

CHAPTER 6: Subdivision Regulations

6.01 Purpose and Organization

- A. Applicability. This Chapter applies to any subdivision of land within the municipal boundaries of the Town, unless expressly and specifically exempted or provided otherwise.
- B. Intent. This Chapter promotes the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the Town by:
 - 1. Encouraging new subdivision developments to relate to the Town's historic development pattern.
 - 2. Promoting compact, well-defined neighborhoods that enhance the Town's character.
 - 3. Creating livable neighborhoods that foster a sense of community.
 - 4. Encouraging the proper arrangement of streets in relation to existing or planned streets and ensuring that streets facilitate safe, efficient and pleasant driving, walking and biking.
 - 5. Providing a variety of lot sizes and housing types in every neighborhood.
 - 6. Protecting sensitive natural and historic areas and the Town's environmental quality.
 - 7. Providing for adequate and convenient open spaces for traffic, utilities, access of fire apparatus, recreation, light and air and to avoid congestion.
 - 8. Providing open spaces for adequate stormwater management.
 - 9. Providing adequate spaces for educational facilities.
 - 10. Providing protection from geologic hazards and flood-prone areas.
 - 11. Ensuring compliance with Chapter 3 through 5 of this Code, the Comprehensive Plan and the Design Standards.
 - 12. Regulating such other matters as the Board of Trustees may deem necessary to protect the best interest of the public.
- C. Administration.
 - 1. All plats, plots and replats of land laid out in subdivision or building lots, and associated streets, highways, alleys or other portions of the subdivision, intended to be dedicated to a public use or the use of purchasers or owners of lots fronting or adjacent to that infrastructure require major or minor subdivision plat approval (see sections 2.14 and 2.15 of this Code).
 - 2. No plat shall be recorded in any public office unless it bears (by endorsement or otherwise) approval of the Board of Trustees.
 - 3. Acceptance of proposed public dedications is given by separate action of the Board of Trustees.

4. Pursuant to CRS sections 31-23-227 and 31-23-214(1), the Board of Trustees delegates the authority to approve plat corrections to the Planning Director. Chapter 2 establishes the applicability and workflow for plat corrections.

D. Plat and other approval expiration.

1. This subsection applies to any of the following (referred to as “approvals”):
 - a. Any Final Plat,
 - b. Any plat, plot or replat approved by the Town Board under any prior land use provisions of the Town Code or any prior version of the Town Code,
 - c. Any minor subdivision plat, or
 - d. Any annexation or annexation map.
2. An applicant shall submit an approval for recordation within one year from the date of final approval by the Town Board.
3. When submitted for recordation, the approval shall:
 - a. Be executed by all owners and proprietors (as defined by CRS § 31-23-111), and
 - b. Include payment of all fees and all other submissions or requirements as set forth in the Town Code or the approving ordinance.
4. An approval that is not timely recorded with the items required by subsection 3 above is deemed expired. Any Town Board approvals for an expired approval are deemed lapsed. A lapsed approval requires resubmission and reconsideration of the development or plat application by the approving agency.
5. A conditional approval of an approval does not toll the required one year submission period. Unless the specifically provides otherwise, any condition must be satisfied within the one year submission period.

6.02 Design and Improvement Standards

- A. Applicability. This section applies to all development applications and building permit applications (referred to as “applications”). All applications shall comply with the density, dimension, design and zoning standards contained in this Chapter.
- B. Relation to zone district standards. Chapters 3 and 4 of this Code prevail over any conflicting standards in this section.
- C. Community Design Principles. The design, layout, and orientation of subdivisions, lots, buildings and infrastructure shall be consistent with the Comprehensive Plan.
 1. The community design standards set forth in this Section apply to every development proposal. The Town's goal is to expedite the planning review process by clearly outlining the Town's expectations for new development.

2. The Planning Commission and Board of Trustees will evaluate each subdivision plat based on the standards in this section and the context within which a project is located. The standards are intended to be specific enough to guide development, but not to preclude creative design solutions. Applicants must substantially conform to the design standards unless they demonstrate that an acceptable alternative meets one (1) or more of the following conditions:
 - a. The alternative better achieves the stated intent;
 - b. The intent is not achieved by application of the standards in this circumstance;
 - c. The effect of other standards are improved by not applying a specific standard; and/or
 - d. Strict application or unique site features make the standard impractical.
3. Design elements. One of the greatest challenges facing small towns is the successful integration of new development with the original Town pattern. Suburban development patterns that include numerous cul-de-sacs and limited street connections often separate communities and create enclaves of the original towns. To maintain the Town's unique, small-town character and clearly describe the Town's vision, the following design elements established:
 - a. Compact urban growth. As the community grows from the original Town limits, it is important to maintain a continuity of density, diversity and interconnectedness. Urban development should occur adjacent to the Town's core so that the community's prime agricultural land and natural areas are preserved and public infrastructure and utilities are used as efficiently as possible.
 - b. Neighborhood design. New developments should create or augment neighborhoods, rather than single-use residential subdivisions adjacent to one another. Neighborhoods should be organized around a strong center, which may include elements such as common open space, civic and commercial or mixed uses. Street and building design and placement shall facilitate pedestrian movement, the character of streets and sidewalks as inviting public space and the interconnectedness of the streets within the neighborhood and as they connect to the rest of the community. In addition, new neighborhoods shall have a variety of housing sizes and types that help to create a distinct identity rather than a monotonous replication of styles.
 - c. Lots and blocks, streets and sidewalks. The layout of lots and blocks shall continue the Town's existing block pattern to form a grid or modified grid pattern that is adapted to the topography, natural features and environmental considerations. The streets shall connect to create a comprehensive transportation network that facilitates the movement of pedestrians, cars and bicycles.
 - d. Parks and open space. New developments shall use natural open spaces and developed public space (such as parks and plazas) to organize and focus lots, blocks and circulation

- patterns, protected natural areas and quality agricultural land and to create an identity for each neighborhood.
- e. Site design, architecture and landscaping. This Chapter encourages innovative, quality site design, architecture and landscaping to create new places that are integrated with the existing community and reflect the traditional patterns of the region.
 - f. Environment. New developments shall be designed to fit within the environment. To the greatest extent feasible, sites shall preserve natural areas and the plants and wildlife inhabiting those areas. In addition, new developments shall conserve natural resources, especially water.
 - g. Water conservation. As the Town and the State grow, increasing pressure is placed on limited water resource supplies. This can impair water quality and deplete water quantity. All new development shall use raw water for irrigation and to incorporate water-saving measures in building design and landscaping. Developments shall use stormwater management techniques that address water quality as well as quantity.
4. Compact urban growth. The Comprehensive Master Plan includes a compact urban growth policy that encourages and directs development to take place within areas contiguous to existing development in the community. This policy will accomplish several goals, including:
- a. Improving air quality by reducing vehicle miles traveled and by promoting alternatives to the private automobile;
 - b. Preserving natural areas and features, particularly in the periphery of the Town;
 - c. Making possible the efficient use of existing infrastructure and cost-effective extensions of new services;
 - d. Encouraging infill development and reinvestment in built-up areas of the Town; and
 - e. Promoting physical separation from neighboring communities to help each maintain its individual identity and character.
5. Growth management. The Town has established a Growth Management Area as part of the Comprehensive Plan. This is the area reasonably anticipated for annexation. and the plan policies direct growth to established growth boundaries and provide for the coordination of future development in level of service (LOS) standards for infrastructure. The comprehensive plan establishes policies for “purposeful growth” based on thoughtful and well-planned increases in density and intensity that honor and protect town character and values, contains development within its existing and designated footprint is contained, preserves valuable surrounding farmland and open space, promotes efficiencies in infrastructure provision and maintenance, offers adequate facilities, and advances a thriving economy that makes the town self-sufficient. No

development shall be approved unless it is located within the established planning boundaries and is consistent with the Comprehensive Plan.

(Ord. 11-2007 §1)

6. Neighborhood design principles. To encourage the creation of viable neighborhoods that interconnect with each other and integrate new projects into the existing community, thereby strengthening the original Town, the neighborhood layout shall continue the street, lot and block pattern of the original Town, as well as solar orientation, topography, sensitive wildlife and vegetation, drainage patterns and environmental and regional climate issues. Further, the edges of neighborhoods should be formed by features shared with adjacent neighborhoods, such as major streets, changes in street pattern greenways or natural features such as streams and major drainage or riparian corridors. New streets, bikeways, sidewalks, paths and trails shall connect to existing adjacent neighborhoods.
7. Neighborhood structure. The following is a summary of essential elements to consider integrating into new neighborhoods:
 - a. Street, sidewalk and trail connections within new neighborhoods that connect to adjacent existing neighborhoods and strengthen the connection to the existing town.
 - b. Streets that encourage pedestrian activity by creating an inviting atmosphere through attention to the details of landscaping and tree locations, sidewalks, lighting and the building architecture, etc.
 - c. A mixed-use neighborhood center located for easy access.
 - d. A variety of housing types, sizes, densities and price ranges that are well integrated.
 - e. A variety of land uses that are well integrated and a transition of intensity. Nonresidential uses, larger buildings and attached multi-family housing shall locate near commercial centers with a transition to smaller buildings closer to low density neighborhoods.
 - f. Pedestrian and bike connections throughout residential neighborhoods and linked to neighborhood commercial or civic centers and open space systems.
 - g. Parks, open space, public plaza and greens that are well integrated into the neighborhood.
 - h. Street trees (subject to water conservation considerations).
 - i. Architectural, landscaping and site design elements of new developments as outlined in this section.
8. Neighborhood; general provisions. The following principles are contained in the original "Old Town" of the Town. The Comprehensive Plan identifies them as contributing to the Town's small-town character. Although the size of individual development proposals will vary, projects will be evaluated with consideration to these neighborhood design principles and the context within which

a project is located. Failure to incorporate these design principles into a project may be cause for denial of the project by the Board of Trustees.

- a. Each neighborhood has a center and an edge. It is important that every neighborhood have activity centers that draw people together. Use natural and man-made features, such as a drainage ways, major roadways and ditches to define neighborhood edges. Buildings or other features located at gateways entering a neighborhood shall mark the transition into and out of the neighborhood in a distinct fashion using massing, additional height, contrasting materials and/or architectural embellishments to obtain this effect.
- b. Mix of types of dwelling units. A mix of dwelling unit types shall be distributed throughout the development.
- c. Focal points. Focal points, or points of visual termination, shall generally be occupied by more prominent, monumental buildings and structures that employ enhanced height, massing, distinctive architectural treatments or other distinguishing features, as well as landscape features.
- d. Public space as development framework. Public space is used to organize blocks and circulation patterns and to enhance surrounding development. Public open space must be functional and easily accessible and shall be designed to organize the placement of buildings to create an identity for each neighborhood. Buildings should face public open space to allow for casual surveillance.
- e. Design streets as public spaces.
 - i. Buildings shall define streets by using relatively uniform setbacks along each block. Subject to water use considerations, the streetscape shall also be reinforced by lines of shade trees planted in the right-of-way landscape strip and may be further reinforced by walls, hedges, landscaping or fences which define front yards.
 - ii. On a lot with multiple buildings, those located on the interior of the site shall relate to one another both functionally and visually. A building complex may be organized around features such as courtyards, greens or quadrangles which encourage pedestrian activity and incidental social interaction. Smaller, individualized groupings of buildings are encouraged. Buildings shall be located to allow for adequate fire and emergency access.
- f. Order rather than repetition. The orderly arrangement of design elements can unify a space even when the elements are not the same. The location of sidewalks relative to streets, building setbacks and orientation and the placement of trees (subject to water use considerations) can all help create an overall impression of unity even though each home or building has a distinct character.

- g. Use human proportion. Buildings shall be considered in terms of their relationship to the height and massing of adjacent buildings, as well as in relation to the human scale. (In a small town, this means generally one-, two- and three-story buildings.)
- h. Define the transition between the public and private realm. Buildings shall be located to front towards and relate to public streets or parks, both functionally and visually, to the greatest extent possible. Wherever possible, buildings shall not be oriented to front towards a parking lot.
- i. Encourage walking and bicycling. Sites shall be designed to minimize conflicts between vehicles, bicycles and pedestrians. Pedestrian and bicycle access and connections shall be designed to enhance transportation on foot and by bicycle.
- j. Neighborhoods shall have a mix of activities available rather than a purely residential land use. Neighborhood residents shall have convenient access to parks, schools, open space, trails and services. The optimum size of a neighborhood is one-quarter ($\frac{1}{4}$) mile from center to edge.
- k. Fit within the environment rather than on top of it. New developments shall be designed to respond to the natural environment, fit into the setting and protect scenic view corridors. Key design considerations shall include a site layout that responds to natural features both on- and off-site, the size of structures and materials used in the development and the transition between the development and the surrounding landscape.
- l. Housing types and styles that reflect the architecture of the region. Familiar architectural styles shall play an important role in developing an architectural identity for neighborhood dwellings.

D. Lots and blocks.

1. Intent. The intent of the block and lot standards is to continue the Town's existing block pattern in a manner that is compatible with site-specific environmental conditions.
2. General provisions. Streets shall be designed in accordance with this Chapter and the Town's Design Standards to create blocks that consider interconnectedness, topography, solar orientation, views and other design features. The length of blocks in "Old Town" is typically four hundred (400) feet. Thus, to the greatest extent possible, blocks shall be designed to have a length of between three hundred (300) feet and seven hundred (700) feet (nonresidential streets). The lengths, widths and shapes of blocks shall be designed to accommodate the following:
 - a. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
 - b. Need for convenient access, control and safety of vehicular and pedestrian traffic circulation.
 - c. Limitations and opportunities of topography.

- d. Lot dimension and configuration. Lot size, width, depth, shape and orientation and minimum building setback lines shall conform to Chapters 3 and 5 of this Chapter and shall facilitate the placement of buildings with sufficient access, outdoor space, privacy and view.
 - e. Depth and width of properties shall be adequate to provide for off-street parking, landscaping and loading areas required by the type of use and development contemplated.
3. Lot frontage. All lots shall have frontage that is either adjacent to or directly accessible to a street. Flag lots are prohibited unless otherwise approved by the Board of Trustees.
4. Corner lots. Corner lots for residential use shall have extra width to accommodate side elevation enhancements, such as porches and bay windows, the required building setback and utility easements on both street frontages. For a corner lot, the front of the lot is defined as the side having the shortest street frontage. In the case of a reverse corner lot, both sides abutting a street shall maintain a front yard setback.
5. Double frontage. Double frontage lots for residential uses are not permitted except where essential to provide separation of residential properties from arterial streets or commercial uses, or to overcome specific disadvantage of topography and orientation. A planting screen easement of at least ten (10) feet in width, across which there shall be no vehicular right of access, is required along the property line of lots abutting an arterial street or other high traffic or conflicting use.
6. Residential lots adjacent to arterial streets. Residential lots that are adjacent to an arterial street shall comply with the following:
 - a. Lots where dwelling units do not face, an arterial street (i.e., rear yards abut the street), shall:
 - i. have a minimum depth of one hundred fifty (150) feet,
 - ii. prohibit direct access to the street,
 - iii. Include a minimum street setback of seventy-five (75) feet.
 - b. Lots where dwelling units do not face the arterial street or are side loaded relative to the street, shall:
 - i. Include a front or side setback to the house, respectively, of at least fifty (50) feet, And
 - ii. Apply additional buffering techniques per section 5.04 of this Land Use Code.
7. Residential lot access to adjacent street.
 - a. Driveway access to a local or collector street from a single-family detached residential lot is limited to one (1) driveway curb-cut or driveway access of no greater than twenty (20) feet in width. A circular drive in which each access to the local or collector street is less than ten (10) feet in width, separated by at least thirty (30) feet, and which is constructed as an integral part of the overall architectural design of the single-family residence, is considered a single driveway access.

- b. Driveway access to a local street from a single-family detached residential lot shall be greater than fifty (50) feet from the intersection of the local street and a collector street or one hundred twenty-five (125) feet from the intersection of the local street and an arterial street as measured from the intersecting right-of-way lines.
 - c. Driveway access to a collector street from a single-family detached residential lot shall be greater than one hundred twenty-five (125) feet from the intersection of the collector street and a local street, another collector street or an arterial street as measured from the intersecting right-of-way lines.
8. Multi-family residential, commercial, business and industrial lot access to adjacent street.
- a. Driveway access to a local or collector street from a multi-family residential, commercial, business or industrial lot shall be greater than one hundred twenty-five (125) feet from any street intersection as measured from the intersecting right-of-way lines;
 - b. Driveway access to an arterial street from a commercial, business or industrial lot shall be at least two hundred fifty (250) feet from any intersection on the arterial street, or from another commercial, business or industrial lot's access as measured from the intersecting right-of-way lines or driveways; or
 - c. If subsection C.2 applies, driveway access to a local street, collector street or arterial street from a multi-family residential, commercial, business or industrial lot shall be determined by a traffic study approved by the Town.

6.03 Dedications

- A. Streets. All street rights-of-way shall be dedicated to the Town.
- B. Sidewalks, walkways, and multi-use trails.
 - 1. All walkways, sidewalks, and multi-use paths located within the right-of-way shall be dedicated to the Town
 - 2. All walkways, sidewalks, and multi-use paths that are not located with the right-of-way shall be dedicated to a duly formed owners' association.
- C. Utilities.
 - 1. Utility easement width. Utility easement widths and locations shall comply with the design standards. Location and adequacy of utility easements is subject to the approval and acceptance of the Town or applicable utility companies.
 - 2. Multiple installations within easements. Easements shall be designed to provide efficient installation of utilities. Public utility installations shall be located to permit multiple installations within the easements. The developer will establish final utility grades prior to utility installations.
 - 3. Underground utilities.

- a. Telephone lines, electric lines, cable television lines and other utility services shall be placed underground.
 - b. The subdivider shall comply with this Section and shall make the necessary arrangements, including any construction or installation charges, with each utility provider for the installation of underground facilities.
 - c. Transformers, switching boxes, meter cabinets, pedestals, ducts and other facilities necessarily appurtenant to underground utilities shall be placed underground or on the surface but not on utility poles.
4. Transformers shall be placed outside of the vision clearance triangle with placement approved by Town staff during construction.
 5. Screening or fencing is required (see section 5.04).
 6. Electric transmission and distribution feeder lines and their necessary appurtenances may not be placed above ground unless they carry greater than 115 kV. Those facilities shall be placed within easements or public streets, or in private easements or rights-of-way.
- D. Park and open space. Parks and open space shall be dedicated to the Town per the quantities detailed in section 5.06 of this Land Use Code.

6.04 Subdivision Improvements and Development Agreements

6.01.1 Public Improvements

- A. The Town shall require a developer to execute a Development Improvements Agreement (DIA) for public improvements agreeing to construct all public improvements required by this Land Use Code, Standard Design Criteria and Standard Construction Requirements, or other applicable regulation of the Town.
- B. Developers shall provide to the Town a construction security for at least one hundred (100) percent of the cost of the required public improvements in the form of a development bond, letter of credit, cash, certificate of deposit or other means, as determined by the Board of Trustees, to complete said public improvements in accordance with approved development plans.
- C. No subdivision plat shall be signed by the Town or recorded at the Office of the Larimer County Clerk and Recorder, and no building permit shall be issued for development, until a DIA has been executed and construction security has been posted.
- D. The DIA shall include a list of all agreed-upon public improvements, an estimate of the cost of such improvements, the form of construction security for the improvements, and any other provisions or conditions deemed necessary by the Town Board to ensure that all public improvements will be completed in a timely, cost-effective manner that meets the Town's engineering standards. A DIA shall run with and be a burden upon the land described in the agreement.

- E. The Town, at its discretion, may require the developer to execute other agreements or contracts setting forth the plan, method, and parties responsible for the construction of any required public improvements shown in the approved documents.
- F. All public improvements shall be inspected by the Planning Director upon completion. If it is determined that the required public improvements are not constructed in compliance with specifications, a list of specific deficiencies shall be provided to the subdivider with the request that such deficiencies be corrected before preliminary approval will be granted. If it is determined that the subdivider will not construct any or all of the public improvements or remedy the deficiencies in accordance with the construction plans, the Town Council may withdraw and employ from the construction security such funds as may be necessary to construct the public improvements or remedy deficiencies.
- G. The following public improvements shall be constructed unless waived by the Town Board.
 - 1. Road base, grading, and surfacing.
 - 2. Curbs and gutters and driveway returns.
 - 3. Street lights.
 - 4. Sidewalks, multi-use paths/trails and open space development.
 - 5. Sanitary sewer collection system.
 - 6. Fire hydrants and assembly.
 - 7. Storm sewers, storm drainage system or manholes, as required.
 - 8. Utility distribution system for public parks, open space, and medians.
 - 9. Street signs at all street intersections and other traffic signs.
 - 10. Permanent reference monuments and monument boxes.
 - 11. Berm, fence, or buffer along major arterial and collector streets and surrounding development.
 - 12. Required landscaping and street trees.
 - 13. Erosion control.
 - 14. Domestic water system.
 - 15. Electricity.
 - 16. Natural gas.
 - 17. Telephone and cable.
- H. The required time for the completion of all required improvements shall be two (2) years from the recording date of the final plat. Town Council may extend such time for completion at the request of the subdivider. When such improvements are not completed within the required time, the Town may use the collateral to complete the required improvements, withhold building permits, or revoke approval of the final plat.
- I. Warranty.

1. All workmanship and materials for all required public improvements shall be warranted by the subdivider for a period of two (2) years from the date of the Town's acceptance of the required public improvements.
2. The subdivider shall post a warranty security in an amount established by the Town, in its sole discretion. The warranty security shall not exceed one hundred (100) percent of the cost to reconstruct the improvements. The Town shall not release the construction security until the Town has granted final acceptance of the improvements.
3. In the event that any other provision of this Land Use Code or specifications adopted pursuant thereto, or the DIA requires a warranty of workmanship or materials for a different period of time or for a greater amount of construction security, that provision shall apply.
4. The inspection or acceptance of any required improvement by the Town shall not relieve the subdivider of his or her warranty of workmanship and materials.

7.5.2. Private Improvements

- A. In addition to a DIA for public improvements, the Town shall require developers to execute a DIA for private improvements stating the developer agrees to construct all private improvements shown in the final plat documents. The developer shall also post sufficient construction security, in the judgment of the Town, to complete said improvements in accordance with the approved design and time specifications. No subdivision plat shall be signed by the Town or recorded at the Office of the Larimer County Clerk, and no building permit shall be issued for development, until a DIA between the Town and the developer has been executed and construction security has been posted. The DIA shall include a list of all agreed-upon private improvements, an estimate of the cost of such improvements, the form of financial guarantee, and any other provisions or conditions deemed necessary by the Town Board to ensure that all private improvements will be completed in a timely, quality, and cost-effective manner. A DIA shall run with and be a burden upon the land described in the agreement.
- B. The Town, at its discretion, may require the developer to execute other agreements or contracts setting forth the plan, method, and parties responsible for the construction of any required private improvements shown in the final plat documents.
- C. All private improvements shall be inspected by the Director upon completion. One hundred (100) percent of the construction security shall be released within thirty (30) days of private improvements inspection approval.
- D. The required time for the completion of all required private improvements shall be two (2) years from the recording date of the final map or plat. The Town Board may extend such time for completion upon request from the subdivider. When such improvements are not completed within the required time, the Town may use the construction security to complete the required private improvements, withhold building permits, or revoke the final plat approval.