



### Article 3. Subdivision & Community Design

- 17-3-1 Streets
- 17-3-2 Open & Civic Space
- 17-3-3 Blocks & Lots
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#### 17-3-1 Streets

- A. **Intent.** The intent of the street design standards is to:
1. Emphasize street design as a key determinant of Johnstown’s community image and unique identity.
  2. Ensure the proper arrangements of blocks and lots that coordinate with long-term growth and development.
  3. Plan street networks to connect to adjacent development and future development areas at regular intervals and avoid overloading traffic on few regional or arterial streets that become barriers.
  4. Build complete and multi-modal networks of small, well-connected streets, trails and paths to improve the access, capacity, safety and efficiency of transportation systems,
  5. Use street design to call attention to differing contexts within the Town, and to better support development patterns and uses abutting the streets.
  6. Design streets to account for all potential users of the streets, including pedestrians, bicycles, automobiles, trucks, and transit.
  7. Integrate open and civic spaces with street networks and designs to establish a valuable public realm.

- B. **Street Network.** Arterial, collector, neighborhood connector, and local streets shall generally be laid out according to the Town’s planning policies for development, streets, and open spaces. In the absence of more specific guidance in these plans or for a specific area, the following standards shall apply to street networks:

1. *Blocks and Connectivity.* Streets shall be laid out to provide a network of streets and blocks based on the planning context and development pattern as identified in **Table 17-3-##**.

Table 17-3-##: Block Sizes & Connectivity		
Planning Context	Block Size	Closed-End Street Limits
<b>Downtown, Walkable Commercial. &amp; Mixed-Density Neighborhoods</b> <i>Downtown, near downtown areas, walkable commercial areas, primarily in the Activity Centers, High Density/Intensity areas or other commercial nodes, mixed-use, or mixed density neighborhood transitions to these areas. where walkable and multi-modal patterns are planned,</i>	150’ min. 500’ max. 4 ac. max.	Prohibited



Table 17-3-##: Block Sizes & Connectivity		
Planning Context	Block Size	Closed-End Street Limits
<b>General Neighborhoods &amp; Non-residential</b> <i>Walkable mixed-density and suburban neighborhoods and other areas supporting commercial corridors or employment areas outside walkable centers, primarily in the Moderate and Low Intensity / Density areas.</i>	250' min. 800' max 7 ac. max	Limited to exceptions (B.2) only.
<b>Campus or Remote Areas</b> <i>Limited to areas where large-scale uses with internal circulation or low intensity / density uses with limited circulation needs, where disrupting the development patterns and street network is justified, typically in the Very Low Density / Intensity or Greenway areas.</i>	250' min. 1,320' max. 10 ac. max.	600' max.

Figure 3-1 Connectivity & Block Sizes. [insert figure based on J-town issues / context] Street networks shall be based on maximum block sizes (length between centerlines of perimeter streets and area) and stub to adjacent property at a frequency sufficient to create connected networks, unless exceptions justify not connecting.

2. **Exceptions.** Blocks may only exceed the acre or block length maximums in Table 17-3-## based on the following are exceptions:
  - a. **Natural Features, Open Spaces or other Civic Spaces.** Blocks or parcels abutting or containing important natural features, topographical constraints, or open spaces may be larger provided the proposed street layout preserves these features and integrates them into public realm design for the area.
  - b. **Regional Transportation Routes.** Blocks or parcels abutting significant regional transportation routes that impede local network connectivity, such as highways or rail rights-of-way, may be larger provided the street layouts and development patterns achieve local connectivity in all other ways possible.
  - c. **Rural Parcels.** Tracts divided into lots of at least five acres for rural, agriculture, or very low-intensity development may exceed block limits provided any development is arranged to allow future streets in compliance with these regulations and a logical pattern of re-subdivision can occur with minimal disruption of existing or planned buildings, utilities, and other structures.
  - d. **Oversized Parcels.** Where oversized parcels are platted for special land uses or development patterns that accommodate large-scale buildings, such as campuses, employment centers, or regional commercial areas, platted blocks may be larger provided through access drives matching the block structure of Table 17-3-##. Through access drives shall mimic streetscape and design amenity of this section, and create logical extensions and connections to the public street network beyond the project.
  - e. **Specific Plans.** A specific street network plan approved by the Town through the planned development process in Section 17-2-## or similar planning initiative for a specific area may provide different connectivity and external connection standards.
  - f. **Closed-end Streets.** In any case where streets are not required to connect by these standards or are justified by these exceptions, alternative designs such as loops, courtyard layouts, or closes are preferred over dead ends and cul-de-sacs. In all cases closed-end streets shall be no more than 600' and have no more than 30 dwelling units per access point.



**Figure 3-2 Through Access Drives.** *[insert figure based on J-town issues / context]* Through access drives shall be used to mimic public street networks and streetscapes for over-sized parcels and large scale development (17-3-1.B.2.d).

**Figure 3-3 Disconnected Street Options.** *[insert figure based on J-town issues / context]* Where streets will not connect, blocks and lots should be laid out to limit the need for cul-de-sacs and maximize other options such as loops, closes, eyebrows and courtyard patterns. (3.01.B.2.f.)

3. **Walkways and Bicycle Routes.** In any case where exceptions for larger blocks apply, or any other area where pedestrian and bicycle connections are important, such as adjacent to schools, parks, trail systems or community centers, the Town may require pedestrian walkways or bicycle routes through blocks or at the end of any closed-end street. Connections shall meet the open space design standards in **Section 17-3-##.**

**3-4 Walkways and Bicycle Routes.** *[insert figure based on J-town issues / context]* Where streets will not connect or where larger blocks are platted, connections for pedestrians or bikes may be required through blocks or at the ends of disconnected streets. (17-3-1.B.3).

4. **External Connections.** Streets shall be planned to provide continuation to adjacent areas at intervals where all resulting blocks meet the standards in **Table 17-3-##,** unless justified by an exception in 17-3-1.B.2.
  - a. The Planning Commission or Town Board may require dedication of right-of-way and construction of streets extended to the boundary line of the property to be subdivided, or approve alternative arrangements for location and timing of construction to coordinate with anticipated future development of adjacent areas.
  - b. Areas of future development or smaller subdivision may require a conceptual street network associated with a preliminary plat and applied to adjacent property and connection to other planned major streets to demonstrate compliance with this section and the practicality of external connections..
5. **Half Streets.** The dedication of half-streets on the perimeter of a subdivision shall not be accepted unless:
  - a. The applicant coordinates the dedication of the corresponding half outside the subdivision;
  - b. The applicant provides sufficient guarantees for the cost of improvements and instruction on the corresponding half street; and
  - c. The applicant establishes acceptable plans for the timing and construction of the full street.Failure to meet these conditions shall not justify an exception to the connectivity or external connection standards of this section.
6. **Intersections and Offsets.** Streets shall be laid out to intersect subject to the following:
  - a. Intersection angles should be as near as possible to right angles, and intersections less than 75 degrees are generally not acceptable.
  - b. Oblique streets should be curved approaching an intersection and should be approximately at right angles for at least 100 feet prior to the intersection.
  - c. Intersections should be generally aligned with existing intersections on the opposite side of the street, and offsets of the centerlines between 25 feet and 125 feet are generally not acceptable.



- d. Intersections of more than two streets at one point are generally not acceptable.
  - e. Deviations and different intersection configurations may be approved through a subdivision review to emphasize unique natural features, better correspond to topography, implement traffic calming, or create gateways or focal points within the street network.
- C. **Street Types & Design.** The street types in this section implement context-based street design, meet multi-modal transportation policies and the intent of this section for the various contexts in Johnstown.
- 1. *Street Design Standards.* Typical cross section design standards are shown for each street type in **Table 17-3-##**; Street Types and Cross-sections with examples following the table. Application of these standards may be further refined with adjustments for a particular context or application, using the Complete Street Design Guide in Section C.3, **Table 17-3-##**.
  - 2. *Context & Type.* The street designs are grouped with the following design types for application to specific contexts:
    - a. *Neighborhood Streets.* A neighborhood-oriented street type appropriate where a higher level of neighborhood design amenity and neighborhood walkability is desired. It is characterized by large street trees, sidewalks, slow speeds, and occasional on-street parking.
    - b. *Pedestrian Streets.* A pedestrian-oriented street type appropriate for all areas where walkability is a goal. It is characterized by narrow lanes, slow speeds, on-street parking, and large, well-designed pedestrian amenity zones that support businesses and economic activity along these streets.
    - c. *Parkway and/or Bikeway.* A high-amenity street type that emphasizes landscape and/or bicycle facilities. It is characterized by balanced approach to bicycles, pedestrians, and vehicles, and uses enhanced landscape to create welcoming environments. This street type is usually reserved for signature streets or important bicycle connections, and can be coordinated with Open and Civic Space Systems in section 17-3-2.
    - c. *Standard Streets.* A basic street type appropriate generally where no particular development characteristics or urban design context warrant application of other street types.



Table 3-2: Street Types & Cross-sections								
Street Type	ROW Width	Street Width [1]	Travel Lanes	Parking	Bicycle Facility	Sidewalk	Landscape Amenity	Other Notes and Applicability
<b>Major Arterial - 120 / 80</b>								
Pedestrian Boulevard	120'	80'	4 @ 11'	8'	N/A – slow speed	12'	8' amenity zone 20' center median	
Bikeway Boulevard	120'	80'	4 @ 10'	7'	7' protected lane	8'	12' tree strip	
Parkway / Bikeway	120'	80'	4 @ 11'	n/a	8' protected lane	8'	12' tree strip 20' center median	
Standard Trafficway	120'	80'	6 @ 11' 14' center turn lane	n/a	n/a	8'	12' tree strip	
<b>Minor Arterial - 100/70</b>								
Pedestrian Boulevard	100'	70'	4 @ 11'	8'	n/a – slow speed	10'	5' amenity zone 10' center median	
Bikeway Boulevard	100'	70'	4 @ 10'	8'	7' protected lane	10'	5' amenity zone	
Parkway / Bikeway	100'	70'	4 @ 11'	n/a	8' protected lane	6'	9' tree strip	
Standard Trafficway	100'	70'	6 @ 11' 2' outside shoulder	n/a	n/a	5'	10' tree strip	
<b>Collector – 80/ 52</b>								
Neighborhood Connector	80'	52'	4 @ 10'	n/a	6' lane	6'	8' tree strip	
Pedestrian / Bikeway Street	80'	52'	2 @ 11'	8'	7' protected lane	10'	4' amenity zone	
Pedestrian Mixed-use Street	80'	52'	2 @ 11'	8' (1 side) 22' angled (1 side)	n/a – slow speed	10'	4' amenity zone	
Parkway / Bikeway	80'	52'	2 @ 11'	n/a	7' protected lane	6'	8' tree strip 16' center median	
Standard Street	80'	52'	4 @ 10' 12' center turn lane	n/a	n/a	6'	8' tree strip	
<b>Collector / Local – 60 / 32-36</b>								
Neighborhood Connector	60'	32'	2 @ 9'	7'	n/a – slow/low volume	6'	8' tree strip	
Pedestrian Street	60'	32'	2 @ 11' 2' shoulder (1 side)	8' (1 side)	n/a – slow speed	10'	4' amenity zone	
Pedestrian Mixed-use Street	60'	36'	2 @ 10'	8'	n/a – slow speed	8'	4' amenity zone	
Bikeway	60'	32'	2 @ 10'	n/a	6' lane	6'	8' tree strip	
Standard Street	60'	36'	2 @ 11'	7'	n/a	5'	7' tree strip	
<b>Local 54 / 28</b>								
Neighborhood Street	54'	28'	14' yield lane	7'	n/a – slow/low volume	5'	8' tree strip	
Neighborhood Connector	54'	28'	2 @ 10.5'	7' (one side)	n/a	5'	8' tree strip	
Neighborhood Bikeway	54'	28'	2 @ 9'	n/a	5' lane	5'	8' tree strip	
<b>Lane 44 / 24</b>								



Table 3-2: Street Types & Cross-sections								
Street Type	ROW Width	Street Width [1]	Travel Lanes	Parking	Bicycle Facility	Sidewalk	Landscape Amenity	Other Notes and Applicability
Neighborhood Lane	44'	24'	12' yield lane	6'	n/a – slow/low volume	5'	5' tree strip	
Pedestrian Lane	44'	24'	17' yield lane	7' (one side)	n/a – slow/low volume	6'	4' amenity zone	
Rural Lane	44'	24'	2 @ 10' 2' outside shoulder	n/a	n/a	n/a	10' rural buffer	
<b>Access Alley 20 / 12-18 [2]</b>								
Residential Alley	20'	12' – 16'	12'-16' yield lane	n/a	n/a	n/a	2' – 4' buffer	
Non-residential Alley	20'	18'	2 @ 9'	n/a	n/a	n/a	1' buffer / shoulder	

[1] Street width is back-of-curb measurement, with curb and gutter included street width where it is on-street parking or a travel lane.

[2] Access alleys may be located in an easement at the Town's discretion and provided a property owner's association or other entity with financial and administrative capacity for maintenance is established

[format for graphics and cross sections.]



3. *Complete Streets Design Guide*. When adjusting the typical cross-sections for specific contexts or constraints, the guidelines in Table 17-3-##: Complete Street Design Guide should apply:

Table 17-3-##: Complete Street Design Guide		
Street Element	Size	Context & Application
<b>Travel Lanes</b>	12' +	High-speed / high-volume; generally, avoid on city streets.
	11'	Applicable on major streets or routes where frequent truck or transit vehicles are expected.
	10'	Generally applicable on all city streets with through traffic.
	9'	Limited to low-volume streets, slow-speed streets, or where ROW is constrained.
	12' -17' yield lanes	Limited to slow, lower-volume streets in well-connected networks.
<b>Bicycle Lanes</b>	n/a	Slow or low-volume streets where bicycles can mix with travel lanes.
	4' – 6' lane	Low-speed streets or constrained ROW (typically < 35mph)
	7'-9' protected lane	Important bike routes or higher speed streets (typically 35+ mph)
	Off street facilities	High-speed / high-volume (typically 45+mph); or portions of trails system.
<b>Parking</b>	6'-7'	Limited to low-volume residential streets.
	7' 8'	Generally applicable to all residential and commercial areas where parking is necessary.
	14'-22' angled	Limited to high-activity streets to maximize parking; depth depends on angle of parking, availability of backing area or cueing lane, and other traffic circumstances.
<b>Landscape Area</b>	2' – 8' amenity zone	Walkable areas (typically paired with adjacent on-street parking) where hardscape, landscape, and street furniture extend sidewalks as social space.
	8'+ amenity zoned	Used for high-activity streets that prioritize social space in streetscapes (i.e. sidewalk dining, mini-courtyards); can accompany Open & Civic Space system credits
	1' – 4' landscape area	Avoid –difficult to grow and maintain plants or trees.
	5' – 6' tree strip	Limited to constrained ROW; small or ornamental trees only.
	7' – 8' tree strip	Generally applicable, sufficient for large shade trees.
	8' – 12' tree strip	Use on busy streets or where no on-street parking exists to provide greater pedestrian buffer.
	13'+ tree strip	Used on signature streets for enhanced landscape amenities; space can be shared with or shifted to medians' and may meet Open & Civic Space system credits (See 17-3-2.C. & D.).
	10' – 20' Median	Used on signature streets for enhanced landscape; can be accompanied with turn lanes and/or mid-street pedestrian refuge at intersections
<b>Sidewalks</b>	20'+ Median	Used on higher-order signature streets; may meet Open & Civic Space system credits (See 17-3-2.C. & D.).
	4'	Avoid – constrained ROW only
	5'	Minimum, generally applicable standard (typical neighborhood streets)
	6' – 8'	Minimum for non-residential streets (if combined with amenity zone), and priority routes in neighborhoods (i.e. routes to schools, parks, or other destinations).
	8' – 10'	Used for non-residential streets, walkable areas (if combined with amenity zone); or higher density neighborhoods.
	10' +	Used for signature streets in walkable areas, where social spaces are desired in streetscapes, or as a multi-use bicycle / pedestrian path in other contexts.





D. Intersection Design.

1. *Corner Radii.* Curb radii shall be designed according to the Public Works Standards and Specifications. However, to balance the competing interest of vehicle turning movements and the distance and safety of pedestrians crossing the street, the Director may recommend, and the Planning Commission may approve, decreases in the specified corner radii based on the following considerations:
  - a. The context of a particular development, and particularly whether walkable development patterns are a priority and whether neighborhood or mixed-use street types in **Table 17-3-##** are used.
  - b. The impact that the specified radius has on increasing the distance that pedestrians must cross.
  - c. The desired speeds of vehicles in the roadway and the desired speeds and volume of turning vehicles.
  - d. The connectivity of the street network and whether vehicles have multiple alternative routes that minimize frequent turning movements.
  - e. The effective turning radius of vehicles considering other features of the specific cross section, including bicycle lanes, on-street parking or other configurations that impact the actual path of turning movements.
  - f. The likelihood that large vehicles will make frequent turning movements at a particular location, compared with the ability of over-sized vehicles or unusual turning movements to safely encroach into other areas of the street.
  
2. *Sight Distances.* Proper lines of sight shall be maintained at all intersections. The proper line of sight shall be an unobstructed view from the stopping point on the approaching street to all points between 2.5 and 8 feet above the roadway along the centerline of the intersecting street. The distance of the unobstructed view shall be based upon the design speed of the intersecting street specified in **Table 17-3-##**, Clear Sight Distance.

<b>Table 17-3-##: Clear Sight Distance</b>	
<b>Design Speed of Intersecting Street</b>	<b>Intersection Sight Distance (measured along centerline of intersecting street)</b>
15 mph	105'
20 mph	115'
25 mph	155'
30 mph	200'
35 mph	250'
40 mph	305'
45 mph	360'
50 mph	425'

Source: American Association of State Highway and Transportation Officials, *A Policy on Geometric Design of Highways and Streets*.

- a. No building or other type of physical obstruction shall be placed or maintained within the triangle created by the centerline of the street intersection, the stopping point on the approaching street, and the sight distance specified in **Table 17-3-##** to the centerline of the intersecting street.
  
- b. Street trees, light poles or other limited narrow obstructions are allowed within the sight triangle provided they do not have any foliage, limbs, or other





obstructions between 2.5 and 8 feet and are no closer than 15 feet to the intersecting street edge.

- c. Fully controlled intersections where signalization establishes and prioritizes safe turning movements may deviate from the above sight triangle standards if site conditions warrant and based upon a recommendation of the Director.

**Figure 3-5 Clear Sight Distance.** *[insert figure based on J-town issues / context – update per their D&C approach and any issues]* Sight distance is measured from the stopping point of the approaching vehicle to the center of the lane in oncoming traffic, based on the speeds of oncoming traffic. Clearances may be affected by the types of objects in the sight triangle and the control factors of the intersection. (3.01 D 2 and Table 3-4)

- 3. **Crosswalks.** All intersections and crosswalks shall be designed to address conditions at each specific location. In general, sidewalks intersecting with public streets or other vehicle access shall have crossings meeting the following standards:
  - a. Curb ramps meeting ADA accessibility standards shall provide a direct, non-diverted approach from the sidewalk along the block into the designated or protected crossing area.
  - b. All intersections of collector streets or higher classification shall be considered for enhanced crossings including pavement markings, bulb outs, refuge islands or other traffic-calming measures that are appropriate to the context of the intersection.
  - c. Where blocks exceed more than 600 feet between intersections or at other locations of high pedestrian activity, mid-block crossings shall be considered. Mid-block crossing designs and locations are subject to a specific recommendation and approval of the Director.
  - d. Any crosswalk over 80 feet, or any other significant pedestrian crossing, may require a pedestrian refuge in the median at the discretion of the Director.
- 4. **Turn Lanes.** Turn lanes for left or right turn movements may be required for specific intersections by Public Works Director, based on an approved traffic study and with consideration by the Director and Planning Commission. Requirements for turn lanes should be based on careful consideration of the context balancing the impact of crossing distances for pedestrians, vehicle turning speeds, and prioritization of other planning, urban design, and traffic engineering issues. In general, this space should come from reconfiguration of the space within the roadway width near the intersection (i.e. within median space, narrowing lanes, or limiting on-street parking) rather than claiming space from the pedestrian area or streetscape, or rather than widening the road and right-of-way.

- E. **Traffic Calming.** In order to meet the desired speeds throughout the street network, to manage volumes in association with the street network, and to meet the Town’s complete streets policies and intent of this section, traffic-calming strategies may be required in street plans. Traffic calming may include bulb outs and curb extensions, medians and islands, neck downs, vertical diverters, enhanced or raised crossings, and other speed management techniques approved by the Public Works Director. [See *National Association of City Transportation Officials Guidelines*.]
- F. **Engineering & Construction Specifications.** All other engineering specifications, horizontal and vertical alignment, design details, and technical or construction specifications for constructing streets shall be covered by the Public Works Standards and Specifications and administered by the Public Works Director.

17-3-2 Open & Civic Space



- A. **Intent.** The intent of this section is to:
1. Emphasize open and civic spaces as a key determinant of Johnstown’s community image and unique identity.
  2. Integrate open and civic spaces with street networks and designs to establish a valuable public realm.
  3. Value the design, function, and appropriate location of different types of open space, rather than solely the quantity of space.
  4. Consider the context and multiple functions that open spaces can serve to support development including ecological, recreation, aesthetic, and urban design functions.
  5. Promote good civic design and create focal points for the community development site to which development and site plans should relate.
  6. Integrate natural systems into the design of common or public open spaces to improve stormwater management, protect water resources, preserve ecosystems, and improve sustainability efforts.
- B. **Required Open Space.** Subdivision applications shall provide public or common open space, or an alternative fee for open space, as provided in this section.

1. **Required Open Space.** All plat applications shall provide open space according to **Table 17-3-##:** Required Open Space.

Table 17-3-##: Required Open Space		
Context	Public Open Space	Common Open Space
Residentially Zoning or Residential uses in non-residential districts	10%	<ul style="list-style-type: none"> <li>▪ &lt; 3 acres – no requirement</li> <li>▪ 3 - 20 acres –5%</li> <li>▪ 20+ - 50 acres – 10%</li> <li>▪ 50+ acres – 15%</li> </ul>
Commercial Zoning	10%	<ul style="list-style-type: none"> <li>▪ &lt; 1 acre – no requirement</li> <li>▪ 1 - 5 acres – 2.5%</li> <li>▪ 5+ - 10 acres – 5%</li> <li>▪ 10+ acres – 8%</li> </ul>
Industrial Zoning	10%	n/a

\* Amount is based on gross area excluding of streets, alleys and easements. Any excess dedicated public open space accepted by the Town may contribute to the common open space requirement. Common open space may only count to the public open space requirement per Section 17-3-2.B.3.

2. **Fee In Lieu of Dedication.** When a subdivision is not within the vicinity of a planned or existing park and common open spaces, or otherwise cannot dedicate land acceptable to meet the public open space requirements of Section 17-3-2, the applicant may pay a fee in lieu of dedication. This option shall be at the sole discretion of the Town.
  - a. The fee shall equal the fair market value of the land area required to be dedicated.
  - b. The fair market value shall be established by an appraisal commissioned by the Town at the applicant’s expense.
  - c. The fee shall be due prior to acceptance of the final plat as provided in Section 17-2-2.
  - d. All fees shall be placed into a park fund to be utilized for the acquisition of land for park, trails and open space purposes, and shall not replace, reduce, or be used as the park fee, required by **Section 17-3-5.C.**



3. **Common Open Space Credit.** Common open space in excess of the amount required in **Table 17-3-##**, may be credited to the public open space requirement only upon a finding of all of the following, and approved by the Town Board at final plat:
  - a. There are no spaces within the proposed project that meet public open space standards acceptable to the Town;
  - b. There is no available open space within the vicinity that will serve the needs of the proposed project, which could be acquired with funds supplied by the fee;
  - c. The common open space amount is sufficient to meet both public and common open space requirements in **Table 17-3-##**; and
  - d. The common open space will otherwise remain open and accessible to all property for which the credit is being granted.
  
4. **Ownership and Management.** Open and civic space platted as part of a development shall require specific designation on the final plat as a separate tract. Ownership of the open space tract shall be in one of the following, subject to all other provisions of this section,;
  - a. Dedication to a public entity as part of the rights-of-way, parks, or other community facilities element of the plat according to Section 17-3-5.B.
  - b. Creation of or dedication to a non-profit entity capable of carrying out the ownership and management.
  - c. Creation of a homeowners', leaseholders' and/or property owners' association that owns the space in common and is capable of carrying out the ownership and management.

All open and civic space shall require documentation that outlines the ongoing maintenance plans, and demonstrates the capacity for administrative and financial management of the space according to these standards. Documents such as covenants for a homeowners' association, bylaws or charter for a non-profit entity, or similar agreements and guarantees, shall be filed with the clerk and recorder's office and recorded with the plat designating the open space, prior to any building permits.

- C. **Open & Civic Space System.** The proper arrangement of open and civic spaces shall coordinate with street networks, block and lot layouts, and the landscape and site amenities of individual lots.
  1. **Types.** **Table 17-3-##** specifies the type, size, and service areas of different open and civic spaces that may meet the open space requirement. **[try to simplify this table....]**

Table <b>17-3-##</b> : Open and Civic Space Types				
Type	Size [1]	Service Area	Bonus Multiplier [2]	Application
<b>Natural Open Space</b>	5 acre min.; 40+ acre optimal	n/a	1.0x to 2.0x – Determined by Director based on the significance of the space	Public or Common
<b>Park - Regional</b>	40+ acres	w/in 1.5 miles		Public
<b>Park - Community</b>	10 – 40 acres	w/in 1 mile		Public
<b>Park - Neighborhood</b>	3 – 10 acres	w/in 0.5 mile		Public or Common
<b>Park – Small</b>	0.5 – 3 acres	w/in 0.25 mile		Common
<b>Trail</b>	20' wide, min.;	w/in 1000'		Public or Common
<b>Civic Space - Green</b>	1 – 3 acres	w/in 0.25 miles	1.5x	Common



**Table 17-3-##: Open and Civic Space Types**

Type	Size [1]	Service Area	Bonus Multiplier [2]	Application
<i>Civic Space - Square</i>	5K s.f. – 1 acre	w/in 1,000'	1.5x	Common
<i>Civic Space – Plaza / Courtyard</i>	1K – 5K s.f.	abutting lots or on the same block	1.25x	Common
<i>Enhanced Streetscape</i>	[see Section 17-3-2.D.]	abutting lots on the same block	1.25x	Common or Public

[1] See Section 17-3.2.D Open Space Design Guidelines for more specifics on the size and design, and service areas of different open space types.

[2] Areas marked with a bonus multiplier (i.e. 1.5x) can count towards the open space requirement based on the actual area times the multiplier, provided the space is designed according to the Design Guidelines in 17-3-2.D. For example, a 8,000 s.f. Green designed according to 17-3-2.E can count to as 12,000 s.f. (8,000 x 1.5) for the open space requirement for all lots within 0.25 miles.

2. *Location Criteria.* To coordinate open and civic spaces into a system that integrates the public realm with surrounding development, subdivision design shall consider the following location criteria for open spaces:
  - a. Connect and integrate open spaces with public streetscapes and other civic destinations, such as schools, to improve visibility and access;
  - b. Provide access for neighborhoods to recreation opportunities for active living;
  - c. The opportunity to preserve and integrate natural features (particularly for Natural Open Spaces, Parks or Trails), including protection of groves of trees, prairie, streams, unusual and attractive topography and other desirable natural landscape features and views;
  - d. The opportunity for formal Civic Spaces (Green, Square, Plaza / Courtyard) to serve as gathering places and be a focal point for compact, walkable places, located as an extension of the streetscapes at highly traveled and visible locations;
  - e. The types of spaces that reinforce character of the area or create gateways and transitions to distinct places; and
  - f. The distribution of spaces so that all development has similar proximity to open and civic spaces appropriate to its context. All residential lots should be within the service area of 2 different types of open or civic spaces, and non-residential lots should be within the service area of a trail or civic space.
  
3. *Stormwater Facilities.* Stormwater facilities shall be designed and integrated into the street network or open and civic space system in order to avoid redundant and inefficient facilities on individual lots. Any area used for stormwater may be counted towards the open space requirement provided:
  - a. It is integrated into the design of the space in a manner that it is an aesthetic amenity and is consistent with the design character of the space.
  - b. The design does not impact the utility of the space for either purpose (i.e. stormwater functions do not compromise the use and value of the space as intended open space, and open space designs do not compromise maintenance, management, and performance for stormwater functions).
  - c. The maintenance and management of the portion of the facility serving stormwater functions is clearly identified, whether that is a public dedication or whether it is an obligation of the owner or property owners' association.

D. **Open & Civic Space Design Guidelines.** Open and civic spaces shall be designed according to the following guidelines for each specific type:

[Discuss / evaluate – would more specific landscape, design, context, arrangement standards or guidelines help with the concept of different types of spaces for different contexts and that all open space



is not equal (get us out of the space for sake of space and emphasize more of the nuance of the Open and Civic space types table.)

### 17-3-3 Blocks & Lots

- A. **Intent.** The intent of the blocks and lots standards is to:
1. Ensure the proper arrangement of blocks and lots in relation to the street network and open and civic spaces.
  2. Design subdivisions to be coordinated with adjacent development patterns or future development in terms of street networks, open and civic spaces, and block patterns.
  3. Arrange blocks and lots in a manner that is least disruptive to existing topography and capitalizes on inherent natural characteristics of the land as defining features.
  4. Coordinate access and utilities for each lot in association with larger systems of streets and infrastructure.
  5. Promote appropriate site, building, and frontage designs in relation to streetscapes and open spaces.
  6. Ensure that all lots are buildable according to this code and that all non-developed tracts or other parcels serve community functions in relation to the overall development pattern.
- B. **Block & Lot Arrangement**
1. *General Layout.* All blocks shall be laid out to have two tiers of lots unless dictated by existing development patterns outside of the control of the project or by access management on regional transportation routes. In these cases, streetscape standards and open or civic spaces should be used to create buffers and transitions at the rear of lots.
  2. *Block Size & Patterns.* The maximum block length shall be based on the street connectivity standards and specific context as identified in Section 17-3-2.B.
  3. *Lot Patterns.*
    - a. Lot size, width, depth, and shape shall meet the applicable zoning district standards and accommodate appropriate building location, orientation, and site design. Corner lots or irregular shaped lots may need additional space.
    - b. All lots shall front on a public street, or on an alternative access or common open space where specifically allowed by these regulations.
    - c. All side lot lines shall generally be perpendicular to front lot lines, or radial to any curves along the front lot lines. Other irregular lot patterns shall only be permitted where they are used to integrate patterns of buildable lots into the overall block structure and to provide consistent relationships of lots and buildings to the streetscape.
    - d. All blocks, lots, and tracts shall be numbered, and all lots shall require an address following Town address policies and guidelines, including street names.
  4. *Easements.* All blocks shall include easements for all utilities, required improvements, access and open spaces necessary to serve each lot. Easements shall be granted by the owner to the appropriate entity. All easements shall be accessible from the public right-of-way and graded to within six inches of final grade before utilities are installed. Unless otherwise specified through the development review process utility easements shall be as specified in **Table 17-3-##** Easements.



Table 3-9: Easements	
Common rear lot lines	16', 8' on each lot
Rear lots along an alley	None, provided the alley is at least 12' wide and can accept utilities
Perimeter rear lot lines w/o common boundary	10'
Side easements, where necessary	5'

5. *Drainage.* Where a subdivision is traversed by a watercourse, drainageway or stream, blocks shall be laid out in coordination with these features, and they shall be integrated into the open and civic space systems..
  - a. Drainage areas shall be left in a natural state, and no encroachments shall be made on a natural drainage channel that impair its stormwater and ecological function wherever practical.
  - b. A pedestrian or bikeway easement may be required where the block structure is interrupted more than permitted in Section 17-3-1.B, or where the Planning Commission or Town Board determines the area is appropriate for active recreation or transportation uses.
  - c. All necessary rights-of-way and easements shall be dedicated to the Town or other public entity to preserve the hydrologic, environmental, or stormwater function of the watercourse, drainageway or stream.

**17-3-4 Required Improvements**

A. **Intent.** The intent of this section is to:

1. Ensure that all improvements necessary to serve lots within a subdivision are constructed, inspected, or otherwise assured of completion prior to the issuance of building permits.
2. Prevent the location or design of a subdivision from placing an undue burden on public utility systems and community facilities serving other areas.
3. Provide appropriate apportionment of costs for public facilities, and offset higher net costs or premature costs to the public necessitated by the subdivision.
4. Protect against subdivisions where soil, subsoil or flooding conditions would create potential dangers to public health or safety.
5. Coordinate subdivisions and construction of required improvements with other anticipated improvements or with future growth.

B. **General Requirements.**

1. All required improvements shall be outlined in the subdivision plat and be incorporated into the final design at the time of final plat as provided in Section 17-2-2.
2. The schedule for construction of improvements may be divided into phases according to an approved preliminary or final plat as specified in Section 17-2-2.
3. Required improvements shall be constructed in accordance with the Public Works Standards and Specifications [confirm reference document title...] and in accordance with approved plans and profiles and the construction requirements and specifications of the Town.
4. Finished plans of all public improvements as built shall be required before the Town shall accept improvements. The approved design plans are acceptable if they remain true after construction and if attested to by a registered engineer.





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5. The applicant shall be responsible for the repair, replacement, and maintenance of any required improvement which fails to function or meet the standards of the Town due to defects in material or workmanship, within 2 years from the date of final acceptance.
- C. **Timing of Improvements.** All required improvements shall be provided in one of the following ways:
1. *Construction Prior to Building Permit.* Improvements may be constructed, inspected, and accept prior to building permits. Certified record drawings of as-built shall be submitted to the Town and certified that it was built as shown and to town specifications by:
    - a. the contractor;
    - b. the project surveyor; and
    - c. the project engineer
  2. *Financial Guarantee.* The applicant may defer any improvements by submitting a financial guarantee for 125% of the total cost of improvements based on approved design or construction plans.
    - a. The guarantee shall be in a form and for an amount acceptable by the Town, and approved by the Public Works Director and City Attorney.
    - b. All improvements for the particular phase of the plat shall be installed prior to a certificate of occupancy for any part of the phase.
    - c. Upon submittal and acceptance of as-built drawings for the improvements, and after inspection and acceptance of the improvements, the Town may release the financial guarantee, but retain 15% for the 2-year warranty period.
  3. *Subdivision Improvement Agreement.* The Town and the applicant may enter into a subdivision improvement agreement recorded in association with an approved plat that more specifically defines the type, timing, and guarantees for required improvements.
- D. **Improvements.** The following improvements are required to be constructed with the subdivision, except where facilities sufficient to serve the subdivision exist and have been approved by the Town. The size, type, and general location of each improvement, and estimated cost shall be included as part of the final plat submittal and review.
1. *Right-of-Ways and Streets.* Streets shall be provided according to Section 17-3-1, and the additional requirements:
    - a. Street surfaces including grading, vertical and horizontal alignment, surfaces and sub-grade bases, drainage, curb and gutters.
    - b. Streetscape elements, including sidewalks, street trees, landscape and amenity areas, street lights, and street name signs. Traffic Calming measures?
    - c. Traffic signal lights and signs, cross walk designations, and any other safety measures in the rights-of-way.
  2. *Access.* Access and alleys, driveway approaches, and other required vehicle circulation and parking components, and easements where shared or cross-access is proposed.
  3. *Water and Sewer.* Easements and utility services, including potable water, sanitary sewer, and other public utilities serving each lot and principal structure.
  4. *Fire Hydrants.* Fire hydrants at each street intersection and other necessary points to assure that no building is located more than 500 feet from the nearest fire hydrant.
  5. *Drainage.* Easements and drainage systems including storm sewer lines, natural and constructed conveyances, retention/detention ponds, and similar facilities.





6. *Electric and Communication.*
    - a. Electric power and communication connections and wire shall be placed underground in raceways or conduits.
    - b. Transformers, switching bases, terminal boxes, meters cabinets, pedestal ducts, and other facilities shall be placed underground, or may be placed on the surface provided they are located and adequately screened for safety and concealment.
    - c. Electrical transmission and distribution feeder lines and communication trunk and feeder lines may be placed above ground
  
  7. *Open & Civic Spaces.* Open and civic spaces, whether public, common, or shared, shall be provided according to section 17-3-2.
  
  8. *Reference monuments.*
    - a. Permanent reference monuments of stone or concrete, at least 36 inches deep and 6 inches square or round, with a suitable center points shall be located as required by the Town.
    - b. Iron pin monuments at least 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 lot and block corners, and at other points required by the Town.
- D. **Reimbursement Agreements.** Applicants constructing required improvements for their property within their project or through undeveloped areas to serve their project shall be responsible for the entire cost of the improvements. Whenever any portions of the required public improvements are part of a planned future facility for the Town, serving an area larger than the subdivision and its impact, the Town may require the applicant to enter an upsizing agreement. The Town and the applicant shall negotiate the following aspects of the agreement prior to approval of the plat:
1. The applicant shall construct the facilities as planned by the Town for future capacity as part of the subdivision and development process.
  2. The applicant shall be responsible for the portion of the costs required to serve the proposed subdivision based on actual total cost to build the facilities absent any upsizing agreement.
  3. The Town shall be responsible for any incremental costs to expand the facility to the planned capacity, beyond the capacity to serve the subdivision. The Town's participation may be based on the applicant bidding the project with bid alternates: one alternate to build the minimum required facility to serve the project and the second bid alternate for the upsized facility planned by the Town.
  4. The Town may coordinate its reimbursement schedule to the applicant with fees assessed to other property in coordination with any future development of land benefitting from the improvements, but in no case may this period be extended beyond 10 years from the date the improvement is made, unless specifically agreed to by the applicant.
  5. The agreement shall be subject to approval by the City Attorney.

### 17-3-5 Community Facilities & Fees

- A. **Intent.** The intent of this section is to:
1. Anticipate and evaluate the incremental and long-term impact of development on broader public and community facility needs.
  2. Identify opportunities to integrate plans for public and community facilities into the planning and design of proposed land divisions.



3. Ensure that the most appropriate locations of public and community facilities are identified and considered prior to the premature commitment of these areas to conflicting development patterns.
  4. Locate and design public and community facilities in association with the areas they serve, and create gateways and focal points through public investment.
  5. Provide the opportunity to negotiate a fair price for land needed to develop public or community facilities beyond the impact of the particular project, or alternatively to provide an incentive to dedicate land where the lack of facilities may otherwise constrain potential future development.
  6. Ensure that land benefited by public capital investments share in obligations for construction, operation, maintenance, and replacement of these facilities proportionate to their impacts.
  7. Promote fiscal responsibility for all public entities by coordinating the planning, design, and financing of public facilities concurrent with impact the generated from proposed development.
- B. Dedication and Reservation of Land.** The Planning Commission or Town Board may request the dedication or require the reservation of land to the Town or other government entity with jurisdiction over public and community facilities, to facilitate the appropriate location for parks, open space, public safety, schools, or other public or community facilities.
1. *Dedication.* A request for dedication may be initiated by the Town, or on behalf of another public entity having jurisdiction over public and community facilities.
    - a. The dedication may be included on or a condition of approval of a plat, or through a separate agreement with the entity having jurisdiction.
    - b. Inclusion of the dedication on the plat shall be at the discretion of the applicant, except for the following land dedication or fee in lieu specifically required by this code:
      - (1) Open space dedications or fee in lieu according to Section 17-3-2.B; and
      - (2) School site dedications or fee in lieu are required for each new subdivision or residential land development according to an intergovernmental agreement between Weld County School District RE-5J and the Town.
    - c. Dedication shall subject to approval and acceptance by the Town Board, and any other appropriate agency having jurisdiction of the public or community facility.
    - d. Upon dedication, the applicant may be eligible for credits towards open space requirements or reimbursement of other development fees at the discretion of the Town Board, particularly where this space is designed and located serve both the public or community facility and open and civic space needs.
  2. *Reservation.* As an alternative to dedication, the Planning Commission or Town Board may require that the land be reserved to permit negotiation for acquisition by a public entity, according to the following:
    - a. A requirement for reservation shall be based on plans of the entity having jurisdiction over the facility that identify the general location and extent of the facility, or some other documented need for the facility.
    - b. The reservation shall be for a set period of time established by the Commission or Board but not more than 3 years, unless agreed to by the applicant.
    - c. The reservation may require a conceptual plan demonstrating how the site can serve the needs for the public or community facility, and be integrated into the surrounding development patterns.
    - d. The reservation may be accompanied by a contingency plat, demonstrating how land will otherwise be developed. The contingency plat may serve as a



preliminary plat should the property not be acquired by the public entity during the reservation period.

- e. The property shall not be developed until the reservation period expires or the property is acquired, and future development shall follow the applicable procedures in Article 2 of this code.

- 3. *Development Agreements.* Nothing in this Section shall limit the Town’s authority to enter into development agreements with applicants and provide dedication of land, fees, or construction of actual public and community facilities on terms different than this Section.

C. **Impact Fees Established.** The following development fees have been established by the Town by specific impact fee ordinances. Fees are payable at the time of building permit issuance, subject to an exemptions, exception, or appeal provisions of this Section.

Table 17-3-##: Impact Fees						
Use		Development Fees [1]				
		2022	2023	2024	2025	2026+
Transportation Facilities Development Fee [2]	<i>Detached House</i>	\$ 2,916	\$ 3,062	\$ 3,215	\$ 3,375	\$ 3,544
	<i>Attached House</i>	\$ 2,481	\$ 2,605	\$ 2,735	\$ 2,872	\$ 3,016
	<i>Retail</i>	\$ 5.17	\$ 5.42	\$ 5.70	\$ 5.98	\$ 6.28
	<i>Office</i>	\$ 3.13	\$ 3.29	\$ 3.45	\$ 3.62	\$ 3.80
	<i>Industrial / Other</i>	\$ 2.02	\$ 2.12	\$ 2.22	\$ 2.33	\$ 2.45
Parks & Recreation Facilities Development Fee	<i>Detached House</i>	\$ 1,254	\$ 1,316	\$ 1,382	\$ 1,451	\$ 1,524
	<i>Attached House</i>	\$ 1,067	\$ 1,120	\$ 1,176	\$ 1,235	\$ 1,297
Public Facilities Development Fee	<i>Detached House</i>	\$ 1,668	\$ 1,752	\$ 1,839	\$ 1,931	\$ 2,028
	<i>Attached House</i>	\$ 1,420	\$ 1,491	\$ 1,565	\$ 1,643	\$ 1,726
	<i>Retail</i>	\$ 0.78	\$ 0.82	\$ 0.86	\$ 0.90	\$ 0.94
	<i>Office</i>	\$ 0.78	\$ 0.82	\$ 0.86	\$ 0.90	\$ 0.94
	<i>Industrial / Other</i>	\$ 0.78	\$ 0.82	\$ 0.86	\$ 0.90	\$ 0.94
Library and Cultural Facilities Development Fee	<i>Detached House</i>	\$ 1,205	\$ 1,266	\$ 1,329	\$ 1,395	\$ 1,465
	<i>Attached House</i>	\$ 1,026	\$ 1,077	\$ 1,131	\$ 1,188	\$ 1,247
Police Facilities Development Fee	<i>Detached House</i>	\$ 759	\$ 797	\$ 837	\$ 879	\$ 922
	<i>Attached House</i>	\$ 647	\$ 679	\$ 713	\$ 748	\$ 786
	<i>Retail</i>	\$ 0.71	\$ 0.75	\$ 0.79	\$ 0.83	\$ 0.87
	<i>Office</i>	\$ 0.26	\$ 0.28	\$ 0.29	\$ 0.30	\$ 0.32
	<i>Industrial / Other</i>	\$ 0.26	\$ 0.28	\$ 0.29	\$ 0.30	\$ 0.32
Loveland Fire and Rescue Authority Fee [2]	<i>Single Family</i>			\$1,000		
	<i>Multi-family</i>			\$ 692		
	<i>Commercial</i>			\$ 0.60		
	<i>Industrial</i>			\$ 0.12		
Front Range Fire Rescue Fire Protection District [3]	<i>Single-family / Two-family</i>			\$ 1,087		
	<i>Multi-family</i>			\$ 692		
	<i>Any Non-residential</i>			\$ 0.60		

[1] Residential Fees are on a per unit basis and apply to any net increase in dwelling units; non-residential fees are on a per square foot basis and apply to any net increase in the square footage of a use or the increment for any change of use.



- [2] At the option of the applicant or Director, the Transportation Facilities Development Fee may be based on an independent impact analysis as provided in Section 17-2-1.J. Acceptance of the findings is at the discretion of the Director.
- [3] The fire and rescue fees are applicable only in the jurisdictional boundaries of the respective fire districts – Loveland Fire and Rescue Authority and Front Range Fire Rescue Fire Protection District.
1. *Annual Inflation Adjustments.* The impact fee shall be automatically adjusted to account for inflationary increases in the cost of provided public facilities on January 1 of each year. The adjustment shall be based on the most recent data from the Engineering News Record Construction Cost Index for the Denver Metropolitan Area. Alternatively, The Town Board may determine appropriate inflation adjustments through the annual review process in Section 17-3-5.G.
  2. *Historic Use Credit.* A change of use for a building that has existed for at least 5 years shall be entitled to a credit for historic use, with the presumption that the owner or prior owner has paid real estate property taxes to support existing infrastructure that would be paid for by impact fees. The credit shall be based on:
    - a. 1% credit for each year beyond 5 years the building has been in existence.
    - b. A maximum credit of 75% of applicable fees.
    - c. Credits only apply to the portion of a building in existence within the Town boundaries, and not to any additions or other constructed elements on the same property.
    - d. The owner has the burden of proof on the age of original construction by building permit, tax assessment records, or other similar verification.
  3. *Exemptions.* An applicant may request an exemption from specific impact fees on forms provided by the Town.
    - a. The Town Board shall evaluate the request and may grant an exemption in whole or in part.
    - b. The Town shall deposit funds in the amount of the exemption into the appropriate impact fee account from non-impact fee funds within a time period that is consistent with the Town capital improvements program.
  4. *Development Agreements.* Nothing in this Section shall limit the Town's authority to enter into development agreements with applicants and provide dedication of land, fees, or construction of actual infrastructure improvements.
    - a. The development agreements may allow offsets against impact fees for contributions made by the applicant to the same type of capital improvement.
    - b. Offsets in excess of the required contribution may not be transferred to other types of capital improvements or impact fees, but may be transferred and applied to other applicants or projects in the same development for the same type of capital improvement.
  5. *Fire and Emergency Services Providers.* The applicant shall confer with the appropriate fire and emergency service provider to determine whether an impact fee is owed and the amount of the impact fee.
    - a. The applicant shall return an impact fee form signed by the fire and emergency service provider to the Town at the time of the application for a building permit.
    - b. If an impact fee is owed, the applicant shall provide a check to the Town made payable to the fire and emergency service provider, unless the Town agrees to waive or defer payment of the impact fee as otherwise permitted by law. The Town shall forward impact fees collected on behalf of fire and emergency services providers directly to the appropriate fire and emergency service provider.
    - c. The service provider shall appropriate and expend the impact fees as required by law.



6. *Appeals.* Appeals of any decision on impact fees by an administrative official may be appealed to the Town Board by filing a written appeal with the Town Clerk.
  - a. Appeals shall be on forms provided by the Town and detail the specific grounds for the appeal.
  - b. The applicant shall have the burden of proving the decision was in error.
  - c. Filing and appeal shall not stay the imposition or collection of the impact fee, unless a letter of credit or surety for the amount of the fee has been provided to the Town.
  - d. The Town Board shall make a decision within 30 days of filing an appeal.
  - e. No building permits shall be issued until the appeal is resolved and the appropriate fee paid. However, if a letter of credit or other surety for the amount of the fee is provided, a permit may be issued and the appropriate fee paid through subsequent resolution of the appeal and surety.

**D. Establishment of Accounts and Funds.**

1. *Impact Fee Accounts.* An impact fee account shall be established by the Town for each category of capital improvements for which impact fees are imposed.
  - a. Accounts shall clearly identify the category, account, or fund for which the impact fee has been imposed. Subaccounts may be established for individual impact fee districts.
  - b. All impact fees shall be deposited into the appropriate impact fee account or subaccount. Accounts shall be interest-bearing with interest earned credited to and considered funds of the account.
  - c. The funds of each account shall at all times be capable of being accounted for separately from all other Town funds.
  - d. The Town shall establish and implement necessary accounting controls to ensure that the impact fee funds are properly deposited, accounted for, and appropriated in accordance with these provisions and any other applicable legal requirements.
2. *Appropriation of Impact Fee Funds.* Impact fee funds may be appropriated for capital improvements and for the payment of principal, interest, and other financing costs on contracts, bonds, notes, or other obligations issued by the Town or on behalf of other applicable local governmental entities.
  - a. All appropriations from impact fee accounts shall be detailed on appropriate forms and filed with the Town Treasurer.
  - b. Impact fees shall be appropriated only:
    - (1) For the particular category of capital improvements for which they were imposed, calculated, and collected; and
    - (2) Within the impact fee district where collected, except as provided in subsection 2.d.
  - c. Impact fees shall not be appropriated for funding maintenance or repair of capital improvements nor for operational or personnel expenses associated with the provision of the capital improvements.
  - d. Impact fee funds may be appropriated for a capital improvement located outside of the district of the new land development where collected only if the demand for the capital improvement is generated in whole or in part by the new land development or if the capital improvement will actually serve the new land development.
3. *Procedure for Appropriation of Impact Fee Funds.*



- a. The Town shall annually identify capital improvement projects anticipated to be funded in whole or in part with impact fees. The capital improvement recommendations shall be based upon the annual review in Section 17-3-5.E. and other relevant information, and may be part of the Town's annual budget and capital improvements programming process.
  - b. The recommendations shall be consistent with the intent and standards of this Section, the particular impact fee ordinances, other applicable legal requirements, and any guidelines adopted by the Town Board.
  - c. Impact fee-funded capital improvements in the Town's annual budget and capital improvements program shall include description, nature, location, capacity to be added, service area, need/demand for, and the anticipated timing of completion of the capital improvement.
  - d. The Town Board may authorize impact fee-funded capital improvements at other times the Board determines necessary and appropriate.
  - e. The Town Board of Trustees shall verify that adequate impact fee funds are or will be available from the appropriate impact fee account for the particular category of capital improvements.
4. *Refunds.*
- a. *Eligibility.* An applicant who has paid an impact fee may be eligible for a refund where:
    - (1) A building permit has expired or has been revoked prior to construction; or
    - (2) If construction has been started and abandoned prior to a certificate of occupancy, only if the uncompleted building is completely demolished.
  - b. *Applications.* Applications for a refund shall be made on a form provided by the Town within 60 days of expiration or revocation of a permit. The application shall include:
    - (1) Evidence that the applicant is the property owner or the duly designated agent of the property owner;
    - (2) The amount of the impact fees paid by capital improvements category and receipts for the payments; and
    - (3) Evidence of the expiration or revocation of the building permit or approval of demolition of the structure pursuant to a valid Town-issued demolition permit.Failure to apply for a refund within 60 days following expiration or revocation of the building permit or demolition of the structure shall constitute a waiver of entitlement to a refund.
  - c. *Decision.* The Town shall review the application and supporting relevant evidence and determine whether a refund is due.
    - (1) The Town may, at its option, make refunds of impact fees by direct payment, by offsetting refunds against other impact fees due for the same category of capital improvements for new land development on the same property, or by other means subject to agreement with the property owner.
    - (2) A ten-percent administrative fee, not to exceed \$500, shall be deducted from any refund and retained in the appropriate impact fee account to defray the administrative and processing expenses.
    - (3) No interest shall be paid in calculating the amount of the refunds.
  - d. *Fire & Emergency Services.* Any requests for refunds of the fire and emergency service fees shall be made to the service providers, who are solely responsible for deciding and providing refunds.





- E. **Annual Report.** At least once every year, not later than October 15 and beginning October 15, 2001, and prior to the Town Board’s adoption of the annual budget and capital improvements program, the Town Administrator shall prepare and submit annual impact fee report to the Board.
  1. The annual report may include evaluation of capital improvements planning, analysis of annual development activity and permit statistics, assessment of funds and capital improvements expenditures, recommended updates to the fee schedules and calculation, recommended amendments to the fee ordinances and impact areas, and any other information relevant to or required by specific impact fee ordinances.
  2. The Town Board shall receive the annual report and may take any action it deems appropriate based on the information.

H. **402 Interchange Fee.** Pursuant to the Town’s authority to enact fees to recover costs of providing, maintaining, and improving infrastructure for properties within its jurisdiction, the 402 Interchange Fee is established as a special fee to recover a portion of the costs of the reconstructed interchange at Interstate 25 and State Highway 402, accomplished between approximately 2017 and 2022.

1. *Applicability.* The 402 Interchange Fee shall apply to any request for a building permit on property within the area designated in [cite source] except:
  - a. Alterations or expansions of existing buildings where not dwelling units are created or no square footage added;
  - b. The construction of accessory buildings or structures that do not add dwelling units or square footage to the principal building or use of land; or
  - c. The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same square footage.
2. *Establishment of Fee.* The 402 Interchange fee shall be levied and assessed as follows:

Table 17-3-##: 402 Interchange Fee		
Use	Tier 1 Zone [1]	Tier 2 Zoned [1]
<i>Residential - Detached Houses</i>	\$ 566	\$ 283
<i>Residential - Multi-unit, attached, and apartments</i>	\$ 439	\$ 220
<i>Office</i>	\$ 584	\$ 292
<i>Retail Commercial</i>	\$ 1,450	\$ 725
<i>Industrial</i>	\$ 298	\$ 149

[1] Residential Fees are on a per unit basis and apply to any net increase in dwelling units; non-residential fees are on a per 1,000 square foot basis.

3. *Use of Funds.* The revenues from the 402 Interchange Fee shall be remitted to the Street and Alley Fund.
  - a. The funds shall be used solely to reimburse the Town for the cost of improvements to and reconstruction of the Interstate 25 and State Highway 402 interchange.
  - b. The Town shall keep an accurate accounting of the cost of the improvements and revenues collected.
  - c. In the event that the total amount of the fee revenues paid to the Town equal the sum of \$ 2,500,000.00, plus interest from the effective date of the fee at a rate of 2.75% per annum, all property owners in the designated fee area shall be relieved of any further obligation to pay the 402 Interchange Fee.
4. *Not An Impact Fee or Development Charge.* The Town Board does not intend that the 402 Interchange Fee be construed as an impact fee or development charge within the





## ARTICLE 3 – SUBDIVISION & COMMUNITY DESIGN

### 17-3-1 STREET DESIGN

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meaning of Section 29-20-104.5, C.R.S., as amended, but that the 402 Interchange Fee be a special fee within the home rule authority of the Town. To the extent that the provisions of Section 29-20-104.5, C.R.S., as amended, conflict with the provisions of this section, this section shall control.

[Determine if Local Improvement Districts (Chapter 17, Article X) needs to be in here – recommend omitting. It seems very dated and overly bureaucratic. It does not necessarily enable anything that could just as easily be deferred to whatever the statute allows outside of this code, should the situation to use one arise. Therefore, it is not effective, as if/when that occurs the more specific situations and details will need to defer to the applicable statutes regardless of what the code states.]