with a subdivision or otherwise, shall be conveyed to and accepted by the Town in accordance with the provisions of this Article. (Prior code 16-8-1)

Sec. 17-7-20. Conditional acceptance.

(a) Standards. Upon completion of construction, the developer shall initiate the dedication process by submitting a request to the Town for a preliminary inspection of the facility, together with the costs deposit required by Section 17-7-70 below. The facility will qualify for conditional acceptance by the Town when all of the following conditions have been met:

(1) Town review. The Town has determined that the facility has been constructed and connected to Town facilities in conformity with the Town's Master Plan, this Code, approved plans, construction notes and design specifications; has passed all necessary tests; and has been approved for use by all other governmental entities and agencies having jurisdiction.

(2) Developer submittals. The developer has tendered and the Town has approved and accepted the following:

a. Record drawings and certified required test results;

b. For water and sewer facilities, key map pages consistent in form and content with current Town requirements as to key maps showing the location of all component parts of the facility, or other arrangements approved in writing by the Town have been made for the preparation thereof;

c. A twelve-month maintenance bond in an amount equal to ten percent (10%) of the cost of constructing the facility, or such greater amount as may be reasonably determined by the Town on account of special circumstances of the particular facility, or any portion thereof;

d. A duly executed written statement that all suppliers of labor and materials have been fully paid, with lien waivers attached;

e. A duly executed written assignment of all manufacturer's warranties on materials and equipment;

f. Any and all deeds, bills of sale, agreements and other conveyance instruments required by the Town to vest merchantable title to all component parts of the facility, including, without limitation, all necessary easements, rights-of-way and other property interests in the Town;

g. All required subordination agreements and partial releases; and

h. Payment of all sums then due to the Town in connection with the facility.

(3) Property interests. The facility is located in or on property owned by the Town, or within or upon property which the Town has the legal right to construct, install, operate, maintain, repair and replace the facility.

(b) Approval; tap permits. The Town shall evaluate the request and give written notice to the developer of its action, stating any special conditions attached to the conditional acceptance, or the reasons for a denial of the request. No taps or service connections to water or sewer facilities will be permitted, nor will the Town accept applications for such taps, until the Town has conditionally accepted such facilities as herein provided.

(c) Effective date. Conditional acceptance shall be effective as of the date noted therefor on written documentation prepared by the Town. As of such date, the facility shall be deemed operational, and the Town shall have full and complete possession thereof for all appropriate public uses. In the case of water and sewer facilities, any person may apply to the Town for tap authorizations for taps or service connections thereto. The Town's acceptance of water and sewer facilities, whether conditional or final, does not, however, guarantee that taps will be available. Availability of taps is governed at all times by the relevant provisions of Chapter 13 of this Code, and such availability is determined in accordance therewith at the time proper application for service is made. (Prior code 16-8-2; Ord. 523 §14, 2001; Ord. 532, 2001)

Sec. 17-7-30. Maintenance and repair.

Until final acceptance of the facility, the developer shall be solely responsible for all routine maintenance and for correction of any and all defects in the facility, as set forth below:

(1) Routine maintenance. The developer shall, at his or her sole cost, protect the facility and perform all routine maintenance thereon so as to keep it in good repair and operating condition. Such obligations shall include the repair or replacement of any parts thereof damaged as a result of street construction, paving, utility installation or vehicular traffic. In addition, the developer shall, at his or her sole cost, correct any soil subsidence or erosion which the Town determines occurred in connection with or as a result of construction of the facility.

(2) Cure of defects. The developer shall, at his or her sole cost, correct, repair or replace any part or parts of the facility which the Town reasonably determines were not constructed in conformity with this Code, approved plans, construction notes or design specifications, or which the Town determines to be defective, of poor or unworkmanlike quality or otherwise not in conformity with any applicable warranty. Unless other provisions are made elsewhere in this Code for cure of defects in any specific type of facility, the Town's notice and order to cure shall specify the nonconformity, direct the developer at his or her cost to perform specified curative work, and specify the period of time determined by the Town to be reasonably necessary for

completion of such work. If the developer fails within the specified time following such notice to cure the nonconformity stated therein, the Town may, in addition to and without waiving any other remedy, perform the work itself and charge the developer for its actual costs incurred in connection therewith. (Prior code 16-8-3)

Sec. 17-7-40. Final acceptance for maintenance.

(a) Standards. At the expiration of one (1) year from the date of conditional acceptance, or any longer period of time reasonably determined by the Town on account of the particular circumstances of the facility or any portion thereof, the developer may request the Town to perform a final inspection and accept the facility for maintenance. Such request shall be accompanied by the costs deposit required by Section 17-7-70 below. Upon such request, the Town shall inspect the facility and shall accept the same for maintenance when all of the following conditions are met:

(1) Town review. The Town determines that the facility has been constructed and connected to Town facilities in conformity with the Town's Master Plan, this Code, approved plans, construction notes and design specifications, has passed all necessary tests, and has been approved for use by all other governmental entities and agencies having jurisdiction.

(2) Maintenance and repair. The developer has fully performed all maintenance and repair obligations imposed upon it by Section 17-7-30 above during the period of conditional acceptance.

(3) Developer submittals. The developer has tendered and the Town has approved all of the following:

a. A verified statement of actual cost of the facility, itemized as the Town may require;

b. Any and all deeds, bills of sale or other conveyance instruments necessary to vest title to all component parts of the facility in the Town with warranties of title as provided in Section 17-7-20(a)(2)f.

c. All drawings, maps and construction notes pertaining to any changes in the facility made during the period of conditional acceptance;

d. Payment of all sums due to the Town from the developer on account of the facility.

(b) Effective date. The Town's acceptance of the facility for maintenance shall be effective as of the date noted therefor on written documentation prepared by the Town. As of such date, all of the developer's right, title and interest in and to the constructed facility shall be deemed immediately to pass to and vest in the Town, free and clear of all liens and encumbrances, and the developer shall warrant and defend the conveyance of such facility to the Town, its successors and assigns against all and every person whomsoever. As of the date of final acceptance, the Town shall maintain the facility at its expense. Nothing contained herein, however, shall be construed to relieve the developer from his or her warranty obligations as to the facility. Notwithstanding final acceptance, the developer or his or her successors and assigns shall own and remain responsible for all water and sewer service lines and private water and sewer facilities as provided in Chapter 13 of this Code. (Prior code 16-8-4; Ord. 523 §15, 2001; Ord. 532, 2001)

Sec. 17-7-50. Town construction of facilities.

Notwithstanding any of the foregoing, the Town reserves the right to construct any and all facilities required to be constructed by the developer in any case in which it determines that such facilities may be in the best interests of the Town and its constituents, upon such terms and conditions as the Town may reasonably determine. (Prior code 16-8-5; Ord. 532, 2001)

Sec. 17-7-60. Reimbursement.

(a) Content. This Section sets forth standards and procedures for the consideration, administration and enforcement of plans to reimburse a developer who has constructed a water, sewer or storm sewer facility at his or her cost, either by himself or herself or with others, from fees and charges imposed upon future users of such facilities.

(b) Applications. Any developer who desires reimbursement hereunder (*applicant*) may file written application therefor with the Town. Such application shall state the name, address and telephone number of each applicant, and shall contain an express promise by each applicant to reimburse the Town for its actual costs incurred in evaluating, processing and considering the application, regardless of whether the same is ultimately approved.

(c) Reimbursement plan. Each application shall be accompanied by a proposed reimbursement plan meeting the requirements set forth in Subsection (d) below, and which shall in addition thereto contain or be accompanied by the following:

(1) A map clearly identifying the facilities for which reimbursement is sought (*Reimbursement facilities*).

(2) The applicant shall determine and certify to the Town the total cost of construction of the reimbursement facilities, including without limitation design and engineering fees, construction costs, Town inspection and approval fees and easement acquisition costs. The applicant shall further submit documentary evidence of all such costs and of the fact that they have been paid in full.

(3) A detailed statement of the method proposed to determine the sources and amounts of reimbursement charges and the proposed allocation thereof among those who have previously contributed to the cost of the reimbursement facilities.

(4) The costs deposit required by Section 17-7-70 below.

(d) Minimum plan requirements; agreement. Reimbursement will be approved only under the terms of a written reimbursement agreement between the Town and the applicant. Although the specific terms of each reimbursement agreement will vary according to the particular circumstances of each case, each reimbursement agreement shall contain in substance all of the following provisions, which shall also be deemed to be minimum requirements of any reimbursement plan:

(1) The applicant will notify the Town of any proposed new service which would be subject to reimbursement charge as soon as he or she becomes aware of the same.

(2) The Town will collect the reimbursement charge in full at the time application is made for new service to property subject to the same, and remit the net amount of any charges so collected to the persons entitled thereto within forty-five (45) days of such collection. Notwithstanding the foregoing, however, in no case will the Town be liable to such person for any reimbursement charges not actually collected by the Town, or for any alleged damages resulting from such failure to collect.

(3) Any right to receive distributions of reimbursement charge proceeds will be personal to the applicant and any subsequent payors of the reimbursement charge, but such right may be assigned to any third person by written instrument delivered to the Town. Any unclaimed or undeliverable distributions shall revert to and become the sole property of the Town one (1) year after attempted delivery to the person entitled thereto. For the purposes of this Paragraph, the term *delivery* shall mean deposited in the United States mail, first class postage prepaid, addressed to the person entitled thereto at the address furnished in writing by such person to the Town.

(4) The applicant will indemnify and hold harmless the Town, its officers, agents and employees from any and all claims, expenses and demands arising out of or in any way involving the Town's collection or attempted collection of reimbursement charges.

(5) The Town and the applicant will cooperate fully with each other in responding to any challenge to or refusal to pay the reimbursement charges, but the applicant will pay in advance all of the costs and expenses associated therewith, and the Town shall be released from any obligation under this Paragraph in the event of the applicant's default in payment.

(6) Notwithstanding any other provision of the reimbursement plan or agreement, the Town will have no liability to the applicant in any case in which the reimbursement charge is or has been determined by a court of competent jurisdiction for any reason to be invalid or unenforceable.

(7) The reimbursement charge to be imposed by the Town shall terminate on a date specified in the reimbursement agreement and plan, which date shall in no event be later than ten (10) years from the date of conditional acceptance of the facility.

(8) If the Town determines that the applicant has violated any provisions of the design specifications or this Chapter applicable to the reimbursement facilities and has failed after notice and a reasonable opportunity to cure such violation, the Town may terminate the reimbursement agreement, and thereupon any right of the applicant to collect reimbursement pursuant thereto shall terminate and be of no further force or effect.

(9) The Town shall be entitled to deduct an administrative fee to defray its expenses in administering the reimbursement agreement from the sums distributable to the applicant and any other person entitled thereto.

(e) Procedure.

(1) An application and plan which meet all the requirements of Subsections (b) through (d) above shall be reviewed by Town staff. Such review shall address all aspects of the plan, including the reasonableness of the costs of construction and whether and to what extent such costs should be subject to reimbursement.

(2) As part of the review process, Town staff shall prepare a written reimbursement agreement which conforms to Subsection (d) above and contains such additional provisions as staff deems appropriate under the circumstances. Such reimbursement agreement shall be submitted to the applicant for signature before being referred to the Board of Trustees for approval or disapproval.

(3) Any differences between Town staff and the applicant as to the terms of the reimbursement agreement may be resolved by the Board of Trustees, following reasonable notice to the applicant.

(4) Approval or disapproval of any reimbursement agreement shall be given only by the Board of Trustees. No such agreement shall be effective for any purpose, nor shall any reimbursement charge be due or payable from any person, until the reimbursement agreement is executed and delivered to the Town by the applicant.

(f) Board of Trustees discretion. Because of the serious and adverse impact which unforeseen development patterns can have upon the administration and enforcement of any reimbursement plan, the Board of Trustees may deny any application for reimbursement when, in its sole judgment, future development of property affected by the proposed plan is sufficiently uncertain or unpredictable as to create a risk that unacceptable or unwarranted administrative or legal burdens may be imposed upon the Town in connection with its administration or enforcement. Further, the approval of any reimbursement agreement shall have no precedential value whatever with respect to any subsequent application for reimbursement, nor shall it bind or obligate the Board of Trustees in any way to approve any reimbursement application or plan. It is the intent of this provision to reserve to the Board of Trustees absolute discretion in determining all matters relating to reimbursement. (Prior code 16-8-6; Ord. 523 §16, 2001; Ord. 532, 2001)

Sec. 17-7-70. Costs of Town review and inspection.

(a) The developer shall reimburse all of the Town's actual costs of reviewing and processing requests for conveyance and acceptance of facilities and reimbursement plans proposed pursuant to this Article. As used in this Section, *actual costs* shall include all direct and indirect costs incurred by the Town to review and process a request, including publication, mailing, recording, engineering, legal, Town personnel expense, supplies, material, equipment and overhead expenses.

(b) All requests for conditional and final acceptance of any facility and all requests for consideration of a reimbursement plan, shall be accompanied by a costs deposit in an amount reasonably determined by the Public Works Director as sufficient to cover the costs described in Subsection (a) above for the specific facilities or reimbursement plan subject to the request, said deposit to be held and administered pursuant to the provisions of Subsections 17-6-120(c) and (d) of this Chapter. Unless otherwise determined by the Town for good cause in a specific case, a deposit tendered in connection with a request for conditional acceptance will be fully administered at the time of conditional acceptance and not held in anticipation of a future request for final acceptance of the same facilities. (Ord. 523 §17, 2001; Ord. 532, 2001)

ARTICLE VIII

Planned Unit Developments

Sec. 17-8-10. Scope; consideration of subdivision with zoning.

Upon approval of a Planned Development Zone Designation, the applicant may proceed with the subdivision of land. Concurrent with the subdivision plat, the applicant shall file a final development plan as required by Section 16-2-160 of this Code. Except as specifically provided otherwise in this Article, PUD-zoned subdivisions and applications for approval thereof shall be subject to all provisions of this Chapter applicable to non-PUD-zoned subdivisions, including the costs of reimbursement and deposit requirements governed by Section 17-6-120. (Prior code 16-9-1; Ord. 523 §18, 2001; Ord. 613 §3, 2008; Ord. 667 §1, 2011)

Sec. 17-8-20. Definitions.

Terms defined in Section 24-67-103, C.R.S., Section 17-1-70 of this Chapter, and Section 16-6-10 of this Code shall have the definitions and meanings therein given to them for the purposes of this Article. (Prior code 16-9-2; Ord. 667 §1, 2011)

Sec. 17-8-30. Vacation of plat for failure to develop.

If the Planning Commission initiates proceedings to rezone property previously zoned PUD or any portions thereof pursuant to the provisions of Section 16-2-160, it shall also, if a subdivision was approved in conjunction with the PUD zoning, initiate concurrent proceedings to vacate the subdivision plat of the same property. If the PUD zoning for such property is changed pursuant to such proceedings, the Board of Trustees shall vacate the subdivision plat of such property if under all of the circumstances present, consistent with good planning and land use principles, such action is appropriate and can be taken without injury to the rights of innocent third persons. If the plat is so vacated, the affected property shall revert to the subdivision status in existence immediately prior to approval of the PUD-zoned subdivision. (Prior code 16-9-3; Ord. 667 §1, 2011)

Sec. 17-8-40. Public facilities, services and safety.

The design standards set forth in Article IV of this Chapter shall be observed in every PUD. Specific standards may be relaxed or waived in a proper case if the developer clearly and convincingly demonstrates that the purpose or intent of the requirement relaxed or waived is honored in fact, and that no impairment of public health, safety or welfare will result therefrom. (Prior code 16-9-4)

Sec. 17-8-50. Streets.

Streets in a planned unit development shall be designed with regard to topography, natural features, function, clarity of movement and economy of street length. The following criteria shall be considered in reviewing a proposed street system:

- (1) The street system shall be integrated with the existing network of streets or public rights-of-way. Two (2) or more points of access may be required where deemed necessary. When an

area is to be developed in phases, each phase may be required to provide two (2) points of access, one (1) of which may be temporary. Public access, either pedestrian or vehicular, shall be available to all principal structures or uses. Emergency vehicular access shall be provided to all structures, and such access shall be clearly designated.

(2) The overall clarity of vehicular movement within the planned unit development must be evident and the function of all streets must be easily identified.

(3) Where appropriate, the street system may utilize cul-de-sacs, loop streets, P-loops and other suitable forms of street layout. The provisions of this Chapter and of the Platteville Standards Manual shall be used as a guideline for street design and construction in planned unit developments.

(4) Street widths must reflect the function of the road. Due consideration must be given to special street width, construction and paving requirements resulting from possible use of the cluster layout, commercial and/or industrial traffic and permitted on-street parking. The Town shall decide street width, construction, paving and other pertinent street considerations after consultation with the developer and the Town Engineer and consideration of the requirements set forth in this Chapter and the Platteville Standards Manual.

(5) Street gradients and intersections shall conform to the standards set forth in this Chapter and the Platteville Standards Manual. (Prior code 16-9-5)

ARTICLE IX

Vested Property Rights

Sec. 17-9-10. Definitions.

(a) A final subdivision plat for a planned unit development approved by the Board of Trustees shall be the only document or development plan constituting a site specific development plan within the meaning of Section 24-68-102(4), C.R.S.

(b) All other terms used in this Article that are defined in Article 68 of Title 24, C.R.S., shall have the meanings ascribed to them in said statute. (Prior code 16-10-1; Ord. 523 §23, 2001)

Sec. 17-9-20. Effective date.

(a) Unless otherwise agreed in writing by the Town and the proponent of a site specific development plan, a vested property right shall be deemed established pursuant to a site specific development plan only upon the effective date of a motion, resolution or ordinance approving or conditionally approving a final subdivision plat for a planned unit development.

(b) In the event amendments to a site specific development plan are proposed and approved, property rights under such amendments shall be deemed to have vested on the effective date of the original site specific development plan. (Prior code 16-10-2)

Sec. 17-9-30. Duration.

A property right which has been vested pursuant to this Article shall remain vested for a period of three (3) years, unless the Town and the landowner enter into an agreement which provides that property rights under a site-specific development plan shall be vested for a period exceeding three (3) years. Such an agreement shall be adopted by ordinance of the Board of Trustees and shall be subject to referendum. (Prior code 16-10-3; Ord. 532, 2001)

Sec. 17-9-40. Notice of intent; endorsement on plat.

(a) In order to qualify its application for the vesting of rights under this Article, the proponent of the site specific development plan must notify the Town in writing of the proponent's intent and desire to seek such vesting at the time the application therefor is filed with the Town. Failure to provide such written notice shall disqualify the application from receiving the vesting of rights under this Article; except that nothing herein shall limit the right of such proponent to withdraw a pending application and refile the same with the required notice.

(b) Every document which constitutes a site specific development plan shall contain the following language:

This plat constitutes a site specific development plan pursuant to Chapter 17, Article IX of the Platteville Municipal Code and Section 24-68-101, et seq., C.R.S., and establishes vested property rights for three (3) years from its effective date, to undertake and complete the development and use of the property in accordance with this plat.

(Prior code 16-10-4; Ord. 532, 2001)

Sec. 17-9-50. Effect of conditional approval.

The conditional approval of a site specific development plan shall result in the establishment of vested property rights under said plan, but failure to fulfill or abide by the terms and conditions of the conditional approval shall result in a forfeiture of the vested property rights. Such forfeiture shall occur by operation of law, without notice or hearing. (Prior code 16-10-5)

Sec. 17-9-60. Zoning or rezoning.

Unless approved as part of a site specific development plan, the zoning or rezoning of a property shall not itself constitute a site specific development plan and shall not result in the creation of vested property rights. (Prior code 16-10-6)

Sec. 17-9-70. Notice.

Within fourteen (14) days after the approval of a site specific development plan, the proponent of said plan shall publish notice in the official newspaper of the Town advising the public of the approval of the site specific development plan, of the creation of a vested property right under the site specific development plan, and of the effective date of the Town's motion, resolution or ordinance approving the site specific development plan. The proponent's failure to publish such notice in accordance with this Section shall result in the forthwith termination of the vesting of any and all rights associated with the plan. (Prior code 16-10-7)

Sec. 17-9-80. Other provisions unaffected.

Approval of a site specific development plan shall not constitute an exemption from or waiver of any other provision of this Chapter pertaining to the development and use of property. (Prior code 16-10-8)

Sec. 17-9-90. Limitations.

Nothing in this Article is intended to create any vested property right, but only to implement the provisions of Article 68, 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 Article shall be deemed automatically repealed, and the provisions hereof no longer effective. (Prior code 16-10-9)

APPENDIX 17-A

Application for Subdivision Approval Form

APPENDIX 17-B

Checklist for Submittals, Procedural Milestones

APPENDIX 17-C

Rainfall Curve

APPENDIX 17-D

School District Planning Standards, Methodology

1. Student Yields

	Single-Family	Multi-Family
Elementary	.400	.100
Middle School	.200	.060
High School	.200	.040
Total	.800	.200

2. Capacity

Elementary	485.00
Middle School	320.00
High School	1040.00

3. Site Requirement

Elementary	12 acres
Middle School	25 acres
High School	50 acres

4. Developed Land Value: \$30,000.00 per acre¹

School District Planning Standards, Methodology

Methodology for Calculation of
Land Dedication Requirements and In-Lieu Payments

Based on the School District Planning Standards set forth on the following page, land dedication requirements and in-lieu payments are calculated in accordance with the following formulas:

¹ As determined by the Town.

	<i>School Site Requirements (in acres)</i>	<i>School Capacity Standards (pupils)</i>	<i>Acres of Land Required Per Pupil</i>	<i>Pupil Yield Per Unit</i>	<i>Dedication Requirement (in acres) Per Unit</i>	<i>Developed Land Value Per Acre</i>	<i>In-Lieu Payment Requirement Per Unit</i>
SINGLE-FAMILY							
Elementary P-5	12	485	0.02474	0.400	0.00990	c	\$ 297.00
Middle School 6-8	25	320	0.07813	0.200		\$30,000.00	468.90
High School 9-12	50	1040	0.04808	0.200		30,000.00	288.60
Total District	87		0.15094	0.800			1,054.20
MULTI-FAMILY UNIT							
Elementary P-5	12	485	0.02474	0.100	0.00247	\$30,000.00	\$ 74.10
Middle School 6-8	25	320	0.07813	0.060	0.00469	30,000.00	140.70
High School 9-12	50	1040	0.04806	0.040	0.00192	30,000.00	57.60
Total District	87			0.200	0.00908		272.40

APPENDIX 17-E

Parks, Open Space and Trails Area and Location Standards and Methods

1. The sites and land areas for parks, open space and trails to be dedicated by the subdivider pursuant to Section 17-4-240 of the Code shall be such as are reasonably necessary to serve the proposed subdivision and the future residents thereof. The subdivider shall dedicate such areas, free of liens or encumbrances, based on the following standards:

(a) Residential developments shall dedicate 20% of the gross land area for use as publicly accessible parks, open spaces or trails. Such sites and land areas are intended for the use and benefit of the owners and future owners in the proposed subdivision.

(b) Nonresidential developments shall dedicate eight percent (8%) of the subdivision's gross land area as open areas for use as one (1) or more of the following:

- Parks;
- Open spaces;
- Pathways, including sidewalks and bicycle paths, that are separate and distinct from any parking area or lot;
- Landscaped areas, including buffers and berms, to separate dissimilar uses;
- Public or private outdoor seating areas;
- Plazas;
- Courtyards; and
- Play areas.

2. Such land and facilities shall be built and, at the Town's election, maintained either by a unit of government, by a nonprofit corporation or by private interests, as part of a subdivision or development of land for use by the inhabitants and general public thereof. Ownership of the land may, at the Town's election, be deeded or reserved to a property owners' association, or it may be dedicated to the public or as required by any approval condition of the subdivision plat, zoning action or planned unit development approval.

3. The land to be dedicated shall be of a size, character and location consistent with the policies and objectives of the Platteville Comprehensive Plan.

4. The size of a park, open space or trail site within a predominately residential subdivision shall be determined in consultation with the Town Manager and shall meet standards established by the National Parks and Recreation Association or other recognized source.

5. The quality and character of open areas in predominately nonresidential developments shall consist of a combination of natural vegetative material native to Colorado in conjunction with irrigated turf or plant areas. Specific plant materials shall be water-conserving (Xeriscape) varieties. Irrigated turf areas shall not exceed forty percent (40%) of the required open area within a predominately nonresidential development. Turf in isolated areas of less than three hundred (300) square feet or less than five (5) feet in width are discouraged. Outdoor employee areas shall be a minimum of four hundred (400) square feet and shall be included on the site plan.

6. The amount of the in-lieu payment is determined by multiplying the number of acres, including fractions, of the dedication requirement which is not met by actual dedication by the per-acre fair market value of the property, as buildable property, as reasonably determined by the Town. The current per-acre fair market value of buildable property in the Town, so established, is thirty thousand dollars (\$30,000.00).

7. Land areas dedicated to the Town to satisfy land dedication requirements for parks, open space and trails shall be suitable for development of recreational areas. Where suitability for development of recreational areas is reduced due to environmental or topographical conditions, the following reductions in credit shall apply:

(a) Trails to be dedicated that are within the floodway of a one-hundred-year floodplain shall be credited at twenty-five percent (25%) of land dedication requirements. No other land dedicated in a floodway shall receive any credit.

(b) Trails to be dedicated that are not within the floodway, but are within the one-hundred-year floodplain or which are part of irrigation ditches or storm water detention areas shall be credited at fifty percent (50%) of land dedication requirements. No other land dedicated in floodplain shall receive any credit.

(Ord. 549 §33, 2003; Ord. 574 §1, 2005)