

Title 16 SUBDIVISIONS¹

CHAPTER 16.04. GENERAL PROVISIONS

16.04.010. Title.

This title shall be known as the subdivision regulations of the town and may be so cited and pleaded.
(Code 1973, § 16.04.010; Ord. No. 12-1972, § I:1, 1972)

16.04.020. Legal authority.

This title is adopted pursuant to C.R.S. title 31, art. 23, pt. 2 and is declared to be in conformance with those statutes.
(Code 1973, § 16.04.020; Ord. No. 12-1972, § I:2, 1972)

16.04.030. Purpose.

The purpose of this title is to promote the health, safety, convenience, and general welfare of the citizens of the town, by:

- (1) Ensuring that land is subdivided correctly into lots that are of adequate size and configuration for the purpose for which they are intended to be used;
- (2) Providing that streets will be laid out in relation to existing streets or according to the comprehensive plan of the town, and that said streets will be built to adequate construction standards;
- (3) Producing sound living environments with the necessary open spaces for people, traffic, utilities, public protection, light, air, recreation, and other community facilities;
- (4) Implementing the comprehensive plan of the town;
- (5) Protecting the natural resources of the community;
- (6) Implementing the control measure requirements of, and ensuring compliance with, the town's municipal separate storm sewer system (MS4) permit to protect water quality.

(Code 1973, § 16.04.030; Ord. No. 12-1972, § I:3, 1972; Ord. No. 04-2020, § 3, 6-11-2020)

16.04.040. Jurisdiction.

This title is applicable to all incorporated land within the town.

¹State law reference(s)—PUD Unit Development Act of 1972, C.R.S. § 24-67-101 et seq.; local government control of land use, C.R.S. § 29-20-101 et seq.; subdivision regulations, C.R.S. § 31-23-214.

(Code 1973, § 16.04.040; Ord. No. 12-1972, § I:4, 1972)

16.04.050. Plats and plans.

- (a) Every owner of any lot, tract, or parcel of land within the incorporated town who may hereafter create a subdivision, as herein defined, shall submit a subdivision plat to the board of trustees in accordance with the provisions set out forthwith.
- (b) The board of trustees is empowered, after it shall have adopted a major street plan of the territory within its subdivision jurisdiction or of any major section or district thereof, to make or cause to be made, surveys for the exact location of the lines of a street or streets in any portion of such territory and to make a plat of the area or district thus surveyed, showing the land which it recommends be reserved for future acquisition for public streets. The town planning commission has been established to advise the board of trustees regarding all planning, zoning, and subdivision matters.
- (c) The approval of any plats or plans by the planning commission shall not be deemed acceptance of any proposed dedication by the public. Such acceptance, if any, shall be given by the board of trustees. The owners and purchasers of any lots within a subdivision shall be presumed to have notice of public plans, maps, and reports of the planning commission affecting such property within its jurisdiction.

(Code 1973, § 16.04.050; Ord. No. 12-1972, § I:5, 1972)

16.04.060. Conflict with other regulations.

Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in the zoning ordinance, building code, or other official regulations or ordinances, the most restrictive shall apply.

(Code 1973, § 16.04.060; Ord. No. 12-1972, § VIII:2, 1972)

CHAPTER 16.08. DEFINITIONS

16.08.010. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

Applicable development sites are those that result in land disturbance of greater than or equal to one acre, including sites less than one acre that are part of a larger common plan of development or sale. Applicable development sites include all new development and redevelopment sites for which permanent water quality control measures were required in accordance with an MS4 permit.

Block means an area of land within a subdivision which area is entirely bounded by streets, highways, or ways, except alleys, or the exterior boundary or boundaries of the subdivision.

Commission means the town planning commission.

Common plan of development or sale means a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules, but remain related. The term

"contiguous" means construction activities located in close proximity to each other (i.e., within one-quarter mile). Construction activities are considered to be "related" if they share the same development plan, builder or contractor, equipment, storage areas, etc.

Covenant or restrictive covenant means a contractual agreement between the subdivider or landowner and the buyer of a piece of property that restricts the use of all or portion of the property. The covenant will normally run with the land and will therefore apply to succeeding owners.

Cul-de-sac means a street open at one end only, providing at the other end special facilities for the turning around of vehicular traffic.

Design standards or design requirements means all requirements and regulations relating to design and layout of subdivisions as contained in these regulations.

Easements mean areas within a subdivision other than streets or alleys which are reserved, conveyed, or dedicated for specialized or limited purpose.

Improvements means all facilities constructed or erected by a subdivider within a subdivision to permit and facilitate the use of lots or blocks for a principal residential, business, or manufacturing purpose.

Lot means a portion of a subdivision or other parcel of platted land, intended as a unit for the transfer of ownership, for development, or for other purposes.

Corner lot means a single lot having its front and one side adjacent to two streets.

Double frontage lot means a single lot having the front and rear thereof adjacent to two streets and does not include a corner lot.

Flag lot means a lot, the main use or building area of which does not abut to a public street, but is connected thereto by a narrow strip of land which is part of the lot.

Master plan means a land use plan or map, which indicates the desired future physical development of any portions of the town. Such a plan is submitted by the developer and is intended as a general summary of his proposal for development.

Monuments means the actual points set on the ground to locate, delineate, or describe tracts of land and/or the points set to define a legal description of a tract of land.

- (1) The term "United States Land Survey monuments" mean the points or corners established by the survey of public lands for the United States government, also the reestablishment or restoration of said corners.
- (2) The points or corners set by a state-registered land surveyor in accordance with Colorado Revised Statutes, to define a legal description on the ground.

New development means land disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision for a site that does not meet the definition of redevelopment.

Plat means a subdivision as it is represented as a formal document by drawings and writing.

Final plat means a map indicating the final design of the proposed subdivision supported by the necessary engineering data and legal documentation. A final plat shall be prepared by a state-registered land surveyor in accordance with the provision of these regulations and shall, if approved by the governing body of the area, the aforementioned plat shall be recorded in the county clerk and recorder's office.

Preliminary plat means a map or drawing showing the preliminary design of a proposed subdivision, together with such information, supporting data and other requirements as are necessary to comply with the provisions of these regulations.

Vacation plat means a map indicating a proposed vacation of a dedicated street, road, or easement, or the vacation of a subdivision. It shall be prepared by a state-registered land surveyor in accordance with the provisions of these regulations. After presentation of the appropriate petition and resolution to be board of trustees, if approved, a vacation plat shall be recorded in the office of the county clerk and recorder.

Property lines means those imaginary lines outlining the boundaries of properties on lots for the purpose of description in sale, lease, building development, or other separate use of property.

Radial means a line forming right angles with the tangent of any given arc.

Redevelopment includes a site that is already substantially developed with 35 percent or more of existing imperviousness; with the creation or addition of impervious area (including removal and/or replacement), to include the expansion of a building footprint or addition or replacement of a structure; structural development including construction, replacement of impervious area that is not part of a routine maintenance activity; and land disturbing activities.

Regional land use plan means the plan, and any functional elements to the plan as adopted, that was created through the joint efforts of the members of the Pikes Peak Area Council of Governments.

Right-of-way means the entire dedicated tract or strip of land that is to be used by the public for circulation and service. The length and width of a right-of-way shall be sufficient to provide adequate accommodations for all the physical features to be included in said right-of-way, as hereinafter established.

Road profile means a drawing reflecting a proposed or existing vertical section of a road, street, or alley, for which right-of-way is to be or has been conveyed to the town for road purposes. A road profile may be a true or exaggerated profile, and may reflect either a centerline and/or both flow lines of a road, street, or alley.

Street means a public right-of-way, which provides vehicular and pedestrian access to adjacent properties. For different kinds of streets, see section 16.40.090. Stub streets are designed to permit continuation of the street pattern in adjoining subdivisions. Every stub street shall end in a cul-de-sac.

Subdivider means any person, group, corporation, or other entity acting as a unit or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision for the purpose of sale or disposal of land as defined herein.

Subdivision means the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes resubdivision, and when appropriate to the context, relates to the process of subdividing, or to the land or territory subdivided.

(Code 1973, §§ 16.08.010—16.08.200; Ord. No. 12-1972, §§ II:1—20, 1972; Ord. No. 04-2020, § 4(16.08.210)—(16.08.240), 6-11-2020)

CHAPTER 16.12. GENERAL PROCEDURE

16.12.010. Procedure for plat approval.

- (a) In seeking to subdivide land, a property owner or his agent shall:
 - (1) Consult early and informally with the town technical staff to become familiar with these regulations, the major thoroughfare plan, and other official plans or public improvement, which might affect the area to be developed;
 - (2) Prepare a master plan and/or preliminary plat, as required, and submit same to the planning commission at least 30 days prior to the next regular planning commission meeting. Master plans shall

be submitted by the planning commission to the board of trustees along with recommended actions. The board of trustees shall take appropriate action on the master plan at its next regular meeting.

- (b) Following approval of the preliminary plat by the planning commission, the subdivider shall install or guarantee the installation of improvements as required in this title.
- (c) Following the guarantee of or installation of improvements, the final plat shall be submitted to the planning commission in accordance with the requirements of this title. The planning commission shall make its recommendations to the board of trustees within 30 days after submittal.
- (d) Once approved by the board of trustees, the subdivider shall have his plat recorded in the county clerk's office following the signing of the certificate of approval by the board of trustees.

(Code 1973, § 16.12.010; Ord. No. 12-1972, § III:1, 1972)

16.12.020. Applicable development site.

Applicable development sites, as defined in section 16.08, shall meet the requirements of this title and chapter 17.68, unless excluded below. For the purposes of requiring permanent stormwater quality control measures the following may be excluded from the requirements of an applicable development site.

- (1) *"Pavement management sites"*. Sites, or portions of sites, for the rehabilitation, maintenance, and reconstruction of roadway pavement, which includes roadway resurfacing, mill and overlay, white topping, black topping, curb and gutter replacement, concrete panel replacement, and pothole repair. The purpose of the site must be to provide additional years of service life and optimize service and safety. The site also must be limited to the repair and replacement of pavement in a manner that does not result in an increased impervious area and the infrastructure must not substantially change. The types of sites covered under this exclusion include day-to-day maintenance activities, rehabilitation, and reconstruction of pavement. The term "roadways" include roads and bridges that are improved, designed or ordinarily used for vehicular travel and contiguous areas improved, designed or ordinarily used for pedestrian or bicycle traffic, drainage for the roadway, and/or parking along the roadway. Areas primarily used for parking or access to parking are not roadways.
- (2) *Excluded roadway redevelopment*. Redevelopment sites for existing roadways, when one of the following criteria is met:
 - a. The site adds less than one acre of paved area per mile of roadway to an existing roadway; or
 - b. The site does not add more than 8.25 feet of paved width at any location to the existing roadway.
- (3) *Excluded existing roadway areas*. For redevelopment sites for existing roadways, only the area of the existing roadway is excluded from the requirements of an applicable development site when the site does not increase the width by two times or more, on average, of the original roadway area. The entire site is not excluded from being considered an applicable development site for this exclusion. The area of the site that is part of the added new roadway area is still an applicable development site.
- (4) *Aboveground and underground utilities*. Activities for installation or maintenance of underground utilities or infrastructure that does not permanently alter the terrain, ground cover, or drainage patterns from those present prior to the construction activity. This exclusion includes, but is not limited to, activities to install, replace, or maintain utilities under roadways or other paved areas that return the surface to the same condition.
- (5) *Large lot single family sites*. A single-family residential lot, or agricultural zoned lands, greater than or equal to 2.5 acres in size per dwelling and having a total lot impervious area of less than ten percent. A total lot imperviousness greater than ten percent is allowed when a study specific to the watershed

and/or site shows that expected soil and vegetation conditions are suitable for infiltration/filtration of the WQCV for a typical site, and the town accepts such study as applicable within its jurisdictional boundaries. The maximum total lot impervious covered under this exclusion shall be 20 percent.

- (6) *Nonresidential and noncommercial infiltration conditions.* This exclusion does not apply to residential or commercial sites for buildings. This exclusion applies to applicable development sites for which post-development surface conditions do not result in concentrated stormwater flow during the 80th percentile stormwater runoff event. In addition, post-development surface conditions must not be projected to result in a surface water discharge from the 80th percentile stormwater runoff events. Specifically, the 80th percentile event must be infiltrated and not discharged as concentrated flow. For this exclusion to apply, a study specific to the site, watershed and/or site must be conducted. The study must show rainfall and soil conditions present within the permitted area; must include allowable slopes, surface conditions, and ratios of impervious area to pervious area; and the permittee must accept such study as applicable within the town boundaries.
- (7) *Sites with land disturbance to undeveloped land that will remain undeveloped.* Sites may be excluded sites with land disturbance to undeveloped land (land with no human-made structures such as buildings or pavement) that will remain undeveloped after the site construction is complete.
- (8) *Stream stabilization sites.* Stream stabilization sites are excluded.
- (9) *Trails.* Bike and pedestrian trails may be excluded. Bike lanes for roadways are not included in this exclusion, unless attached to a roadway that qualifies under another exclusion in this section.
- (10) *Oil and gas exploration.* Facilities associated with oil and gas exploration, production, processing, or treatment operations, or transmission facilities, including activities necessary to prepare a site for drilling and for the movement and placement of drilling equipment, whether or not such field activities or operations maybe considered to be an applicable construction activity, may be excluded from requiring permanent stormwater quality control measures.

(Ord. No. 04-2020, § 5(16.12.020), 6-11-2020)

CHAPTER 16.16. MASTER PLAN

16.16.010. When required.

A master plan for a subdivision shall be required when multiple land use (more than one) are proposed for an area by the subdivider and/or when the developer does not intend to subdivide all of his contiguous holdings at the same time, or if a development is to be phased. An application fee in an amount set forth in the master fee schedule shall be paid at the time of filing the master plan.

(Code 1973, § 16.16.010; Ord. No. 12-1972, § III:2:a, 1972; Ord. No. 2-1974, § 1, 1974; Ord. No. 10-A-1981, § 2, 1981; Ord. No. 14-1984, § 1, 1984; Ord. No. 15-1987, § 8, 1987)

16.16.020. Contents.

The master plan shall be prepared at a suitable scale to indicate the proposed layout legibly, and one dimension shall be no more than 42 inches on any side. The plan shall contain the following information:

- (1) Name of the proposed master plan;
- (2) A specific legal description;

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- (3) Name and address of owner or agent and of person preparing the plan;
 - (4) Date of preparation, scale, and north point;
 - (5) A vicinity location map;
 - (6) Proposed land uses, together with densities;
 - (7) Topography, with a contour interval of no more than 20 feet, from the appropriate USGS quadrangle. All areas with slopes 30 percent or greater shall be shaded or otherwise clearly indicated;
 - (8) Proposed sewage treatment systems;
 - (9) Proposed water supply system with adequate evidence that sufficient water exists to supply the proposed development. Evidence shall include material on quality, quantity, and the reliability of supply; ownership of water rights; amenability of the supply to changes in land use; and certification that public or private water owners can and will supply adequate water to the proposed development, where applicable;
 - (10) Any unusual or important manmade or natural features as identified in the town comprehensive plan;
 - (11) Summary statement of the characteristics of the proposed area, including, but not limited to, geology, soils, and vegetation;
 - (12) Any potential radiation hazard, where applicable;
 - (13) Present land use, including proposed and existing borrow pits;
 - (14) Letter of commitment from the appropriate supplier of energy (natural gas, electricity, propane, etc.);
 - (15) Proposed location and type of permanent stormwater quality control facilities.

(Code 1973, § 16.16.020; Ord. No. 12-1972, § III:2:c, 1972; Ord. No. 5-1973, § 1, 1973; Ord. No. 2-1974, § 4, 1974; Ord. No. 04-2020, § 6, 6-11-2020)

16.16.030. Approval.

The master plan shall be approved by the board of trustees before any preliminary plat is approved.

(Code 1973, § 16.16.030; Ord. No. 12-1972, § III:2:c, 1972)

16.16.040. Submission to planning commission.

The master plan shall be submitted 30 days before the regular planning commission meeting. Electronic and paper copies shall be sent to those agencies designated in section 16.20.040.

(Code 1973, § 16.16.040; Ord. No. 12-1972, § III:2:d, 1972; Ord. No. 2-1974, § 2, 1974)

16.16.050. Publication procedures.

- (a) The applicant shall complete an application form and tender the required application fee to the town clerk.
- (b) The town clerk, within 15 days after receipt, shall cause publication of legal notice of a planning commission hearing to consider the application. Such legal notice shall be given at least five days prior to such hearing.
- (c) After such public hearing by the planning commission, their recommendations shall be forwarded within 15 days to the board of trustees.

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- (d) The board of trustees shall hold a public hearing, in which legal notice of at least 15 days shall be given.
 - (e) Legal notice shall consist of one publication in a newspaper of general circulation and at least one sign shall be posted in a conspicuous location on or near the property in question, if a specific piece of property is involved.
 - (f) In the event of amendments initiated by the town, no application form or filing fee shall be required.

(Code 1973, § 16.16.050; Ord. No. 2-1980, § 9, 1980)

CHAPTER 16.20. PRELIMINARY PLAT

16.20.010. Preliminary plat application fee.

The subdivider or his agent shall pay a preliminary plat application fee as set forth in chapter 16.68 at the time of filing the preliminary plat.

(Code 1973, § 16.20.010; Ord. No. 12-1972, § III:3:a, 1972; Ord. No. 10-A-1981, § 3, 1981; Ord. No. 14-1984, § 2, 1984; Ord. No. 15-1987, § 9, 1987)

16.20.020. Contents.

The preliminary plat shall be prepared at a scale of one-inch equals 200 feet, with a maximum width of 42 inches, and submitted in electronic format to the town staff. All preliminary plats shall be in conformance with the design standards established in chapters 16.40 through 16.56, and shall include the following:

- (1) Name of the subdivision;
- (2) A specific legal description of the subdivision with the approximate acreage of the subdivision;
- (3) Name and address of the record owner of the property as well as the subdivider and adjacent property owners;
- (4) Name and address of the designer, surveyor, and/or engineer;
- (5) Date of preparation, scale, and north point;
- (6) A vicinity map necessary to locate the tract;
- (7) Existing proposed zoning boundary lines, including zoning of contiguous properties;
- (8) Approximate location of land intended to be conveyed or reserved for public use or reserved in the deeds for the use of all property owners in the proposed subdivision;
- (9) Approximate layout, dimensions, number of lots, and proposed land use;
- (10) All proposed road grades will be numerically indicated, along with the names of streets or other public ways. Existing easements, railroad and utility rights-of-way, section and incorporation lines within the tract shall be clearly indicated;
- (11) The approximate radii of all street curves;
- (12) Approximate location of all area subject to inundation or storm water overflow and location, widths, and direction of flow of all watercourses;
- (13) Proposed location of bridges, culverts, and other provisions for collection and discharging surface drainage;

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- (14) Accurate and legible existing contours shall be shown at intervals of five feet or less and contours at intervals of 20 feet will be acceptable for very rough topography. Said contours shall be extended onto adjacent property a sufficient distance to establish proper topographical relationships. All areas with slopes 30 percent or greater shall be shaded or otherwise clearly indicated;
 - (15) Outline, to scale, of buildings and structures which are not to be moved in the development of the subdivision;
 - (16) Means of providing vehicular access to adjoining properties;
 - (17) Adequate space for approval or disapproval stamp of the commission;
 - (18) Existing land use;
 - (19) Delineation of the area subject to inundation.

(Code 1973, § 16.20.020; Ord. No. 12-1972, § III:3:b, 1972)

16.20.030. Material to accompany.

Preliminary plats shall be accompanied by the following:

- (1) Homeowners' association legal documentation for any homeowner's association with may be involved in or pursuant to the development.
- (2) A summary statement prepared by a qualified individual, including the following information:
 - a. Total development area;
 - b. Total number of proposed dwelling units;
 - c. Total number of square feet of proposed nonresidential floor space;
 - d. Total number of proposed off-street parking spaces, excluding those associated with single-family residential development;
 - e. Estimated total number of gallons per day of water system requirements where a distribution system is proposed;
 - f. Estimated total number of gallons per day of sewage to be treated where a central sewage treatment facility is proposed, or sewage disposal means and suitability where no central sewage treatment facility is proposed;
 - g. Estimated construction cost and proposed method of financing of the streets and related facilities, water distribution system, sewage collection system, storm drainage facilities, and such other utilities as may be required of the developer by the town.
- (3) Summary of soil types (including percolation rates) and pertinent data regarding geology, and vegetation.
- (4) A water resources report, which shall include adequate evidence that a water supply that is sufficient in terms of quality, quantity, and dependability will be available to ensure an adequate supply of water for the type of subdivision proposed. Such evidence may include, but shall not be limited to:
 - a. Evidence of ownership or right or acquisition of our use of existing and proposed water rights;
 - b. Historic use and estimated yield of claimed water rights;
 - c. Amenability of existing rights to a change in use;

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- d. Evidence that public or private water owners can and will supply water to the proposed subdivision stating the amount of water available for use within the subdivision and the feasibility of extending service to that area;
 - e. Evidence concerning the potability of the proposed water supply for the subdivision.
- (5) a. Long term operation, maintenance and access agreement is required for all permanent stormwater quality control measures and facilities. An applicable development site with multiple permanent control measures may have one or more maintenance and access agreements depending upon ownership and maintenance responsibility. The maintenance agreements shall cover all permanent stormwater quality control measures that are included in a submitted site plan, site development plan, final plat or drainage plan. All structures such as extended detention basins and porous landscape detention, plus any additional permanent nonstructural control measures such as grass swales and buffers that are used as part of "Minimizing Directly Connected Impervious Areas" (MDCIA), shall be included in the maintenance agreement.
- b. When submitting a permanent stormwater control measure maintenance agreement for review and recordation by the town, the agreement shall include an operation and maintenance (O&M) manual developed by the engineer of record for each structure type included in a maintenance agreement. Multiple structure types may be included in one maintenance agreement and O&M manual. The responsible entity shall routinely inspect and provide appropriate long-term maintenance for all structures associated with the permanent stormwater quality control measures as described in the O&M manual.
 - c. Permanent stormwater quality control measure maintenance and access agreement templates are provided in the El Paso County Engineering & Criteria Manual (ECM) Revision 7, dated July 2, 2019, Appendix G, as may be amended from time to time with the most current version hereby being adopted, and are hereby incorporated by reference for use in the town. All references to "county," and "board of commissioners," shall correspond to "Town of Palmer Lake," and "town board of trustees," respectively.

(Code 1973, § 16.20.030; Ord. No. 12-1972, § III:4:c, 1972; Ord. No. 04-2020, § 7, 6-11-2020; Ord. No. 3-2021, § 1, 3-11-2021)

16.20.040. Distribution and review.

- (a) The preliminary plat shall be presented to the planning commission at the regular commission meeting. If the plat is found to be in acceptable condition, according to these regulations, the staff shall determine the agencies and departments to be furnished copies for review and comment.
- (b) Unless an extension is mutually agreeable to the developer and the reviewing agency, the contacted agencies shall have 24 days from the date the plat is mailed by certified mail to review it and return their comments to the staff. Failure to return comments or otherwise to notify the staff shall constitute approval by the agency. The staff shall forward the collected comments to the planning commission at least two days prior to the meeting at which the plat will be considered.

(Code 1973, § 16.20.040; Ord. No. 12-1972, § III:4:d, 1972; Ord. No. 2-1974, § 2, 1974; Ord. No. 4-1997, § 1, 1997)

16.20.050. Publication procedures.

- (a) The applicant shall complete an application form and tender the required application fee to the town clerk.

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- (b) The town clerk, within 15 days after receipt, shall cause publication of legal notice of a planning commission hearing to consider the application. Such legal notice shall be given at least five days prior to such hearing.
 - (c) After such public hearing by the planning commission, their recommendations shall be forwarded within 15 days to the board of trustees.
 - (d) The board of trustees shall hold a public hearing in which legal notice of at least 15 days shall be given.
 - (e) Legal notice shall consist of one publication in a newspaper of general circulation and at least one sign shall be posted in a conspicuous location on or near the property in question, if a specific piece of property is involved.
 - (f) In the event of amendments initiated by the town, no application form or filing fee shall be required.

(Code 1973, § 16.20.050; Ord. No. 2-1980, § 9, 1980)

16.20.060. Planning commission action.

- (a) The planning commission shall consider the comments of the other agencies before reaching their decision to approve, conditionally approve, or disapprove the plat and within ten days after the regular meeting, the commission shall notify the subdivider of its decision.
- (b) If the plat is conditionally approved or disapproved, the reasons shall be noted in writing, and, if possible, recommendations made whereby the plat might gain approval. Approval of the preliminary plat shall be valid for no longer than one year. Upon approval of the preliminary plat by the commission, the subdivider may proceed with the preparation of the final plat.

(Code 1973, § 16.20.060; Ord. No. 12-1972, § III:4:e, 1972)

16.20.070. Presence of subdivider required at commission meeting.

The subdivider, or his agent, whose plat or plan is before the planning commission at its regular meeting, shall be present at the meeting.

(Code 1973, § 16.20.070; Ord. No. 12-1972, § III:4:f, 1972)

CHAPTER 16.24. PERFORMANCE GUARANTEE

16.24.010. When required.

Before the final plat is approved by the board of trustees, the subdivider shall install all the improvements required by the preliminary plat, built to the standards described in chapters 16.40 through 16.60. If the subdivider prefers not to install the improvements, he shall furnish a letter of credit, cash, or evidence of cash held in escrow for such purpose, and shall submit a copy of the escrow agreement to the board of trustees along with his final plat.

(Code 1973, § 16.24.010; Ord. No. 12-1972, § III:5:a, 1972)

16.24.020. Amount.

The amount of the guarantee shall be based on a cost estimate prepared by a registered professional engineer, and approved by the board of trustees or its representative. The actual security shall be 125 percent of the cost estimate.

(Code 1973, § 16.24.020; Ord. No. 12-1972, § III:5:b, 1972)

16.24.030. Time limit for improvements; extension.

All required improvements shall be installed within six months after approval of the preliminary plat. In cases of undue hardship an extension not to exceed six months may be granted by the board of trustees.

(Code 1973, § 16.24.030; Ord. No. 12-1972, § III:5:c, 1972)

16.24.040. Release of guarantee.

When the required improvements on a plat are completed, the subdivider may apply in writing to the board of trustees for a partial or full release of the security. Upon receipt of such application, the board or its agent shall inspect the completed improvements to ensure that they have been made in accordance with the final plat and the requirements of these regulations. If satisfactory, the security in sufficient amount to cover the cost of the improvements will be released. When all the improvements have been completed the full security shall be released. If, however, the improvements are not properly emplaned, the town, at its discretion, shall have the power to use any of the security held to install the required improvements.

(Code 1973, § 16.24.040; Ord. No. 12-1972, § III:5:d, 1972)

CHAPTER 16.28. FINAL PLAT

16.28.010. Final plat application fee.

The final plat application fee, as determined in the master fee schedule, shall be paid by the subdivider or his agent to the town clerk at the time of filing the final plat.

(Code 1973, § 16.28.010; Ord. No. 10-A-1981, § 4, 1981; Ord. No. 14-1984, § 3, 1984; Ord. No. 15-1987, § 10, 1987)

16.28.020. Contents.

- (a) The final plat should be submitted to the town clerk at least 15 days before the next regular planning commission meeting. All data and signatures on the plat shall be in ink.
- (b) All final plats shall show:
 - (1) Name of the subdivision;
 - (2) An accurate and clear legal description of the subdivision with the acreage of the subdivision;
 - (3) Date or preparation, scale, and north point;
 - (4) A vicinity map necessary to locate the tract;

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- (5) Location of land intended to be dedicated, reserved, or otherwise conveyed for public use or reserved in the deeds for the use of all property owners in the proposed subdivision;
 - (6) All monuments placed and set in accordance with the requirements of the state;
 - (7) Certification by a registered land surveyor to the effect that the layout represents a survey made by him, that the monuments thereon actually exist as located, and that all dimensional and other details are correct;
 - (8) Profiles of all roads;
 - (9) Certificates for execution by each of the following:
 - a. Planning commission chairperson or vice-chairperson;
 - b. The mayor and attest by town clerk;
 - c. County clerk and recorder or a duly authorized deputy;
 - (10) Statement of ownership and acknowledgment or consent and ratification thereof, which may be separate, recorded documents, duly acknowledged;
 - (11) A certificate waiving access rights across the right-of-way lines of major highways, parkways, streets, or freeways, where required as a condition of approval;
 - (12) All areas shown on the map, which do not constitute a part of the subdivision shall be labeled "Not a part of this subdivision." All lines delineating such areas shall be dashed;
 - (13) Relative bearings and distances to the nearest established street lines or official monuments, which shall be accurately tied to the lines of the subdivision by distances and bearings;
 - (14) The exact layout, including:
 - a. Boundary lines with accurate distance and bearings, and the exact location and width of all existing or recorded streets intersecting the boundary of the tract. All dimensions to be determined by accurate field survey, which must balance and close within a limit of one in 5,000;
 - b. The length of all arcs, internal angles, points curvature, length and bearing of the tangents;
 - c. All easements as required by public and quasi-public agencies;
 - d. All lines of lots, blocks, and other parcels of land shall have accurate dimensions in feet and hundredths with bearing of angles to street and alley lines. Lots must close to one in 10,000;
 - e. All lots and blocks in the subdivision shall be numbered, consecutively throughout the tract, with no omissions or duplications;
 - f. The right-of-way lines, widths, locations, and street names of all existing and proposed streets within.

(Code 1973, § 16.28.020; Ord. No. 12-1972, § III:6:b, 1972; Ord. No. 5-1973, § 2, 1973)

16.28.030. Material to accompany.

The final plat shall be accompanied by the following:

- (1) Letter of credit or other security in the amount of 125 percent of the official estimate, excepting roads, as prepared by a registered professional engineer, and parroted by the board of trustees to guarantee installation of all required improvements; this will be waived if the improvements are installed prior to consideration of the final plat by the board of trustees;

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- (2) Copies of all closures;
 - (3) Copies of proposed restrictive covenants or deed restrictions to be recorded;
 - (4) A current title opinion by an attorney qualified to practice law in the state, or current title opinion, commitment, or policy as to the land involved showing condition of title, and all parties in interest in the property shown on the plat;
 - (5) A drainage plan, prepared by a registered professional engineer based on the standards required in chapter 17.68. Cost estimates for all drainage structures and stormwater quality improvements shall be provided;
 - (6) Certificate of taxes due showing all due taxes paid.

(Code 1973, § 16.28.030; Ord. No. 12-1972, § III:6:c, 1972; Ord. No. 5-1973, § 3, 1973; Ord. No. 04-2020, § 8, 6-11-2020)

16.28.040. Planning commission action.

Upon receipt of all final application requirements, the planning commission shall approve or disapprove the final plat within 30 days and send their recommendations to the board of trustees.

(Code 1973, § 16.28.040; Ord. No. 12-1972, § III:7, 1972)

16.28.050. Publication procedures.

- (a) The applicant shall complete the application form and tender the required application fee to the town clerk.
- (b) The town clerk, within 15 days after receipt, shall publish legal notice of a planning commission hearing to consider the application. Such legal notice shall be given at least five days prior to such hearing.
- (c) After such public hearing by the planning commission, their recommendations shall be forwarded within 15 days to the board of trustees.
- (d) The board of trustees shall hold a public hearing, in which legal notice of at least 15 days shall be given.
- (e) Legal notice shall consist of one publication in a newspaper of general circulation and at least one sign shall be posted in a conspicuous location on or near the property in question, if a specific piece of property is involved.
- (f) In the event of amendments initiated by the town, no application form or filing fee shall be required.

(Code 1973, § 16.28.050; Ord. No. 2-1980, § 9, 1980)

16.28.060. Board of trustees action.

- (a) The board of trustees shall consider the planning commission's recommendations at its next regular meeting and shall take appropriate action on the plat.
- (b) Approval of the final plat by the board of trustees shall be deemed as certification of the final plat. With this certification, the board of trustees shall complete a signed copy of the final plat for the county clerk and recorder for recording.
- (c) Receipt of a duly certified final plat by the subdivider is authorization that he may proceed with the subdivision. However, no lot shall be sold unless either the required improvements have been installed or the installation of the improvements is a condition of sale of the subdivided lot.

(Code 1973, § 16.28.060; Ord. No. 12-1972, § III:8, 1972)

CHAPTER 16.32. VACATION PLATS

16.32.010. Preparation; scale; fees.

Final plats, once recorded, may be vacated in the event of unforeseen circumstances by submission and approval of a vacation plat. A petition and resolution of vacation shall be presented to and approved by the board of trustees. The vacation plat shall be prepared by a registered land surveyor and submitted to the town clerk, at least 30 days in advance of the planning commission meeting and shall be accompanied by a fee as set forth in chapter 16.68.

(Code 1973, § 16.32.010; Ord. No. 15-1987, § 11, 1987; Ord. No. 14-1984, § 4, 1984; Ord. No. 10-A-1981, § 5, 1981)

16.32.020. Contents.

Vacation of plats will contain the following information:

- (1) Name of subdivision/vacation;
- (2) An accurate and clear legal description of the subdivision with the acreage of the subdivision;
- (3) Date of preparation, scale, and north point;
- (4) A vicinity map necessary to locate the tract;
- (5) Certification by the county clerk and recorder to the effect that the plat to be vacated is a recorded plat;
- (6) Acknowledgment of the vacation of the dedicated lands on the plat before a notary public;
- (7) Certificates for execution by each of the following:
 - a. Planning commission chairperson or vice-chairperson;
 - b. The mayor and attest by town clerk;
 - c. County clerk and recorder or a duly authorized deputy;
- (8) Statement of ownership and acknowledgment of the vacation by all owners of legal and equitable interests in the property, or consent and ratification there of the owners, which may be a separate recorded document, duly acknowledged;
- (9) Attorney's title opinion or evidence of satisfactory title insurance showing record ownership;
- (10) Layout. The exact layout including:
 - a. The boundary lines with accurate distance and bearings, the exact location and width of all existing or recorded streets intersecting the boundary of the tract;
 - b. All existing drainage and utility easements as recorded, subject to the reservation of easements for existing drainage and utility installations;
 - c. All lines of lots, blocks, identification system and other parcels of land as recorded;
 - d. The plat shall show the right-of-way lines, widths, locations, and street names of all streets as recorded within, and immediately adjacent to the property being vacated.

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(Code 1973, § 16.32.020; Ord. No. 12-1972, § III:9:b, 1972)

16.32.030. Reversion of cul-de-sac to adjoining land owner.

Any part of a cul-de-sac, outside the regular street right-of-way, designated as a temporary turn-around, when the road system is to be extended, shall, by resolution of the board of trustees, revert to the adjoining land owners when the road system is extended without the necessity of a vacation plat or presentation of a petition and resolution.

(Code 1973, § 16.32.030; Ord. No. 12-1972, § III:9:c, 1972)

CHAPTER 16.36. MINOR SUBDIVISIONS

16.36.010. Defined.

The term "minor subdivision" means a subdivision in which the following occur:

- (1) The proposed plat or subdivision contains less than five lots;
- (2) All lots within the proposed plat abut a dedicated and accepted town thoroughfare or street;
- (3) The proposed plat meets all the minimum requirements of these regulations, the zoning ordinance, and other applicable town ordinances and resolutions; and
- (4) There are no requests for waiver of any of the requirements of the various town regulations and resolutions.

(Code 1973, § 16.36.010; Ord. No. 12-1972, § IX:1, 1972)

16.36.020. Plat; submission; scale; fee.

A careful and legible drawn minor subdivision plat shall be submitted to the town clerk, at least 30 days in advance to the next regular planning commission meeting, along with the fee in an amount set forth in the master fee schedule.

(Code 1973, § 16.36.020; Ord. No. 12-1972, § IX:2, 1972; Ord. No. 10-A-1981, § 6, 1981; Ord. No. 14-1984, § 5, 1984; Ord. No. 15-1987, § 12, 1987)

16.36.030. Designation—Application.

The owner or agent of a tract or parcel of land proposed to be used for agricultural or single-family purposes, which adheres to sections 16.36.010 and 16.36.020, may apply to the board of trustees for designation as a minor subdivision. Such application shall be made by completing the appropriate form and attaching any requests for waivers to the application.

(Code 1973, § 16.36.030; Ord. No. 12-1972, § IX:3, 1972)

16.36.040. Designation—Approval.

The planning commission shall make a recommendation to the board of trustees, who shall approve the designation of the proposed division as a minor subdivision if it finds the following:

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- (1) That the proposed lots are not part of any other subdivision approved within one year;
 - (2) That the proposed division would not constitute a subdivision of a large tract or parcel of land into five or more building sites, tracts, or lots within five years;
 - (3) That the lots from the proposed division will each be accessible from an existing public road.

Otherwise, the planning commission shall designate the proposal as a subdivision as defined by these regulations.
(Code 1973, § 16.36.040; Ord. No. 12-1972, § IX:4, 1972)

16.36.050. Plat; filing.

On obtaining a designation as a minor subdivision and if the proposed subdivision meets these requirements, the subdivider or his agent shall file the plat of the proposed lots in the office of the town clerk.
(Code 1973, § 16.36.050; Ord. No. 12-1972, § IX:5, 1972)

CHAPTER 16.40. STREETS

16.40.010. Arrangement.

The arrangement of major streets shall conform to the major thoroughfare plan of the town streets in the subdivision and shall connect with those already dedicated in adjoining subdivisions. When adjoining land has not been platted, provisions shall be made to continue the street pattern in the future by the provision of stub streets.
(Code 1973, § 16.40.010; Ord. No. 12-1972, § IV:1:a, 1972)

16.40.020. Preservation of natural features.

In the layout of streets and blocks, natural features such as drainage-ways, rock formations, soil, vegetation, and topography shall be preserved as much as possible.
(Code 1973, § 16.40.020; Ord. No. 12-1972, § IV:1:b, 1972)

16.40.030. Cul-de-sacs.

Cul-de-sacs shall be designed with regard to section 16.40.020, and to the type of development, proposed density, and other features requiring consideration. Cul-de-sacs shall not exceed 500 feet in length and shall be designed with a turn-around of at least 120 feet in the diameter of the right-of-way or by providing a loop street with a minimum centerline radius of 60 feet.
(Code 1973, § 16.40.030; Ord. No. 12-1972, § IV:1:c, 1972)

16.40.040. Centerline off-sets of intersecting streets.

Centerline off-sets of intersecting streets shall be avoided, but where necessary shall be not less than 150 feet. Roadways shall normally be located in the center of the right-of-way. Paved surfaces shall be located in center of the right-of-way.
(Code 1973, § 16.40.040; Ord. No. 12-1972, § IV:1:d, 1972)

16.40.050. Blocks.

Blocks in residential subdivisions shall be not less than 400 feet long and not more than 1,400 feet long, except where topography and other conditions justify variations. When blocks exceed 1,000 feet in length a midblock walkway and/or pedestrian crosswalks, not less than ten feet wide, may be required to provide access to community and other facilities.

(Code 1973, § 16.40.050; Ord. No. 12-1972, § IV:1:e, 1972)

16.40.060. Half streets.

Half streets shall be prohibited except where essential to the reasonable development of the subdivision or where it is found to be practical to require the dedication of the other half when adjoining property is subdivided.

(Code 1973, § 16.40.060; Ord. No. 12-1972, § IV:1:f, 1972)

16.40.070. Intersections.

Streets shall be laid out to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. More than four approaches to any intersection shall be prohibited.

(Code 1973, § 16.40.070; Ord. No. 12-1972, § IV:1:g, 1972)

16.40.080. Access point to lots; culverts.

Each access point to a lot, if an adjacent roadside ditch is to be crossed, shall be provided with a corrugated metal pipe (CMP) culvert with a minimum diameter of 18 inches and a minimum length of 20 feet.

(Code 1973, § 16.40.080; Ord. No. 12-1972, § IV:1:h, 1972)

16.40.090. Design standards; arterials and residential streets.

Street design standards as shown below shall be used as guidelines for development:

- (1) *Arterial streets.*
 - a. These streets are designed to permit rapid and relatively unimpeded traffic movement throughout the town. They will carry relatively high volumes of traffic and connect major land use elements and existing settlements.
 - b. Right-of-way shall be a minimum of 80 feet. A 24-foot all-weather road with six-foot shoulders on each side, surfaced with four inches of compacted three-fourths-inch minus gravel on a compacted subbase, shall be provided. Compaction shall be to 95 percent of the appropriate AASHO standard.
 - c. Intersections will generally be at grade but shall be limited. Curb cuts and median cuts shall be strictly controlled as to number and location. Traffic will be regulated by traffic control devices and channelization.
 - d. Grade and sight distances.
 1. Grades: Not less than five-tenths of one percent; not more than ten percent.

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2. Sight distance:
 - i. Horizontal: 100 feet.
 - ii. Vertical: minimum length equivalent to ten times the algebraic difference in the rate grade.

(2) *Major residential streets; collector streets.*

- a. Major streets are designed to serve local needs in a neighborhood or subdivision by providing a means of collecting traffic and distributing it to the arterials. Curvilinear and loop streets are desirable, but in all cases efforts must be made to preserve the natural environment.
- b. The right-of-way shall be a minimum of 60 feet. A 24-foot all-weather road with six-foot shoulders on each side, surfaced with four inches of compacted three-fourths-inch minus gravel on a compacted subbase, shall be provided.
- c. Intersections will be at grade and limited in number; curb cuts will be limited as much as possible, and direct access from houses will be discouraged.
- d. Grades and sight distances.
 1. Grades: Not less than five-tenths of one percent. Not more than ten percent.
 2. Sight distances:
 - i. Horizontal: 100 feet.
 - ii. Vertical: minimum length equivalent to ten times the algebraic difference in the rate of change of grade.

(3) *Minor residential streets.*

- a. Minor streets are designed to serve the local needs of the subdivision by providing direct access to abutting properties. All traffic carried by minor street will originate or have a destination in the subdivision or neighborhood. Minor streets shall blend into the natural environment rather than destroy it.
- b. Rights-of-way shall be a minimum of 50 feet except in areas where the tops of cuts or bottoms of fills encroach on individual lots and in those cases a minimum of 60 feet shall be required along the whole length of the street. A 32-foot all-weather road surfaced with four inches of compacted three-fourths-inch minus gravel on a compacted subbase, shall be provided.
- c. Intersections will be at grade; curb cuts will be limited to one per lot and shall be designed to permit smooth access to the lot.
- d. Grades and sight distances.
 1. Grades: Not less than five-tenths of one percent; not more than ten percent.
 2. Sight distances:
 - i. Horizontal: 100 feet.
 - ii. Vertical: minimum length equivalent to ten times the algebraic difference in the rate of grade.

(Code 1973, § 16.40.090; Ord. No. 12-1972, § IV:1:i, 1972)

16.40.100. Alleys.

Alleys shall be provided in commercial and industrial districts except where other definite and assured provision is made for service access. Dead-end alleys are prohibited.

(Code 1973, § 16.40.100; Ord. No. 12-1972, § IV:1:j, 1972)

16.40.110. Arterial streets in or abutting subdivision.

Where a subdivision abuts or contains an existing or proposed arterial street, the planning commission may require marginal access streets, reverse frontage lots with screen planting contained in a non-access reservation along with the property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of through and local traffic.

(Code 1973, § 16.40.110; Ord. No. 12-1972, § IV:1:k, 1972)

16.40.120. Railroad right-of-way or limited access highway right-of-way in or abutting subdivision.

Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the planning commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

(Code 1973, § 16.40.120; Ord. No. 12-1972, § IV:1:l, 1972)

16.40.130. Vacation street rights-of-way.

Street rights-of-way may be vacated upon approval of the town board and upon payment of the processing fee equal to the fee set forth in chapter 16.68.

(Code 1973, § 16.40.130; Ord. No. 5-1987, § 13, 1987; Ord. No. 14-1984, § 7, 1984)

16.40.140. Warranty of streets installed.

All developers, property owners and others who install streets or roads within the town shall warrant same for a period of two years from and after their acceptance by the town. During the two-year period all parts and labor for maintenance and repairs in connection with said streets or roads shall be at the sole cost of the installer of the streets or roads. At the end of the two-year warranty period, provided that the condition of the required streets or roads meets the town's specifications, all maintenance thereafter shall be at the expense of the town.

(Code 1973, § 16.40.140; Ord. No. 8-1995, § 4, 1995; Ord. No. 11-2021, § 1, 11-18-2021)

CHAPTER 16.44. LOTS

16.44.010. Shape and orientation.

The shape and the orientation of lots should be appropriate for the location of the subdivision and for the type of development proposed. The governing factor should be the usability of the lot. The general standards set out in this chapter shall apply in the evaluation of a subdivision plat.

(Code 1973, § 16.44.010; Ord. No. 12-1972, § IV:2:a, 1972)

16.44.020. Area.

The minimum area and the dimensions of lots shall conform to the requirements of the zoning ordinance for the district, in which the subdivision is located.

(Code 1973, § 16.44.020; Ord. No. 12-1972, § IV:2:a(1), 1972)

16.44.030. Dimensions.

The minimum dimensions of lots for residential use shall normally be 50 feet in width at the property line, and 100 feet in depth. Flag lots will have at least a 40-foot frontage where the base of the stem abuts the property line.

(Code 1973, § 16.44.030; Ord. No. 12-1972, § IV:2:a(2), 1972)

16.44.040. Width to depth ratio.

The depth of a lot shall not be greater than twice its width.

(Code 1973, § 16.44.040; Ord. No. 12-1972, § IV:2:a(3), 1972)

16.44.050. Corner lots.

For residential use, corner lots shall be platted so as to permit conformance with the street side yard requirements of the zoning ordinance.

(Code 1973, § 16.44.050; Ord. No. 12-1972, § IV:2:a(4), 1972)

16.44.060. Side lot lines.

Side lot lines shall be approximately at right angles or radical to the centerline of streets. Side lines of lots located on a cul-de-sac shall be approximately radical to the adjacent right-of-way line.

(Code 1973, § 16.44.060; Ord. No. 12-1972, § IV:2:a(5), 1972)

16.44.070. Ingress and egress.

Each lot in a new or replatted subdivision shall have sufficient means of vehicular ingress and egress to a dedicated public street. However, there shall be no access from individual lots to federal and state highways, and where feasible, to arterial roads as designated on the major thoroughfare plan, except through frontage roads.

(Code 1973, § 16.44.070; Ord. No. 12-1972, § IV:2:a(6), 1972)

16.44.080. Coverage and building setback lines.

Lot coverage and building setback lines shall conform to the zoning ordinance in title 17.
(Code 1973, § 16.44.080; Ord. No. 12-1972, § IV:2:a(7), 1972)

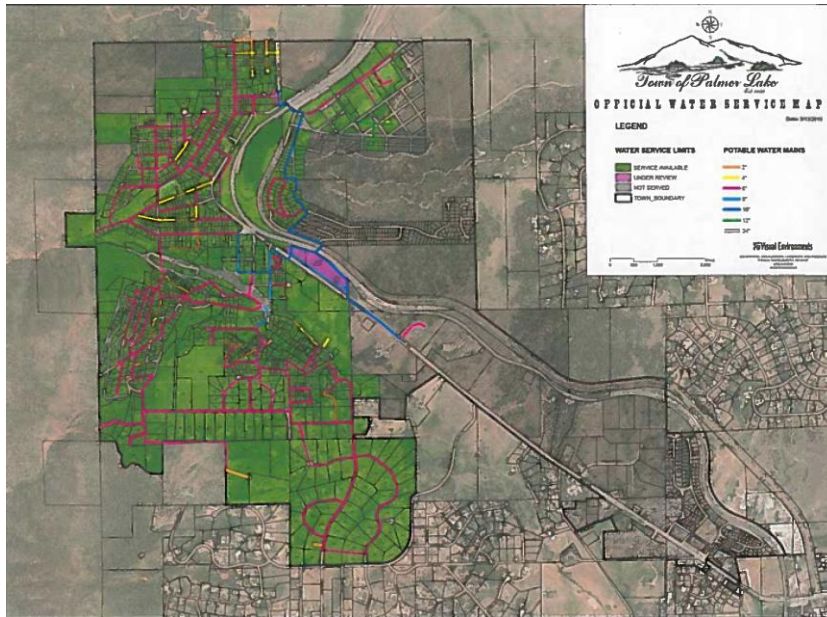
16.44.090. Commercial and industrial lots.

Width and depths of commercial and industrial lots shall provide ample space for the required off-street parking and loading facilities and for the type of establishments contemplated for development.
(Code 1973, § 16.44.090; Ord. No. 12-1972, § IV:2:a(8), 1972)

CHAPTER 16.48. WATER AND SEWER UTILITIES

16.48.010. Water supply system.

- (a) Effective June 28, 2018, the town's public water supply system shall not be enlarged or expanded to provide water service outside the existing perimeters of the water supply system as identified on the following map, which shall be part of this section:



Water System Map

- (b) Service or main line connections to the town's water supply system not otherwise restricted in accordance with subsection (a) of this section shall at all times conform to the engineering standards of the town. Fire plugs shall be installed at each intersection or every 600 feet, whichever is less. Standpipes are prohibited. Connections to water lines in alleys are prohibited.

(Code 1973, § 16.48.010; Ord. No. 12-1972, § IV:3:a, 1972; Ord. No. 16-2018, § 2, 9-13-2018)

16.48.020. Sewage treatment.

- (a) Where a public sanitary sewer is accessible by gravity flow within 500 feet of the final plat, the subdivider shall connect thereto and provide adequate sewer lines and stubs to benefit each lot. Where a public sanitary sewer accessible by gravity connection is not within 500 feet of the final plat, but where plans for the installation of public sanitary sewers within such proximity to the plat have been prepared and construction will commence within 12 months from the date of the approval of the plat, the subdivider shall be required to install sewers in conformity with such plans.
- (b) Sewer lines shall be located as per the requirements of the town sanitation district. Sewer manholes shall be installed at every 400 feet. Connections to sewer lines in alleys are prohibited.
- (c) Notwithstanding the 500 feet maximum in subsection (a) of this section, when a subdivision is located within a proposed service area, as designated on the regional sewer plan, or other municipal/county plan, provisions shall be made for connection to the public sewer system. It will not be mandatory to connect to the system until it is available within 500 feet but break and domestic lines will be emplaned.
- (d) A drawing of the sewer system, as built, shall be provided to the town clerk. The drawing shall be at a suitable legible scale and shall be on mylar or other stable drafting material.

(Code 1973, § 16.48.020; Ord. No. 12-1972, § IV:3:b, 1972)

16.48.030. Minimum lot sizes for water and sewer.

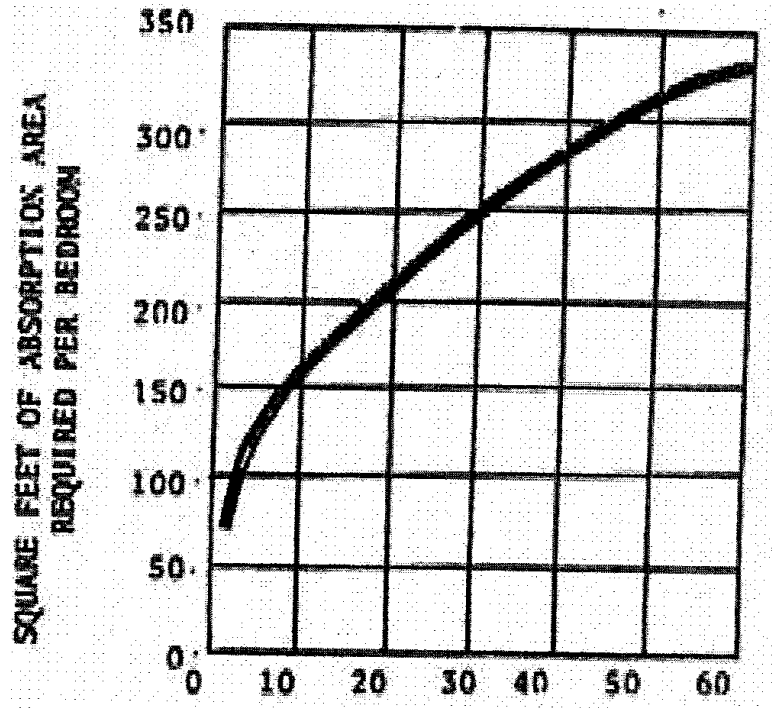
- (a) Municipal or other public provision of sewer is required on lots less than 2½ acres in area.
- (b) On lots of 2½ acres but less than five acres, a central system for sewage treatment will be provided, designed, and built in a manner approved by the state health department; provided, however, that the request for a central system for sewage treatment may be waived by the board for good cause.
- (c) On lots outside the town's water supply system perimeter as described in section 16.48.010, individual water facilities may be installed.
- (d) On lots of five acres or more, individual sewer facilities may be installed according to regulations herein and the appropriate state laws.

(Code 1973, § 16.48.030; Ord. No. 12-1972, § IV:3:c, 1972; Ord. No. 3-1987, § 1, 1987; Ord. No. 16-2018, § 3, 9-13-2018)

16.48.040. Septic tank systems.

- (a) *Cesspools.* Cesspools are prohibited in all types of subdivisions.
- (b) *Size, type.* Size and type of septic tanks.
 - (1) The minimum size of septic tanks shall be in accordance with the following:
 - a. Two or fewer bedrooms: 750 gallons.
 - b. Three bedrooms: 1,000 gallons.
 - c. Four bedrooms: 1,250 gallons.For each additional bedroom, a further 250 gallons will be added to the capacity of the tank.
 - (2) Tanks will be constructed of concrete or sealed concrete blocks. The use of steel tanks is discouraged.

- (c) *Absorption fields.* Absorption fields will be of approved design and of a size adequate for the percolation rate of the soil, on which the field is located. The following graph shall be used in determining the size of absorption fields (a 20 percent safety factor will be added to the area measured from the graph):



Percolation Rate (Min/in)

- (d) *Sealed vaults.*

- (1) In areas where the percolation rate is slower than one inch per hour or contamination of the water table is possible, sealed vault systems shall be installed.
- (2) In areas where the soil cover is not of sufficient depth to support an absorption field, that is, less than 30 inches, sealed vaults will also be installed.

(Code 1973, § 16.48.040; Ord. No. 12-1972, § IV:3:d, 1972)

16.48.050. Sewage system installation; distances.

- (a) The following minimum distances will be observed whenever a sewage system is installed:

Component of System	Horizontal Distance (feet) from:				
	Well or Section Line	Water Supply Line (Pressure)	Stream	Dwelling	Property Line
Building sewer	50	10(a)	50
Septic tank	50	10	50	5	10
Disposal field and seepage bed	100	25	50	20	5

Seepage pit	100	50	50	20	10
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- (b) Where the water supply line must cross the sewer line, the bottom of the water service line within ten feet of the point of crossing shall be at least 12 inches above the top of the sewer line. The sewer line shall be of cast iron with leaded or mechanical joints at least ten feet on either side of the crossing.

(Code 1973, § 16.48.050; Ord. No. 12-1972, § IV:3:d, 1972)

16.48.060. Warranty of water supply system.

A subdivider who installs or has installed a water supply system connected to the water system of the town shall warrant same for a period of two years following the acceptance of the water supply system by the town. During the two-year period all parts and labor for maintenance and repairs in connection with said improvements shall be at the sole cost of the subdivider. At the end of the two-year warranty period, provided that the condition of the required improvements meets the town's specifications, all maintenance shall thereafter be at the expense of the town.

(Code 1973, § 16.48.060; Ord. No. 8-1995, § 5, 1995)

CHAPTER 16.52. STREET NAMES

16.52.010. Duplication prohibited; approval; continuing streets.

The names of streets shall not duplicate either phonetically or alphabetically any existing street name. Names shall be approved by the planning commission. Any street which is a continuation of an existing street or which approximates said continuation shall bear the name of the existing street.

(Code 1973, § 16.52.010; Ord. No. 12-1972, § IV:4:a, 1972)

16.52.020. Designation procedure.

Street name designation shall be as follows:

- (1) "Boulevard" or "parkway" shall be reserved for roadways designated on the major street plan having a median divider of sufficient size to allow for landscaping;
- (2) "Avenue" or "road" shall be reserved for streets of substantial continuity such as major residential streets;
- (3) "Street" or "drive" shall be reserved for streets of less continuity such as minor residential streets.

(Code 1973, § 16.52.020; Ord. No. 12-1972, § IV:4:b, 1972)

16.52.030. Comprehensive street number plan.

The town administrator for the town is hereby directed by the town board to develop an overall comprehensive plan for assignment of street numbers for each building currently built or planned for the town and shall assign said street numbers to each building.

(Code 1973, § 16.52.030; Ord. No. 13-1988, § 1, 1988; Ord. No. 3-1989, § 11, 1989)

16.52.040. Notification.

The town administrator shall notify each building owner or occupant as to the correct street number of any building that does not have the correct assigned number.

(Code 1973, § 16.52.040; Ord. No. 13-1988, § 2, 1988; Ord. No. 3-1989, § 11, 1989)

16.52.050. Correct street numbers displayed.

All owners of buildings or tenants shall within 30 days from the date of notification of the correct street number have the correct street number prominently displayed on said building so that the same may be seen from the street.

(Code 1973, § 16.52.050; Ord. No. 13-1988, § 3, 1988; Ord. No. 3-1989, § 11, 1989)

CHAPTER 16.56. EASEMENTS

16.56.010. Public utility easements.

- (a) Utility easements on rear or side lot lines shall be provided for sanitary sewers where necessary and shall be a total of at least 20 feet wide.
- (b) Terrain permitting easements for other public utilities such as telephone, gas, and electrical service shall be provided along the rear lot lines. Anchor easements shall also be provided where applicable. Wherever possible, all lines should be buried underground unless undue hardship would be caused by such placement.
- (c) In all cases, however, the design and location of easements shall be agreed upon by the subdivider, the appropriate utility company, town staff and the planning commission or board of trustees.

(Code 1973, § 16.56.010; Ord. No. 12-1972, § IV:5:a, 1972)

16.56.020. Drainage easements.

Where a subdivision is traversed by a watercourse, drainageway, channel, or stream; or the subdivision includes permanent stormwater quality control measures, there shall be provided a stormwater easement or drainage right-of-way of such width as will be adequate for both waterflow and maintenance operations.

(Code 1973, § 16.56.020; Ord. No. 12-1972, § IV:5:b, 1972; Ord. No. 04-2020, § 9, 6-11-2020)

16.56.030. Other easements.

Easements may also be required by other public agencies for a variety of purposes. Whenever possible, these easements shall be so established as to enhance the environment of the subdivision.

(Code 1973, § 16.56.030; Ord. No. 12-1972, § IV:5:c, 1972)

CHAPTER 16.60. REQUIRED IMPROVEMENTS

16.60.010. Developer's responsibilities.

It shall be the responsibility of the developer to install, in accordance with the plans, specifications, and data approved by the town engineer or his deputy the required improvements outlined below.

(Code 1973, § 16.60.010; Ord. No. 12-1972, § V:1, 1972)

16.60.020. Reimbursement for costs.

Whenever the capacity of required roads, pipes, or system shall exceed that which is required for the service of the subdivision, the town shall reimburse the developer for the extra cost incurred in meeting the increased requirements.

(Code 1973, § 16.60.020; Ord. No. 12-1972, § V:2, 1972)

16.60.030. Required improvements.

Improvements are required according to the following schedule:

- (1) *Monuments.* Shall be placed at all block corners, angle points, points of curves in streets, and at intermediate points as shall be required by the town engineer. Material to be approved by him (iron rods, pipes of pins, one inch or more in diameter, 24 inches more below grade).
- (2) *Lot pins.* Lot pins at each corner of all lots.
- (3) *Grade profiles.* Grading and centerline gradients as per plan and profiles approved by county engineer to conform to design standards.
- (4) *Storm drainage.* Storm drainage improvements, as per plans approved by the county engineer, using a 25-year design storm.
- (5) *Sewage disposal.* Private methods depending on lot size. Provisions shall be made for connection to the public system.
- (6) *Streets.*
 - a. Arterial streets: 80-foot right-of-way.
 - b. Major residential streets: 60-foot right-of-way.
 - c. Arterial and major residential or collector streets shall be surfaced with a 24-foot roadway and six-foot shoulders on each side on an approved compacted subbase, adequate to provide an all-weather road, surfaced with four inches of compacted three-fourths-inch minus gravel.
 - d. Minor residential streets: 50-foot right-of-way and shall consist of a 32-foot roadway on an approved compacted subbase to provide an all-weather road.
- (7) *Street name signs.* Street name signs at all intersections. Signs will be uniform in design and materials with lettering at least 3½ inches wide and be legibly mounted. Yellow diamond, black lettered signs shall be placed at the entrance of all dead-end streets of cul-de-sacs.
- (8) *Fireplugs.* Fireplugs at each intersection or 600 feet wherever a public water supply is used.
- (9) *Dedication.* Dedication of land or each in lieu of dedication, for public purposes.

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- (10) *Sewage disposal.* When the public sewer is available the subdivider shall install the required sewer lines in the center of the street right-of-way at a minimum depth of six feet from the finished street grade.
 - (11) *Water supply.* When the public water supply is used, the subdivider shall install the required water lines at a minimum depth of six feet from the finished street grade. The line shall be located ten feet to the north of the road centerline in east-west road, and ten feet to the east of the centerline in north-south roads.
 - (12) *Permanent stormwater quality control measures.* All applicable development sites shall have operational permanent stormwater quality control measures at the completion of the site. The developer shall install and ensure mechanisms are in place to ensure the long-term operation and maintenance of all permanent stormwater quality control measures determined to be necessary in the drainage plan required in chapter 17.68.

(Code 1973, § 16.60.030; Ord. No. 12-1972, § V:3, 1972; Ord. No. 5-1973, §§ 7—9, 1973; Ord. No. 04-2020, § 10, 6-11-2020)

CHAPTER 16.62. VARIANCES

16.62.010. Discharges to the municipal separate storm sewer system (MS4).

All requests for a variance from control measure requirements of the town's MS4 permit shall be applied in a manner that complies with the terms and conditions of the MS4 permit. The burden of demonstrating compliance with the MS4 permit when requesting a variance is the responsibility of the person making such request. The planning commission shall make the final determination to approve or deny all variance requests.

(Ord. No. 04-2020, § 11(16.64.020), 6-11-2020)

CHAPTER 16.64. ENFORCEMENT AND PENALTY

16.64.010. Compliance required.

- (a) No plat of any subdivision within the application of these regulations shall be entitled to be filed or recorded or have any validity until such plat has been prepared, approved, and acknowledged in the manner prescribed by these regulations.
- (b) It is unlawful to sell, trade, or otherwise convey any lot or parcel of land as a part of or in conformity with any plat, plan, or replat or any subdivision within the area subject to application of these regulations unless the plan, plat or replat shall have been approved as prescribed herein and filed and recorded.

(Code 1973, § 16.68.010; Ord. No. 12-1972, § VII:1, 1972)

16.64.020. Penalty for violations.

Any individual or person acting as a subcontractor or as an agent for a subdivider who is found guilty of violating any of the provisions of this title is guilty of a misdemeanor and shall, upon conviction, be punished according to the general penalty in chapter 1.12. The sale of each and every lot sold in violation of this title is considered a separate violation. These penalties shall be in addition to any others that may be imposed.

(Code 1973, § 16.68.020; Ord. No. 12-1972, § VII:2, 1972; Ord. No. 1-2003, § 25, 2003)

CHAPTER 16.68. SUBDIVISION FEES

16.68.010. Additional costs.

In addition to the fees set forth in this chapter the subdivider or his agent shall be liable to the town for any and all additional fees and costs incurred by the town to third parties in connection with the plat or application from the subdivider or his agent. Such additional fees and costs would include, but not be limited to, fees and costs incurred from the town engineer in reviewing the application or plat, including touring the site and conducting any investigations deemed appropriate; fees and costs incurred by the town attorney in reviewing any application or plat; fees and costs incurred by state or local agencies in conjunction with the review of the preliminary plat as required by section 16.20.040; publication fees and costs; consulting fees; and any other fees and costs of like nature or character incurred by the town in connection with the application or petition of the subdivider or his agent.

(Code 1973, § 16.75.010; Ord. No. 15-1987, § 1, 1987; Ord. No. 5-1995, § 1, 1995)

16.68.020. Fee amounts.

The fees referred to in sections 16.68.020 through 16.68.080 inclusive are set out in the town master fee schedule, said schedule to be adopted and amended from time to time by resolution of the board of trustees, and made available for public examination during normal business hours in the office of the town clerk.

(Ord. No. 7-2016, §§ 1, 2, 4-28-2016)

16.68.030. Master plan.

An application fee for a master plan shall be paid by the subdivider or his agent to the town clerk at the time of filing the master plan.

(Code 1973, § 16.75.020; Ord. No. 15-1987, § 2, 1987; Ord. No. 7-2016, § 1, 4-28-2016)

16.68.040. Preliminary plat application fee.

The application fee for a preliminary plat shall be paid by the subdivider or his agent to the town clerk at the time of filing the preliminary plat.

(Code 1973, § 16.75.030; Ord. No. 15-1987, § 3, 1987; Ord. No. 7-2016, § 1, 4-28-2016)

16.68.050. Final plat application fee.

The application fee for a final plat shall be paid by the subdivider or his agent to the town clerk at the time of filing of the final plat.

(Code 1973, § 16.75.040; Ord. No. 15-1987, § 4, 1987; Ord. No. 7-2016, § 1, 4-28-2016)

16.68.060. Vacation plat fee.

The fee for a vacation plat shall be paid by the vacator or his agent to the town clerk at the time of filing of the vacation plat.

(Code 1973, § 16.75.050; Ord. No. 15-1987, § 5, 1987; Ord. No. 7-2016, § 1, 4-28-2016)

16.68.070. Minor subdivision fee.

The fee for a minor subdivision shall be paid by the subdivider or his agent to the town clerk at the time of filing of the minor subdivision.

(Code 1973, § 16.75.060; Ord. No. 15-1987, § 6, 1987; Ord. No. 7-2016, § 1, 4-28-2016)

16.68.080. Vacation of street fee.

The vacation of street right-of-way fees shall be paid to the town clerk at the time of filing an application for vacation of a street right-of-way. Said fee may be adjusted by resolution, including by the adoption or amending of a town master fee schedule, as deemed necessary by the town board of trustees.

(Code 1973, § 16.75.070; Ord. No. 15-1987, § 7, 1987; Ord. No. 7-2016, § 1, 4-28-2016; Ord. No. 14-2020, § 1, 9-24-2020)

16.68.090. Permit fee for removal or stockpiling of earth, sand, rocks and gravel.

The fee for a permit to remove or stockpile earth, sand, rocks, or gravel shall be paid to the clerk of the town at the time of filing the application for the permit.

(Code 1973, § 16.75.080; Ord. No. 9-1989, § 6, 1989; Ord. No. 7-2016, § 1, 4-28-2016)

CHAPTER 16.72. DRAINAGE

16.72.010. Fees.

Fees shall consist of a drainage fee which shall be paid at the time of issuance of a building permit for new construction or when assessed and charged by the town clerk. Remodeling and additions to existing structures shall not pay a drainage fee if the net impervious area of the lot will not increase. The fees to be paid shall be those in effect as set forth in the master fee schedule at the time of issuance of a building permit or assessment of fees by the town clerk and will be based on any net increase in impervious area.

(Code 1973, § 16.80.010; Ord. No. 3-2000, § 2, 2000; Ord. No. 16-2000, § 1, 2000)

16.72.020. Fee calculation.

Drainage fees shall be based on a review by the town and shall be computed on a case-by-case basis. For purposes of this chapter, the term "impervious surface" means surfaces on or in real property where the passage of storm water into the earth's surface has been reduced by the works of man. Works of man include buildings,

roads, driveways, patio areas, roofs, sidewalks, parking lots or storage areas, and other manmade structures or hard-surfaced areas.

(Code 1973, § 16.80.020; Ord. No. 3-2000, § 3, 2000)

16.72.030. Reserved.

16.72.040. Responsibility of town engineer and town clerk.

- (a) The implementation of this fee system shall be determined by the town engineer and collection shall be the responsibility of the town clerk of the town at the time of issuance of building permits. The basic procedure for handling credits and/or reimbursements will be the responsibility of the town engineer and will be as follows:
- (1) A project which has no requirements to construct reimbursable drainage facilities will pay all drainage fees at the time of issuance of the building permit.
 - (2) When the cost estimate for reimbursable drainage facilities is less than the drainage fee for a project, the amount of the engineer's cost estimate is subtracted from the fees due to obtain the balance due in cash at the time of the issuance of the building permit.
 - (3) When the engineer's cost estimate for providing reimbursable drainage facilities is greater than the drainage fee due for a project, no cash fees are paid at the time of permit. Actual costs of the facilities in excess of the fees due are eligible for credit or reimbursement from the drainage fund as funds become available.
- (b) The operation detail shall include the following fee reductions, credits and/or reimbursements subject to approval by the town engineer after the town's administrative and engineering expenses:
- (1) A fee reduction of 25 percent for those portions of development that consist entirely of 2.5 acres and larger lots.
 - (2) If the town engineer determines that the use of the prudent line is appropriate in a proposed use or development of property in the town, a fee reduction up to the total fee for the land require by the town to be dedicated for the prudent line, which is in excess of the floodplain, will be implemented. If the reduction exceeds the total fee, the remainder of the credit will be paid by the town when the drainage fund account has sufficient monies to do so. In addition, a reasonable construction cost for channel improvements associated with the prudent line and/or offsite planning study considerations will be eligible for credits and/or reimbursements.
 - (3) 100 percent of the reasonable land and construction cost of large on-site ponds that are either required facilities in a drainage basin planning study or an addendum to a drainage basin planning study that was prepared pursuant to town criteria, accepted by the town engineer and paid for by other than the town, will be eligible for credits and/or reimbursement.
 - (4) 100 percent of the reasonable land and construction cost of other regional facilities that are identified as reimbursable in a drainage basin planning study will be eligible for credits and/or reimbursement.
 - (5) 100 percent of the cost of approved drainage basin planning study will be eligible for credits and/or reimbursement.

(Code 1973, § 16.80.050; Ord. No. 3-2000, § 6, 2000)

16.72.050. Drainage basin planning study.

If a proposed use or development of property in the town varies from the existing drainage basin planning study, as previously defined, the master fee schedule drainage fees may be inapplicable. If the town determines that the proposed use or development may cause a material increase in stormwater runoff over the current approved drainage basin planning study, the town may direct the person or entity responsible for paying the drainage fee to prepare, at that person's or entity's expense, a drainage basin planning study or addendum to drainage basin planning study or a master development drainage plan. Such study shall be prepared pursuant to drainage criteria. If such study establishes that the fee contained in the attached schedule is incorrect, the town shall modify the drainage fee for the proposed use or development accordingly.

(Code 1973, § 16.80.060; Ord. No. 3-2000, § 7, 2000)

16.72.060. Changes in fee.

Changes in a fee based upon inflation in costs or new information, including, but not limited to, a new drainage basin planning study or an addendum to a drainage basin planning study shall require action of the board of trustees.

(Code 1973, § 16.80.070; Ord. No. 3-2000, § 8, 2000)

16.72.070. Palmer Lake drainage fund.

All funds collected for drainage fees under this chapter shall be placed in the town drainage fund. Expenditures from said fund shall be directly related to drainage problems and the construction or maintenance of drainage related structures within the town or reimbursements as set forth in section 16.72.040.

(Code 1973, § 16.80.080; Ord. No. 3-2000, § 9, 2000)

CHAPTER 16.76. LAND DEDICATION

16.76.010. Land for public uses.

In addition to dedication of lands for roads and easements for drainage and utilities, every subdivider shall convey to the town land for the purpose of providing parks, open space, trails, school sites, or other public purposes as determined by the board pursuant to the provisions of this chapter. The total public land dedication (or the cash in-lieu market value), not including right-of-way, shall equal 20 percent of the total land area (gross area) for a residential development and ten percent for a nonresidential development

(Code 1973, § 16.90.010; Ord. No. 2-2001, § 3, 2001; Ord. No. 1-2003, § 6, 2003; Ord. No. 7-2011, § 1, 2011; Ord. of 7-21-2012)

16.76.020. School land dedication or cash in-lieu thereof.

- (a) *School standards.* It is hereby found and determined that minimum acreage requirements for schools, assuming ideal site topography, are as follows:
- (1) Elementary schools: 450 students, ten acres minimum net usable acreage, 0.0222 acres per student.
 - (2) Middle schools: 900 students, 25 acres minimum net usable acreage, 0.0278 acres per student.

(3) High school: 1,900 students, 50 acres minimum net usable acreage, 0.0263 acres per student.

(b) *Dedication standards.* Applicable fees in lieu of land dedication shall be established by resolution of the board of trustees. Dedication of land for school purposes shall be based upon the following standards by unit type:

(1) Land dedication for residential unit in square feet:

<i>School Level</i>	<i>Student Generation</i>	<i>Acres Per Student</i>	<i>Dedication Factor Per Unit</i>
<i>Single-Family, Detached</i>			
Elementary	0.318	0.022	0.007
Middle	0.152	0.028	0.004
Sr. High	0.188	0.026	0.005
Total	0.658	0.076	0.016
<i>Single-Family, Attached & Mobile Home</i>			
Elementary	0.171	0.022	0.004
Middle	0.085	0.028	0.002
Sr. High	0.114	0.026	0.003
Total	0.370	0.076	0.009
<i>Townhome</i>			
Elementary	0.070	0.022	0.002
Middle	0.035	0.028	0.001
Sr. High	0.045	0.026	0.001
Total	0.150	0.076	0.004
<i>Multifamily</i>			
Elementary	0.035	0.022	0.001
Middle	0.017	0.028	0.000
Sr. High	0.023	0.026	0.001
Total	0.075	0.076	0.002

School district. When, after recommendation of the school district, dedication of all of portion of required school lands is not deemed feasible.

- (2) The term "single-family detached residential" means a residential dwelling unit completely separate of other units and situated on its own lot. For the purposes of this chapter, single-family detached residential development will include any new development with a density less than six dwelling units per acre.
- (3) The term "single-family attached residential" means duplexes, patio homes and other residential dwelling units generally with a net density from six to ten units per acre for traditional construction and mobile homes, which are manufactured units located in rental space mobile home parks.
- (4) The term "townhomes" includes residential units that are attached but have separate addresses and typically accommodate eight to 15 net dwelling units per acre.

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- (5) "Multi-family and other residential" means any type of residential units, including, but not limited to, apartments and condominiums. For the purposes of this chapter, multi-family and other residential will include any new development with a net density greater than 15 dwelling units per acre.
- (c) *Fees in lieu of land or guarantee of future land dedication.* When, after recommendation of the school district, dedication of all or portions of required school lands is not deemed feasible or in the public interest, the school district may recommend to the board of trustees one of the following options:
- (1) *Guarantee of future land.* Guarantee of future land dedication may be requested by the school district when dedication of all or portions of required school lands within the subdivision or project is not deemed feasible or in the public interest. Prior to final plat approval, the subdivider, the school district, and the board of trustees may enter into a written agreement in which the subdivider guarantees the future dedication of land for school sites. The current owner of the site and the guarantor, who shall provide proof of ownership, shall execute this agreement. The agreement shall include a legal description of the property to be dedicated, and the dedication shall be concurrent with recordation of the first final plat of the subdivision, unless the parties agree to stipulate a different timing of the dedication. The agreement shall be recorded with the office of the clerk and recorder of the county. The agreement shall be binding upon the subdivider's heirs, legal representatives, successors in interest, and assigns.
 - (2) *Fees in lieu of land.* When, after recommendation of the school district, dedication of all or portions of required school lands is not deemed feasible or in the public interest, the board of trustees shall require the payment of fees in lieu thereof except as indicated below.
- (d) *Procedure.* The procedure for determining whether the subdivider is to dedicate land, pay a fee, or a combination of land dedication and fees, pursuant to statute, shall be as follows:
- (1) Based upon conversations with both the town staff and school district staff during the pre-application phase of any project, at the time of filing a sketch plan or preliminary plat for approval, the subdivider shall, as part of such filing, either:
 - a. Designate the general area or areas the subdivider proposes to set aside for school sites and shall indicate the number of acres proposed for such uses and the number of proposed dwelling units in the development; or
 - b. Request waiver of a requirement to provide for school land dedication. A waiver from the dedication of land for a school site and approval of payment of cash-in-lieu of land may be granted by the board of trustees when it can be documented that the calculated acreage dedication is not sufficient to generate an entire school site, generates the need for slightly more acreage than is needed for a school site, or a site for a larger, upper grade level school is needed. A waiver may also be granted if it is documented and agreed upon by the school district that no school children will be eligible to live in the units, such as in senior citizen only apartments where children are not allowed by federal rule. If the use of the apartments changes in the future and children could reside in the units, then the school district shall be entitled to receive cash-in-lieu of land payment from the residential unit owners in conformance with this chapter.
 - (2) The preliminary plat and final plat of a proposed subdivision shall designate the specific areas proposed for uses as school sites, the number of acres so designated, and the proposed number of lots by dwelling unit type in the subdivision; or, the waiver of this requirement and agreement to provide cash-in-lieu; or a plat note indicating that no children will be generated by the development.
 - (3) School sites dedicated through this procedure shall conform to the school site size requirements and site criteria policy adopted by the school district and incorporated herein.
- (e) *Determination of school land dedication.* If the board of trustees determines that the dedication of land for school purposes is appropriate, then the subdivider shall convey the property and all improvements located

thereon by general warranty deed to the school district with the recording of the final plat. Concurrently, the subdivider shall convey all tributary, non-tributary and not non-tributary water rights owned by the developer as a consequence of ownership of the dedicated property, water rights underlying the property, well rights, ditches and ditch rights appurtenant to the property, and mineral rights by warranty deed to the town with the recording of the final plat.

- (f) *Determination of cash in-lieu payments.* If the board of trustees determines that cash-in-lieu of land for school purposes is appropriate, the amount of such cash amount shall be determined with reference to the following criteria:

Land Value	\$83.160 per acre
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<i>Unit Type</i>	<i>Cash-in-lieu Amount per Unit</i>
Single-family detached	\$1,350.00
Single-family attached & Mobile Homes	\$762.00
Townhomes	\$762.00
Multi-family	\$762.00

- (g) *School fee fund.* A fund established for use of providing for the acquisition of school lands by the town. Fees collected shall be deposited into the school fee fund. From time to time, the school district may request that revenue deposited in the school fee fund be transferred to a school district account for use in the accordance with this chapter. Transfer of any revenue with documentation, including building permits and school fees collected, shall occur not less than annually and shall include any interest earnings accrued. Funds shall be used as provided by school statute C.R.S. § 22-45-103(1)(c).

(Code 1973, § 16.80.020; Ord. No. 2-2001, § 4, 2001; Ord. No. 1-2003, § 7, 2003; Ord. No. 7-2011, § 2, 2011; Ord. of 7-21-2012)

16.76.030. Park land dedication or cash in-lieu thereof.

- (a) *Land dedication standards.*
- (1) Any land to be dedicated as a requirement of this section shall be suitable, in the opinion of the board of trustees, for use as parks, open space, and/or trails. Land dedication shall include the board of trustees for use as parks, open space, and/or trails. Land dedication shall include the real property together with all tributary, non-tributary, and not non-tributary water rights owned by the subdivider as a consequence of ownership of the dedicated property, well rights, ditches, and ditch rights appurtenant to the property, mineral rights and all improvements thereon. Factors to be used in evaluating the adequacy of proposed park areas shall include, but are not limited to, size, shape, topography, geology, flora, fauna, access, and location. No such land dedication shall be located within the 100-year flood plan boundary unless this requirement is expressly waived by the board of trustees.
 - (2) The board of trustees, in consideration of the recommendations of the planning commission, will determine the suitability of the land proposed for dedication in providing for the intended purpose of the dedication, in accordance with the standards and criteria set forth in this section. If the board, in its sole discretion, determines that such land is not suitable for dedication or that the public interest would be better served by requiring cash in-lieu of such dedicated lands, the subdivider shall be required to provide cash in lieu of such dedicated lands pursuant to the provisions of subsection (b) of

this section. Further, nothing contained herein shall be construed to prevent the board from requiring that part of the park land dedication requirement be made in the form of dedicated land and that part of such requirement be made in the form of cash in lieu of the remaining requirements for such land.

- (3) Dedication of land for parks, open space, trails and/or other public purposes shall be based upon the following subdivision category standards and park requirements:
- a. *Commercial industrial use.* The standard for park dedication shall be five one-hundredths acre for each gross acre of commercial industrial use land.
 - b. *Residential use.* The park standard for dedication shall be five acres per 1,000 projected population. Projected population shall be based upon the average of the population yield per dwelling unit of all types of residential dwelling units. Based upon the 1990 U.S. Census, county the average yield is 2.69 persons per dwelling unit. Parks should, if feasible, be located adjacent to schools and to the residential units that they are intended to serve.
- (b) *Fees in lieu of park land.* When the dedication of required park, open space, and trail lands is not deemed suitable or not in the public interest, the board of trustees shall require the subdivider, in-lieu thereof, to pay to the town a fee in-lieu of land. Such fees shall be determined by an appraisal performed by a qualified appraiser retained by the applicant. Such appraiser shall be acceptable to and approved by the town prior to such appraisal being conducted. The value of the land which is the basis for the appraised amount shall be determined as of the date that such land would have been dedicated to the town, if cash in lieu of such land dedication had not been required. The value determined by such appraisal shall be acceptable to and approved by the town.
- (c) *Park fee fund.* A fund established for use in providing for the acquisition of park lands by the town. Fees collected shall be deposited within the park fee fund and shall be used solely to finance the acquisition of park lands, which will reasonably serve the needs of the town. Interest earned on park fees shall remain within the park fee fund and shall be used solely for the purposes set forth in this subsection; provided, however, that such earned interest may be used by the town to provide for necessary and required minimum levels of annual public health and safety maintenance of the properties until their development as parks.

(Code 1973, § 16.80.030; Ord. No. 2-2001, § 5, 2001; Ord. No. 1-2003, § 8, 2003; Ord. of 7-21-2012)

16.76.040. Establishment of cash in-lieu of amounts.

The board of trustees shall establish the fees in lieu of land by amendments to this chapter. Such amendments may be made at any time.

(Code 1973, § 16.80.040; Ord. No. 2-2001, § 6, 2001; Ord. No. 1-2003, § 9, 2003; Ord. of 7-21-2012)

16.76.050. Credits for park and recreational open space.

Where private open space for park and recreational purposes is provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision for the mutual use and benefit of the residents, a portion of the land area not to exceed 50 percent of the land dedication requirements may be credited against the requirement set forth in section 16.76.030, provided the board of trustees finds that it is in the public interest to do so and that the following standards are met and cited as findings of fact:

- (1) That such open space, park, or recreational purpose is perpetually protected and maintained by enforceable instruments duly recorded in the public records of the county and maintenance of the land is adequately provided for by written agreement;

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- (2) That the proposed land area is reasonably usable for the use for park and recreational purposes;
 - (3) That the facilities proposed for the land area are in substantial accordance with the provisions of this section and are approved by the board;
 - (4) That the facilities proposed conform to and or complement the town comprehensive plan.

(Code 1973, § 16.80.050; Ord. No. 2-2001, § 7, 2001; Ord. No. 1-2003, § 10, 2003; Ord. of 7-21-2012)