

## **CHAPTER 17**

### **Subdivisions**

#### **ARTICLE I Purpose**

Section 17-1	Intent
Section 17-2-10	Reserved

#### **ARTICLE II Definitions**

Section 17-11	Words and terms defined
Section 17-12-20	Reserved

#### **ARTICLE III Applicability of Regulations**

Section 17-21	Minimum requirements: applicability
Section 17-22	Territorial scope
Section 17-23-30	Reserved

#### **ARTICLE IV Administration and Enforcement**

Section 17-31	Major Subdivision Purpose
Section 17-32	Subdivision procedure
Section 17-33-50	Reserved
Section 17-51	Minor Subdivision Purpose
Section 17-52	Subdivision procedure
Section 17-53-60	Reserved

#### **ARTICLE V Lot Line Adjustments**

Section 17-61	Applicability
Section 17-62	Purpose
Section 17-63	Procedure
Section 17-64-70	Reserved

#### **ARTICLE VI Site Plans**

Section 17-71	Intent
Section 17-72	Purpose
Section 17-73	Responsibilities of applicant
Section 17-74	Preliminary site plan
Section 17-75	Final site plan
Section 17-76-90	Reserved

#### **ARTICLE VII Administrative Site Plan**

Section 17-91	Intent
---------------	--------

Section 17-92	Purpose
Section 17-93	Administrative site plan review
Section 17-94	Commercial site plan review
Section 17-95	Intent and purpose
Section 17-96	Site plan review - commercial
Section 17-97-110	Reserved

## **ARTICLE VIII Design Standards**

Section 17-111	General Design considerations
Section 17-112	Streets, design standards
Section 17-113	Utility easements
Section 17-114	Blocks, design standards
Section 17-115	Lots, design standards
Section 17-116-130	Reserved

## **ARTICLE IX Required Improvements**

Section 17-131	General regulations for subdivisions
Section 17-132	Street improvements in subdivisions if required
Section 17-133	Utilities improvements in subdivisions
Section 17-134	Reference monuments in subdivisions
Section 17-135	Maintenance of required improvements
Section 17-136	Reservations of land
Section 17-137-150	Reserved

## **ARTICLE X Variances and Modifications**

Section 17-151	Procedure
Section 17-152	Guiding considerations
Section 17-153	Conditions
Section 17-154-230	Reserved

## **ARTICLE XI Road Impact Fee**

Section 17-231	Title, authority and application
Section 17-232	Intent and purpose
Section 17-233	Level of service Standard (LOS)
Section 17-234	Definitions
Section 17-235	Imposition of fee
Section 17-236	Independent fee calculation study
Section 17-237	Credits
Section 17-238	Benefit area
Section 17-239	Refund of fees not spent
Section 17-240	Review every five (5) years
Section 17-241-250	Reserved

## ARTICLE I

### Purpose

#### Sec. 17-1.Intent.

The regulations contained in this Chapter shall be held to be minimum requirements enacted to promote the health, safety and general welfare of the Town. To these ends, such regulations are intended to assure efficient circulation, adequate improvements, sufficient open space and basic order in subdivision design by providing for the proper arrangement of streets in relation to other existing or planned streets pursuant to the Comprehensive Development Plan; for adequate and convenient open spaces for traffic circulation, utilities, emergency access, recreation and light and air; for the avoidance of population congestion; and for the establishment of standards for the design and construction of improvements herein required.

#### Secs. 17-2--17-10. Reserved.

## ARTICLE II

### Definitions

#### Sec. 17-11. Words and terms defined.

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

- (1) *Block* means a parcel of land bounded on all sides by a street or streets.
- (2) *Comprehensive development plan* means a plan for guiding and controlling the physical development of land use and circulation facilities in the Town and any amendment or extension of such plan.
- (3) *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.
- (4) *Easement* means a dedication of land for a specified use such as providing access for maintenance of utilities.
- (5) *Lot* means a parcel of land having its full frontage on a public street.
- (6) *Plat* means a map, drawing or chart upon which the sub divider presents proposals for the physical development of a subdivision, and which he or she submits for approval and intends to record in final form.
- (7) *Reservation* means a legal obligation to keep property free from development for a stated period of time not involving any transfer of property rights.
- (8) *Right-of-way* means the width between property lines of a street.
- (9) *Street* means a way for vehicular traffic, further classified and defined as follows:

a. *Arterial streets*: Those which permit the relatively rapid and unimpeded movement of large volumes of traffic from one (1) part of the community to another.

b. *Collector streets*: Those which collect traffic from minor streets and carry it to arterial streets or to local traffic generators, such as neighborhood shopping centers and schools. *Collector streets* include the principal entrance streets to a residential development, those linking such adjacent developments and those streets providing circulation within such developments.

c. *Minor streets*: Those used primarily for direct access to properties abutting the right-of-way. *Minor streets* carry traffic having an origin or destination within the development and do not carry through traffic.

(10) *Sub divider*: means any person, individual, firm, partnership, association, corporation, estate, trust or any other group or combination acting as a unit, dividing or proposing to provide land so as to constitute a subdivision as herein defined, including the agent of the *sub divider*.

(11) *Subdivision*: The division or reconfiguration of a parcel of land into six (6) or more parcels, sites or lots for the purpose, whether immediate or future, of transfer of ownership or building development.

**Secs. 17-12--17-20. Reserved.**

### ARTICLE III

#### Applicability of Regulations

**Sec. 17-21. Minimum requirements; applicability.**

In their interpretation and application, the provisions of this Chapter shall be regarded as minimum requirements for the protection of the public health, safety, comfort, morals, convenience, prosperity and welfare.

**Sec. 17-22. Territorial scope.**

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.

**Secs. 17-23—17-30. Reserved.**

#### Major Subdivision

**Sec. 17-31. Purpose.**

The purposes of the major subdivision procedure are:

(1) To divide or reconfigure a parcel or parcels of land into six (6) or more parcels, sites or lots for the purpose, whether immediate or future, of transfer of ownership or building development.

(2) To divide a parcel of land which is zoned MF-1, MF-2, CB, NC, GC-PUD, I-H or I-L into two (2) or more parcels, sites or lots for the purpose, whether immediate or future, of transfer of ownership or building development.

(3) To change an existing subdivision when the change involves rights-of-way or major easements.

**Sec. 17-32. Subdivision procedure.**

(a) The sub divider is responsible for having a representative at all meetings where the subdivision request is reviewed. Failure to have a representative present will be cause to have the item withdrawn from the agenda of that meeting.

(b) No major subdivision plat shall become effective until after a public hearing thereon, at which parties in interest and citizens shall have an opportunity to be heard.

(c) Upon the filing of an application, petition or other document, the designated hearing authority shall set a date for a public hearing, which date shall be not more than sixty (60) days from the date of filing such petition, application or document.

(d) Not less than fifteen (15) days prior to the date set for the hearing, the hearing authority shall cause a notice stating the time, place and purpose of such hearing to be posted on the property and published once in a newspaper in general circulation in the County.

(e) Preliminary plat.

(1) Procedure. The sub divider shall submit to the Town Board a minimum of Ten (10) copies of the preliminary plat, along with a review fee set by resolution of the Board of Trustees and all required supportive information as set forth in this Section. Such submission shall allow the Town Board to schedule consideration of the preliminary plat by the Planning Committee.

a. Upon the filing of the preliminary plat, the applicant or applicant's representative shall distribute copies of the preliminary plat to the following agencies and offices for review and comments (additional agencies or offices may be added to this list of referrals at the sole discretion of the Town Board):

1. Atmos of Colorado.
2. Cable Communications.
3. Florence Fire Protection District.
4. Charter Cable Services.
5. Black Hills Energy of Colorado
6. Fremont County RE-2 School District.

The preliminary plat shall be accompanied by written notice to the agencies and offices, and this written notice shall state that any comments or objections must be received by the Town Board within ten (10) days of the receipt of this notice. Unless otherwise indicated on the "Developer's Referral Checklist" or later required by the Town Board, the referral agency or office will not be contacted for comments or objections concerning the final plat. It shall be the responsibility of the applicant or the applicant's representative to provide documentation to the Town Board confirming that the preliminary plats and respective notices were

distributed and received by the referral agencies in a timely manner.

b. The sub divider shall meet with the Town Board to review the recommendations of the referral agencies.

c. The preliminary plat and recommendations shall be reviewed by the Planning Committee as provided by planning policy.

d. The Planning Committee shall either approve or disapprove the preliminary plat. If the preliminary plat is approved, it shall be valid for a period of one (1) year from the date of approval.

(2) Plats and data. All preliminary plats shall be made at a scale of either one (1) inch represents fifty (50) feet, with the exception of subdivisions which propose a minimum lot size of one (1) acre or greater which shall be made at a scale of one (1) inch represents one hundred (100) feet, shall be on a reproducible medium of one (1) or more sheets with outer dimensions of twenty-four by thirty-six (24 x 36) inches and shall contain the following information:

a. The date of preparation, the scale, a symbol designating the zoning and a symbol designating true North.

b. The proposed name of the subdivision.

c. The legal description (section, township, range).

d. The names, boundaries and zoning of adjacent subdivisions, streets and property owners.

e. The names, addresses, phone numbers and fax numbers of the sub divider and firms or persons responsible for preparing the plat.

f. The location and dimensions of all existing utilities, streets, alleys, easements, rights-of-way and watercourses within and adjacent to the subdivision and the names of all such streets.

g. The location and dimensions of all proposed utilities, streets, alleys, easements, rights-of-way and watercourses within and adjacent to the subdivision and names of all such streets, alleys, easements, rights-of-way and watercourses.

h. The lot numbers, approximate dimensions and the total lots devoted to each zone district on the plat.

i. The total acreage of the parcel with a designation of the specific acreage dedicated to each zone district included in the parcel, the acreage of streets, public areas and other uses.

j. Designation of any area subject to flooding and adequate easements for flood control.

k. Traffic control plan.

l. Vicinity map.

m. Revisions block. An information block entitled "Revisions" shall be included on all preliminary plats, and all such blocks for revisions shall include entry blocks for 1) the date of each revision, 2) the initials of the person who made the revision, and 3) a brief description of the revision. The applicant or applicant's representative shall be responsible for making entries in each of these respective blocks each time a revision has been made to the preliminary plat.

(3) Supportive information. The following supportive information shall be submitted with the preliminary plat:

- a. A Town application form, provided by the Town Board, with original signature of the property owner or the owner's authorized representative plus Ten (10) copies. If signed by the authorized representative, written evidence of such authorization signed by the property owner shall be submitted as well.
- b. Ten (10) copies of a Town general application overview form provided by the Town Board.
- c. One (1) copy of a deed or legal instrument identifying the applicant's interest in the property.
- d. All copies shall be collated into complete application packets. With the exception of utility drawings which contain more than ten (10) sheets per set, all maps, plats and plans are to be folded and included with each individual packet.
- e. Three (3) complete sets of preliminary utility drawings. Such utility drawings shall include, but shall not be limited to, existing and proposed facilities and utility lines, sizes and appurtenances, storm drainage facilities, etc. Appurtenances shall include valves, fire hydrants, manholes, etc. If each set contains ten (10) or fewer sheets, these shall be folded; if each set contains more than ten (10) sheets, rolled utility drawings are acceptable.
- f. Three (3) copies of traffic study prepared by a licensed engineer.
- g. Three (3) copies of traffic control plan prepared by a licensed engineer.
- h. One (1) copy of any proposed deed restrictions.
- i. Three (3) copies of soil types and limitations if not submitted when the area was annexed.
- j. Three (3) copies of description and location of any hazardous areas (i.e. floodplain, geological, topographic, etc.) on the subject property and proposed remedial features.
- k. Three (3) copies of preliminary drainage plan and report.
- l. Three (3) copies of topographical map with two-foot contour intervals.
- m. One (1) original and two (2) copies of preferred method of water rights dedication: total acreage, lot-by-lot or by phase.
- n. Five (5) copies of a landscaping plan for any public right-of-way adjacent to any arterial street.
- o. Five (5) copies of a written narrative description of special considerations requested by the developer including but not limited to:
  - 1. Phasing plan (also to include five [5] 24" x 36" phasing plan plats).
  - 2. Landscaping proposal for all areas other than and in addition to the landscaping plan required for arterial streets in Item No. (3)n. above (also to be delineated on all twenty [20] copies of preliminary plat).
  - 3. Infrastructure over sizing requirements.

4. Park land dedication (also to be delineated on all ten [10] copies of preliminary plat).
5. Design variations of required public improvements.
6. Any variations to subdivision regulations proposed in accordance with the Planned Unit Development (PUD) overlay.

p. At least one (1) copy of the preliminary plat shall be signed by the sub divider and included in the preliminary submittal to the Town Board.

1. Procedure. The sub divider shall submit to the Town Board a minimum of Ten (10) folded copies of the final plat and three (3) copies of the complete construction utility drawings, along with a fee set by resolution of the Board of Trustees and all required supportive information as set forth in this Section. Such submission shall allow the Town Board to schedule consideration of the final plat by the Planning Committee.

a. Upon receipt of the final plat, the applicant or the applicant's representative shall distribute copies thereof along with accompanying notices to the agencies and offices set forth in Section 17-32(e) in a manner consistent with the requirements of that section.

b. The sub divider shall meet with the Town Board to review the recommendations of the referral agencies and offices.

c. The final plat and recommendations shall be reviewed by the Planning Committee as provided by planning policy.

d. The Planning Committee shall either recommend approval, conditional approval or disapproval of the final plat and shall submit a written recommendation to the Board of Trustees.

e. The Town Board shall prepare a memorandum of agreement for public improvements which shall be signed by the applicant.

f. The final plat, recommendation of the Planning Committee and memorandum of agreement shall be reviewed by the Board of Trustees as provided by planning policy, which shall either approve or disapprove the final plat or refer the same back to the Planning Committee for further study.

g. Upon final approval of the Board of Trustees, the sub divider shall submit to the Town Board either two (2) translucent original Mylar's of final plats to be recorded in the office of the Fremont County Clerk and Recorder or three (3) translucent original Mylar's of final plats to be recorded in the office of the Fremont County Clerk and Recorder and one (1) translucent original Mylar of complete construction utility drawings. Final plat Mylar's shall include signatures on the appropriate certification blocks as provided in the Planning Procedures Manual. Reproduction Mylar's, dark colored or tinted Mylar's and sepias will not be accepted.

h. The Town Clerk shall cause the approved final plat to be recorded in the office of the County Clerk and Recorder.

(2) Plats and data. All final plats shall be made at a scale of either one (1) inch represents fifty (50) feet, with the exception of subdivisions which propose a minimum lot size of one (1) acre or greater which shall be made at a scale of one (1) inch represents one hundred (100) feet, shall be on a reproducible medium of one (1) or more sheets with outer dimensions of twenty-four by thirty-six (24 x 36) inches and shall conform to the preliminary plat as approved, except that the final plat may constitute only a portion of the territory covered by the preliminary plat.



a. The final plat shall contain the following information:

1. The date of preparation, the scale, a symbol designating the zoning and a symbol designating true North.
2. The name of the subdivision.
3. The legal description (section, township, range).
4. The names, boundaries and zoning of adjacent subdivisions, streets and property owners.
5. The names, addresses, phone numbers and fax numbers of the sub divider and the firms or persons responsible for preparing the plat.
6. A complete description of primary control points to which all dimensions, angles, bearings and similar data on the plat shall be referred.
7. All bearings, distances, chords, radii, central angles and tangent lengths for all lots, blocks, perimeters, easements and rights-of-way.
8. The location and physical description of all monuments.
9. Identification of each lot or site by a number and designation of the area of each lot in square feet.
10. Vicinity map.
11. Revisions block. An information block entitled "Revisions" shall be included on all final plats, and all such blocks for revisions shall include entry blocks for a) the date of each revision, b) the initials of the person who made the revision, and c) a brief description of the revision. The applicant or applicant's representative shall be responsible for making entries in each of these respective blocks each time a revision has been made to the final plat.

b. Appropriate certification blocks, as provided in the Planning Procedures Manual, shall appear on the final plat.

(3) Supportive information. The following supportive information shall be submitted with the final plat:

a. Three (3) sets of complete improvement plans prepared by a registered professional engineer at a scale no smaller than one (1) inch represents fifty (50) feet to include the following:

1. Complete street plans and profiles.
2. Complete storm drainage plans and profiles.
3. Complete sanitary sewer plans and profiles, and water main plans with grades and sizes indicated.
4. Complete over lot and final grading plans.

b. Three (3) copies of final drainage plan and report.

c. Three (3) copies of design soil test results and the corresponding location map.

d. One (1) copy of the final subdivision plat reduced to no larger than eleven by seventeen (11x 17) inches on vellum or white bond paper.

e. One (1) copy of the final boundary closure calculations for the exterior boundary of the subdivision and for each individual lot prepared by a licensed civil engineer or land surveyor.

(4) Three (3) copies of the street lighting plan shall be reviewed and approved by the Town prior to construction of electrical utilities.

**Secs. 17-33—17-50. Reserved.**

## **ARTICLE V Minor Subdivision**

### **Sec. 17-51. Purpose.**

The purposes of the minor subdivision procedures are:

(1) To divide a parcel of land which is zoned SF-1, SF-2, E-1, E-2, RMU or other zoning district where single-family dwelling units are a permitted use by right, into two (2) to five (5) parcels, sites or lots for the purpose, whether immediate or future, of transfer of ownership.

(2) To establish lot lines for an area being site planned in zones other than SF-1, SF-2, E-1, E-2 or RMU when no rights-of-way or easements need to be dedicated.

(3) To change lot lines in an existing subdivision where no new lots are being created, no utilities are being extended, no new easements or rights-of-way are necessary and all requirements of the Subdivision and Zoning Ordinances are maintained.

### **Sec. 17-52. Subdivision procedure.**

(a) Initial submittal.

(1) Procedure. The sub divider shall consult with the Town Board in regard to the requirements of this Article and any special consideration pertaining to the site.

a. The sub divider shall submit a review fee set by resolution of the Board of Trustees, a minimum of ten (10) folded copies of the minor subdivision plat and all required supportive information as set forth in this Section to the Town Board.

b. Upon the filing of the minor subdivision plat, the applicant or applicant's representative shall distribute copies of the minor subdivision plat to the following agencies and offices for their review and comments (additional agencies or offices may be added to this list of referrals at the sole discretion of the Town Board):

1. Black Hills Energy of Colorado.
2. Atmos Energy

3. Florence Fire Protection District.
4. Charter Communications.
5. Fremont County RE-2 School District.

The minor subdivision plat shall be accompanied by written notice to the agencies and the offices, and this written notice shall state that any comments or objections must be received by the Town Board within ten (10) days of the receipt of this notice. Unless otherwise indicated on the "Developer's Referral Checklist" or later required by the Town Board, the referral agency or office will not be contacted for comments or objections concerning the minor subdivision plat. It shall be the responsibility of the applicant or applicant's representative to provide documentation to the Town Board confirming that the minor subdivision plats and respective notices were distributed and received by the referral agencies in a timely manner.

(2) Plats and data. All minor subdivision plats shall be made at a scale of either one (1) inch represents fifty (50) feet or one (1) inch represents one hundred (100) feet, shall be on a reproducible medium of one (1) or more sheets with outer dimensions of twenty-four by thirty-six (24 x 36) inches and shall contain the following information:

- a. The date of preparation, the scale, a symbol designating the zoning and a symbol designating true North.
  - b. The proposed name of the subdivision.
  - c. The legal description (section, township, range).
  - d. The names, boundaries and zoning of adjacent subdivisions, streets and property owners.
- e. The names, addresses, phone numbers and fax numbers of the sub divider and firms or persons responsible for preparing the plat.
- f. The location and dimensions of all existing utilities, waterways, rights-of-way, easements and streets within and adjacent to the subdivision and the names of all such streets and watercourses.
- g. The location and dimensions of all proposed utilities, watercourses, rights-of-way, easements and streets within and adjacent to the subdivision and names of all such streets and watercourses.
- h. The lot numbers, approximate dimensions and the total lots devoted to each zone district on the plat.
- i. The total acreage of the parcel with a designation of the specific acreage dedicated to each zone district included in the parcel, the acreage of streets, public areas and the other uses.
- j. The location and dimensions of all existing and proposed features on the site, including buildings, easements, rights-of-way and watercourses.
- k. Designation of any area subject to flooding and adequate easements for flood control. l. Traffic control plan.
- m. Vicinity map.

n. All bearings, distances, chords, radii, central angles and tangent lengths for all lots, blocks, perimeters, easements and rights-of-way.

o. A complete description of primary control points to which all dimensions, angles, bearings and similar data on the plat shall be referred.

p. The location and physical description of all monuments.

q. Identification of each lot or site by a number and a designation of the area of each lot in square feet.

r. Appropriate certification blocks, as provided in the Planning Procedures Manual.

s. Revisions block. An information block entitled "Revisions" shall be included on all minor subdivision plats, and all such blocks for revisions shall include entry blocks for 1) the date of each revision, 2) the initials of the person who made the revision, and 3) a brief description of the revision. The applicant or applicant's representative shall be responsible for making entries in each of these respective blocks each time a revision has been made to the minor subdivision plat.

(3) Supportive information. The following supportive information shall be submitted with the minor subdivision plat:

a. A Town application form, provided by the Town Board, with original signature of the property owner or the owner's authorized representative plus ten (10) copies. If signed by the authorized representative, written evidence of such authorization signed by the property owner shall be submitted as well.

b. Ten (10) copies of a Town general application overview form provided by the Town Board.

c. One (1) copy of a deed or legal instrument identifying the applicant's interest in the property.

d. All copies shall be collated into complete application packets. With the exception of utility drawings which contain more than ten (10) sheets per set, all maps, plats and plans are to be folded and included with each individual packet.

e. Three (3) complete sets of utility drawings. Such utility drawings shall include, but shall not be limited to, existing and proposed facilities and utility lines, sizes and appurtenances, storm drainage facilities, etc. Appurtenances shall include valves, fire hydrants, manholes, etc. If each set contains ten (10) or fewer sheets, these shall be folded; if each set contains more than ten (10) sheets, rolled utility drawings are acceptable.

f. Three (3) copies of topographical map with two-foot contour intervals.

g. Three (3) sets of complete improvement plans prepared by a registered professional engineer at a scale no

smaller than one (1) inch represents fifty (50) feet to include the following:

1. Complete street plans and profiles.
2. Complete storm drainage plans and profiles.
3. Complete sanitary sewer plans and profiles, and water main plans with grades and sizes indicated.
4. Complete over lot and final grading plans.

h. Three (3) copies of the drainage plan and report.

i. Three (3) copies of design soil test results and a corresponding location map.

j. One (1) original and two (2) copies of preferred method of water rights dedication: total acreage, lot-by-lot or phase.

k. Five (5) copies of a landscaping plan for any public right-of-way adjacent to any arterial street.

l. Five (5) copies of a written narrative description of special considerations requested by the developer including but not limited to:

1. Phasing plan (also to include five [5] 24" x 36" phasing plan plats).
2. Landscaping proposal for all areas other than and in addition to the landscaping plan required for arterial streets in Item No. (3) (k)-above (also to be delineated on all ten [10] copies of minor subdivision plat).
3. Infrastructure oversizing requirements.
4. Park land dedication (also to be delineated on all ten [10] copies of minor subdivision plat).
5. Design variations of required public improvements.
6. Any variations to subdivision regulations proposed in accordance with the Planned Unit Development (PUD) overlay.

m. At least six (6) copies of the minor subdivision plat shall be signed by the sub divider and included in the submittal.

(b) Submittal of corrections and plat recording.

(1) The sub divider shall meet with the Town Board to review the recommendations of the referral agencies.

(2) The sub divider shall make any changes and corrections that may be required. Such changes and corrections shall be reviewed by the Town Board.

(3) The Town Board shall prepare a memorandum of agreement for public improvements which shall be signed by the sub divider.

(4) The sub divider shall submit to the Town Board a minimum of four (4) copies of the corrected minor subdivision plat.

(5) Upon final staff approval the sub divider shall submit to the Town Board either two (2) translucent original Mylar's of minor subdivision plats to be recorded in the office of the Fremont County Clerk and Recorder or three (3) translucent original Mylar's of minor subdivision plats to be recorded in the office of the Fremont County Clerk and Recorder and one (1) translucent original Mylar of the complete construction utility drawings. The plat Mylar's shall include signatures as provided in the Planning Procedures Manual. Reproduction Mylar's, dark colored or tinted Mylar's and sepias will not be accepted.

(6) The Town Clerk shall cause the approved final plat to be recorded in the office of the County Clerk and Recorder.

(7) Three (3) copies of the street lighting plan shall be reviewed and approved by the Town prior to construction of electrical utilities.

**Secs. 17-53--17-60. Reserved.**

## **ARTICLE V-A**

### **Lot Line Adjustments**

#### **Sec. 17-61. Applicability.**

(a) The lot line adjustment procedure as established herein shall apply only to existing, legally subdivided residential lots located in a zoning district wherein single-family dwelling units are designated as a use by right. The lot line adjustment procedure established hereby shall not be applicable where an adjustment would affect more than two (2) adjoining lots or would create a new lot or where such adjustment would cause either of two (2) adjoining lots or portions thereof to be located in different zoning districts.

(b) In addition to the procedural requirements hereinafter set forth, all lot line adjustments pursuant to this Section shall comply with all requirements of this Code including, but not limited to, building and fire codes and minimum lot size setback and offset requirements.

(c) No lot line adjustments pursuant to this Section shall have the effect of creating or relocating any easements or rights-of-way and shall not affect the extension of utilities.

#### **Sec. 17-62. Purpose.**

The purpose of the lot line adjustment procedure established herein shall be as follows:

- (1) To allow the removal of a common property line between two (2) lots in order to create a single lot.
- (2) To provide for minor adjustments to be made to lot lines, including:
  - a. Adjusting a property line to coincide with the correction of a legal description.
  - b. Adjusting a property line to coincide with the correction of a property survey.

c. Adjusting a common property line for the purpose of transferring or conveying real property between adjoining landowners.

**Sec. 17-63. Procedure.**

(a) Initial determination.

(1) An application shall be submitted to the Director of Planning requesting an initial determination of whether or not the property in question is subject to lot line adjustment pursuant to this Section. This application shall be completed in a form designated by the Director of Planning and shall contain sufficient information to allow the Director of Planning to make an initial determination as aforesaid. The Board of Trustees shall establish a fee for an initial determination, which may from time to time be modified by resolution of the Board of Trustees.

(2) A favorable determination of this application shall not vest any rights under this Section in the applicant, and any benefits afforded to the applicant under this Section shall be subject to and conditioned upon the applicant's submission of full and complete additional data as hereinafter required and compliance with all additional procedural requirements hereinafter set forth.

(3) In the event an initial application is rejected, the applicant shall have a right of appeal to the Planning Committee pursuant to the provisions of the Code.

(b) Procedure upon acceptance. In the event a favorable determination is made by the Director of Planning pursuant to this Section, the applicant shall thereafter submit to the Town Board the following documentation:

(1) Ten (10) folded copies of the lot line adjustment plat. All plats shall be drawn to a minimum scale of one (1) inch representing fifty (50) feet and shall be on a reproducible medium of one (1) or more sheets with outer dimensions of twenty-four (24) inches by thirty-six (36) inches and shall contain the following information:

a. The date of preparation, the scale, a notation stating the zoning of the property and a symbol designating true North.

b. The proposed name of the plat, which shall include the name of the subdivision in which the subject lots is located.

c. The legal description.

d. The names, addresses, phone numbers and fax numbers of the sub divider and firms or persons responsible for preparing the plat.

e. The location and dimensions of all existing utilities, watercourses, rights-of-way, easements and streets within and adjacent to the subject lots, and the names of all such streets and watercourses.

f. Vicinity map.

g. All bearings, distances, chords, radii, central angles and tangent lengths for all lots, blocks, perimeters, easements and rights-of-way.

h. A complete description of primary control points to which all dimensions, angles, bearings and similar data on the plat shall be referred.

i. The location and physical description of all monuments.

j. Identification of each of the lots by a number and a designation of the area of each of the lots in square feet.

k. Appropriate certification blocks, as provided for in the Planning Procedures Manual.

l. An information block entitled, "Revisions" shall be included on all lot line adjustment plats, and all such revisions blocks shall include entry blocks for (a) the date of each revision, (b) the initials of the person who made the revision, and (c) a brief description of the revision. The applicant or applicant's representative shall be responsible for making entries in each of these respective blocks each time a revision has been made to the lot line adjustment plat.

(2) Supportive documentation including:

a. Ten (10) copies of a completed application on a form provided by the Town Board, together with any attachments that may be required by the Department. Said application shall be signed by the landowner.

b. Ten (10) copies of a plot plan drawn to a minimum scale of one (1) inch representing thirty (30) feet, which shall be on a legal-size sheet with outer dimensions of fourteen (14) inches by eight and one-half (8½) inches and shall show the location and dimensions of all existing and proposed features on the site including, but not limited to, buildings and other structures, easements, rights-of-way and watercourses.

(c) Final approval.

(1) Upon final approval, the sub divider shall submit to the Town Board two (2) lot line adjustment plats to be recorded in the office of the Fremont County Clerk of the lot line adjustment plat to be recorded in the office of the Fremont County Clerk and Recorder. The lot line adjustment plat shall include signatures as provided for in the certification block section of the Planning Procedures Manual.

(2) Upon receipt of the plats as aforesaid, the Town Clerk shall cause the appropriate documents evidencing the approved lot line adjustment plat to be recorded in the office of the Fremont County Clerk and Recorder or the Fremont County Clerk and Recorder.

**Secs. 17-64--17-70. Reserved.**

## **ARTICLE VI**

### **Site Plans**

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

Each zoning district is primarily intended for a predominant type of land use with specific physical requirements which regulate structure size and placement on the site. A site plan or administrative site plan is used to review the impact of proposed land uses on the adjacent properties, neighborhood, street systems and existing and planned infrastructure, and to determine the need for additional dedication and design criteria. environmental impact upon the surrounding area or would have a major community land use impact.

#### **Sec. 17-72. Purpose.**

The purpose of the site plan procedure is to:



- (1) Develop land as a unit development.
- (2) To amend an approved site plan when the change involves additional land use, including but not limited to:
  - a. Additional buildings.
  - b. Outside storage and/or display.
  - c. Landscaping.
  - d. Parking.
  - e. Traffic flows.
  - f. A change from the originally approved use or intensity of such use, as determined by the Director of Planning.

**Sec. 17-73. Responsibilities of applicant.**

- (a) The applicant is responsible for having a representative at all meetings where the request is reviewed. Failure to have a representative present will be cause to have the item withdrawn from the agenda of that meeting.
- (b) The applicant shall consult with the Town Board for general information regarding requirements for site plans and any special considerations pertaining to the site.

**Sec. 17-74. Preliminary site plan.**

(a) Procedure. The applicant shall submit to the Town Board the review fee set by resolution of the Board of Trustees, Ten (10) folded copies of the preliminary site plan and all required supportive information as set forth in this Section. Such submission shall allow the Town Board to schedule consideration of the proposal by the Planning Committee.

(1) Upon the filing of the preliminary site plan, the applicant or the applicant's representative shall distribute copies of the preliminary site plan to the following agencies and offices for their review and comments (additional agencies or offices may be added to this list of referrals at the sole discretion of the Town Board):

- a. Black Hills Company of Colorado.
- b. Atmos Energy
- c. Florence Fire Protection District.
- d. Charter Communications.
- e. Fremont County RE-2 School District.

The preliminary site plan shall be accompanied by written notice to the agencies and offices, and this written notice

shall state that any comments or objections must be received by the Town Board within ten (10) days of the receipt of this notice. Unless otherwise indicated on the "Developer's Referral Checklist" or later required by the Town Board, the referral agency or office will not be contacted for comments or objections concerning the final site plan. It shall be the responsibility of the applicant or the applicant's representative to provide documentation to the Town Board confirming that the preliminary site plans and respective notices were distributed and received by the referral agencies in a timely manner.

(2) The applicant shall meet with the Town Board to review the recommendations of the referral agencies or offices.

(3) The Town Board shall submit the preliminary site plan and recommendations of the referral agencies to the Planning Committee. The preliminary site plan and recommendations shall be reviewed by the Planning Committee as provided by planning policy.

(4) The Planning Committee shall approve, conditionally approve or disapprove the preliminary site plan. If the preliminary site plan is approved, it shall be valid for a period of one (1) year from the date of approval.

(b) Plans and data. All preliminary site plans shall be made with an engineer's scale, minimum scale to be one (1) inch represents forty (40) feet, shall be on a reproducible medium of one (1) or more sheets with outer dimensions of twenty-four by thirty-six (24 x 36) inches and shall contain the following information:

(1) The date of preparation, the scale, a symbol designating the zoning and a symbol designating true North.

(2) The proposed name of the project.

(3) The legal description (lot, block, subdivision, section, township, range).

(4) The names, addresses, phone numbers and fax numbers of the applicant and the firms or persons responsible for preparing the site plan.

(5) Adjacent street improvements, including rights-of-way, curb cuts, paved areas, landscape areas, two-foot contours, structures and their use.

(6) The location and dimensions of all existing and proposed on-site easements, rights-of-way, curb cuts, paved areas, landscape areas, two-foot contours, structures and their use and facilities for water, sewer and storm drainage.

(7) The distances from proposed and existing structures to the property line.

(8) Building height.

(9) Vicinity map.

(10) Revisions block. An information block entitled "Revisions" shall be included on all preliminary site plans, and all such blocks for revisions shall include entry blocks for a) the date of each revision, b) the initials of the person who made the revision, and c) a brief description of the revision. The applicant or applicant's representative shall be responsible for making entries in each of these respective blocks each time a revision has been made to the preliminary site plan.

(c) Supportive information. The following supportive information shall be submitted with the preliminary site plan:

(1) A Town application form, provided by the Town Board, with original signature of the property owner or the owner's authorized representative plus Ten (10) copies. If signed by the authorized representative, written evidence of such authorization signed by the property owner shall be submitted as well.

(2) Ten (10) copies of a Town general application overview form provided by the Town Board.

(3) One (1) copy of a deed or legal instrument identifying the applicant's interest in the property.

(4) All copies shall be collated into complete application packets. With the exception of utility drawings which contain more than ten (10) sheets per set, all maps, plats and plans are to be folded and included with each individual packet.

(5) Five (5) copies of a detailed narrative description of the proposed use including number of employees, type of activity, phases of development, etc. (if applicable).

(6) If the use is residential, the type of units and the number of each unit to be built shall be specified.

(7) Five (5) copies of a narrative description of all structures to be built on the site, including size, quantity, use and the number of units per structure.

(8) Three (3) copies of square footage and percentage of land devoted to:

a. Buildings, including amount of floor space for each floor.

b. Parking.

c. Private drives.

d. Public streets.

e. Sidewalks and pathways.

f. Open space.

(9) A block scale model within and adjacent to the site will be required for planned unit developments and for site plans having more than one (1) building of a height of thirty-five (35) feet or more, to show space relationship.

(10) Three (3) copies of preliminary drainage plan and report.

(11) Ten (10) copies of architectural elevations and specifications of all four (4) building elevations and all structures, signs and lighting to be included with the site plans.

(12) Five (5) copies of architectural elevations of the site as it is to be developed.

(13) Ten (10) copies of landscaping plans to be included with site plans.

#### **Sec. 17-75. Final site plan.**

(a) Procedure. The applicant shall submit to the Town Board Ten (10) folded copies of the final site plan and all required supportive information as set forth in this Section, a minimum of twenty-one (21) days prior to a regularly scheduled meeting of the Planning Committee.

(1) Upon the filing of the final site plan, the applicant or applicant's representative shall distribute copies of the final site plan to the following agencies and offices for their review and comments (additional agencies or offices

may be added to this list of referrals at the sole discretion of the Town Board):

- a. Black Hills Company of Colorado.
- b. Atmos Energy.
- c. Florence Fire Protection District.
- d. Charter Communications.
- e. Fremont County RE-2 School District.

The final site plan shall be accompanied by written notice to the agencies and offices, and this written notice shall state that any comments or objections must be received by the Town Board within ten (10) days of the receipt of this notice. Unless otherwise indicated on the "Developer's Referral Checklist" or later required by the Town Board, the referral agency or office will not be contacted for comments or objections concerning the final site plan. It shall be the responsibility of the applicant or the applicant's representative to provide documentation to the Town Board confirming that the preliminary site plans and respective notices were distributed and received by the referral agencies in a timely manner.

(2) The applicant shall meet with the Town Board to review the recommendations of the referral agencies or offices.

(3) The final site plan and recommendations shall be reviewed by the Planning Committee as provided by planning policy.

(4) The Planning Committee shall either recommend approval, conditional approval or disapproval of the final site plan and shall submit a written recommendation to the Board of Trustees.

(5) The Town Board shall prepare a memorandum of agreement for public improvements which shall be signed by the applicant.

(6) The final site plan and recommendations of the Planning Committee shall be reviewed by the Board of Trustees as provided by planning policy. The Board of Trustees shall either approve the final site plan by resolution, disapprove it or refer the same back to the Planning Committee for further study.

(7) Upon approval by the Board of Trustees, the applicant shall submit to the Town Board one (1) translucent original plat of the final site plan. The Mylar shall include signatures as provided in the Planning Procedures Manual.

(8) If construction has not commenced within one (1) year after approval, the approved site plan shall become void.

(b) Plans and data. All final plans shall be made with an engineer's scale, minimum scale to be one (1) inch represents forty (40) feet, shall be on a reproducible medium of one (1) or more sheets with outer dimensions of twenty-four by thirty-six (24 x 36) inches, and shall conform to the preliminary site plan, as approved.

(1) The final site plan shall contain the following information, in addition to the information on the preliminary site plan:

- a. The location and dimensions of all existing and proposed traffic controls, trash disposal areas and enclosures, electric transformers, a complete submittal of all landscaping materials shown at mature sizes and the maintenance system for landscaping as per Williamsburg Landscaping Guidelines provided by the Town Board.

b. Vicinity map.

c. Revisions block. An information block entitled "Revisions" shall be included on all final site plans, and all such blocks for revisions shall include entry blocks for 1) the date of each revision, 2) the initials of the person who made the revision, and 3) a brief description of the revision. The applicant or applicant's representative shall be responsible for making entries in each of these respective blocks each time a revision has been made to the final site plan.

(2) Certification blocks. Appropriate certification blocks, as provided in the Planning Procedures Manual, shall appear on the final site plan.

(c) Supportive information. The following supportive information shall be submitted with the final site plan:

(1) Two (2) copies of permits from the Colorado Department of Transportation for curb cuts on state highways. Such permits must be cosigned by the Town Engineer or designee.

(2) One (1) copy of a survey of the lot lines if they are not the same as originally platted.

(3) Three (3) complete sets of final utility plans. Such utility plans shall include, but shall not be limited to, existing and proposed facilities and utility lines, sizes and appurtenances, storm drainage facilities, etc. Appurtenances shall include valves, fire hydrants, manholes, etc. If each set contains ten (10) or fewer sheets, these shall be folded; if each set contains more than ten (10) sheets, rolled utility drawings are acceptable.

(4) Three (3) copies of grading plan with site elevations and finished floor elevations.

**Secs. 17-76--17-90. Reserved.**

## **ARTICLE VII**

### **Administrative Site Plan**

#### **Sec. 17-91. Intent**

The intent of an administrative site plan is to ensure that the existing neighborhood character is preserved and/or enhanced and to minimize possible detrimental uses.

#### **Sec. 17-92. Purpose.**

The administrative site plan is required when any of the following situations exist:

(1) Nonresidential uses:

a. Develop any nonresidential use for which site plan review by the Board of Trustees is not required.

b. Redevelop existing nonresidential uses when the redevelopment results in one (1) of the following, but not limited to:

1. Additional floor space

2. Change in parking area.
3. Change in pedestrian or vehicular circulation.
4. Change in size or location of landscaping areas.

c. Change in an approved administrative site plan when the change involves the conditions listed below or such other conditions which significantly change, modify or alter an approved administrative site plan:

1. Building location or size.
2. Parking area.
3. Pedestrian or vehicular circulation.
4. Size or location of landscaping areas.

(2) Residential uses.

- a. The conversion of a single-family use to a less restrictive use.
- b. The demolition or removal of a single-family use for purposes of constructing a less restrictive use.
- c. The addition of dwelling units to an existing multiple-family structure.

**Sec. 17-93. Administrative site plan review.**

(a) Procedure. The applicant shall consult with the Town Board for general information regarding requirements for site plans and any special considerations pertaining to the site.

(1) The applicant shall submit to the Town Board the review fee set by resolution of the Board of Trustees along with a minimum of ten (10) folded copies of the site plan.

(2) Upon the filing of the administrative site plan, the applicant or the applicant's representative shall distribute copies of the administrative site plan to the following agencies and offices for their review and comments (additional agencies or offices may be added to this list of referrals at the sole discretion of the Town Board):

- a. Black Hills Energy of Colorado.
- b. Charter Communications.
- c. Florence Fire Protection District.
- d. Atmos Energy Company
- e. Fremont County RE-2 School District.

The administrative site plan shall be accompanied by written notice to the agencies and offices, and this written notice shall state that any comments or objections must be received by the Town Board within ten (10) days of the receipt of the notice. Unless otherwise indicated on the "Developer's Referral Checklist" or later required by the Town Board, the referral agency or office will not be contacted for comments or objections concerning the site plan. It shall be the responsibility of the applicant or the applicant's representative to provide documentation to the Town Board confirming that the site plans and respective notices were distributed and received by the referral agencies in a timely manner.

(3) The applicant shall meet with the Town Board to review the comments of the referral agencies.

(4) The applicant shall make all changes required by the referral agencies.

(5) Upon final staff approval, the applicant shall submit to the Town Board one (1) translucent original plat of the site plan. The plat shall include signatures on the certification blocks as provided in the Planning Procedures Manual.

(b) Plans and data.

(1) All site plans shall be made with an engineer's scale, minimum scale to be one (1) inch represents forty (40) feet, shall be on a reproducible medium of one (1) or more sheets with outer dimensions of twenty-four by thirty-six (24 x 36) inches and shall contain the following information:

a. The date of preparation, the scale, a symbol designating the zoning and a symbol designating true North.

b. The name of the project.

c. The legal description (lot, block, subdivision, section, township, range).

d. The names, addresses, phone numbers and fax numbers of the owner and the firms or persons responsible for preparing the site plan.

e. Land uses adjacent to the site.

f. The location and dimensions of all existing and proposed on-site easements, rights-of-way, curb cuts, paved areas, sidewalks, landscape materials, including common name, scientific name, planting size and mature size, two-foot contours, structures and their uses, parking areas, trash disposal areas and enclosures, signs and lighting, and water and sewer service connections.

g. Number of residential units.

h. Vicinity map.

i. Revisions block. An information block entitled "Revisions" shall be included on all site plans, and all such blocks for revisions shall include entry blocks for 1) the date of each revision, 2) the initials of the person who made the revision, and 3) a brief description of the revision. The applicant or applicant's representative shall be responsible for making entries in each of these respective blocks each time a revision has been made to the site plan.

(2) Appropriate certification blocks as provided in the Planning Procedures Manual shall appear on the site plan.

(3) The following supportive information shall be submitted with the site plan:

a. A Town application form, provided by the Town Board, with original signature of the property owner or the owner's authorized representative plus ten (10) copies. If signed by the authorized representative, written evidence of such authorization signed by the property owner shall be submitted as well.

b. Ten (10) copies of a Town general application overview form provided by the Town Board.

c. One (1) copy of a deed or legal instrument identifying the applicant's interest in the property.

d. All copies shall be collated into complete application packets. With the exception of utility drawings

which contain more than ten (10) sheets per set, all maps, plats and plans are to be folded and included with each individual packet.

e. Five (5) copies of a detailed narrative description of the proposed use including number of employees, type of activity, phases of development, etc. (if applicable).

f. Three (3) copies of preliminary drainage plan and report.

g. If the use is residential, the type of units and the number of each unit to be built shall be specified.

h. Ten (10) copies of architectural elevations and specifications of all four (4) building elevations of all proposed structures, signs and lighting to be included with the site plans.

(4) If construction has not commenced within one (1) year after approval, the approved site plan shall become void.

**Sec. 17-94.** Commercial site plan.

**Sec. 17-95. Intent and purpose.**

Commercial and industrial site plans proposed to be developed on lots that have either previously been subdivided or are presently being subdivided as part of a minor subdivision shall qualify for administrative site plan review in accordance with the requirements of this Section. The provisions of this Section, as well as the administrative site plan review procedures set forth in Section 17-93, shall not apply to multifamily residential projects or site plans, which shall remain subject to the subdivision and site plan review procedures otherwise, set forth in this Chapter.

**Sec. 17-96. Site plan review - commercial.**

(a) Procedure. The applicant shall submit twenty (10) folded copies of the site plan and all required supportive information as set forth in this Section.

(1) Upon the filing of the site plan, the applicant or the applicant's representative shall distribute copies of the site plan to the following agencies and offices for their review and comments (additional agencies or offices may be added to this list of referrals at the sole discretion of the Town Board):

- a. Black Hills Energy of Colorado.
- b. Charter Communications.
- c. Florence Fire Protection District.
- d. Atmos Energy Company
- e. Fremont County RE-2 School District.

The site plan shall be accompanied by written notice to the agencies and offices, and this written notice shall state that any comments or objections must be received by the Town Board within ten (10) days of the receipt of this notice. Unless otherwise indicated on the "Developer's Referral Checklist" or later required by the Town Board, the referral agency or office will not be contacted for comments or objections concerning the site plan. It shall be the



responsibility of the applicant or the applicant's representative to provide documentation to the Town Board confirming that the preliminary site plans and respective notices were distributed and received by the referral agencies in a timely manner.

(2) The applicant shall meet with the Town Board to review the recommendations of the referral agencies or offices.

(3) The applicant shall make all changes required by the referral agencies.

(4) The Town Board shall distribute all commercial and industrial site plans qualified under this Section to the Planning Committee and Board of Trustees for preliminary review. Thereafter, the Town Board shall make formal presentation of the site plans to the Planning Committee and Board of Trustees at regularly scheduled meetings of those bodies. The Town Board shall receive comments from the Planning Committee and the Board of Trustees on such plans.

(5) Following its receipt of comments from the Planning Committee and Board of Trustees, the Town Board shall review the site plans in accordance with the procedures set forth in Section 17-93 of this Chapter, in addition to all requirements as set forth in this Section.

(6) In the event irreconcilable differences arise between the applicant and the Town Board with regard to the administrative site plan review, the applicant may apply to the Town for further review of the site plan by the Planning Committee and Board of Trustees. In the event such application is timely made, the site plan, together with the disputes giving rise to the application, shall be reviewed by the Planning Committee and, thereafter, the Planning Committee shall either recommend approval, conditional approval or disapproval of the final site plan to the Board of Trustees. Upon its receipt of the proposed site plan, the Board of Trustees shall review the site plan and shall make a final determination regarding the approval thereof.

(7) Upon final staff approval, the applicant shall submit to the Town Board one (1) translucent original Mylar of the site plan. The Mylar shall include signatures as provided in the Planning Procedures Manual. Reproduction Mylar's, dark colored or tinted Mylar's and sepias will not be accepted,

(b) Plans and data. All site plans shall be made with an engineer's scale, minimum scale to be one (1) inch represents forty (40) feet, shall be on a reproducible medium of one (1) or more sheets with outer dimensions of twenty-four by thirty-six (24 x 36) inches and shall contain the following information:

(1) The date of preparation, the scale, a symbol designating the zoning and a symbol designating true North.

(2) The proposed name of the project.

(3) The legal description (lot, block, subdivision, section, township, range).

(4) The names, addresses, phone numbers and fax numbers of the applicant and the firms or persons responsible for preparing the site plan.

(5) Adjacent street improvements, including rights-of-way, curb cuts, paved areas, landscape areas, two-foot contours, structures and their use.

(6) The location and dimensions of all existing on-site easements, rights-of-way, curb cuts, paved areas, landscape areas, two-foot contours, structures and their use and facilities for water, sewer and storm drainage.

(7) The distances from proposed and existing structures to the property line.

(8) The location and dimensions of all existing and proposed traffic controls, trash disposal areas and enclosures, electric transformers, a complete submittal of all landscaping materials shown at mature sizes and the maintenance system for landscaping as per Williamsburg Landscaping Guidelines provided by the Town Board.

(9) Building height.

(10) Vicinity map.

(11) Revisions block. An information block entitled "Revisions" shall be included on all site plans, and all such blocks for revisions shall include entry blocks for a) the date of each revision, b) the initials of the person who made the revision, and c) a brief description of the revision. The applicant or applicant's representative shall be responsible for making entries in each of these respective blocks each time a revision has been made to the site plan.

(12) Certification blocks. Appropriate certification blocks, as provided in the Planning Procedures Manual, shall appear on the site plan.

(c) Supportive information. The following supportive information shall be submitted with the site plan:

(1) A Town application form, provided by the Town Board, with original signature of the property owner or the owner's authorized representative plus twenty (20) copies. If signed by the authorized representative, written evidence of such authorization signed by the property owner shall be submitted as well.

(2) Ten (10) copies of a Town general application overview form provided by the Town Board.

(3) Six (6) copy of a deed or legal instrument identifying the applicant's interest in the property.

(4) All copies shall be collated into complete application packets. With the exception of utility drawings which contain more than ten (10) sheets per set, all maps, plats and plans are to be folded and included with each individual packet.

(5) Five (5) copies of a detailed narrative description of the proposed use including number of employees, type of activity, phases of development, etc. (if applicable).

(6) If the use is residential, the type of units and the number of each unit to be built shall be specified.

(7) Five (5) copies of a narrative description of all structures to be built on the site, including size, quantity, use and the number of units per structure.

(8) Three (3) copies of square footage and percentage of land devoted to:

a. Buildings, including amount of floor space for each floor.

b. Parking.

c. Private drives.

d. Public streets.

e. Sidewalks and pathways.

f. Open space.

(9) A block scale model within and adjacent to the site will be required for planned unit developments and for site plans having more than one (1) building of a height of thirty-five (35) feet or more, to show space relationship.

(10) Three (3) copies of drainage plan and report.

(11) Ten (10) copies of architectural elevations and specifications of all four (4) building elevations and all structures, signs and lighting to be included with the site plans.

(12) Five (5) copies of architectural elevations of the site as it is to be developed.

(13) Ten (10) copies of landscaping plans to be included with site plans.

(14) Two (2) copies of permits from the Colorado Department of Transportation for curb cuts on state highways. Such permits must be cosigned by the Town Board or designee.

(15) One (1) copy of a survey of the lot lines if they are not the same as originally platted.

(16) Three (3) copies of a complete set of final utility plans. Such utility plans shall include, but shall not be limited to, existing and proposed facilities and utility lines, sizes and appurtenances, storm drainage facilities, etc. Appurtenances shall include valves, fire hydrants, manholes, etc. If each set contains ten (10) or fewer sheets, these shall be folded; if each set contains more than ten (10) sheets, rolled utility drawings of the final utility plans are acceptable.

(17) Three (3) copies of grading plan with site elevations and finished floor elevations.

(d) If construction has not commenced within one (1) year after approval, the approved site plan shall become void.

(e) With the exception of the commercial and industrial site plans as described herein and excluding plans which may otherwise qualify for administrative site plan review pursuant to Section 17-93 of this Chapter, such plans remain subject to the subdivision and site plan review procedures otherwise set forth in this Chapter.

**Secs. 17-97--17-110. Reserved.**

## **ARTICLE VIII**

### **Design Standards**

**Sec. 17-111. General design considerations.**

(a) A proposed subdivision shall be in general compliance with the Comprehensive Development Plan for the Town, particularly with respect to adequate reservation of major street rights-of-way, major utility easements and open spaces for schools and recreation areas.

(b) 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 sub divider 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 prior public revenue and anticipated public revenue to be derived from the fully developed subdivision in determining added net public cost.

(c) No land shall be subdivided in areas where soil, subsoil or flooding conditions are potential dangers to health or safety.

(d) Subdivision design shall give consideration to the preservation of groves of trees, streams, unusually attractive topography and other desirable natural landscape features. Provision shall be made for the perpetual maintenance of such features through private covenants or other means acceptable to the Planning Committee.

(e) A proposed subdivision shall be designed in such 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 spaces.

### **Sec. 17-112. Streets, design standards.**

(a) Arrangement of streets.

(1) The arrangement, extent, width, type and location of all streets shall conform to the Comprehensive Development Plan and shall be considered in their relation to existing or planned streets, to topographic conditions, to public convenience and safety and in their appropriate relation to the proposed use of land to be served.

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

(3) Major arterial streets shall not be intersected by local streets, and collector streets shall not intersect major arterial streets at intervals of less than approximately one-fourth ( $\frac{1}{4}$ ) mile.

(4) 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.

(5) Where future extension of a street is anticipated, a temporary turnaround having a minimum outside diameter of eighty (80) feet shall be provided.

(b) Closed-end streets.

(1) Closed-end streets shall be provided with circular turnarounds having a minimum outside right-of-way diameter of one hundred four (104) feet and a minimum flowline diameter of ninety (90) feet.

(c) Intersections.

(1) Streets shall intersect as nearly as possible at right angles. Intersecting street center lines shall be within twenty degrees ( $20^\circ$ ) of the perpendicular for a distance extending at least one hundred (100) feet in each direction from the street intersection.

(2) Right-angle street intersections shall be rounded with a minimum flowline radius of twelve (12) feet at the intersection of local streets with collector streets and a minimum flowline radius of thirty (30) feet at the intersection of collector streets with arterials.

(d) Right-of-way, pavement and sidewalk widths.

**Minimum Widths by Street Type**

**Urban Standards**

<u>Type</u>	Right-of-Way (Feet)	Pavement (Feet)	Sidewalk (Feet)
Major Arterial (7 lanes)	135	104	5
Minor Arterial	110	80	5
Local & Collector	40	24	

(e) Horizontal alignment.

(1) Where street center lines deflect from each other at any point by more than fifteen degrees (15°), they shall be connected by horizontal curves having minimum radii as follows:

- a. Local streets, one hundred (100) feet.
- b. Collector streets, two hundred (200) feet.
- c. Arterial streets, four hundred (400) feet.

(2) A tangent not less than one hundred (100) feet long shall be provided between reverse curves on collector and arterial streets.

(3) Cross streets which cannot be directly aligned at intersections shall be separated by horizontal offset of not less than one hundred twenty-five (125) feet between center lines, provided that this requirement shall not apply to the alignment of short, opposing closed-end streets.

(f) Vertical Alignment.

(1) No vertical grade shall be less than four-tenths percent (0.4%) in order to facilitate adequate drainage.

(2) Maximum percent of street grade:

- a. Local streets, eight percent (8%).
- b. Collector streets, seven percent (7%).
- c. Arterial streets, five percent (5%).

(g) Visibility requirements.

(1) Minimum forward sight distance to be maintained throughout the vertical and horizontal alignment, measured from a point four (4) feet above the center line to a point eighteen (18) inches above the center line:

- a. Minor streets, one hundred fifty (150) feet.
- b. Collector streets, two hundred (200) feet.
- c. Arterial streets, three hundred (300) feet.

(2) No substantial impediment to visibility between the heights of three (3) and eight (8) feet shall be created or maintained at street intersections within a triangular area described as follows: Beginning at the point of intersection of the edges of the driving surface, then to points forty (40) feet along both intersecting edges and then along a transverse line connecting these points.

(h) Street names. Names of new streets shall not duplicate names of existing streets, provided that new streets which are extensions of or which are in alignment with existing streets shall bear the names of such streets.

#### **Sec. 17-113. Utility easements.**

(a) Subdivisions shall be platted with utility easements of a minimum width of sixteen (16) feet, eight (8) feet of which shall be one each side of common rear lot lines where said lines abut. On perimeter rear lots, easement width shall be a minimum of ten (10) feet. Side lot easements where necessary shall be a minimum of five (5) feet in width. Said easements shall be graded to within six (6) inches of final grade before utility facilities are installed.

(b) Where a subdivision is traversed by a watercourse, drainage way 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 one hundred (100) year frequency storm.

(c) In general, utility systems shall be arranged and located in such manner as to avoid cross connections, minimize trenching and adequately separate incompatible systems.

#### **Sec. 17-114. Blocks, design standards.**

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

- (1) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
- (2) Requirements of the Zoning Ordinance as to lot sizes and dimensions.
- (3) Needs for convenient access and control and safety of vehicular and pedestrian traffic circulation.
- (4) Limitations and opportunities of topography.

(b) Maximum block length between intersecting streets shall be one thousand five hundred (1,500) feet.

#### **Sec. 17-115. Lots, design standards.**

(a) Lot size, width, depth, shape and 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) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking and loading areas required by the type of use and development contemplated.

(c) Corner lots for residential use shall have extra width to accommodate the required building setback line on both street frontages.

(d) Each lot shall be provided with satisfactory access to an existing public street.

(e) Double-frontage and reverse-frontage lots shall not be permitted except where essential to provide separation of residential properties from arterial streets or commercial uses or to overcome specific disadvantages of topography and orientation.

(f) There shall be no right of access from individual lots to an arterial street.

(g) Insofar as is practical, side lot lines shall be at right angles to straight streets and radial to curved streets.

(h) Sites to be dedicated for public use shall be allocated with consideration for suitable location and adequate size as indicated on the Comprehensive Development Plan.

**Secs. 17-116--17-130. Reserved.**

## **ARTICLE IX**

### **Required Improvements**

**Sec. 17-131. General regulations for subdivisions.**

(a) The sub divider or developer shall enter into an agreement with the Town to guarantee construction of all required improvements, including streets, curbs and gutters, driveways, sidewalks, storm drainage system, sanitary sewerage and potable water system.

(b) Under such agreement, the sub divider shall post a performance bond, certified check, letter of credit or cash escrow drawn in favor of the Town in an amount equal to twenty-five percent (25%) of the estimated cost of the construction of improvements.

(c) Sixty percent (60%) of the performance bond, certified check, letter of credit or cash escrow posted by the sub divider shall be released upon complete construction acceptance of all public improvements by the Town. The balance of the performance bond, certified check, letter of credit or cash escrow shall not be released until final construction of improvements has been completed and the Town has given its final acceptance of maintenance and repair of the improvements.

(d) Dedication of land within a subdivision shall be required where easements for storm drainage, sanitary sewerage or other public utilities are necessary to permit agencies and utility companies to maintain utilities and render services to the subdivision.

(e) The improvements required by the following sections shall be provided in each subdivision or development as appropriate to the particular type of development proposed and to the extent determined by the Planning Committee. Required improvements shall be constructed in accordance with the detailed design standards and specifications of the Town Engineer and shall be constructed in accordance with approved plans and profiles and the construction requirements and specifications of the Town Engineer.

**Sec. 17-132. Street improvements in subdivisions if required.**

(a) Grading. Street rights-of-way shall be graded as necessary to provide adequate surface drainage and convenient access to lots or sites.

(b) Pavement base. The pavement base shall be properly drained and constructed of suitable materials so as to support the contemplated traffic load.

(c) Pavement. Pavement shall be constructed of asphalt or concrete of sufficient thickness to support the contemplated traffic load. Streets shall be paved to the widths required under Section 17-112(d).

(d) Curbs and gutters. All streets shall be provided with concrete curbs and gutters for the pavement edging. Such curbs and gutters shall be designed as an integral part of the pavement.

(e) Driveways and access ways. Where appropriate to the type of development proposed, driveways or access ways shall be provided for vehicular access to each structure or parking or loading area. Driveways and access ways provided shall be of adequate width and constructed with suitable sub-grade, base, drainage and surfacing to be durable under the use contemplated.

(f) Sidewalks and walkways. Sidewalks and walkways shall be provided where necessary or appropriate for the safety and convenience of pedestrians. Width of sidewalks shall be as specified in Section 17-112(d). Sidewalks and walkways shall be durably constructed with all-weather surfacing and shall be adequately lighted and maintained for the use contemplated.

(g) Street name signs. Easily legible street name signs shall be installed at street intersections or as necessary for convenient identification of streets.

### **Sec. 17-133. Utilities improvements in subdivisions.**

(a) Storm drainage system.

(1) The storm drainage system shall consist of surface drainage structures and, where appropriate to the type of development proposed, catch basins and other underground drainage structures. The storm drainage system shall be of sufficient size and design to carry off all predictable surface water runoff within the subdivision or development and storm water drainage which enters the development from adjacent areas.

(2) Where deemed necessary by the Planning Committee, catch basins shall be provided at all low points, at street intersections and at intermediate locations as necessary to prevent overloading of the street gutters. Catch basins provided shall be connected to collection mains of adequate size with outfalls approved by the Planning Committee.

(3) Storm drainage shall not be permitted to empty into any sanitary sewerage system.

(b) Potable water system. The potable water system provided shall connect to an existing public water system and shall consist of water mains directly connected to using structures by means of lateral branches. The water system shall be of sufficient size and design to supply potable water to each structure or lot upon which a structure is to be built.

(c) 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 fire hydrant.

(d) Underground electric power and telephone distribution system. Telephone lines and electric lines and other like utility services shall be placed underground unless not feasible. The subdivision shall be responsible for complying with the requirements of this subsection, and he or she shall make the necessary arrangements, including any construction or installation of such facilities, and shall be subject to all applicable laws and regulations for the construction of the same. Transformers, switching boxes, terminal boxes, meter cabinets,



pedestals, ducts and other facilities necessarily appurtenant to such underground utilities may be placed aboveground; electric transmission and distribution feeder lines and communication long-distance trunk and feeder lines and necessary appurtenances thereto may be placed aboveground. Such facilities shall be placed within easements or public rights-of-way provided for particular facilities. Every effort shall be made to place pedestals as close to corner lot lines as possible. The provisions of the subsection shall not apply to existing facilities or subdivisions platted prior to the adoption of this Chapter.

(e) Street lighting.

(1) Ornamental street lighting and associated underground street supply circuits shall be installed. A street lighting plan specifying the number, kind and location of street lights must be submitted with the final plat.

(2) The provisions of this subsection shall not apply to existing facilities or subdivisions platted heretofore upon which building permits have been issued.

(f) Location of water lines. All water service lines shall be extended by the developer from the main onto each lot and through the front utility easement to the rear boundary thereof. Curb stops for all water lines for each residence will be installed.

#### **Sec. 17-134. Reference monuments in subdivisions.**

Permanent reference monuments shall be located and placed within the subdivision or development as required by state law. Iron pin monuments at least twenty-four (24) inches long and flush with the surface shall be placed at all points on boundary lines where there is a change in direction, at all block and lot corners and at other points as required by the Town :

#### **Sec. 17-135. Maintenance of required improvements.**

Adequate provision for the satisfactory maintenance of streets and utilities improvements, including easements, shall be made by dedication of such improvements to the Town. Prior to acceptance by the Town, the improvements to be dedicated shall be inspected and approved by the Town Engineer.

#### **Sec. 17-136. Reservations of land.**

(a) Reservation by covenant, in lieu of dedication, may be permitted in some cases, such as planned unit developments, where land is to be used for recreational or amenity purposes by the property owners.

(b) Reservation of land within a subdivision may be required for the duration of the preliminary plat approval in order to afford the appropriate public agency the opportunity to coordinate its acquisition of public land with the development of the subdivision. An agreement shall be entered into between the sub divider and the public agency regarding the timing and method of acquisition.

#### **Secs. 17-137—17-150. Reserved.**

### **ARTICLE X**

#### **Variances and Modifications**

#### **Sec. 17-151. Procedure.**

Application for variances or modifications of these regulations shall be submitted to the Planning Committee.

Such application shall include a statement setting forth the nature and extent of the requested variance or modification, together with evidence supporting the need for such variance.

**Sec. 17-152. Guiding considerations.**

(a) **Hardship.** Where the Planning Committee finds that extraordinary hardships may result from strict compliance with these regulations, it may carry the regulations so that individual and public interests are secured, provided that such variance is based on a finding that unusual topography or other exceptional conditions not caused by the sub divider made such variance necessary and that the granting thereof will not have the effect of nullifying the intent and purpose of these regulations.

(b) **Planned unit development.** The requirements and standards of these regulations may be modified by the Planning Committee in the case of the plan and program for a planned unit development which, in the judgment of the Planning Committee, provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan.

**Sec. 17-153. Conditions.**

The Planning Committee may require such conditions, upon the granting of variances and modifications, as will, in its judgment, secure substantial compliance with the objectives of the requirements and standards so varied or modified.

**Secs. 17-154--17-230. Reserved.**

**ARTICLE XI**

**Road Impact Fee**

**Sec. 17-231. Title, authority and application.**

- (a) **Title.** This Article shall be known and may be cited as the "Road Impact Fee Ordinance."
- (b) **Authority.** The Town has the authority to adopt this Article pursuant to the relevant state laws.
- (c) **Application.** This Article shall apply to all lands within the incorporated limits of the Town.

**Sec. 17-232. Intent and purpose.**

(a) **Intent.** This Article is intended to implement and be consistent with Road Impact Fee Studies.

(b) **Purpose.** This purpose is accomplished in this Article by the establishment of a system for the imposition of road impact fees within the Town to assure that new development contributes its proportionate share of the cost of providing, and benefits from the provision of, road capital improvements within the benefit area.

**Sec. 17-233. Level of service standard (LOS).**

The Town shall endeavor to ensure that the major road system operates at Level of Service "C" (LOS C) or better.

**Sec. 17-234. Definitions.**

Certain words or phrases unique to this Article shall be construed as herein set out unless it is apparent from the context that they have a different meaning.

(1) *Building permit* means that building permit issued in accordance with this Code before any building or construction activity can be initiated on a parcel of land.

(2) *Capacity* means the maximum number of vehicles that have a reasonable expectation of passing over a given section of a road during an average weekday at the desired Level of Service, expressed in terms of vehicles per day.

(3) *Existing traffic-generating development* means the most intense use of land within the twelve (12) months prior to the time of commencement of traffic-generating development.

(4) *Expansion* of the capacity of a road includes any widening, intersection improvement, signalization or other capital improvement designed to increase the existing road's capacity to carry vehicles.

(5) *Fee payer* means a person commencing traffic-generating development who is obligated to pay a road impact fee in accordance with the terms of this Article.

(6) *Level of Service (LOS)* means a qualitative measure describing operational conditions, from "A" (best) to "F" (worst), within a traffic stream.

(7) *Major road system* means all major roads, including state highways, shown in Exhibit A, which is attached hereto as Appendix 17-A and incorporated herein by this reference, and located in the road impact fee benefit area established in Section 17-238 below.

(8) *Non-site related improvements* mean road capital improvements for roads that are not site related improvements.

(9) *Person* means an individual, corporation, governmental agency or body, business trust, estate, trust, partnership, association, two (2) or more persons having a joint or common interest or any other entity.

(10) *Road capital improvement* includes the transportation planning, preliminary engineering, engineering design studies, land surveys, alignment studies, engineering, permitting and construction of all necessary features for any road on the major road system, undertaken to accommodate additional traffic resulting from new traffic-generating development, including but not limited to: (a) construction of new through lanes, (b) construction of new bridges, (c) construction of new drainage facilities in conjunction with new road construction, (d) purchase and installation of traffic signals, including new and upgraded signalization, (e) construction of curbs, gutters, sidewalks, medians and shoulders, (f) relocating utilities to accommodate new road construction, (g) the construction and reconstruction of intersections, (h) the widening of existing roads, (i) bus turnouts, (j) acceleration and deceleration lanes, (k) interchanges and (l) traffic control devices.

(11) *Road Impact Fee Administrator* shall be the Town Board or a person or persons designated by the Town Board to be responsible for administering this Article.

(12) *Road Impact Fee Study* refers to a required study that describes the data, assumptions and methodology used to calculate the net cost to accommodate the additional traffic generated by new development on the major road system.

(13) *Site-related improvements* mean those road capital improvements and right-of-way dedications that provide direct access to the development. Direct access improvements include but are not limited to the following: (a) driveways and streets leading to and from the development; (b) right and left turn lanes leading to those driveways and streets; (c) traffic control measures for those driveways; and (d) internal local streets. Credit is not provided for site-related improvements under the terms of this Article.

(14) *Traffic-generating development* is land development designed or intended to permit a use of the land that will contain or convert to more dwelling units or floor space than the most intensive use of the land within the twelve (12) months prior to the commencement of traffic-generating development in a manner that increases the generation of vehicular traffic.

(15) *Traffic-generating development, commencement of*, occurs upon the issuance of a building permit, or, if a building permit is not required for the development, upon the approval for any development application that is the last application required prior to development or use of land.

(16) *Trip* means a one-way movement of vehicular travel from an origin (one trip end) to a destination (the other trip end).

(17) *Trip generation* means the attraction or production of trips caused by a certain type of land development.

(18) *Vehicle-miles of travel (VMT)* means the combination of the number of vehicles traveling during a given time period and the distance (in miles) that they travel.

#### **Sec. 17-235. Imposition of fee.**

(a) Time of fee obligation and payment.

(1) After the effective date of the ordinance codified herein, any person or government body who causes the commencement of traffic-generating development within the incorporated area of the Town shall be obligated to pay a road impact fee, pursuant to the terms of this Article. The fee shall be determined and paid to the Road Impact Fee Administrator at the time of issuance of a building permit for the development. If any credits are due pursuant to Section 17-237 below, they shall also be determined at that time. The fee shall be computed separately for the amount of construction activity covered by the permit, if the building permit is for less than the entire development. If the fee is imposed for a traffic-generating development that increases traffic impact because of a change in use, the fee shall be determined by computing the difference in the fee schedule between the new traffic generating development and the existing traffic-generating development. The obligation to pay the impact fee shall run with the land.

(2) Any person who prior to the effective date of the ordinance codified herein agreed as a condition of development approval to pay a road impact fee, shall be responsible for the payment of the fee under the terms of any such agreement, and the payment of such fee by the developer will be offset against any impact fees due pursuant to the terms of this Article.

(b) Exemptions. The following shall be exempt from the terms of this Article. An exemption must be claimed by the fee payer at the time of application for a building permit.

(1) Alterations or expansion of an existing building where no additional dwelling units are created, the use is not changed, and where no additional vehicular trips will be produced over and above that produced by the existing use.

(2) The construction of accessory buildings or structures which will not produce additional vehicular trips over and above that produced by the principal building or use of the land.

(3) The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use, provided that no additional trips will be produced over and above that produced by the original use of the land.

(c) Establishment of fee schedule.

(1) Any person who causes the commencement of traffic-generating development, except those persons exempted or preparing an independent fee calculation study pursuant to Section 17-236 below, shall pay a road impact fee in accordance with the following fee schedule. The descriptions of the land use codes in the most current edition of the report titled *Trip Generation* prepared by the Institute of Transportation Engineers (ITE) shall be used to determine the appropriate land use type.

(2) If the type of traffic-generating development for which a building permit is requested is not specified on the fee schedule, the Road Impact Fee Administrator shall determine the fee on the basis of the fee applicable to the most nearly comparable type of land use on the fee schedule. The Road Impact Fee Administrator shall be guided in the selection of a comparable type of land use by:

a. Using trip generation rates contained in the most current edition of the report titled *Trip Generation* prepared by the Institute of Transportation Engineers (ITE), articles or reports appearing in the ITE Journal or studies or reports done by the U.S. Department of Transportation or Colorado Department of Transportation, and applying the formula set forth in Section 17-236 below; or

b. Computing the fee by use of an independent fee calculation study as provided in Section 17236 below.

(d) Pre-development review impact fee calculation. Any person contemplating establishing a traffic-generating development may request a preliminary determination of the impact fees due from such development. A person requesting a pre-development review impact fee calculation shall complete and submit to the Road Impact Fee Administrator the proper application form and an application fee. Using the information regarding the proposed traffic-generating land development activity as submitted on the application, the Road Impact Fee Administrator will provide, within fifteen (15) days of the date of submittal of the completed application, a preliminary calculation of the road impact fees due for the proposed traffic-generating development.

### **Sec. 17-236. Independent fee calculation study.**

(a) General.

(1) The impact fee may be computed by the use of an independent fee calculation study at the election of the fee payer, or, upon the request of the Road Impact Fee Administrator for any proposed land development activity interpreted as not one (1) of those types listed on the fee schedule or as one (1) that is not comparable to any land use on the fee schedule, and for any proposed land development activity for which the Road Impact Fee Administrator concludes the nature, timing or location of the proposed development make it likely to generate impacts costing substantially more to mitigate than the amount of the fee that would be generated by the use of the fee schedule.

(2) The cost of preparation of an independent fee calculation study that is performed at the election of the fee payer shall be the sole responsibility of the fee payer.

(3) Any person who requests an independent fee calculation study shall pay an application fee to the Town to

cover all costs incurred by the Town and associated with the review and decision on such independent fee calculation study.

(b) Formula.

(1) The independent fee calculation study for the road impact fee shall be calculated by the use of the following formula:

VMC/VMT    The system-wide ratio of capacity to demand in the major roadway system, which shall be 1.00

REVENUE    Revenue credit per VMT, based on percent of cost anticipated to be paid with other revenues

EXCESS VMT    The sum of existing VMT on individual segments of major road system that is in excess of existing capacity

TOTAL VMT    Total existing VMT on the major road system

(2) The fee calculation shall be based on data, information or assumptions contained in this Article or independent sources, provided that:

a. The independent source is an accepted standard source of transportation engineering or planning data or information; or

b. The independent source is a local study on trip characteristics carried out by a qualified traffic planner or engineer pursuant to an accepted methodology of transportation planning or engineering; or

c. The percent new trips factor used in the independent fee calculation study is based on actual surveys prepared in the Town or a comparable jurisdiction.

(c) Procedure.

(1) An independent fee calculation study shall be undertaken through the submission of an application for an independent fee calculation. A potential fee payer may submit such an application. The Road Impact Fee Administrator shall submit such an application for any proposed land development activity interpreted as not one (1) of those types listed on the fee schedule or as one (1) that is not comparable to any land use on the fee schedule, and for any proposed land development activity for which it is concluded the nature, timing or location of the proposed development make it likely to generate impacts costing substantially more to mitigate than the amount of the fee that would be generated by the use of the fee schedule.

(2) Within ten (10) days of receipt of an application for independent fee calculation study, the Road Impact Fee Administrator shall determine if the application is complete. If the Road Impact Fee Administrator determines that the application is not complete, a written statement specifying the deficiencies shall be sent by mail to the person submitting the application. The application shall be deemed complete if no deficiencies are specified. The Road Impact Fee Administrator shall take no further action on the application until it is deemed complete.

(3) When the Road Impact Fee Administrator determines the application is complete, the application shall be reviewed and the Road Impact Fee Administrator shall render a written decision in thirty (30) days on whether the fee

should be modified, and if so, what the amount should be, based on the standards set forth in Subsection 17-236(d).

(d) Standards. If on the basis of generally recognized principles of impact analysis it is determined the data, information and assumptions used by the applicant to calculate the independent fee calculation study satisfy the requirements of this Section, the fee determined in the independent fee calculation study shall be deemed the fee due and owing for the proposed traffic-generating development. The adjustment shall be set forth in a fee agreement. If the independent fee calculation study fails to satisfy the requirements of this Section, the fee applied shall be that fee established for the traffic-generating development in Subsection 17-235(c).

(e) Appeal of independent fee calculation study decision.

(1) A fee payer affected by the administrative decision of the Road Impact Fee Administrator on an independent fee calculation study may appeal such decision to the Board of Trustees, by filing with the Road Impact Fee Administrator within ten (10) days of the date of the written decision, a written notice stating and specifying briefly the grounds of the appeal. The Road Impact Fee Administrator shall place the appeal on the Board of Trustees' agenda for the next regularly scheduled meeting.

(2) In making its decision, the Board of Trustees shall make written findings of fact and conclusions of law, and apply the standards set forth in Subsection 17-236(d). If the Board of Trustees reverses the decision of the Road Impact Fee Administrator, it shall direct the Administrator to recalculate the fee in accordance with its findings. In no case shall the Board of Trustees have the authority to negotiate the amount of the fee or waive the fee. The decision of the Board of Trustees shall be final.

#### **Sec. 17-237. Credits.**

(a) General standards.

(1) Any person initiating traffic-generating development may apply for credit against road impact fees otherwise due, up to but not exceeding the full obligation for impact fees proposed to be paid pursuant to the provisions of this Article, for construction of non-site related road capital improvements that are on the major road system.

(2) Credits for construction of non-site related road capital improvements on the major road system shall be transferable within the same development, but shall not be paid for other public facilities. The credit shall not exceed the amount of the impact fees due and payable for the proposed traffic-generating development.

(3) The Town may enter into a capital contribution front-ending agreement with any person initiating traffic-generating development who proposes to construct non-site related road capital improvements that are on the major road system. To the extent that the fair market value of the construction of these road capital improvements exceeds the obligation to pay impact fees for which a credit is provided pursuant to this Section, the capital contribution front-ending agreement shall provide proportionate and fair share reimbursement linked to new growth and development's use of the road capital improvement constructed.

(b) Credit against fees. Credit shall be in an amount equal to the fair market value of the construction at the time of its completion, or the value of the contribution or payment at the time it is made for construction of a non-site-related road capital improvement on the major road system.

(c) Procedure for credit review.

(1) The determination of any credit shall be undertaken through the submission of an application for credit agreement, which shall be submitted to the Road Impact Fee Administrator.

(2) The application for a credit agreement shall include the following information:

a. If the proposed application involves a credit for any contribution, the following documentation must be provided:

1. A certified copy of the development approval in which the contribution was agreed;
2. If payment has been made, proof of payment; or
3. If payment has not been made, the proposed method of payment.

b. If the proposed application for credit agreement involves construction:

1. The proposed plan of the specific construction prepared and certified by a duly qualified and licensed Colorado engineer or contractor;
2. The projected costs for the suggested improvement, which shall be based on local information for similar improvements, along with the construction timetable for the completion thereof. Such estimated cost shall include the cost of construction or reconstruction, the cost of all labor and materials, financing charges, interest prior to and during construction and for one (1) year after completion of construction, costs of plans and specifications, surveys of estimates of costs and of revenues, costs of professional services and all other expenses necessary or incident to determining the feasibility or practicability of such construction or reconstruction.

(3) Within ten (10) days of receipt of the proposed application for credit agreement, the Road Impact Fee Administrator shall determine if the application is complete. If it is determined that the proposed agreement is not complete, the Road Impact Fee Administrator shall send a written statement to the applicant outlining the deficiencies. The Road Impact Fee Administrator shall take no further action on the proposed application for credit agreement until all deficiencies have been corrected or otherwise settled.

(4) Once the Road Impact Fee Administrator determines the proposed application for credit agreement is complete, it shall be reviewed within thirty (30) days. The application for credit agreement shall be approved if it complies with the standards set forth in Subsections (a) and (b) above.

(5) If the application for credit agreement is approved by the Road Impact Fee Administrator, a credit agreement shall be prepared and signed by the applicant and the Town. The credit agreement shall specifically outline the basis for the credit, the time by which any construction shall be completed and the dollar credit the applicant shall receive.

(d) Appeal of credit decision. A fee payer affected by the decision of the Road Impact Fee Administrator regarding credits may appeal such decision to the Board of Trustees by filing with the Road Impact Fee Administrator, within ten (10) days of the date of the written decision, a written notice stating and specifying briefly the grounds of the appeal. The Road Impact Fee Administrator shall place such appeal on the Board of Trustees' agenda for the next regularly scheduled meeting. The Board of Trustees, after a hearing, shall affirm or reverse the decision of the Road Impact Fee Administrator based on the standards set forth in Subsections (a) and (b) above. If the Board of Trustees reverses the decision, it shall direct the Road Impact Fee Administrator to readjust the credit in accordance with its findings. The decision of the Board of Trustees shall be final.

**Sec. 17-238. Benefit area.**



(a) Establishment. The entire incorporated area of the Town, as well as areas outside the jurisdictional limits that are within the Town's Growth Management Area Boundary, is established as a single road impact fee benefit area. The current location of the Growth Management Area Boundary is shown in Appendix 17-B.

(b) Expenditure. Impact fee funds shall be spent within the benefit area within which the traffic generating development paying the fee is located. The expenditure of impact fee funds shall be limited to those road capital improvement projects in the benefit area.

(c) Establishment of trust fund. The Town hereby establishes the road impact fee trust fund for the purpose of ensuring that fee payers receive sufficient benefit for road impact fees paid.

(d) Deposit in trust fund. All road impact fees collected by the Town shall be immediately deposited into the trust fund. All proceeds shall be invested in an interest-bearing account. All income derived from these investments shall be retained in the trust fund until transferred or spent, whichever is appropriate. Record of the trust fund account shall be available for public inspection.

(e) First in, first out accounting. For the purposes of determining whether impact fee funds have been spent or encumbered, the first fees collected shall be considered the first monies spent or encumbered.

(f) Annual recommendation for expenditure of fees. Each year, at the time the annual budget is reviewed, the Road Impact Fee Administrator shall recommend appropriations to be spent from the trust fund to the Board of Trustees. After review of the recommendation, the Board of Trustees shall approve or modify the recommended expenditures of the trust fund monies. Expenditures shall be made from the trust fund only for road capital improvement projects in the benefit area. Each year a minimum of twenty-five percent (25%) of the funds collected shall be designated for reimbursement of amounts owing on the capital contribution front-ending agreements more fully described in Subsection 17-237(a)(3) above. Any amounts not appropriated from the trust fund together with any interest earnings shall be carried over to the following fiscal period.

(g) Annual report on expenditures. Each year, after the decision of the Board of Trustees about the expenditure of impact fee appropriations, the Road Impact Fee Administrator shall prepare an annual report identifying the projects for which the Board of Trustees has approved funds.

### **Sec. 17-239. Refund of fees not spent.**

(a) General. Any fees collected shall be returned to the fee payer or the fee payer's successor in interest if the fees have not been spent within ten (10) years from the date the building permit for the development was issued, along with interest of five percent (5%) a year. Fees shall be deemed to be spent on the basis of the first fee collected shall be the first fee spent.

(b) Refund procedure. The refund shall be administered by the Road Impact Fee Administrator, and shall be undertaken through the following process:

(1) A refund application shall be submitted within one (1) year following the end of the tenth (10th) year from the date on which the building permit was issued on the proposed development. The refund application shall include the following information:

a. A copy of the dated receipt issued for payment of the fee;

b. A copy of the building permit; and

c. Evidence that the applicant is the successor in interest to the fee payer.

(2) Within ten (10) days of receipt of the refund application, the Road Impact Fee Administrator shall determine if it is complete. If the Road Impact Fee Administrator determines the application is not complete, a written statement specifying the deficiencies shall be forwarded by mail to the person submitting the application. Unless the deficiencies are corrected, the Road Impact Fee Administrator shall take no further action on the refund application.

(3) When the Road Impact Fee Administrator determines the refund application is complete, it shall be reviewed within thirty (30) days, and shall be approved if it is determined the fee payer or a successor in interest has paid a fee which has not been spent within the period of time permitted under this Section.

(c) Appeal of refund decision. A fee payer affected by a decision of the Road Impact Fee Administrator may appeal such decision to the Board of Trustees by filing with the Road Impact Fee Administrator within ten (10) days of the date of the written decision, a written notice stating and specifying briefly the grounds of the appeal. The Road Impact Fee Administrator shall place such appeal on the Board of Trustees' agenda. The Board of Trustees, after a hearing, shall affirm or reverse the decision of the Road Impact Fee Administrator based on the standards set forth in this Section. If the Board of Trustees reverses the decision of the Road Impact Fee Administrator, it shall direct the Administrator to readjust the refund in accordance with its findings. In no event shall the Board of Trustees have the authority to negotiate the amount of the refund. The decision of the Board of Trustees shall be final.

**Sec. 17-240. Review every five (5) years.**

At least once every five (5) years, the Board of Trustees whether any changes should be made to the Road Impact Fee Study and this Article. The purpose of this review is to analyze the effects of inflation on actual costs, to assess potential changes in needs, to assess any changes in the characteristics of land uses and to ensure that the road impact fees will not exceed a proportionate share.

**Secs. 17-241--17-250. Reserved.**