

## CHAPTER 17

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## ARTICLE 1

### General Provisions

#### Sec. 17-1-10 General provisions; intent.

(a) General provisions.

(1) The provisions of this Chapter shall apply to any and all subdivision of land within the municipal boundaries of the Town, unless expressly and specifically exempted or provided otherwise in this Code. No development shall be undertaken without prior approval or authorization pursuant to the terms of this Code. All development shall comply with the applicable terms, conditions, requirements, standards and procedures established in this Chapter and this Code. The submittal of an application for approval pursuant to the provisions of this Chapter constitutes consent to and agreement to comply with all of its applicable provisions.

(2) This Chapter establishes procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications will be reviewed for compliance with the Town Comprehensive Plan, this Code and applicable regulations, policies and other guidelines. The submittal of an application for approval pursuant to the provisions of this Chapter constitutes an agreement and the implied consent of the owner or applicant to comply with all of its applicable provisions.

(3) Scheduling of the review of development applications before the Planning Commission or Board of Trustees is at the discretion of the Town. Any change to a development application by an applicant after formal submittal of that application to the Town constitutes a decision by the applicant that may result in the Town deciding to vacate the hearing and/or void the pending application. The Town may then reschedule or cancel the review of the development application at its discretion.

(4) Prior to formal submittal of any subdivision application identified in this Chapter, the Planning Department will typically provide to an applicant an individualized submittal checklist indicating the documents and information needed, quantities of those documents to be submitted and the referral agencies that will be involved in the review process. The applicants are responsible for being fully familiar with all applicable provisions of this Article. At the time of submittal, the applicants will provide sufficient pre-packaged packets that are ready for mailing to the list of recipients provided by the Town. Upon determination by Town staff that a submittal constitutes a complete development application, the Town will forward the packets to each referral agency.

(b) Intent. This Chapter is designed and enacted for the purposes of promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the Town by:

(1) Encouraging new subdivision developments that complement the Town's historic development pattern.

- (2) Creating livable neighborhoods that foster a sense of community.
- (3) Encouraging the proper arrangement of new streets in relation to existing or planned streets and ensuring that streets facilitate safe, efficient and pleasant walking, biking and driving.
- (4) Protecting the Town's sensitive natural, historic and environmental areas.
- (5) Providing for adequate roadways, utilities, access for fire apparatus, recreation, convenient open spaces, light, air quality and the avoidance of congestion of population.
- (6) Providing open spaces for adequate stormwater management.
- (7) Providing adequate spaces for commercial and industrial land uses.
- (8) Providing protection from geologic hazards and flood prone areas.
- (9) Ensuring compliance with this Code and the Town Comprehensive Plan.
- (10) Regulating such other matters as the Town may deem necessary in order to protect the best interest of the public. (Ord. 1 §1, 2012)

## ARTICLE 2

### Subdivision Types and Process Outlines

#### Sec. 17-2-10. Major subdivisions.

(a) Definition. A *major subdivision* is a subdivision which includes one (1) or more of the following:

- (1) Dedication of public rights-of-way, public infrastructure or other public tracts; or
- (2) The subdivision consists of four (4) or more lots or tracts.

(b) Process. The major subdivision process is as follows:

- (1) Concept plan.
  - a. Preapplication conference and site visit with Town staff.
  - b. Application submittal.
  - c. Town staff certifies that the application is complete and sends it to referral agencies for review.
  - d. The Planning Commission holds a neighborhood meeting with recommendation to the Board of Trustees from the Commission.

e. Town staff compiles a record of the Planning Commission and neighborhood meeting review and provides it to the applicant with all comments related to the concept plan.

f. Board of Trustees review and action at regular meeting.

(2) Preliminary plat.

a. Preapplication conference with Town staff.

b. Application submittal.

c. Town staff certifies that the application is complete.

d. Town schedules Planning Commission and Board of Trustees agendas and completes the public notification process.

e. Town staff refers the application to parties of interest.

f. Final Town staff review and report to Planning Commission.

g. Planning Commission public meeting and recommendation.

h. Board of Trustees public hearing and action.

i. The applicant addresses any conditions of approval.

(3) Final plat.

a. Application submittal.

b. Town staff certifies that the application is complete.

c. Town staff refers the application to parties of interest.

d. Final Town staff review and report.

e. Town schedules Planning Commission and Board of Trustees review.

f. Planning Commission public meeting and recommendation.

g. Board of Trustees public hearing and action.

h. The applicant addresses Town conditions (if any).

i. The applicant submits all documents in final form.

j. Post-approval submittal of documents and completion of final administrative actions.

k. Town records final plat and development agreement with the County Clerk and Recorder. (Ord. 1 §1, 2012)

**Sec. 17-2-20. Minor subdivisions.**

(a) Definition. A *minor subdivision* is a subdivision which includes any one (1) or more of the following:

- (1) The property has previously been platted;
- (2) There is no public right-of-way dedication; or
- (3) The resulting subdivision consists of three (3) or fewer lots or tracts.

(b) Process. The minor subdivision process is as follows:

- (1) Preapplication conference with Town staff.
- (2) Application submittal.
- (3) Town staff certifies that application is complete.
- (4) Town staff refers application to parties of interest.
- (5) Letters of support and commitment to serve from applicable utilities.
- (6) Town schedules public hearing and completes public notification process.
- (7) Planning Commission public meeting and recommendation.
- (8) Board of Trustees public hearing and action.
- (9) The applicant's submittal of all documents in final form.
- (10) Record minor subdivision plat with the County Clerk and Recorder. (Ord. 1 §1, 2012)

**Sec. 17-2-30. Administrative subdivisions.**

(a) Definition. An *administrative subdivision* is an amendment of all or a portion of a recorded subdivision. This administrative subdivision may include boundary line adjustments between lots, lot line mergers and other plat amendments for the purpose of any of the following:

- (1) To correct a drafting or other technical error on a recorded subdivision plat; or
- (2) To adjust one (1) or more lot lines on a recorded subdivision plat where:
  - a. The boundaries of three (3) or fewer lots are changed;

- b. No dedicated easements or rights-of-way are changed;
- c. No lots are created that will require a zoning variance or an exception to this Chapter; and
- d. No lots are created which do not support the existing land use on the property.

(3) To adjust the number of lots or any other measurable standard so long as the proposed change is less than ten percent (10%) of the previously approved amount.

(b) Process. The administrative subdivision process is as follows:

(1) Final plat.

- a. Preapplication conference and site visit with Town staff.
- b. Application submittal.
- c. Town staff certifies that the application is complete.
- d. Town staff reviews the application and prepares comments.
- e. The applicant addresses Town staff's comments.
- f. The applicant submits the complete final plat for administrative approval by the Town Administrator.
- g. The Town records the final plat with the County Clerk and Recorder. (Ord. 1 §1, 2012)

### **ARTICLE 3**

#### **Concept Plan**

**Sec. 17-3-10. Purpose.**

The concept plan is a broad concept that describes in general terms what the applicant envisions. The purpose of the concept plan is three-fold:

- (1) First, it provides the applicant with a clear understanding of the Town's vision for the community;
- (2) Second, it gives the applicant an opportunity to discuss his development plans, explain how the plans will further the community's vision and obtain input and direction from neighboring property owners, the Planning Commission and Board of Trustees early in the process; and

(3) Third, it gives the applicant an opportunity to hear preliminary (nonbinding) comments and concerns from the Planning Commission, Board of Trustees and general public prior to engaging in project design. The ultimate goal of this process is to help the applicant develop a plan that reflects the Town's vision for the community. (Ord. 1 §1, 2012)

**Sec. 17-3-20. Application process.**

(a) Preapplication conference and site visit with Town staff. A preapplication conference and site visit with representatives from the Town is required before the applicant may submit a concept plan application. The purpose of the meeting is to allow the applicant to discuss the ideas for developing the property and to give the Town the opportunity to communicate the community's vision to the applicant. Topics to be discussed will include:

- (1) The applicant's goals for the property;
- (2) The Town's vision and expectations as identified in the Town Comprehensive Plan;
- (3) The requirements of this Code;
- (4) The character and quality of development the Town is seeking;
- (5) Town regulations and standards;
- (6) The application and review process;
- (7) Submittal requirements; and
- (8) A proposed schedule.

(b) Concept plan application submittal. The applicant shall submit the completed concept plan application package to the Town. The concept plan application package shall be formatted and packaged per the application submittal checklist provided by the Town and include the following items:

- (1) A development application form.
- (2) An application fee and chargeback agreement for the payment of review and development expenses incurred by the Town.
- (3) Title commitment. The title commitment must be dated no more than thirty (30) days from the date of concept plan application submittal.
- (4) Neighboring property owner list. Mailing labels with current names and addresses of all property owners within five hundred (500) feet of the proposed subdivision.
- (5) Concept plan. This plan may be on a single sheet or a set of drawings. Electronic files of all drawings, reports, submittals and narratives must be submitted as part of the concept plan. The concept plan shall clearly show:

- a. Title of the project.
- b. North arrow, scale (not greater than 1" = 200') and date of preparation.
- c. Vicinity map.
- d. Legal description.
- e. Acreage of the property.
- f. U.S.G.S. topographic contours.
- g. Location and approximate acreage of proposed land uses.
- h. Existing easements and rights-of-way on or adjacent to the property.
- i. Existing streets on or adjacent to the property (show and label street name).
- j. Note or table indicating how public dedication requirements will be met.
- k. Table providing the following information for each proposed land use area: total acreage; proposed density or floor area ratio; proposed number of dwelling units; and approximate size of proposed residential lots.
- l. Location and acreage of proposed parks, trails, regional trail connections, playgrounds, schools or other public uses.
- m. Proposed street system (as line [not engineered] drawing).
- n. General locations of existing utilities on or adjacent to the property.
- o. Graphic representation and/or written explanation of how the property will be served with utilities, including any issues or proposed changes to service provider boundaries.
- p. Location of any proposed sewer lift stations.
- q. Floodplain boundary with a note regarding the source of information. (If a floodplain does not exist on the property, this must be stated.)
- r. Geologic hazard areas.
- s. Existing and proposed zoning on and around the property.

(6) General development information. Provide a written description of the existing conditions on the site and the proposed development. Include the following items in the description:

a. Design rationale. Discuss how the development is connected to/integrated with the surrounding area, how it responds to site features/constraints and how it is consistent with this Chapter.

b. General description of the plan for drainage and stormwater management.

c. Water supply information including the number of water taps needed, the amount of raw water that will be provided to the Town and the source of the water.

d. Utility (electric, cable, natural gas, telephone, etc.) information including capacity and any line extensions or upgrades that may be necessary. Include "will serve" letters from each utility.

e. Statement indicating whether or not any commercial mineral deposits are located on the site.

f. Description of any floodplain hazards on the site (only if additional information is needed than what is shown on the concept plan map).

g. Description of how the proposed development complies with the Town Comprehensive Plan.

(c) Application certification of completion. Within a reasonable time period, generally five (5) working days, Town staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package and resubmit the application to the Town.

(d) Notice to neighboring property owners. At least fifteen (15) days prior to the combined Planning Commission and neighborhood meeting to review the concept plan, the Town shall send notice of that meeting, and the Board of Trustees meeting by regular mail to neighboring property owners within five hundred (500) feet of the property.

(e) Planning Commission – neighborhood meeting. This is intended to be a collaborative meeting among Town staff, the Planning Commission, the public and the applicant to ensure that all new development is consistent with community goals and that important issues are identified early in the development process. Topics that shall be addressed in this meeting include:

(1) How the proposed project is consistent with adopted Town planning documents and this Code.

(2) The applicant's goals and vision for the project.

(3) The overall character and style of the project.

(4) How the proposed development will incorporate variety in the type, design, siting and orientation of residential properties.

(5) How the proposed development will incorporate site and architectural quality in the design of commercial or industrial properties.

(6) How the proposed subdivision will be connected to, buffered from and integrated with surrounding natural and developed areas.

(7) How the project will impact neighboring properties (i.e., water drainage, traffic, environmental impacts, view corridors, etc.).

(8) How the design is cost-effective and environmentally responsive to site features and constraints and how potential impacts to natural systems will be mitigated.

(9) How the proposal promotes the efficient use of land, public streets, utilities and governmental services.

(10) How the proposal will address water resources and wastewater services.

(11) The applicant should bring the following items to the meeting:

a. Context/vicinity map, which shows the proposed development in relation to the surrounding area.

b. Base map, which shows the site features (such as topography, ditches, drainage ways, wildlife habitat, existing trees and view corridors).

c. Conceptual plan for the property in terms of basic street network, development areas, park or open space areas, etc.

d. Anything else that illustrates what the applicant is trying to create with this development.

(f) Board of Trustees public meeting. This is also intended to be a collaborative meeting where the Board of Trustees, the public and the applicant ensure that the new development is consistent with community goals and important issues are confirmed at this stage of the development process. Items that may be addressed in this meeting include results and any recommendations from the Planning Commission – neighborhood meeting. The Board of Trustees shall review and act upon the concept plan as a regular agenda item. The Board of Trustees may choose to approve, approve with conditions or deny the concept plan. (Ord. 1 §1, 2012)

### **Sec. 17-3-30. Review criteria.**

The Town shall use the following criteria in addition to other applicable provisions of this Code to evaluate the applicant's concept plan application:

(1) The land use mix within the project conforms to the Town's Zoning District Map and the Town Comprehensive Plan Preferred Land Use Map and furthers the goals and policies of the Town Comprehensive Plan.

(2) The concept plan represents a functional system of land use and is consistent with the rationale and criteria set forth in this Chapter and the Town Comprehensive Plan.

(3) The utility and transportation design is adequate, given existing and planned capacities of those systems.

(4) Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.

(5) There is a need or desirability within the community for the development and the development will help achieve a balance of land use and/or housing types within the Town according to Town goals.

(6) The project has shown efforts to preserve wetlands, view corridors and natural features of the site. (Ord. 1 §1, 2012)

**Sec. 17-3-40. Timeframe related to approval.**

A concept plan is in full force and effect for a period of two (2) years from the date of the Board of Trustees action to approve or approve with conditions. Approval will automatically expire at the end of two (2) years unless the applicant submits a completed preliminary plat application for the property or requests a one-year extension at least thirty (30) days prior to the expiration date. Two (2) one-year extensions are possible. (Ord. 1 §1, 2012)

**ARTICLE 4**

**Preliminary Plat**

**Sec. 17-4-10. Purpose.**

The purpose of the preliminary plat is to provide the Town with an overall plat and the associated preliminary engineering for the proposed development. (Ord. 1 §1, 2012)

**Sec. 17-4-20. Application process.**

(a) Preapplication conference. A preapplication conference with a representative from the Town is required before the applicant may submit a preliminary plat application. Topics to be discussed will include:

- (1) The provisions of this Code and the applicable requirements;
- (2) The application and review process;
- (3) Submittal requirements; and
- (4) Changes or modifications based on direction from the Town's review of the concept plan.

(b) Preliminary plat application submittal. Following approval or conditional approval of the concept plan, the applicant may submit the complete preliminary plat application to the Town. The preliminary plat application package shall be formatted and packaged per the application submittal checklist provided by the Town and include the following items in both printed and electronic formats:

(1) Development application form.

(2) Application fee.

(3) Title commitment. The title commitment must be current and dated no more than thirty (30) days from the date of the preliminary plat application submittal.

(4) Surrounding property ownership report. Provide the Town with a list and set of mailing labels not more than thirty (30) days old, of the names and addresses of the surrounding property owners within five hundred (500) feet of the property, mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.

(5) Preliminary plat. The preliminary plat shall provide the following information:

a. Title of project.

b. North arrow, scale (not greater than 1" = 100') and date of preparation.

c. Vicinity map.

d. Names and addresses of owners, applicant, designers, engineers and surveyors.

e. Legal description.

f. Total acreage of property.

g. Existing contours at two-foot intervals (based on U.S.G.S. datum).

h. Name and location of abutting subdivisions or owners of abutting property (if land is not platted).

i. Lots, blocks and street layout (with cross-sections), dimensions and square footage for each lot. Dimensions and square footage may be rounded to the nearest whole number.

j. Consecutive numbering of all lots and blocks.

k. Single-family or two-family residential developments shall provide variation in lot sizes in order to support diversity in housing size and orientation. These residential developments will also provide for variety in the orientation and setback of street-loaded garages.

l. Existing and proposed easements, including rights-of-way, on and adjacent to the property.

m. Existing and proposed zoning on and adjacent to property.

n. Approximate location and size of existing sewer lines, water lines and fire hydrants. Approximate location of proposed sewer lines, water lines and fire hydrants.

o. Location by field survey or aerial photography of existing and proposed water courses and bodies of water such as irrigation ditches and lakes. Water courses shall include direction of flow.

p. Floodplain boundary with a note regarding source of information. (If a floodplain does not exist on the property, state this on the plan.)

q. The boundaries of proposed phases of the subdivision if the final plat is intended to be submitted in multiple phases.

r. General location of existing surface improvements such as buildings, fences, oil or gas facilities, or other structures which will remain on the property as part of the subdivision.

s. Location and acreage of proposed parks, trails, playgrounds, schools or other public uses.

t. Location, function, ownership and manner of maintenance of any private open space.

u. Land use table including: land uses, approximate acreage of each land use type, percentage of each land use type density (net and gross) and how the public dedication requirement will be met.

v. Total number of lots.

w. Number of each type of dwelling unit proposed.

x. A digital drawing file of the preliminary plat on compact disc in a format specified by the Town Engineer.

y. Surveyor's certificate.

(6) Preliminary plat drawing standards. The preliminary plat drawing shall comply with the following standards:

a. The preliminary plat shall be prepared by or under the direct supervision of a registered land surveyor, shall be signed and stamped by said surveyor and shall meet applicable state requirements.

b. Except for parcels separated by easements (including public rights-of-way), public tracts or railroads, parcels not contiguous with each other shall not be included in one (1) plat, nor shall more than one (1) plat be made on the same sheet. Contiguous parcels owned by different parties may be included on one (1) plat, provided that all owners join in the dedication and acknowledgment.

c. Lengths on the preliminary plat boundary shall be shown to the nearest hundredth of a foot and bearings shall be shown in degrees, minutes and seconds.

d. The perimeter survey description of proposed subdivision shall include at least one (1) tie to an existing section monument of record and a description of monuments. The survey shown shall not have an error greater than one (1) part in ten thousand (10,000).

e. Bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside, with the lot dimensions.

f. Names and signatures of all owners of equitable interest in the property shall be on the preliminary plat and shall be made in black drawing ink.

(7) General development information. A written description of the existing conditions on the site and the proposed development, including the following items:

a. Explanation of how the preliminary plat is consistent with the concept plan and how the items of concern expressed by the Planning Commission, the Board of Trustees and the public at the time of concept plan have been addressed.

b. Explanation of how the plan is consistent with this Code and the Town Comprehensive Plan.

(8) Preliminary grading and drainage plan and report. This plan and report must be certified by a State-registered professional engineer and include approximate earthwork quantities (how earthwork on the site is "balanced"), storm drainage concepts such as locations of pipe and other conveyance facilities, locations for on-site detention or downstream structural improvements and soil erosion and sedimentation control plans and specifications. It must also discuss the impacts on and to any existing floodways and/or floodplains both on and adjacent to the site as well as any FEMA applications or approvals that may be required.

(9) Preliminary water and sewer plan and study. This plan shall be prepared by a registered professional engineer. It is necessary that the engineer consult with the appropriate utility service providers regarding the design of all utilities through the subdivision.

(10) Geologic study. If, upon referral to the Colorado Geologic Survey (CGS), the CGS requires a geologic study, this report must be prepared by a State-registered professional engineer or professional geologist and shall address site conditions, geologic conditions, engineering considerations and any limitations or additional investigations that might be necessary.

(11) Preliminary landscape and open space plan. The landscape plan must address the treatment of all exterior spaces. Landscape plans are to be designed to meet the requirements of this Code and show approximate locations of trees, shrubs, groundcovers, turf, buffering, fences, walls and other site amenities that will be included in the plan.

(12) Traffic study. This study must be prepared by a professional traffic engineer and identify the projected impacts to the local and regional traffic system. The direct roadway impacts and proposed share in the cost of regional improvements and intersections must be identified for the project.

(13) Mineral, oil and gas rights documentation. Evidence that the surface owner has contacted all lessees of mineral, oil and gas rights associated with the site. Included in the evidence must be the name of the current contact person, his phone number and a mailing address for each of the mineral owners or lessees. Said evidence may be provided in a mineral interests report prepared by a certified landman, title company or attorney.

(14) Colorado Historical Society (CHS) records search. At the discretion of the Town, an applicant may be required to provide the Town with a CHS records listing historically or archaeologically significant findings on the property being subdivided at their expense. If a listing shows a significant finding, a site-specific historic survey per the requirements of the CHS is required. If, in coordination with the applicant, the Board of Trustees decides to protect any historic resource, a protection plan must be developed in consultation with the HPC.

(15) General ecological resource survey. Prepared by a qualified biologist, geologist, ecologist or similar qualified professional, a survey identifying the potential/absence/habitat of a threatened or endangered species and wetlands or other ecologically sensitive area. Said survey shall make practical recommendations regarding treatment or mitigation of the findings.

(c) Application certification of completion. Within a reasonable time period, generally five (5) working days, Town staff shall typically certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to the Town.

(d) Schedule preliminary plat public meeting with Planning Commission and public hearing with Board of Trustees and complete public notification process. The Town shall schedule a public meeting before the Planning Commission for the purpose of developing a recommendation for consideration at a public hearing before the Board of Trustees. The Town shall publish notice in a newspaper of general circulation and post the property with at least one (1) sign clearly visible from a public roadway. Publication and posting shall be consistent with this Code.

(e) Refer application to parties of interest. The Town shall send summary information about the application by regular mail to the mailing list provided by the applicant that includes neighboring property owners, utility and service providers and other parties of interest. The referral information shall include the time and place of the Planning Commission meeting and the Board Trustees public hearing, the nature of the meeting or hearing, the location of the property, the applicant's name and background information about the proposal.

(f) Town Staff review and report to Planning Commission. Town staff will complete a final review of the application and then prepare a report to the Planning Commission explaining how the application is or is not consistent with the preliminary plat review criteria.

(g) Planning Commission public meeting and recommendation. The Planning Commission shall hold a public meeting to review the application based on the preliminary plat review criteria. The Planning Commission shall then make a recommendation to the Board of Trustees to approve, conditionally approve or deny the application.

(h) Board of Trustees public hearing and action. The Board of Trustees shall review and act on the preliminary plat as part of a public hearing. The Board of Trustees may choose to approve, approve with conditions or deny the preliminary plat.

(i) Applicant addresses any conditions placed on proposal. The applicant shall revise the preliminary plat based only on conditions of approval (if any) placed on the proposal by the Board of Trustees. (Ord. 1 §1, 2012)

#### **Sec. 17-4-30. Review criteria.**

In addition to all provisions of this Code, the Town shall use the following criteria to evaluate the applicant's request:

(1) The preliminary plat represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code.

(2) The application is consistent with the approved concept plan and incorporates the Town's recommendations and any conditions of approval.

(3) The land use mix within the project conforms to the Town's Zoning District Map and Preferred Land Use Map and furthers the goals and policies of the Town Comprehensive Plan.

(4) The utility and transportation design is adequate, given existing and planned capacities of those systems.

(5) Negative impacts on adjacent land uses, including but not limited to solar access, heat, dust, glare, traffic and noise, have been identified and satisfactorily mitigated.

(6) There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types within the Town. (Ord. 1 §1, 2012)

#### **Sec. 17-4-40. Phasing.**

A preliminary plat shall designate the boundaries of phases for which separate final plats will be presented for approval. Each phase, either alone or in conjunction with previously approved and recorded phases, must meet all of the requirements of this Code. (Ord. 1 §1, 2012)

**Sec. 17-4-50. Early grading.**

After approval of a preliminary plat, the applicant may proceed with preliminary grading of the project area if a construction plan set for grading and drainage is approved and a memo authorizing grading work is issued by the Town Engineer. Early grading is at the risk of the applicant, and no presumption of any final plat approval at the Planning Commission is expressed or implied by any authorization of early grading. (Ord. 1 §1, 2012)

**Sec. 17-4-60. Timeframe related to approval.**

A preliminary plat is in full force and effect for a period of three (3) years from date of the Board of Trustees' action to approve or approve with conditions. Approval will automatically expire at the end of three (3) years unless an applicant formally requests a one-year extension from the Board of Trustees prior to termination or submits a completed final plat application for all or a portion of the property. An applicant may request one (1) extension of one (1) year. (Ord. 1 §1, 2012)

**ARTICLE 5**

**Final Plat**

**Sec. 17-5-10. Purpose.**

The purpose of the final plat is to complete the subdivision of land consistent with the technical standards of the Town. (Ord. 1 §1, 2012)

**Sec. 17-5-20. Application process.**

(a) Final plat application submittal. The final plat application shall substantially conform to the preliminary plat as approved at the public hearing and shall meet all conditions of approval. The applicant shall submit the completed final plat application package to the Town. The final plat application shall be formatted and packaged per the application submittal checklist provided by the Town and include:

- (1) Development application form.
- (2) Application fee.
- (3) Title commitment. An updated title commitment, dated no more than thirty (30) days from the date of final plat application submittal.
- (4) Final plat. The final plat drawing shall comply with the following standards:
  - a. The plat shall be prepared by or under the direct supervision of a registered land surveyor, shall be signed and stamped by said surveyor, and shall meet applicable state requirements.
  - b. Except for parcels separated by public rights-of-way, public tracts or railroads, parcels not contiguous with each other shall not be included in one (1) plat, nor shall more

than one (1) plat be made on the same sheet. Contiguous parcels owned by different parties may be included on one (1) plat, provided that all owners join in the dedication and acknowledgment.

c. Lengths shall be shown to the nearest hundredth of a foot and bearings shall be shown in degrees, minutes and seconds.

d. The perimeter survey description of the proposed subdivision shall include at least one (1) tie to an existing section monument of record and a description of monuments. The survey shown shall not have an error greater than one (1) part in ten thousand (10,000).

e. Bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside, with the lot dimensions.

f. Names and signatures of all owners of equitable interest in the property shall be on the plat and shall be made in black drawing ink.

g. The final plat shall provide the following information:

1. Title of project.
2. North arrow, scale (not greater than 1"=100') and date of preparation.
3. Vicinity map.
4. Legal description.
5. Basis for establishing bearing.
6. Names and addresses of owners, applicant, designers, engineers and surveyors.
7. Total acreage of subdivision.
8. Bearings, distances, chords, radii, central angles and tangent links for the perimeter and all lots, blocks, rights-of-way and easements.
9. Lot and block numbers, numbered in consecutive order, and square footage or acreage to two (2) decimal places of each lot or tract.
10. Parcels excepted from inclusion should be noted as "not included in this subdivision" and the boundary completely indicated by bearings and distances.
11. Existing and proposed easements (including rights-of-way) in and adjacent to property (labeled and dimensioned).
12. Existing and proposed street names for all streets on and adjacent to the property.

13. Location and description of monuments.

14. Floodplain boundary with a note regarding source of information. (If a floodplain does not exist on the property, please state this on the plat.)

15. The following certification language, completed with signature lines and including any amendments required by the Town:

LEGAL DESCRIPTION AND DEDICATION:

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, being the owners of \_\_\_\_\_, Township \_\_\_\_\_ N, Range \_\_\_\_\_ W of the \_\_ Principal Meridian, Town of Foxfield, County of Arapahoe, State of Colorado, more particularly described as follows:

(LEGAL DESCRIPTION)

Have laid out, platted, and subdivided the above described land, under the name and style of \_\_\_\_\_, and by these presents do dedicate to the Town of Foxfield in fee simple the street and public "rights-of-way" as shown on the plats, and grant to the Town of Foxfield such easements and rights-of-way as are created hereby and depicted or, by note, referenced hereon, along with the right to install, maintain, replace and operate mains, transmission lines, service lines, and appurtenances, either directly or through the various public utilities, as may be necessary to provide such utility, cable television, water, electric, natural gas and sanitary services within this subdivision or property contiguous thereto, through, over, under, and across streets, utility and other easements, and other public places as shown on the plat.

If owner is an individual(s):

\_\_\_\_\_  
Owner: John Doe

If owner is a corporation, limited liability company, partnership, association or other business entity:

Owner: The ABC Corporation, a Colorado corporation

By: \_\_\_\_\_  
John Doe, President

If owner is a trust:

Owner: The Jane Smith Trust

By: \_\_\_\_\_  
(John Doe, as trustee of the Jane Smith Trust)

LIENHOLDER'S DEDICATION: The undersigned mortgagee, for good and valuable consideration does by these presents, hereby subordinate all of its rights to such fee simple dedications and grants of easements to the Town of Foxfield as are depicted and referenced hereon and to the terms and conditions of the Development Agreement and this final plat and agrees that the Development Agreement and this final plat shall constitute a first and prior lien upon the (project name) to the same extent as though it were actually executed and recorded prior to said lien or deed of trust.

DATE: \_\_\_\_\_

LENDER'S NAME

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

SURVEYOR'S CERTIFICATE:

I, \_\_\_\_\_ a Registered Land Surveyor in the State of Colorado, do hereby certify that the survey of \_\_\_\_\_ was made under my supervision and the accompanying plat accurately and properly shows said subdivision and is in compliance with the Subdivision Regulations of the Town of Foxfield.

\_\_\_\_\_  
(Name, Registered Land Surveyors)

\_\_\_\_\_ (Number)

APPROVAL CERTIFICATES:

Approved by the Town of Foxfield, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Mayor

The foregoing plat is approved for filing and accepted by the Town of Foxfield, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Town Clerk

(5) General development information. Provide a written description confirming that the final plat conforms to the preliminary plat. In addition, the description shall address how the proposed development conforms to this Code and the Town Comprehensive Plan.

(6) Update of any plans or reports provided with the preliminary plat for which there is a change of conditions.

(7) Special documents (as needed):

- a. Special agreements.
- b. Oil and gas surface use agreement.
- c. Floodplain use permit from the Town.
- d. Prior to commencement of construction; a state highway utility permit from CDOT.
- e. Prior to commencement of construction, a state highway access permit from CDOT.
- f. Prior to commencement of construction, a construction dewatering permit from the Colorado Department of Public Health and Environment.
- g. Prior to commencement of construction, a 404 Permit from the Army Corps of Engineers.
- h. Prior to commencement of construction, an Air Pollution Emission Notice (APEN) from the Colorado Department of Public Health and Environment.

i. Prior to commencement of construction, a permit for work in any ditch right-of-ways from individual ditch companies.

j. Development agreement (DA).

k. Prior to commencement of construction, acceptable collateral in the amount and form stipulated in the DA.

l. Prior to commencement of construction, an approved adjudication of water rights and a plan of augmentation.

m. Prior to commencement of construction, a FEMA-approved application (i.e., Conditional Letter of Map Revisions [CLOMR] or Letter of Map Revisions [LOMR]).

n. Documentation identifying who will own and maintain open spaces.

o. Deed for public lands for dedication of public sites for open space or other civic purposes.

(8) Notification mailing list. Provide one (1) set of mailing labels for appropriate referral agencies and property owners of record within five hundred (500) feet of the property.

(b) Application certification of completion. Within a reasonable timeframe, typically five (5) working days, Town staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to the Town. The original application and all documents requiring a signature shall be signed in blue ink.

(c) Notice. In order to provide an opportunity for referral agencies and the public to review any final plat for changes, the Town shall send a notice of the Planning Commission public hearing, with appropriate final plat materials for review.

(d) Town staff review and report to Planning Commission. Town staff will complete a final review of the application and then prepare a report to the Planning Commission explaining how the application is or is not consistent with the final plat review criteria.

(e) Planning Commission public hearing and recommendation. The Planning Commission shall hold a public hearing to review the final plat based on the Town's final plat review criteria. It shall then recommend approval, approval with conditions or denial of the final plat application by formal motion.

(f) Board of Trustees public hearing and action. The Board of Trustees shall hold a public hearing to review the final plat based on the Town's final plat review criteria. It shall then approve, approve with conditions or deny the final plat application by resolution.

(g) The applicant addresses Board of Trustees conditions. The applicant shall revise the final plat based on any Board of Trustees conditions of approval and submit it to the Town.

(h) Original plats. The applicant shall submit to the Town Clerk three (3) original, signed Mylars of the final plat ready for the Mayor and Town Clerk to sign and record, and final executed copies of all agreements. Original Mylars and documents shall become the property of the Town.

(i) Complete engineering plans and specifications. After final plat approval, the applicant shall prepare and submit the following for administrative approval by the Town prior to commencement of construction:

(1) Construction plans and profiles. The plans and profiles shall be prepared by a registered professional engineer licensed in the State. Plans shall be twenty-four (24) inches high by thirty-six (36) inches wide and provide the following information:

a. The horizontal to vertical scales shall be chosen to best depict the aspects of the design.

b. Minimum horizontal scale: 1" = 100'.

c. Minimum vertical scale: 1" = 10'.

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

e. The plan must show right-of-way lines and widths, road names, lot lines, tangent lengths and bearings, curve radii, delta angles, curve lengths, chord lengths and bearings, stationing at all beginning of curves and end of curves, intersections, structures, angles, curb lines, cross pans, traffic control devices (islands, striping, signs, etc.), drive cuts, curb returns and radii, and all other features to enable construction in accordance with approved standards and standard engineering practice. Stationing may be centerline if approved by the Town Engineer. Construction plans shall include water lines and appurtenances, sewer lines and appurtenances, and stormwater lines and appurtenances and any other wet utilities such as nonpotable water systems and irrigation ditches.

f. The profiles shall include existing and proposed grade at curb and gutter or centerline of street elevation at point of intersections of vertical curves, intersections, grade breaks, point of curb return (PCR), point of reverse curve (PRC) and other critical points, structures and all other features required to enable construction in accordance with street standards as adopted by the Town or as the Town Engineer may approve.

g. Signature blocks for all utility providers unless otherwise provided in agreement form.

h. Structure details. Sufficient data shall be given to construction of major structures and road appurtenances such as bridges, culverts, gutters, drives, walks, cross pans, etc.; detail shall include orientation line and grade, cross-sections, dimensions, reinforcement schedules, materials, quality specification, etc., or as the Town Engineer may approve.

i. Final water report. A final water report including hydraulic analysis and pipe sizing calculations.

j. Final sanitary sewer report. A sanitary sewer report including hydraulic analysis and pipe sizing calculations.

k. Sewage collection and water supply distribution plans, profiles and specifications. The plans, profiles and specifications shall be prepared by a registered professional engineer and shall be accompanied by written approvals from the applicable water and sanitation district.

l. Final drainage plans and reports. Based upon the approved preliminary drainage plan, a final report is to be submitted in accordance with Urban Drainage Standards, as amended or as the Town Engineer may approve. The plan and report must provide:

1. Cross-sections of each water carrier showing high water elevations for one-hundred-year run-off and adjacent features that may be affected thereby.

2. Written approvals, as may be required, from other agencies or parties that may be affected by the drainage proposals.

3. Supporting calculations for run-offs, times of concentration, flow capacity with all assumptions clearly stated with proper jurisdiction when needed or requested.

4. Erosion control plans, when required.

5. Sizing of all pipes, inlets, conveyance ways and other appurtenances.

m. Final grading plan. The final grading plan shall be twenty-four (24) inches high by thirty-six (36) inches wide and illustrate existing and proposed contours and lot and block grading details.

n. Soils report. The soils report shall detail pavement design and construction requirements and shall be submitted after overlot grading is complete.

(2) Final landscape and open space plan. The landscape plan must address the treatment of all exterior spaces. Landscape plans are to be designed to meet the requirements of this Code and show trees, shrubs, groundcovers, turf, buffering, fences, walls and other site amenities that will be included in the plan. All plant materials must be adapted to the physical limitations of the local climate and specific conditions of the landscape plan. All plant materials must meet specifications of the American Association of Nurseryman for number one grade.

a. Landscape plan drawn to scale (not greater than 1" = 50') on twenty-four-inch by thirty-six-inch sheets, which includes:

1. Project name.

2. Scale, north arrow and date of preparation.
3. Existing and proposed streets and street names.
4. Lot lines, easements and public rights-of-way as shown on the subdivision plat, including gross and net area of all parcels.
5. Location of proposed building footprints and parking areas.
6. Location of storage, loading and service areas.
7. Existing and proposed two-foot contours (based on U.S.G.S. datum).
8. Natural features, wetlands, wildlife corridors, floodplains, streams, ditches and other waterways.
9. The location of existing and proposed utilities. Utility lines can be "ghosted" in on the landscape plan to vary the line types for cleaner drawings.

b. All existing trees within the proposed site and adjacent to the site must be accurately identified on the plan. Existing trees must be labeled as to their size, species and if they are intended to remain, be removed or transplanted. All replacement mitigation trees will need to be shown separately on the plan. Tree protection standards for existing trees to remain shall be included on the plan.

c. The extent and location of proposed trees, shrubs and perennials and quantities of each species. Plant materials are to be drawn at two-thirds ( $\frac{2}{3}$ ) of their mature size.

d. Landscape schedule including the represented plant symbol, Latin name, common name, planting size and number of individual plants. All plant materials are to meet the minimum size requirements as provided in this Code.

e. Proposed treatment of all ground surfaces must be clearly indicated, including turf, paving, mulch, native grass, seeded grass, etc. Grass areas are to be specified as seed or sod and a seed mix/rate specified.

f. Sight distance triangles must be shown at street intersections pursuant to this Code.

g. Project specific landscape notes and details to ensure the proper planting, establishment and survival of plant materials. Additional notes detailing the warranty for plant materials and continued maintenance shall be included.

h. Open space trail network and pedestrian circulation system.

i. Areas to be irrigated and method of irrigation.

j. Proposed grading of the project site, including drainage swales, detention basins, retaining walls and any off-site infrastructure improvements.

k. Notes for conservation and retention of top soil and landscape soil preparation.

l. Restoration, revegetation or enhancement of disturbed natural areas or open space feature.

m. Park structures, signage, play equipment and other landscape or park amenities and appurtenances.

(3) A ".pdf" file and a digital drawing file of the final plat in an electronic format specified by the Town Engineer.

(j) Improvements guarantee. Prior to commencement of construction, the applicant shall provide to the Town collateral in a form approved by the Town, guaranteeing adequate safe closure or completion of all public improvements for each phase of construction necessary for the subdivision. The amount of the security shall be one hundred twenty-five percent (125%) of the estimated cost as approved by the Town Engineer of constructing all public improvements, unless otherwise provided in an approved development agreement.

(k) Deed for public lands. The applicant shall submit to the Town a warranty deed and title insurance for all lands dedicated on the final plat and accepted by the Town.

(l) Post-approval actions. Prior to issuance of a building or grading permit, the applicant shall submit the following documentation to the Town:

(1) List of contractors. List of all contractors that will be performing the improvements.

(2) Proof of insurance. Proof of workers' comprehensive insurance and liability insurance for each contractor.

(3) Open space deed restriction. Areas designated as open space shall be protected by a deed restriction or other appropriate method to ensure that they cannot be subdivided or developed in the future and will remain as open space until the use is modified by the Town.

(4) Construction traffic control plan. The applicant will develop a plan for Town Engineer review that addresses construction traffic, construction water, temporary road closures, street repairs, dust, noise and other construction-related concerns.

(5) Funding mechanism for maintenance of open space, including type of management of such open space.

(6) Other certificates, affidavits, enforcements or deductions as required by the Town. (Ord. 1 §1, 2012)

**Sec. 17-5-30. Review criteria.**

In addition to all provisions of this Code, the Town shall use the following criteria to evaluate the applicant's final plat application:

(1) The final plat is in substantial conformance with the approved preliminary plat. For the purposes of this Code, *substantial conformance* includes design adjustments made to meet any conditions of preliminary plat approval and is determined as follows:

- a. Does not change any land use of the proposed plat.
- b. Does not change the number of lots or residential density by more than five percent (5%).
- c. Does not contain changes which would render the final plat in nonconformance with requirements of this Code.
- d. Does not contain significant changes in street alignment and/or access points or other public elements, such as drainage improvements, utility lines or facilities.
- e. Does not change any measurable standard (other than above) by more than fifteen percent (15%).

Final plats determined by the Planning Director to have changes that exceed the definition of *substantial conformance* above shall be processed as a preliminary plat and shall be reviewed and acted upon as such unless withdrawn by the applicant.

(2) The development complies with this Code and the Town Comprehensive Plan.

(3) All applicable technical standards including the provision of water in sufficient amount and quality have been met. (Ord. 1 §1, 2012)

**Sec. 17-5-40. Timeframe related to approval.**

A final plat is in full force and effect for a period of three (3) years from the date of recordation unless a longer timeframe is specifically allowed by the Town in an approved development agreement or unless public improvements are completed and accepted on all or a portion of the final plat. The applicant may formally request a single, one-year extension from the Town prior to termination of final plat approval. Prior to the expiration of the original three-year timeframe or the extension (four-year total) timeframe, the applicant may formally request an additional extension if substantial progress has been made on installation of public improvements. (Ord. 1 §1, 2012)

**ARTICLE 6**

**Minor Subdivision Plat**

**Sec. 17-6-10. Purpose.**

The purpose of the minor subdivision plat is to complete the subdivision of land consistent with the technical standards when the following conditions exist:

- (1) The property has previously been platted within the Town; and

- (2) The resulting subdivision will produce three (3) or fewer lots. (Ord. 1 §1, 2012)

**Sec. 17-6-20. Application process.**

(a) Preapplication conference. A preapplication conference with a representative from the Town is required before the applicant may submit a minor subdivision plat application. Topics to be discussed will include:

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

(b) Minor subdivision plat application submittal. The applicant shall submit the complete minor subdivision plat application package to the Town and request that the application be reviewed by the Planning Commission and the Board of Trustees. The application shall be formatted and packaged per the application submittal checklist provided by the Town and include:

- (1) Development application form.
- (2) Application fee and chargeback agreement.
- (3) Title commitment. A current title commitment, dated no more than thirty (30) days from the date of minor subdivision plat application submittal.
- (4) Minor subdivision plat. The plat drawing shall comply with the following standards:
  - a. The plat shall be prepared by or under the direct supervision of a registered land surveyor and meet applicable state requirements.
  - b. Except for parcels separated by public rights-of-way or public tracts, parcels not contiguous shall not be included in one (1) plat, nor shall more than one (1) plat be made on the same sheet. Contiguous parcels owned by different parties may be included on one (1) plat, provided that all owners join in the dedication and acknowledgment.
  - c. Lengths shall be shown to the nearest hundredth of a foot and bearings shall be shown in degrees, minutes and seconds.
  - d. The perimeter survey description of proposed subdivision shall include at least one (1) tie to an existing section monument of record and a description of monuments. The survey shown shall not have an error greater than one (1) part in ten thousand (10,000).
  - e. Bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside, with the lot dimensions.

- f. All signatures shall be made in black drawing ink.
- g. The minor subdivision plat shall provide the following information:
  - 1. Title of project.
  - 2. North arrow, scale (not greater than 1" = 100') and date of preparation.
  - 3. Vicinity map.
  - 4. Legal description.
  - 5. Basis for establishing bearing.
  - 6. Names and addresses of owners, the applicant, designers, engineers and surveyors.
  - 7. Total acreage of subdivision.
  - 8. Bearings, distances, chords, radii, central angles and tangent links for the perimeter and all lots, blocks, rights-of-way and easements.
  - 9. Lot and block numbers, numbered in consecutive order, and square footage or acreage to two (2) decimal places of each lot or tract.
  - 10. Parcels excepted from inclusion noted as "not included in this subdivision" and the boundary completely indicated by bearings and distances.
  - 11. Existing rights-of-way in and adjacent to subject property (labeled and dimensioned).
  - 12. Existing and proposed street names for all streets on and adjacent to the property.
  - 13. Existing easements and their type in and adjacent to subject property (labeled and dimensioned).
  - 14. Location and description of monuments.
  - 15. Floodplain boundary with a note regarding source of information. (If a floodplain does not exist on the property, please state this on the plat.)
  - 16. Certificates blocks for signatures of owner, surveyor, utility providers and Town approval, as applicable.

(5) General development information. A written description addressing how the proposed minor subdivision conforms to this Code and the Town Comprehensive Plan.

(6) Additional materials. At the Town's discretion and depending on the size of the minor subdivision and its potential impact to the community, the Town may request the following additional materials:

- a. Traffic study;
- b. Geotechnical report;
- c. Drainage map and study; and/or
- d. Utility map and study.

(7) Surrounding property ownership report. A list and set of mailing labels not more than thirty (30) days old of the names and addresses of the surrounding property owners within five hundred (500) feet of the property, mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.

(c) Application certification of completion. Within five (5) working days, Town staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to the Town.

(d) Refer application to parties of interest. Within an appropriate timeframe, Town staff shall send information about the application by regular mail to surrounding property owners within five hundred (500) feet, mineral interest owners of record, mineral and oil and gas lessees for the property and other parties of interest.

(e) Schedule Planning Commission public meeting and Board of Trustees public hearing and complete public notification process. The Town shall schedule a public meeting with the Planning Commission and a public hearing with the Board of Trustees for the purpose of taking action on the minor subdivision. The Town shall publish notice and post the property with a sign legible from an adjacent public right-of-way within a reasonable time prior to both the meeting and hearing. All notices and posting shall be consistent with this Code.

(f) Planning Commission meeting and recommendation. The Planning Commission shall hold a public meeting to review the application based on the minor subdivision review criteria. The Planning Commission shall then move to recommend approval, conditional approval or denial of the application by formal motion.

(g) Board of Trustees public hearing and action. The Board of Trustees shall hold a public hearing to review the minor subdivision plat based on the Town's minor subdivision plat review criteria. It shall then approve, approve with conditions or deny the minor subdivision plat application by resolution.

(h) Applicant addresses Town conditions. The applicant shall revise the minor subdivision plat based on any Board of Trustees conditions of approval and submit it to the Town.

(i) Record minor subdivision plat. Three (3) original signed Mylars of the minor subdivision plat shall be delivered to the Town. The Town will record the minor subdivision plat in the office of the County Clerk and Recorder. (Ord. 1 §1, 2012)

**Sec. 17-6-30. Review criteria.**

The Town shall use the following criteria to evaluate the request: The minor subdivision plat is in compliance with this Code and the Town Comprehensive Plan. (Ord. 1 §1, 2012)

**ARTICLE 7**

**Administrative Subdivision**

**Sec. 17-7-10. Purpose.**

The purpose of the administrative subdivision is to allow minor adjustment to recorded plats where there is anticipated to be no significant impact to the Town. The Town Administrator may determine that the decision as to the adjustment of internal or external boundary lines should be made by the Planning Commission if the adjustment would have a significant impact on the Town or the neighborhood. (Ord. 1 §1, 2012)

**Sec. 17-7-20. Allowed.**

The Town Administrator is authorized to approve, execute and record plats where the following occur:

- (1) Modification or reduction of interior lot lines to reflect the generally recognized use of the property;
- (2) Boundary line adjustments where they conform to the historic usage of the property and are agreed to in writing by all parties;
- (3) Merging of two (2) or more lots into one (1) platted lot; and
- (4) Adjustments to a recorded final plat changing the number of platted lots or any other measureable standard by no more than ten percent (10%) of the previously approved total. (Ord. 1 §1, 2012)

**Sec. 17-7-30. Prohibited.**

The Town Administrator is not authorized to approve, execute and record plats where the following occurs: Adjustments of interior property lines where new lots are created which can accommodate a new residential or commercial structure or which do not reflect the existing usage of the property. (Ord. 1 §1, 2012)

**Sec. 17-7-40. Administrative lot merger process.**

The lot line merger procedure shall be accomplished in the following manner:

(1) Proof of ownership. All owners of the property shall provide evidence satisfactory to the Town Administrator that they are the holders of equitable title to the property. Evidence of ownership required by the Town may include but not be limited to the recorded deed, the title policy to the property and a copy of the billing by the County for real property taxes. It shall not be necessary to have the holders of the legal title to the property included as petitioners with those persons holding equitable title to the property.

(2) Petition for merger. All owners of legal and equitable title shall execute before a notary public a petition stating they are the owners of equitable title to the property and that they wish to merge two (2) or more adjoining lots into one (1) lot. The petition shall also contain such additional information that the Town may deem appropriate.

(3) Procedure for merger.

a. Upon compliance with the above requirements, the Town Administrator is authorized to execute the document merging two (2) or more lots into one (1) lot. The petition for merger shall specify the subdivision, lot and block numbers (where applicable) and the number of the lot created as a result of this merger.

b. The approved petition for merger shall be recorded with the County Clerk and Recorder, and the appropriate adjustment shall be made to the final plat retained at the Town. (Ord. 1 §1, 2012)

**Sec. 17-7-50. Additional measures.**

Any interior property lot line adjustment must be documented by the recordation in the appropriate office of the Clerk and Recorder of either a plat or deed which would reflect, by appropriate metes and bounds measurements, the nature of the adjustment. If additional documentation as to the authority of the Town Administrator is required by the Clerk and Recorder's office or by a title company, the Town Administrator is also authorized to execute these documents or such other documents as may be required to formalize the adjustment. (Ord. 1 §1, 2012)

**ARTICLE 8**

**Amendments and Exceptions**

**Sec. 17-8-10. Amendments.**

Amendments to any lots, tracts or parcels, or the relocation or addition of streets within a previously recorded subdivision, shall be considered a resubdivision (also known as a "replat") and shall be prepared and submitted in compliance with the requirements as set forth in this Code. The concept plan, preliminary plat and final plat requirements related to a replat may be waived in part at the discretion of the Board of Trustees. (Ord. 1 §1, 2012)

**Sec. 17-8-20. Exceptions.**

The Board of Trustees, after providing public notice including mailed notice to property owners within five hundred (500) feet of the property, posting notice of a public hearing and

publishing notice in the newspaper of record, may in its discretion grant exceptions, modifications and/or waivers ("exceptions") from the regulations set forth in this Chapter with respect to a particular parcel of property upon the following findings:

(1) That there are special circumstances or conditions affecting such property which create exceptional difficulties with the property itself (and not self-imposed by the applicant), or that development of the property for which such exceptions are sought is of such extraordinary commercial, social or cultural merit that the potential benefits to the Town outweigh the tangible and intangible costs to the Town created by the exceptions; and

(2) That the granting of the exceptions will not be materially detrimental to the public welfare, will not materially diminish the rights set forth in the Development Code of other property in the area in which the property is situated and will consistent with the purposes and objectives of the Town Comprehensive Plan.

In granting such exceptions, the Board of Trustees may impose such conditions as deemed necessary to substantially secure the objectives of the regulations from which the exceptions are granted. (Ord. 1 §1, 2012)

## **ARTICLE 9**

### **Development Agreements**

#### **Sec. 17-9-10. Agreements and improvements.**

(a) A development agreement stating that the applicant agrees to construct any required public improvements shown in the final plat documents, together with security in a form approved by the Town, is required. No subdivision plat (except for conveyance) shall be signed by the Town or recorded at the office of the County Clerk, and no building permit shall be issued for development until a development agreement between the Town and the applicant has been executed. Such agreement shall include a list of all agreed-upon public improvements and landscaping, an estimate of the cost of such improvements, the form of guarantee for the improvements, and any other provisions or conditions deemed necessary by the Board of Trustees to ensure that all improvements will be completed in a timely, quality and cost-effective manner.

(b) Other agreements or contracts setting forth the plan, method and parties responsible for the construction of any required public improvements shown in the final plat documents may also be required.

(c) As required by this Code and all applicable laws, rules and regulations, the applicant shall apply to the Town for inspection of improvements.

(d) The following improvements shall typically be constructed as determined by the Town Engineer.

(1) Road grading and surfacing.

(2) Curbs.

- (3) Streetlights.
- (4) Sidewalks.
- (5) Sanitary sewer collection system.
- (6) Storm sewers or storm drainage system, as required.
- (7) Potable water distribution.
- (8) Nonpotable water distribution.
- (9) Fire hydrants.
- (10) Utility distribution system for public parks and open space.
- (11) Street signs at all street intersections.
- (12) Permanent reference monuments and monument boxes.
- (13) Underground telephone, electricity and gas lines.
- (14) Berm or fence along major arterial and collector streets.
- (15) Required landscaping, open space and park improvements.
- (16) Tree lawns.
- (17) Under drains.
- (18) Trails.
- (19) Required floodway improvements.
- (20) Required irrigation ditch improvements.
- (21) Required off-site improvements. (Ord. 1 §1, 2012)

**Sec. 17-9-20. Time for completion.**

Commencement of construction of all or a portion of the approved final plat shall occur within three (3) years from the date of recordation of said final plat. The required time for the completion of all required improvements for all or a portion of said final plat shall be three (3) years from the Town's issuance of a grading or other permit to commence construction. However, the Board of Trustees may, for good cause shown, extend such time for commencement or completion of the required improvements upon request from the applicant. Upon completion of such improvements within the required time and approval thereof by the Town, the Town shall cause the cash or letter of credit to be released within thirty (30) days of the Town's acceptance of such improvements and receipt of the required as-built drawings. When such improvements are not completed within the

required time, the Town may cause the proceeds of the cash or letter of credit to be used to close or complete the required improvements in accordance with the terms and provisions of the development agreement. (Ord. 1 §1, 2012)

**Sec. 17-9-30. Partial release of security.**

During construction of required improvements, the applicant may from time to time request the release by the Town of a portion of the security for improvements that have been inspected and approved by the Town Engineer. The required warranty period shall commence upon completion and initial approval of all required improvements and landscaping in accordance with the terms and provisions of the development agreement. (Ord. 1 §1, 2012)

**Sec. 17-9-40. Warranty.**

All workmanship and materials for all required improvements shall be warranted for a minimum period of two (2) years by the applicant as specified in the development agreement and this Code. (Ord. 1 §1, 2012)

**ARTICLE 10**

**Sales Prior to Recording of Final Plat**

**Sec. 17-10-10. Applicability.**

Except as provided in this Article, it is unlawful for any subdivider or agent of a subdivider to transfer or sell or advertise, offer or agree to transfer or sell any separate interest in property before a conveyance plat or final plat for such subdivided property has been approved in accordance with the provisions of this Chapter and recorded in the office of the County Clerk and Recorder. (Ord. 1 §1, 2012)