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ARTICLE I

General Provisions

Sec. 24-1-10. Title.

This Chapter shall be known and may be cited as the *Weld County Subdivision Ordinance*. (Weld County Codification Ordinance 2000-1)

Sec. 24-1-20. Authority, jurisdiction and enforcement.

A. The County is enabled by law to regulate the subdivision of unincorporated land within the County limits by virtue of Title 30, Article 28, C.R.S.

B. Any person, partnership or corporation intending to subdivide land as defined in Section 24-1-40 of this Chapter shall submit plans and plats as required by and specified by this Chapter to the Planner, the Planning Commission and the Board of County Commissioners for review and approval.

C. Plans and plats of proposed subdivision of land located within the planning jurisdiction shall be submitted to the Planner, the Planning Commission and the Board of County Commissioners for review and approval, in accordance with the provisions of this Chapter, before such plats may be recorded with the County Clerk and Recorder. To ensure uniformity and environmental protection, such plans and plats shall conform to and follow procedures and standards as specified in this Chapter.

D. The Planner shall maintain an adequate numbered filing system for all subdivisions, including copies of all maps, data and actions. A master location map (or maps) referenced to the filing system shall be made available for public use and examination.

E. It shall be unlawful to file a subdivision plat with the County Clerk and Recorder unless a notation has been made on the plat by the Board of County Commissioners certifying that it has approved the plat in accordance with this Chapter.

F. The chief administrative officer for processing, reviewing and evaluating proposed subdivisions of land, and for advising the Planning Commission and the Board of County Commissioners concerning their acceptance or denial shall be the Director of Planning Services, herein called the *Planner*.

G. The Planner shall have the authority and be required to review all subdivision applications, and shall advise prospective subdividers, the Planning Commission and the Board of County Commissioners of all instances where this Chapter appears to be violated or misinterpreted.

H. The Department of Planning Services staff shall have the authority and shall be required to make a written report on submitted subdivision applications. The report should address adequacy of streets, lot

sizes and other public improvements. The Planner shall comment upon those items that would improve the land use, traffic circulation, utility services and environmental conditions for the future inhabitants of the subdivision. The staff's review may include field inspection trips, an evaluation of the proposed subdivision in relation to this Chapter and Chapters 22 and 23 of this Code, and an evaluation of its impact on the environment and all other pertinent data regarding the subdivision.

I. The Board of County Commissioners shall have the authority to require changes in the preliminary plan, final plat and resubdivision plat which more fully meet the purposes of this Chapter as set forth in Section 24-1-30 below.

J. In reviewing subdivision plans, the Planner, Planning Commission and Board of County Commissioners shall not only insure that the intent and requirements of this Chapter are followed, but shall also determine the extent to which the goals and policies embodied in Chapter 22 of this Code are met. (Weld County Codification Ordinance 2000-1)

Sec. 24-1-30. Statement of purpose.

The purpose of this Chapter is to achieve orderly and efficient development by:

- A. Assisting orderly and integrated development.
- B. Promoting the health, safety and general welfare of the residents of the County.
- C. Ensuring conformance of land subdivision plans with the public improvement plans of the County and its various municipalities.
- D. Ensuring coordination with public municipal improvement plans and programs.
- E. Encouraging well-planned subdivisions by establishing adequate standards for design and improvement.
- F. Improving land survey monuments and records by establishing standards for surveys and plats.
- G. Safeguarding the interests of the public, the homeowner and the subdivider.
- H. Securing equitable handling of all subdivision plans by providing uniform procedures and standards.
- I. Preventing loss and injury from fire in wooded terrain.
- J. Preserving agricultural land and promoting its most productive agrarian use.
- K. Ensuring that irrigation water currently associated with a farm or rural unit of land will be retained for agricultural uses.
- L. Preserving natural vegetation and cover and promoting the natural beauty of the County.
- M. Preventing and controlling erosion, sedimentation and other pollution of surface and subsurface water.

N. Preventing flood damage to persons and properties and minimizing expenditures for flood relief and flood control projects.

O. Restricting or regulating building in flood hazard overlay district areas, shorelands, areas covered by poor soils or areas poorly suited for building or construction.

P. Preventing loss and injury from land slides, mud flows and other geologic hazards.

Q. Providing adequate space for future development of schools and parks to serve the population.

R. Ensuring the planning for and provisions of an adequate and safe source of water and means of sewage disposal. (Weld County Codification Ordinance 2000-1)

Sec. 24-1-40. Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings stated in this Section:

Access: The place, means, or way vehicles or pedestrians shall have safe, adequate and legal ingress and egress to a lot, trail, open space, off-street parking space or use.

Applicant: The fee owner of a parcel of land submitting an application for development. The fee owner may authorize an agent to sign an application by providing a letter granting power of attorney to the agent.

Aquifer: A water-bearing layer of sand, gravel or porous rock.

Board: The Board of County Commissioners of Weld County.

Building Envelope: The two-dimensional space within which a structure is permitted to be built on a lot. Buildings defined as an Agricultural Exempt Building in Chapter 23 of this Code are exempt from the requirement of being located in the *Building Envelope*. The bulk requirements for the specific zone districts addressed in this Code shall also be followed.

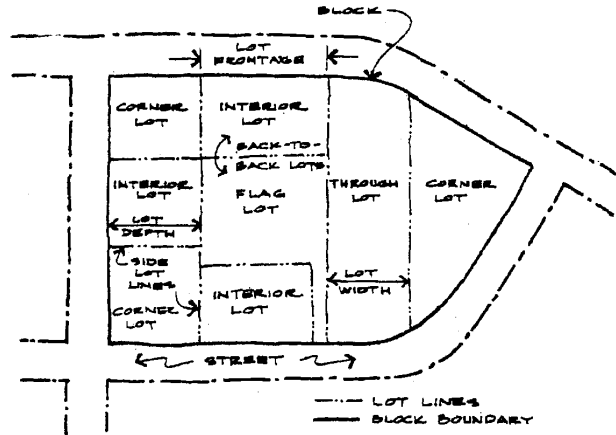
Comprehensive Plan: The duly adopted Weld County Comprehensive Plan, contained in Chapter 22 of this Code.

Cul-de-sac: A local street that terminates in a vehicular turnaround.

Design Standards: Standards that set forth specific subdivision improvement requirements of this Chapter.

Disposition: A contract for 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 of the foregoing.

Double Frontage: A lot that fronts upon two (2) parallel streets, or a lot that fronts upon two (2) streets that do not intersect at the boundaries of the lot.



Easement: A right to use 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: 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 subdivider.

Final plat: A map and supporting materials of certain described land prepared in accordance with this Chapter as an instrument for recording of real estate interests with the County Clerk and Recorder.

Floodplain: Any land area susceptible to being inundated by water from any source. An *intermediate regional floodplain* includes the land area which is likely to be inundated by water of an intermediate regional flood.

Improvements agreement: One (1) or more security arrangements which may be accepted by the Board of County Commissioners to secure the construction of off-site public improvements or improvements within the proposed subdivision development. Any such agreement or contract shall be made in conformance with the County administrative policy on collateral for improvements.

Landowner: Any owner of a legal or equitable interest in real property and includes the heirs, successors and assigns of such ownership interests.

Local government: Any county, city and county, city or town, whether statutory or home rule, acting through its governing body or any board, commission or agency thereof having final approval authority over a site specific development plan, including without limitation any legally empowered urban renewal authority.

Lot: The basic development unit, an area with fixed boundaries, used or intended to be used by one (1) building and its accessory uses, structures and/or buildings. A lot shall not be divided by any public highway, street or alley. A lot must meet the requirements of the zoning district in which it is located and must have access to a public street or an approved private street.

Maintained County road: A paved or gravel roadway that meets County road standards that is open and maintained by the County.

Manufactured home: A single-family dwelling which is practically or entirely manufactured in a factory; is not less than twenty-four (24) feet in width and thirty-six (36) feet in length; is installed on an engineered permanent foundation in compliance with ANSI A-1987, Manufactured Home Installations, Appendix C; has brick, wood or cosmetically equivalent exterior siding and a pitched roof; and is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," 42 U.S.C. 5401 et seq., as amended.

Minor subdivision: A procedure for subdividing a tract of land being divided into no more than nine (9) lots.

Mobile or manufactured home park: An area under single ownership or control designed primarily for the rental of portions of the area for spaces for occupied manufactured or mobile homes. A mobile or manufactured home park proposal shall be submitted and processed according to the procedures and requirements of the Planned Unit Development requirements as described in Chapter 23 of this Code.

Mobile or manufactured home subdivision: An area platted into lots according to the adopted County standards and procedures and designed primarily for the sale of such lots to individuals for permanent mobile or manufactured homes. A *mobile or manufactured home subdivision* is a subdivision designed and intended primarily for the sale of lots.

Municipality: An incorporated city or town.

Nonmaintained County road: A roadway that does not meet County standards. Possible examples are section line access, an easement or a private lane.

Nonurban scale development: Developments comprised of nine (9) or fewer residential lots, located in a nonurban area as defined in Chapter 22 of this Code, not adjacent to other PUDs, subdivisions, municipal boundaries or urban growth corridors. *Nonurban scale development* shall also include land used, or capable of being used, for agricultural purposes and including development which combine clustered residential uses and agricultural uses in a manner that the agricultural lands are suitable for farming and ranching operations for the next forty (40) years. *Nonurban scale development* on public water and septic systems may have a minimum lot size of one (1) acre and an overall gross density of two and one-half (2½) acres per septic system. *Nonurban scale development* proposing individual, private wells and septic systems shall have a minimum lot size of two and one-half (2½) acres per lot. This definition does not affect or apply to those Coordinated Planning Agreements between the County and municipalities which are in effect as of May 14, 2001.

Obsolete subdivision: Any approved or recorded subdivision plat, map, plan or incorporated community legally filed or created prior to the adoption of any regulations controlling subdivisions and/or lacking survey information of sufficient detail to determine precise lot location, size, configuration or other necessary information.

Off-street parking space: A parking space provided in a parking lot, parking structure or private driveway for a motor vehicle that is not located on a dedicated street right-of-way.

On-street parking space: A parking space for a motor vehicle that is located on a dedicated street right-of-way.

PUD (Planned Unit Development): A zoning district which includes an area of land, controlled by one (1) or more landowners, to be developed under unified control or unified plan of develop-

ment for a number of dwelling units, commercial, educational, recreational or industrial uses, or any combination of the foregoing, the plan for which may not correspond in lot size, bulk or type of use, density, lot coverage, open space or other restriction to the existing land use regulations.

Permanent monument: Any structure permanently placed on or in the ground, including those expressly placed for surveying reference.

Planner: The chief administrative official employed by the Board of County Commissioners as the Director of Planning Services.

Planning Commission: The Weld County Planning Commission.

Preliminary plan: The map or maps of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with requirements of this Chapter, to permit the evaluation of the proposal prior to detailed engineering and design.

Private street: A right-of-way or easement in private ownership, not dedicated or maintained as a public street, which affords the principal means of access to one (1) or more lots and is not maintained by the County.

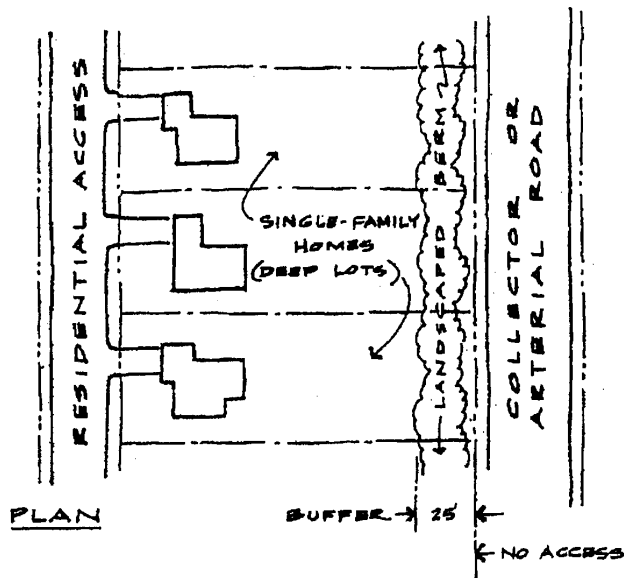
Property: All real property subject to land use regulation by a local government.

Public purpose: Parks, playgrounds, trails, paths and other recreational areas and open spaces; scenic and historic sites. A *public purpose* may also include productive agricultural lands; riparian areas and their buffers; wetlands and their buffers; conservation areas; buffer zones or areas; scenic areas; view corridors; floodways and floodplains; groundwater resources and recharge areas; historic, archaeological and cultural features; scenic viewsheds from public roads; wildlife preserves; and conservation areas. Areas such as wetlands and their buffers, conservation areas, buffer zones or areas, scenic areas and view corridors are areas that may or may not allow public access. These spaces shall serve a *public purpose* by providing for the protection of environmentally sensitive lands, agricultural practices and scenic areas or corridors.

Public water and public sewer: Transmission, storage, treatment, collection or distribution facilities which are constructed, operated or maintained by any group, organization, special district or municipality for the purpose of providing the members of the group, organization, special district or municipality with common water or sewer service facilities.

Resubdivision: A subdivision process used to propose a change in a map of an approved or recorded subdivision plat or any change in a map or plan filed prior to adoption of the ordinance codified herein controlling subdivisions. If the change affects any lot line, any street layout on the map, or any area reserved for public use such as utility or drainage easements, the resubdivision requirements shall be followed.

Reverse frontage: A through lot that is not accessible from one (1) of the parallel or nonintersecting streets upon which it fronts.



Right-of-way: That portion of land dedicated to public use for street and/or utility purposes.

Roadway: That portion of the street right-of-way designed for vehicular traffic.

Site specific development plan: A subdivision final plat, resubdivision or minor subdivision application which has been submitted to the County and has received final or conditional approval by the Board of County Commissioners. No other type of subdivision application shall be considered a site specific development plan.

Sketch plan: The map or maps of a proposed subdivision and specified supporting materials drawn and submitted in accordance with the sketch plan requirements of this Chapter.

Street: A public or private right-of-way or easement providing vehicular and pedestrian access to a lot, block or parcel according to design standards and the classification table located at Appendix 24-A of this Chapter.

Structure: Anything that is built, constructed or erected, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, but not including fences or walls used as fences less than six (6) feet in height, poles, lines, cables or distribution facilities of public utilities. Semi-trailers as defined in Section 42-1-102(70), C.R.S., situated as temporary or permanent storage units, not safe, not operable or illegal to be used on public road rights-of-way, which are not licensed, shall be considered *structures* in accordance with this definition, shall comply with requirements set forth in Chapter 23 of this Code, including required zoning setbacks and offsets, and shall be installed in accordance with the requirements set forth in Chapter 29 of this Code.

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

Subdivision or subdivided land: Any parcel of land in the County which is to be used for condominiums, apartments or any other multiple-dwelling units, unless such land when previously subdivided was accompanied by a filing which complied with these provisions and with substantial-

ly the same density, or which is divided into two (2) or more parcels, separate interests or interests in common, unless exempted under the following subsections. *Interests* shall include any and all interests in the surface of land but exclude any and all subsurface interests.

a. Which creates parcels of land, such that the land area of each of the parcels, when divided by the number of interests in any such parcel, results in thirty-five (35) or more acres per interest;

b. Which could be created by any court in the State pursuant to the law of eminent domain, by operation of law or by order of any court in this State if the Board of County Commissioners is given timely notice of any such pending action by the court and given opportunity to join as a party in interest in such proceeding for the purpose of raising the issue of evasion prior to entry of the court order; and, if the Board of County Commissioners does not file an appropriate pleading within twenty (20) days after receipt of such notice by the court, then such action may proceed before the court;

c. Which is created by a lien, mortgage, deed of trust or any other security instruments;

d. Which is created by a security or unit of interest in any investment trust regulated under the laws of the State or any other interest in an investment entity;

e. Which creates cemetery lots;

f. Which creates an interest in oil, gas, minerals or water which is severed from the surface ownership of real property;

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

h. Which is created by the combination of contiguous parcels of land into one (1) larger parcel. If the resulting parcel is less than thirty-five (35) acres in land area, only one (1) interest in said land shall be allowed. If the resulting parcel is greater than thirty-five (35) acres in land area, such land area, divided by the number of interests in the resulting parcel, must result in thirty-five (35) or more acres per interest. Easements and rights-of-way shall not be considered interests;

i. Which is created by a contract concerning the sale of land which is contingent upon the purchaser's obtaining approval to subdivide, pursuant to this Chapter and any applicable County regulations, the land which the purchaser is to acquire pursuant to the contract; and

j. Which is created by agreement to resolve uncertainty, doubt or conflict regarding a common boundary. A boundary may be determined and permanently established by written agreement of all parties affected. The agreement must be signed and acknowledged by each property owner as required for conveyance of real estate. The agreement must be accompanied by a plat showing the resolution of the boundary in question. The plat and agreement shall be recorded as an instrument affecting real estate, and shall be binding upon heirs, successors and assigns.

The Board may, pursuant to rules and regulations or by ordinance, exempt from this definition of the terms *subdivision* and *subdivided land* any division of land if it determines that such division is not within the purposes of this definition.

Superelevation: The raised portion of highway above the normal cross slope to prevent a vehicle from sliding outward, or counteracting all the centrifugal force of a vehicle traveling at an assumed speed.

Travel way: That portion of the roadway for movement of vehicles, exclusive of shoulders and auxiliary lanes.

Urban scale development: Developments exceeding nine (9) lots and/or located in close proximity to existing PUDs, subdivisions, municipal boundaries or urban growth corridors and boundaries. All *urban scale developments* shall pave the internal road systems of the development. *Urban scale development* requires support services such as central water, sewer systems, road networks, park and recreation facilities and programs, and storm drainage. This definition does not affect or apply to those Coordinated Planning Agreements between the County and municipalities which are in effect as of May 14, 2001.

Vested property right: The right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan. (Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2001-1; Weld County Code Ordinance 2002-9)