



# City of Littleton

Littleton Center  
2255 West Berry Avenue  
Littleton, CO 80120

## Meeting Agenda

## Planning Board

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Monday, May 23, 2016

6:30 PM

Community Room

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### Study Session

#### **1. Joint discussion of Planning Board and Zoning Committee**

- a. Continuation of review of zoning uses table with zoning steering committee, staff, and Clarion

**Attachments:** [February 29 Future Discussion Items for Zoning Uses](#)  
[March 14 Future Discussion Items for Zoning Uses](#)  
[April 25 Future Discussion Items for Zoning Uses](#)  
[May 23 Future Discussion Items for Zoning Uses](#)

#### **2. Proposed Amendments to Subdivision Regulations**

- a. Title 11 - Subdivision Regulations

**Attachments:** [Littleton City Code - Title 11](#)

#### **3. Staff and Board Updates**

The public is invited to attend all regular meetings or study sessions of the City Council or any City Board or Commission. Please call 303-795-3780 at least forty-eight (48) hours prior to the meeting if you believe you will need special assistance or any reasonable accommodation in order to be in attendance at or participate in any such meeting. For any additional information concerning City meetings, please call the above referenced number.

MEETING NOTES  
**ZONING REVISIONS**  
PLANNING BOARD STUDY SESSION  
Monday, February 29, 2016

**FUTURE DISCUSSION ITEMS:**

1. Vacant Uses – Change to “VC”
2. Parking Requirements
3. PD Overlay – in procedures, but not in the table – does not go to city council
4. Definition of “one year” – calendar year from date of approval
5. Overlay districts – govern
  - a. PDO/which governs
  - b. Design guideline districts - ?
  - c. Historic districts - ?
6. Define “more restrictive use”
7. Cottage infill – simplify definition so it is easier to find and consistent. Support for concept?
8. Co-housing – why not multi-family?
9. Zoning categories that allow multi-family
10. Manufactured homes – pre-HUD?
11. Mobile Home (MH) District?
12. Multi-family districts allowed? And definition
13. Districts allowed? B-1 -> B-3
  - a. Nursing Home
  - b. Group Home large
  - c. Public Service Facility (merge/define/districts)
14. Ensure consistency of footnotes for recommended uses – reasoning
15. Art Gallery vs. Art Museum
16. Include more public uses as VC uses
17. Parks/Trails/GS – include in “I” districts?
18. Animal clinic, small – districts? Allows small boarding/treatment of large animals – clarify
19. Beekeeping, Chickens, Pigeons –Urban agriculture? Agriculture? Clarify definitions
20. Add B&B to Mixed Use category?
21. VRBO/Airbnb – Board discussed but no decision
22. Page 10 – short term home rental impacts – define/discuss. Primary residence?
23. RV, Food Trucks, Travel Trailer – clarify and simplify
24. Brewpub – definition/term for use, more terms and expand uses

## Outstanding Questions:

1. Expiration date for conditional uses? No. It runs with the use or owner, not the land. ??
2. VC expands the list of possible conditional uses after 5 years
3. Highlight in table – existing language versus proposed language
4. Footnote 25 – how specific?
5. Footnote 31 – why “institution” and not group living? Use only, no covenant stays or < 24 hours
6. Footnote 36 – conditional use for correctional facilities – table and language conflict

MEETING NOTES  
**ZONING USES REVISIONS**  
PLANNING BOARD STUDY SESSION  
Monday, March 14, 2016

FUTURE ITEMS QUESTIONS:

1. Should a labor hall be allowed anywhere in the city? Should "P" be changed to "C" or should they be disallowed?
2. (Footnote 78) Conditional or accessory?
3. Recreational/Entertainment in T?
4. (87) Outdoor recreational/entertainment?
5. (76) no longer permitted in B-1
6. Automobile
7. PR6 lot structure/separate expanded into R districts? Take out took offsite standards
8. (95) a new use
9. Commercial laundry-why is it a separate use – service and manufacturing combine?
10. Check the definition of brewpub and brewery, usually have a cap - ~55,000 barrels greater or equal brewpub is industrial
11. Solid Waste, Landfill in more destructive zoning/Recycling – why separate? Sometimes in less destructive zone
12. Towers – only wind is a new use, design is in standards (p34) Expand standards?
13. Farm stand/market – seemed accessory, but listed as P, should it be A or T?
14. Employee cafeterias – should it be accessory?
15. p.2, temporary uses require a permit, administrative process with standards timing/size/hours
16. Why not gardens in B?/Everywhere?
17. Add use-specific standards for urban agriculture – size/location/setback/frequency – no permits sales?
18. Why not other domestic animals (livestock)/birds? Expand?
19. VRBO/Airbnb – temporary housing? (already on the list)
20. (118) is an A. Hard to distinguish – we already have R&B
21. Pigeons now require an animal review – will correct – not policy
22. Household pets expanded from current code? Animals should not all be in zoning, most in animal control.
23. Capture uses in vacant warehouse/retail big box. Indoor recreation or protect industrial?

23B. do we look at existing zoning? PDO's/be more specific? Have better, new districts that will attract existing parcels, no, not now, undeveloped PDOs, lifespan to PDOs?

24. Nightclub?

25. Size of an accessory use, 50%, 30% or 25%?

26. Accessory residential-part of VRBO discussion

27. Food trucks?

28. Urban Agricultural definition – drop the last phrase?

1. Distinguish “new uses”

2. ID existing uses in new districts

3. Combination of uses

4. Corrections

Office

Now divided by size – in more districts

(64) 1-3 district reference but not in table

(72) trade/occupational school more in line with office – moved from institutional, move back to institutional uses

Retail Sales

(78) Shown as accessory no, was conditional

Recreation and Entertainment

Collected Here

Storage/

Vehicle

Ambulance Services – combined/expanded

PR6 Lots/structures

Co-location is FCC Requirement

(106) – P or C uses?

Generally, A uses are not conditional-may have standards, but no hearing required

Change all agricultural uses in AC districts to A

Definition of Household pets is expanded

(111) now under home occupation

Nightclubs/Teen Code – not listed, indoor recreation/entertainment

Government facilities treated as its use/not ownership

Columbarium – add as A for churches and cemeteries

Consolidate wholesale sales/distribution/retail?

Fireplaces – manufactured home modifications – check with building Dept

Animal boarding/domestic pets – expand to all animals, not just dogs

Policy – change to all animal noise at night, nightclub/bar – consider definitions, teen club – rolled into recreation, or just delete the specific standards

Include medical marijuana/define use

Accessory use less than or equal to 50% of lot? Number?

Helpful to have accessory use and structures addressed together

"Establishment" definition – p47//should broaden to reflect more applications, only relates to adult entertainment

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Community Planning  
Zoning/Design Standards  
Impact Fees  
Growth Management  
Sustainability

**CLARION**

## MEMORANDUM

TO: City of Littleton Planning Board  
CC: Jocelyn Mills, Community Development Director  
FROM: Don Elliott and Summer Frederick, Clarion Associates  
DATE: April 21, 2016  
RE: Discussion items related to Zoning Project

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Over three different meetings with Planning Board and Steering Committee members, we have identified many provisions in the Zoning Revisions document that need to be changed. The majority of these changes are already being incorporated into a revised Permitted Use Regulations document. Additionally, we identified a list of items that need further discussion or explanation. Clarion and staff have now sorted through list and categorized these items as follows:

1. Items that should not be included in the Zoning Revisions document because they raise larger policy questions that City Council should consider separately from this effort.
2. Items that have relatively straightforward solutions that can be reflected in recommended text for review by this group.
3. Items that warrant further discussion and decision from this group.

The remainder of this memo addressed these categories in greater detail.

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### 1. Topics that Should Not be Addressed in the Revised Permitted Use Controls

The following items have been identified as important topics for separate discussion by the Littleton City Council at a later date, and will not be addressed in the Permitted Use Regulations document.

- Short term rentals (VRBO).
- "Vacant" uses – uses to be allowed as Conditional ("C") uses after a structure has been vacant for 10+ years.
- "Temporary labor hall" use types – whether this use is to be a permitted use type anywhere in the City of Littleton.
- "Cottage" and "Co-housing" residential use types – whether these use types is to be a permitted use anywhere in the City of Littleton.

## 2. Items With Recommended Revisions

The following items can be addressed through relatively straightforward recommendations, which only need individual discussion if one or more group members want to discuss them separately. Otherwise, the recommendations below will appear in the revised Permitted Use Regulations document.

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1. When referring to special use permits, "one year" is defined as a calendar year from approval date.
2. Any mobile or manufactured homes that were built prior to introduction of HUD standards (1974) will be expressly prohibited in Littleton.
3. The use name "Art Museum" will be changed to "Art Gallery" in the Use Table, and the definition revised to reflect that change.
4. Parks, Trails, and Open Space will be a Permitted Use in the Industrial districts.
5. Definitions for "Recreational Vehicle" and "Travel Trailer" will be added, and both use types are permitted in the definition of the "Campground" use.
6. The use name "Brewpub" will be renamed and definition revised to include wineries and distilleries of the same character and limited size.
7. The "Commercial laundry" use will be renamed "General industrial services", and the definition expanded to include a wider variety of similar uses such as catering services and event equipment rental services.
8. The "Medical marijuana" use will be included as a use type with accompanying definitions and use-specific standards, as well as cross-references to Chapter 20 of Littleton's Municipal Code.
9. The "Telecommunications" standards will be revised to require compliance with current FCC standards (which have changed since the last draft of the Permitted Use Regulations).
10. Within the Use Table, "Trade or vocational school" use type will be returned to the Institutional uses section.
11. Use-Specific Standards related to "Pigeon keeping" will be revised to reflect existing requirements and standards.
12. The distinction between "Heavy vehicle and equipment repair and services" versus "Light vehicle and equipment repair and services" will be clarified.
  - a. "Heavy vehicle and equipment" includes but is not limited to tractor trailers, large travel buses, earthmovers, and backhoes.
  - b. "Light vehicle and equipment" includes but is not limited to standard automobiles, trucks, and riding mowers.
  - c. The distinction is made because the impact of facilities repairing and servicing "heavy vehicles and equipment" are greater than those repairing and servicing "light vehicles and equipment." Therefore, as a use type "heavy vehicle and equipment repair and service" is only permitted in the I-2 zone district, and "light vehicle and equipment repair and service" is permitted in a range of mixed-use and industrial districts.
13. Language related to "Animal clinics" will be revised to differentiate between those clinics that treat large or small animals, and when and where boarding is allowed.
14. "Wind energy systems" regulations will be revised to clarify development standards such as tower height and site location.
15. Language related to "domestic animals" will be revised for clarity and to avoid overlap/conflict with Animal Control regulations.
16. The difference between "Rooming/Boarding" versus "Short term rental" (VRBO) will be clarified.
  - a. "Rooming/Boarding" refers to the rental of a single bedroom by a homeowner to an individual for a period of time longer than 30 days.



- b. "Short term rental" refers to the rental of a bedroom, or entire house for a short period of time such as a weekend or a week.
  - c. Currently "Rooming/Boarding" is a permitted accessory use, while "Short term rentals" is not a permitted use at all.
17. The size of accessory uses will be revised to limit those uses to 20% of the floor area of the primary structure.

### 3. Discussion Items for This Group

The following items require further discussion by this group and the decisions reached by this group will be addressed in the revised Permitted Use Regulations document.

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#### "Bed and Breakfast"

The question is whether this use type should be allowed as a Permitted ("P") use in residential districts, and perhaps mixed-use districts. Currently, "Bed and Breakfast" is a Conditional ("C") use in the A-1, R-3X, R-4, and R-5 districts, subject to the following Use-Specific Standards:

##### A. Bed and Breakfast

1. The facility must provide 1 parking space, in addition to those required for a single-family detached residence, for each rentable bedroom.
2. Food and beverages may only be served to lodgers in the facility unless a temporary use permit has been obtained for a special event.

The use type is defined as follows:

#### Bed And Breakfast

An establishment operated in a private residence or portion of a private resident, that provides temporary accommodations to overnight guests for a fee and that is occupied by the operator of such establishment.

#### Questions for discussion

- Should the Conditional ("C") use designation be changed to a Permitted ("P") use designation?
- Should the use type "Bed and Breakfast" be expanded to additional zone districts?

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#### Food Trucks

The question is whether the operation of food trucks on private property should be addressed in the zoning ordinance, and if so how they should be addressed.

Clarion's recommendation is that food truck (mobile vendor) regulation be handled through business licensing procedures, not the zoning ordinance. However, if it is decided to include mobile vendors in the zoning ordinance, we recommend including "Mobile vendor" as a Temporary ("T") use and attaching appropriate Use-Specific Standards.

#### Questions for discussion

- Should the operation of food trucks (mobile vendors) on private property be addressed in the zoning ordinance?
- If mobile vendors are included in the zoning ordinance, should they be included as Temporary ("T") uses, and if so in what zone districts?
- If mobile vendors are included in the zoning ordinance, what are appropriate Use-Specific Standards?

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## Urban Agriculture

"Urban agriculture" as a use type, along with "Farm stand or farmers market," "Raising of chickens," and "Raising of garden crops" has recently received much attention. Typical questions include: What is the definition of "urban agriculture?" Where is it allowed? Are retail sales allowed on-site? If so, are such sales allowed as an accessory use on a permanent basis, or is it a temporary use? This group expressed an interest in discussing this topic.

Clarion's recommendations are as follows:

- Include a traditional "Farm" use, defined in a relatively traditional way (e.g. include activities such as the raising of crops, raising and keeping some animals (horses, poultry, goats), and allowed in the A-1 district.
- Include a primary use of property called "Urban agriculture" defined in a way to provide compatibility with residential uses (e.g. restrict types of animals raised) and allow it in some residential districts.
- Include a use type such as "Farm stand" as an Accessory ("A") use on parcels where the primary use is "Farm" or "Urban Agriculture," and attach Use-Specific Standards such as size and location of structure.
- Include a use type such as "Farmers market" as a Permitted ("P") or Temporary ("T") use in some districts.
- Clarify that back yard or roof-top gardening is always an Accessory ("A") use to a residential use.

### Questions for Discussion

- Should there be separate use defined for different agricultural uses in the zoning ordinance?
- Should existing animal-related uses (beekeeping, chickens, horses, crops) be incorporated into more general agricultural use types?
- Should each defined use be a a Permitted, Conditional, Temporary, or Accessory use, and in which zone districts?
- What are issues that should be addressed through Use-Specific Standards?



DEFINITIONS

**Bed And Breakfast**

An establishment operated in a private residence or portion of a private resident, that provides temporary accommodations to overnight guests for a fee and that is occupied by the operator of such establishment.

USE SPECIFIC STANDARDS

1.1. Bed and Breakfast

1. The facility must provide 1 parking space, in addition to those required for a single-family detached residence, for each rentable bedroom.
2. Food and beverages may only be served to lodgers in the facility unless a temporary use permit has been obtained for a special event.

**AGRICULTURE**

PERMITTED USE TABLE																									
Use Type	Residential											Mixed Use					Special Purpose			Use-Specific Standards					
	A-1	R-S	R-L	R-E	R-1	R-2	R-3	R-3X	R-4	R-5	MH	B-P	T	B-1	B-2	B-3	CA	STP	I-P		I-1	I-2	CEM	OS	
<b>COMMERCIAL</b>																									
<b>Agriculture and Animal Related</b>																									
Agriculture	P																								
Farm stand	P	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A					A	1.2
Farmers market	P	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T					T	
Urban agriculture	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					P	1.3

DEFINITIONS

**Agriculture**

The raising of food and feed crops and products, and including tree and vine products, animal husbandry including beekeeping, dairying, poultry, and pasturage, but excluding other uses such as abattoirs, commercial feedlots, and stockyards. This use includes the ordinary accessory uses and structures for preparing, treating, storing and selling agricultural products.

**Farm Stand**

A form of agricultural retail use that includes an accessory structure or land used for the sale, by the owner or his family or tenant, of agricultural or horticultural produce principally produced on that farm, but may include produce grown on other farms and accessory products, and that is clearly a secondary use of the premises and does not change the character of the premises.

**Farmers Market**

An occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages dispensed from booths located on-site.

### Urban Agriculture

The raising, keeping or production of fruit, vegetable, flower, and other crops, poultry, and bees; composting; and the processing of those agricultural products. Types of urban agriculture include personal gardens over 1,000 square feet, and Community Gardens of one acre or less that is managed and maintained by an individual or group. This use excludes abattoirs, commercial feedlots, and stockyards. This uses includes the ordinary accessory uses and structures for preparing, treating, and selling agricultural products. Urban agricultural may be located on private property lots (vacant or developed) and on public lands and right of ways as designated by the City of Lakewood.

### USE SPECIFIC STANDARDS

#### 1.2. Farm stand

1. Sale of products grown on-site is permitted on the site, provided that the structure used for sales is no larger than 100 square feet.

#### 1.3. Urban Agriculture

2. The maximum size is 3 contiguous acres. Larger primary uses are classified as agricultural enterprises.
3. Greenhouses and hoop houses are limited to a maximum height of 15 feet, shall be setback at least 10 feet from an abutting lot with an occupied residential use, and not cumulatively cover more than 25% of the community garden site.
4. Cold frames are limited to a maximum height of 4 feet, and shall be setback at least 10 feet from an abutting lot with an occupied residential use.
5. Storage sheds, gazebos, shelters, beehives, and greenhouse heating equipment are limited to a maximum height of 12 feet, shall be setback at least 10 feet from any abutting lot with an occupied residential use, and shall not cumulatively cover more than 400 square feet.
6. The site drainage and maintenance must prevent water and fertilizer from draining onto adjacent property that is not part of the contiguous land in agricultural use.
7. Compost and refuse area, equipment and facilities shall be setback at least 20 feet from any front or side lot line. Composting shall be located or designed and constructed to prevent the composting material and compost from sitting in ponded surface water.
8. Refuse and compost area must be enclosed at ground level to be rodent-resistant or composting conducted in-vessel. Refuse must be removed from the site at least once a week.
9. Sales of products grown on the site is permitted on the site, provided that the structure used for sales is no larger than 100 square feet.

# Title 11 SUBDIVISION REGULATIONS

## Chapter 1 GENERAL PROVISIONS

### 11-1-1: TITLE:

This chapter shall be known and shall be cited as the *SUBDIVISION REGULATIONS OF THE CITY OF LITTLETON, COLORADO*. (1971 Code § 22.1)

### 11-1-2: PURPOSE OF CHAPTER:

It is the purpose and intent of this chapter:

- (A) To promote the health, safety, convenience and general welfare of the citizens of the city.
- (B) To establish standards of subdivision design which will encourage the development of sound, economical and stable neighborhoods, to ensure a healthy living environment, and to protect the natural environment.
- (C) To provide for lots of adequate size, configuration, and appropriate design for the intended uses.
- (D) To encourage subdivision design flexibility and imagination.
- (E) To provide for streets and walkways of appropriate capacity and construction with adequate measures to ensure safe movement of pedestrian and vehicular traffic.
- (F) To ensure the provision of efficient, adequate and economical utilities, services and improvements.
- (G) To provide for the coordination of subdivision development with requirements of schools, parks, recreation areas and other community facilities, and to ensure the provision of such facilities.
- (H) To ensure the desirable development of the community through the adherence to accepted principles of land use, intensity of development, distribution of growth, preservation of natural amenities and other elements of the city's development plans. (1971 Code § 22.2)

### 11-1-3: TERRITORIAL LIMITS; EXISTING PLATS APPROVED:

- (A) The territorial jurisdiction under the provisions of these regulations shall include all land located within the corporate limits of the city.
- (B) All plats of property which upon the effective date of these regulations have been previously submitted to and approved by the council or the board of commissioners of a county having jurisdiction are considered to be approved subdivisions as such requirements for approval exist in these regulations. (Ord. 26, Series of 1975)

### 11-1-4: VIOLATIONS, PROHIBITIONS AND PENALTIES:

- (A) No owner or agent of the owner of any land shall transfer, sell, agree to sell or offer to sell any land by reference to or by use of a plan or plat of a

subdivision before such plan or plat has been approved in accordance with the provisions of this title and recorded with the county clerk and recorder.

(B) No building permits shall be issued for the construction or alteration of any structure on any property unless a plat of such property has been prepared, approved and recorded in accordance with the requirements of this title, except as exempted in section [4-1-9](#) of this code.

(C) Any person who is found guilty, pleads guilty or no contest to a violation of any section of this chapter shall be punished as provided for in section [1-4-1](#) of this code. Specifically, it shall be unlawful for any owner, or agent of an owner of land located within a subdivision to transfer, sell, contract to sell, or offer to sell any land by reference to or use of a plan or plat of a subdivision before the same has been recorded in the office of the county clerk. Each transaction involving any single lot, or interest therein, shall be deemed a separate violation of the terms of this provision. Nothing herein contained shall prevent the city from seeking other relief, such as injunctive relief, against violation or proposed violation of this chapter. (Ord. 8, Series of 1992)

#### **11-1-5: SEVERABILITY:**

(A) If for any reason any one or more sections, headings, clauses or parts of this title are held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this title but shall be confined in its operation to the specific sections, headings, clauses or parts of this title held invalid, and the invalidity of any section, heading, clause or part of this title in any one or more instances shall not affect or prejudice in any way the validity of this title in any other instance.

(B) If the application of any provision of these regulations to any tract of land shall be adjudged invalid, the same shall not affect, impair or invalidate these regulations or the application of any provision thereof, to any other tract of land. (Ord. 36, Series of 1979)

#### **11-1-6: DEFINITIONS:**

For the purpose of this title, the following words and phrases shall have meanings respectively ascribed to them in this section:

ALLEY: A strip of land dedicated to public use, located at the side or rear of lots and providing a secondary means of vehicular access to the property.

BICYCLEWAY: A public pathway or lane designed to be used exclusively by bicycle traffic and clearly separated from roadways and pedestrianways.

BLOCK: A parcel of land within a subdivision, generally bounded by public or private rights of way (other than alleys) or the exterior boundary or boundaries of a subdivision.

BOARD: The Littleton city planning board.

COUNCIL: The Littleton city council.

CUL-DE-SAC: A short street having one end open to traffic and being terminated at the other end by a vehicular turnaround.

DEAD END STREET: A street having only one outlet for vehicular traffic which does not meet the standards or definition of cul-de-sac.

EASEMENT: A right in the public of any person, firm or corporation to use the land of another for a special purpose not inconsistent with the general property rights retained by the owner.

FLOODPLAIN<sup>1</sup>: The relatively flat or lowland area adjoining a river, stream, watercourse, lake or other body of surface water which has been or may be covered temporarily by floodwater. For administrative purposes, the floodplain may be defined as the area that would be inundated by the base flood as delineated by the federal insurance and hazard mitigation agency, or other recognized source.

IMPROVEMENTS: Street grading, paving and curbing; fire hydrants; public and private utilities; storm sewers and drains; pedestrian and bicycle ways; crosswalks; street shade trees; if applicable, common open space; and such other improvements as may be designated by the city.

LOT: The basic land development unit, which has fixed boundaries, is not divided by any public street or alley, and, except as may be otherwise provided in the zoning title<sup>2</sup>, is used or intended to be used by one principal permitted use.

LOT OF RECORD: A lot which is part of a recorded subdivision, which has been filed with the appropriate county clerk and recorder's office. For purposes of this title, the term "legally described lot" shall be deemed synonymous with the term "lot of record".

MAJOR SUBDIVISION: All those subdivisions which do not meet the requirements of a "minor subdivision" as herein defined.

MINOR SUBDIVISION: The subdivision of land into ten (10) or fewer lots, all of which abut an existing dedicated and accepted city street; and where no variance from the requirements of these regulations, the zoning title or other applicable city ordinances and resolutions is requested by the applicant.

PEDESTRIANWAY: All public or private pathway or sidewalk designed to be used exclusively by pedestrian traffic.

PLAT: A document showing the surveyed dimensions and legal description of a parcel of land; the reassemblage of parcels; or the subdivision or

resubdivision of land into lots, blocks, tracts, easements and rights of way.

- (A) Final Plat: A map and supporting materials prepared in accordance with these regulations as an instrument for recording real estate interests with the county clerk and recorder.
- (B) Preliminary Plat: The map(s) and specified supporting materials of a proposed subdivision prepared in accordance with these regulations to permit evaluation of the proposal prior to the detailed engineering, design and preparation of the final plat.

**PUBLIC HEARING:** A meeting of the city council, or other duly constituted board or commission, for the purpose of hearing comments, testimony, recommendations and other responses from the applicant, city staff, and other interested parties and the general public regarding the applicant's appeal and after the public hearing, of taking action on the appeal. Notice of the time and place of such hearing shall be published at least six (6) days prior to the hearing.

**PUBLIC MEETING:** A regularly scheduled meeting or duly advertised special meeting of the city council, or other duly constituted board or commission, held for the purpose of conducting business.

**PUBLIC WORKS:** The department of public services, formerly known as the department of public works.

**RESUBDIVISION:** Any division of land previously subdivided or platted.

**ROADWAY:** That portion of a street designated for vehicular traffic; the portion between curbs or edges of pavement.

**STREET:** A dedicated public right of way which provides vehicular and pedestrian access to adjacent properties. This definition shall include the terms road, lane, place, avenue, drive and other similar designations.

- (A) Local (Single-Family Residential Areas): A street which provides direct access to adjacent property, designed in a manner to prevent through traffic movements, and does not intersect major arterial streets.
- (B) Local (Multi-Family Residential, Business And Industrial Areas): A street which provides direct access to adjacent property, designed in a manner to discourage through traffic movements, and should not intersect major arterial streets.
- (C) Collector (2 Moving Lanes): A street which collects and distributes traffic between local streets and major arterial streets.
- (D) Arterial (4 Or 6 Moving Lanes): A street which permits rapid and relatively unimpeded movements, connecting communities, as well as major land use elements, with one another.
- (E) Limited Access Facility: A highway which provides rapid and unimpeded traffic movement between urban centers. Access is partially or completely controlled with primary grade separated interchanges connecting only to major arterial streets permitted.

**SUBDIVIDER:** Any person, group, corporation or other entity who, as owner or purchaser, or agent of such owner or purchaser, divides or proposes to divide land into lots or other tracts for the purposes of resale or development. For purposes of this title, the term "applicant" shall be deemed synonymous with the term "subdivider".

**SUBDIVISION:** Except as may be permitted under the subdivision exemption procedure provided in this title, the division of a parcel of land into two (2) or more lots and other tracts for the purpose of resale and/or development. This term includes resubdivision and when appropriate to the context, shall relate to the process of subdividing or to the land being subdivided. (1971 Code § 22.8; amd. Ord. 36, Series of 1979; Ord. 11, Series of 2007; Ord. 19, Series of 2012; Ord. 20, Series of 2012)

## Chapter 2 GENERAL APPLICATION PROCEDURES

### 11-2-1: APPLICATION FOR SUBDIVISIONS:

For purposes of this title, an applicant filing an official subdivision application form shall be the owner(s) of the subject parcel; a purchaser of said parcel under written contract, duly executed; or by an authorized agent of the owner(s) or purchaser(s).

- (A) Without limiting an applicant's right to file additional materials, the applicant shall submit an official subdivision application form provided by the planning division. An application shall not be considered officially filed until the official application form is complete, the appropriate application fee is paid and record of such payment is affixed to the application form. (Ord. 36, Series of 1979)
- (B) It is the applicant's sole responsibility to provide all required information, forms, statements and fees at the time an application is filed. Incomplete application materials may cause delays in the review process. (Ord. 20, Series of 2012)



**11-2-2: PROCEDURES:**

Except as hereinafter provided, the following procedures shall apply to all applications filed under the provisions of this title:

- (A) Preapplication Conference: In order to properly evaluate an area proposed for subdividing, the applicant or his agent shall meet with the department of community development at a preapplication conference. Such conference shall be held for the purpose of discussing concepts, feasibility, regulations and procedures regarding the proposed subdivision. Potential applicants who desire to proceed with the filing of an official application form, shall have said form explained at the preapplication conference. (Ord. 36, Series of 1979)
- (B) Official Application Form: The official application form shall be provided by the planning division and shall contain the requirements specified in the operating standards established by the department of community development. General requirements shall include the following documents in addition to the requirements in the operating standards:
1. Name, address and telephone number of the applicant, legal property owner, engineer and/or land surveyor. Any application which is not filed by the owner or owners of the subject property shall contain a written statement that the owner or owners have no objection to the proposed subdivision. Such statement shall include the verified signature(s) of said owner or owners.
  2. A current title commitment.
  3. Name, address and telephone number of mortgages, if any, including the signature of a corporate officer and the corporation seal.
  4. Names and address of all mineral owners and lessees of mineral owners.
  5. A subdivision plat which shall include details specified in the operating standards. (Ord. 20, Series of 2012)
- (C) Application Fee: The city council shall, by resolution, establish the required application fee schedule. (Ord. 36, Series of 1979)
- (D) Referral Procedure:
1. Submission Requirements: The applicant shall submit a preliminary application to the planning division, including the preliminary plat or map, an official application form, and other materials determined by the planning division to be necessary to complete the referral review. The actual number of copies of the application materials will be determined during the preapplication conference and shall be based, in part, on the number of referral agencies which are required to review the application. One reproducible copy of the preliminary map shall also be submitted.
  2. Distribution: The preliminary application material will be distributed by the planning division to all applicable reviewing agencies in accordance with the operating standards.
  3. Responses And Revisions: The applicant shall be provided with copies of reviewing agency comments. The applicant may revise the application, as necessary, to address the reviewing agency comments prior to filing the final application. All referral agency comments and applicant responses shall be included in the final application.
- (E) Recording: All final major subdivision plats, minor subdivision plats, subdivision exemption maps, or other plat documents approved under the procedures set forth in this title, shall be recorded in the clerk and recorder's office of the appropriate county (Arapahoe, Douglas or Jefferson), at the applicant's expense. Recording shall be made by the city, if within one year following final approval by the city council, the city receives from the applicant two (2) complete reproducible mylar copies of the plat documents, including all required signatures and the applicable recording fee. Failure of the applicant to timely meet this submittal requirement shall cause the plat to become null and void and may be restored only by formal action of the applicable reviewing body unless a time extension is granted pursuant to subsection (F) of this section.
- (F) Time Extension: An extension of approval for no more than one year may be granted by the director of community development, provided a written request for extension is filed with the planning division prior to the date of expiration. (Ord. 20, Series of 2012)

## Chapter 3 PROCEDURES; MAJOR SUBDIVISIONS

**11-3-1: PRELIMINARY PLATTING PROCEDURES:**

- (A) Preparation: The subdivider shall cause the preparation of a preliminary plat of the proposed subdivision by a registered land surveyor. The plat shall comply with the provisions of these regulations or of the ordinances of the city and state law. (1971 Code § 22.10)
- (B) Submission: The applicant shall submit the preliminary plat application pursuant to the requirements and process described in section [11-2-2](#) of this title. The application deadlines and required number of copies shall be in accordance with the operating standards as established by the department

of community development.

(C) Action On Preliminary Plat:

1. City Staff Review And Recommendation: City staff shall review the proposed preliminary plat for compliance with the provisions of this title, other applicable regulations, the comprehensive plan, existing and proposed development, and comments from affected agencies and shall frame the city staff's formal recommendation on the proposed plat.
2. City Planning Board Action: The board shall review the preliminary plat and the city staff's report and recommendations at a regularly scheduled public meeting. The board shall approve said plat, or approve said plat with modifications. (Ord. 20, Series of 2012)
3. Appeal Of Board's Action: If the board approves the plat with modifications, the applicant may appeal the board's action to the city council. Such appeal must be made in writing to the department of community development within ten (10) calendar days of the board's action. The council shall receive the appeal request and shall schedule a public hearing to review the decision of the board, approve the plat as submitted, or concur with the decision of the planning board. (Ord. 36, Series of 1979; amd. Ord. 19, Series of 2012)

The department of community development shall notify the applicant of the time and place of said hearing within two (2) calendar days after the hearing is scheduled. (Ord. 36, Series of 1979)

4. Effective Time Period For Approved Preliminary Plat:

- (a) Effective Time Period: The applicant shall submit for administrative approval a final plat on all or a portion of the approved preliminary plat within twelve (12) months from the date of the planning board's approval of said preliminary plat.
- (b) Extension Of Effective Time Period: Upon written request from the applicant, the director of community development shall grant an extension to the effective time period of an approved preliminary plat, said extension shall not exceed twelve (12) months, provided the character of the area has not changed and said plat is still in conformance with the city's comprehensive plan.
- (c) Failure To Request Extension: Failure of the applicant to submit a written request for an extension of an approved preliminary plat prior to the end of the twelve (12) month time limit shall cause said plat to become null and void. (Ord. 20, Series of 2012)
- (d) Timely Submission Of Remaining Portions Of Plat: The applicant shall submit a final plat on the remaining portions of the approved preliminary plat every twelve (12) consecutive months from the date of the last approved final plat until the entire area included in the approved preliminary plat has been completed and recorded. Failure of the applicant to submit a final plat on the remaining portion(s) of the approved preliminary plat within the twelve (12) month time limit shall cause the remaining portion(s) of the approved preliminary plat to be reviewed by the planning division for conformance with the city's comprehensive plan, changing conditions within the neighborhood and/or amendments to the provisions of this title. If amendments to the preliminary plat are deemed necessary and such amendments cannot be approved by the director of community development under the provisions of subsection [11-3-2\(C\)1](#) of this chapter, said preliminary plat shall be subject to the same review procedures as required for original approval. (Ord. 36, Series of 1979)

## 11-3-2: FINAL PLATTING PROCEDURES:

(A) Preparation: The subdivider shall cause the preparation of a final plat of the proposed subdivision by a registered land surveyor. The plat shall comply with the provisions of these regulations or of the ordinances of the city and state law. (1971 Code § 22.11)

(B) Submission: The applicant shall submit the final plat application pursuant to the requirements and process described in section [11-2-2](#) of this title. The application deadlines and required number of copies shall be in accordance with the operating standards as established by the department of community development. (Ord. 20, Series of 2012)

(C) Action On Final Plat:

1. Director Of Community Development's Action: The director of community development shall check the final plat for conformance with the approved preliminary plat and, if any, special provisions. He may approve minor modifications to the approved preliminary plat when all of the following conditions exist:

Any rearrangement of lot lines does not substantially alter the general lot and street layout of the approved preliminary plat, and remains compatible with surrounding development;

The requested modification is in compliance with the zoning and subdivision regulations of this code, and other applicable city ordinances;

The requested modification does not conflict with established policies of the department of public works or other city agency, public and private utilities, school district or recreation and park district.

- (a) Certification (Approval): If the director of community development finds that the final plat conforms with the approved preliminary plat and, if any, special provisions, and the subdivider has fulfilled all requirements of these regulations or of the ordinances of the city, then the director of community development shall certify said plat. (1971 Code § 22.11)
- (b) Modification Or Appeal: If the director of community development determines that the final plat is not in compliance with the approved preliminary plat and any provisions and/or these regulations, then the director of community development shall give written notification of this determination to the applicant, who may make all necessary changes, additions or corrections. If the applicant does not desire to make the necessary changes, the applicant may appeal the decision as provided in subsection (C)4 of this section. (Ord. 36, Series of 1979)

2. Director Of Public Works' Action: The director of public works shall check the final plat to ensure compliance with these regulations, established policies of the department of public works and other applicable city ordinances.
  - (a) Certification (Approval): If the director of public works finds the final plat and required accompanying material is in compliance with accepted engineering principles, these regulations and other applicable city ordinances, then the director of public works shall certify said plat. (1971 Code § 22.11)
  - (b) Modification Or Appeal: If the director of public works determines that the affidavits, offers of dedication, survey data or other requirements necessary to ensure compliance with these regulations and accepted engineering principles are inadequate, then the director of public works shall give written notification of this determination to the applicant, who may make all necessary changes, additions or corrections. If the applicant does not desire to make the necessary changes, the applicant may appeal this decision as provided in subsection (C)4 of this section.
3. Approval Of Final Plats: If the director of community development and the director of public works certify that a final plat is in compliance with the approved preliminary plat, accepted engineering principles, and the ordinances of the city, and the plat is approved as to form by the city attorney, said plat shall be submitted to the city council for final approval.
4. Appeal Of Administrative Action: The applicant may appeal to the council the action of the director of community development or the director of public works on the final plat. Such appeal must be made in writing, specifying the grounds on which the appeal is being made, to the director of community development within ten (10) days of the administrative action. The council shall receive the appeal request and schedule a public hearing to review the decision of the administration. The council may approve the plat as submitted, or may affirm the decision of the director of community development or the director of public works, or make such changes as are in conformance with this code. The department of community development shall notify the applicant of the time and place of the hearing within two (2) calendar days after the hearing is scheduled. (Ord. 20, Series of 2012)

## Chapter 4 PROCEDURES; MINOR SUBDIVISIONS

### 11-4-1: MINOR SUBDIVISIONS:

- (A) Any subdivision of land which complies with all of the following requirements as herein defined shall be processed within the provisions of this chapter.
1. The proposed plat shall contain ten (10) or fewer lots;
  2. All lots must abut a dedicated and accepted city street;
  3. The proposed plat shall meet the minimum requirements of the subdivision regulations and zoning regulations. (Ord. 20, Series of 2012)
- (B) Any proposed subdivision which does not comply with all of the requirements as defined hereinabove, shall be considered a major subdivision and must be processed in compliance with [chapter 3](#) of this title. (Ord. 36, Series of 1979)

### 11-4-2: PRELIMINARY AND FINAL PLATTING PROCEDURES:

- (A) Preparation: The subdivider shall cause the preparation of a preliminary and final plat of the proposed subdivision by a registered land surveyor. The plat shall comply with the provisions of these regulations, and other ordinances of the city and state law.
- (B) Submission: The applicant shall submit the preliminary plat application pursuant to the requirements and process described in section [11-2-2](#) of this title. The application deadlines and required number of copies shall be in accordance with the operating standards as established by the department of community development.
- (C) Action On The Preliminary And Final Plats:
1. City Staff Review And Recommendation: City staff shall review the proposed preliminary plat and final plat for compliance with the provisions of this title, other applicable regulations, the comprehensive plan, existing and proposed development, and comments from affected agencies and shall frame the city staff's formal recommendation on the proposed final plat.
  2. Appeal Of Staff's Recommendation: If the staff approves the plat with modifications, the applicant may appeal to the city council the staff's decision. Such appeal must be made in writing to the department of community development within ten (10) calendar days of the staff's decision. The council shall receive the appeal request and shall schedule a public hearing to review the decision, approve the plat as submitted, or concur with the decision of city staff. The department of community development shall notify the applicant of the time and place of said hearing within two (2) calendar days after the hearing is scheduled.
  3. City Council Action: If the director of community development and the director of public works certify that the final plat is in compliance with the accepted engineering principles, and the ordinances of the city, and the plat is approved as to form by the city attorney, said plat shall be submitted to city council for final approval. The Littleton city planning board shall receive a report on all final plats approved by the Littleton city

## Chapter 5 PLAT DETAILS

### 11-5-1: SUBDIVISION PLATS:

- (A) Plat Preparation: The applicant shall cause the preparation of a subdivision plat on the subject property by a registered land surveyor. The subdivision plat shall comply with the detailed application form, the regulations as set forth herein or of the ordinances of the City and State law.
- (B) Plat Requirements: Without limiting an applicant's right to file additional materials, the following subdivision plat details shall apply to all applications for subdivisions:
1. Name of proposed subdivision.
  2. Name, address and telephone number of the applicant, legal property owner(s) and the designer, surveyor and/or engineer; the name and address of the owner(s) of subsurface mineral estates, including mineral lessees, if any.
  3. Metes and bounds legal description including monumentation certified by a registered land surveyor, and the total number of acres to be subdivided shall be shown.
  4. North point with written and graphic indication of the scale.
  5. Location map showing the subject site, streets, street names, schools, parks, railroads, public transit facilities, other identifying features of the area and any other public facilities within one-half ( $1/2$ ) mile from the proposed subdivision.
  6. Existing and proposed contours, width and direction of flow of all watercourses and any area inundated by the 100-year frequency flood.
  7. The plat shall show all adjacent and included right-of-way locations, dimensions of proposed streets, with delineation of proposed right-of-way dedication, names of existing and proposed streets; the proposed lot layouts, lot dimensions, lot areas and lot and block numbers; adjacent and included pedestrianways; and all approximate locations of all building setback lines within and immediately adjacent to the subdivision.
  8. The names, locations and property lines of adjacent subdivisions and the owners' names, locations and property lines of abutting unplatted tracts and public lands.
  9. The existing uses on the property proposed for subdividing and all abutting property; and the building outline of all permanent structures located on the subject property which are to be retained.
  10. The location, size, type, and where applicable, grades of all adjacent and included existing utilities and easements, and all new utilities and easements proposed for subject property, including fire hydrant locations and postal facilities.
  11. Designation of existing zoning on the subject property and abutting properties.
  12. The location of bridges, culverts, catch basins and all other provisions for collecting and discharging surface and subsurface drainage.
  13. The location, area and dimensions of all parcels to be reserved for the common use of all property owners in the proposed subdivision and/or land to be dedicated for public parks, open space, schools or other public uses.
- (C) Materials Required To Accompany Subdivision Plat: A minimum of three (3) copies of the following materials shall accompany the submittal of the subdivision plat:
1. In the event a preliminary plat covers only a portion of the applicant's entire holding, a sketch of the prospective street system for the entire tract shall accompany said plat. Filing fees will not be paid on the additional area until such time that a subdivision plat is submitted for such area.
  2. If any drainageway exists within the proposed subdivision, or adjacent to said subdivision that would be affected by any additional runoff caused by the development of the proposed subdivision, the applicant shall provide a drainage plan. Such plan shall incorporate existing and future upstream development and drainageway modifications, the impact of the proposed subdivision with respect to increased runoff contribution and drainageway modification, means to minimize the additional runoff and increased flow rates, and consider immediate and future downstream implications. Such plan shall show the existing topography by dashed lines, and the approximate proposed grading shall be indicated by solid lines within the proposed subdivision.
- Should it be determined that a preliminary drainage plan is not required, the applicant shall provide a grading plan of the proposed subdivision which shall show the existing topography by dashed lines, and the approximate proposed grading shall be indicated by solid lines.
- (D) Material Required To Accompany Final Plats:
1. Three (3) copies of an improvements plan which shall include, as applicable, profiles, grades, specifications, estimated construction costs, time schedule and other necessary information for the construction and installation of all improvements.
  2. If there is evidence of unsuitable surface and/or subsurface soils conditions, the applicant shall provide a report, prepared by a licensed

engineering geologist, which examines slope, stability and erosion characteristics, water table elevations, swelling pressure potential, bedrock depth, or other geological characteristics necessary to ensure all hazards and special precautions have been identified.

- 3. If the proposed subdivision is five (5) acres or larger, and there is evidence of sand, gravel, quarry aggregate or other mineral deposits underlying the subject property, the applicant shall provide a report, prepared by a licensed engineering geologist, which shall show the thickness and quality of such deposits, map the limits of the deposits, and other required information to determine the commercial value of such deposit, in accordance with State law. Note: Six (6) copies of this report shall be required.
- 4. One copy of the computed closure sheets for the entire subdivision.
- 5. Collateral, in the form of an irrevocable letter of credit and/or cash or performance bond in a form acceptable to and approved by the City Attorney, to secure to the City the actual construction and installation of all required improvements, shall be transmitted upon approval of the final plat and prior to signing said plat for recording. Such collateral shall be in the amount of one hundred twenty five percent (125%) of the estimated engineering, materials and construction costs at the projected time of installation. If the required improvements are not complete by the projected time of installation, the Director of Public Services shall review the amount of collateral and may require that the amount of collateral be revised in accordance with the then current costs of engineering, materials and construction.
- 6. A subdivision improvements agreement by which the applicant agrees to construct any required improvements shown on the final plat, or other agreements or contracts setting forth the plan, methods and parties responsible for the construction of said improvements. As improvements are completed, the applicant may apply for release of part or all of the deposited collateral. If the Director of Public Services determines that any such improvements are not constructed in compliance with specifications, the applicant shall be furnished with a list of specific deficiencies and the City shall withhold sufficient collateral to ensure such compliance. If the deficiencies are not brought into compliance, the City may withdraw funds from the deposit of collateral to bring the improvements into compliance.
- 7. Development Assurance; Common Open Space:
  - (a) Adequate assurance may be required to ensure that any common open space and/or facilities will be provided as shown on the approved subdivision plat. Such assurance may be in the form of a bond, corporate surety or other financial guarantee approved as to form by the City Attorney. The financial assurance, if required, shall be in the amount of one hundred twenty five percent (125%) of the estimated engineering, materials and construction costs at the projected time of installation. If the required improvements are not complete by the projected time of completion, the Director of Community Development shall review the amount of the financial assurance covering the incomplete improvements and may require that the amount of the assurance be revised in accordance with the then current costs of engineering, materials and construction.
  - (b) If development is proposed to occur in phases, assurances that common open spaces and/or facilities will be provided as shown on the approved subdivision plat shall stipulate that such open space and/or facilities will be completed in the same proportion as that particular phase is of the entire development.
  - (c) The requirements of this subsection are deemed separate, distinct from and are not met by the requirements for collateral to secure construction of public improvements as provided hereinabove.
- 8. Plat Size: The size of all final plats shall be twenty four inches by thirty six inches (24" x 36").

(E) Certificates And Statements: All subdivision plats shall have the following certificates and statements unless otherwise noted:

*I, , owner, or designated agent thereto, do hereby agree to develop the above described property in accordance with the use, restrictions, and conditions contained herein, and current Ordinances, resolutions, and standards of the City of Littleton, Colorado.*

*Signature of Owner and/or Agent*

*Address*

*Subscribed and sworn to before me this day of , 19\_.*

*My Commission expires , 19\_.*

*Notary Public*

Note: In circumstances where a corporation, financial institution or other business entity is initiating or has a financial interest in the proposed subdivision, an officer of the lending institution and the secretary's signatures, with the corporation seal, shall be shown on the plat.

Note: If there is to be a dedication of land for public rights of way, easements, parks, open space, schools or other public use, then the following notary's certificate and attorney's certificate shall be placed on the plat.

STATE OF COLORADO )  
)  
COUNTY OF ARAPAHOE)

*The foregoing dedication was acknowledged before me this day of , 19\_ by for .*

*Witness my hand and Official Seal*

*Notary Public  
My Commission expires .*

(Ord. 36, Series of 1979)

*ATTORNEY'S CERTIFICATE*

*I, , an attorney at law duly licensed to practice before Courts of Record of the State of Colorado do hereby certify that I have examined the title of all lands herein dedicated and shown upon the within plat as public ways, easements and/or Public Land dedication to fulfill the provisions of [Chapter 8](#) of the Littleton City Subdivision Regulations, and the title of such lands being dedicated is free and clear of all liens and encumbrances.*

*Dated this day of , 19\_.*

*Attorney at Law Registration No.*

*I, , a registered Professional Land Surveyor in the State of Colorado, do hereby certify that the survey represented herein was made under my supervision and the monuments shown thereon actually exist, and the plat accurately represents said survey.*

*Name, address, L.S. No.*

*APPROVED AS TO FORM:*

*Littleton City Attorney*

*Approved this day of , 19\_ by the Littleton City Planning Board.*

*Chairman  
ATTEST:*

*Board Secretary*

*Approved this day of , 19\_ by the Director of Community Development.*

*Director of Community Development*

*Approved this day of , 19\_ by the Director of Public Services.*

*Director of Public Services*

*Approved this day of , 19\_ by the Littleton City Council.*

*/s/ Sally Parsons  
Council President*

*Attest:*

*City Clerk*

(Ord. 36, Series of 1979; amd. Ord. 19, Series of 2012)

*CLERK AND RECORDER'S CERTIFICATE*

*This document was filed for records in the office of the County Clerk and Recorder of County at m. on the day of A.D., 19\_ in Book , Page , Map , Reception No. .*

*County Clerk and Recorder*

*by:*

*Deputy*

(Ord. 36, Series of 1979)

## Chapter 6

## DESIGN STANDARDS

### 11-6-1: GENERAL REQUIREMENTS:

Planning, layout and design of a subdivision are of the utmost concern. The residents must have available to them within the area safe and convenient movement to points of destination or collection. Modes of travel to achieve this objective should not conflict with each other or abutting land uses. Lots and blocks should provide desirable settings for the buildings that are to be constructed, make use of natural contours and protect the view, afford privacy for the residents and protection from adverse noise and vehicular traffic. Natural features and vegetation of the area must be preserved if at all possible. Schools, parks, churches and other community facilities should be planned for as an integral part of the area.

(A) Names Of Subdivisions: The name of a subdivision shall not duplicate or closely duplicate that of any existing subdivision within the Arapahoe County area.

(B) Uninhabitable Land: Land which is deemed to be uninhabitable because of the flooding, inadequate drainage, or excessive grades shall not be subdivided for any use which may increase danger to health, life or property or aggravate flood or other hazards. Such lands within a subdivision may be set aside for approved uses which will remedy the condition or conditions.

(C) Regulatory Considerations: When designing a subdivision, full compliance with the zoning regulations<sup>1</sup> of the City shall be required with particular attention given to the zone district in which the proposed subdivision is located. (1971 Code, sec. 22.17)

### 11-6-2: GRAPHIC PRESENTATION:

(A) Blocks:

1. The lengths, widths and shapes of blocks shall be determined with due regard to:
  - (a) Provision of adequate building sites suitable to the special needs of the type of use contemplated;
  - (b) Zoning requirements as to lot sizes and dimensions;
  - (c) Needs for convenient and emergency access, circulation and traffic safety; and
  - (d) Limitations and opportunities of topography.
2. Pedestrian access shall be required to provide links to neighborhood schools, playgrounds, shopping centers, and other community facilities where such facilities exist within reasonable walking distance of the subdivision.

(B) Lots:

1. The lot size, width, depth, shape and orientation shall be appropriate for the type of development and use contemplated.
2. Residential lot dimensions shall conform to at least the minimum requirements of the zoning regulations of this Code.
3. Depth and width of properties shall be adequate to provide for the necessary private service and parking facilities required by the type of use and development contemplated. (1971 Code, sec. 22.18)
4. (Rep. by Ord. 21, Series of 1996)
5. Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both roads. (1971 Code, sec. 22.18)
6. (Rep. by Ord. 21, Series of 1996)
7. Each lot shall be provided with a minimum frontage on an approved public or private street as specified in the zoning regulations. The feasibility of a suitable driveway from the adjacent street to a usable building area on each site must be demonstrated for each lot.
8. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from arterials and limited access facilities or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet (10') in width and across which there shall be no vehicular right of access may be required along the rear property line of lots abutting such traffic artery or other disadvantageous use. (1971 Code, sec. 22.18)

### 11-6-3: STREET STANDARDS:

- (A) Street Systems: Street systems are to be laid out, designed and constructed in accordance with standards specified by the Director of Public Works. The following standards are only minimums and are designed to provide general guidelines to the subdivider.
- (B) Street Names: Streets that are extensions of, or obviously in alignment with, existing named streets shall bear the names of the existing streets. Street names shall be subject to the approval of the Department of Community Development.
- (C) Street Layout:
1. Layout shall be considered in relation to existing and planned future streets, topographical conditions, soil conditions, particularly considering drainage and erosion factors, to public convenience and safety, to aesthetics and in their appropriate relation to the proposed use of the land to be served.
  2. When any part of a collector, arterial or limited access facility, indicated as such on the transportation plan of the City, passes through a proposed subdivision, such part shall be dedicated in the location and at the width indicated on the plan.
  3. The dedication of a half street shall not be accepted unless:
    - (a) The subdivider obtains for the City a dedication from the abutting landowner of the other one-half ( $1/2$ ) of the street; and
    - (b) The subdivider obtains from the said abutting landowner an agreement in a form satisfactory to the City Attorney which guarantees the cost of the improvements and construction of the same on the half street within a time suitable to the Director of Public Works; and
    - (c) The subdivider guarantees the construction of the improvements on the half street which he is dedicating; or
    - (d) Any other similar arrangement recommended by the Director of Public Works and approved by the City Council.
  4. Right angle intersections shall be used whenever practicable.
  5. Intersecting collector and local streets shall not empty into the same side of an arterial street at intervals of less than eight hundred feet (800').
  6. Local and collector streets shall be laid out so that their use by major through traffic will be discouraged.
  7. When a subdivision abuts and controls access to public lands or existing streets, access shall be provided in the form required by the public agency involved. When a subdivision abuts private lands, the City may require the developer to provide access thereto.
  8. Reserve strips controlling access to public streets shall be prohibited except where their ownership is given to the public agency having jurisdiction and where agreed to by that public agency. In general, reserve strips in the form of one-foot outlets are required to control access on perimeter and stub streets.
  9. Alleys open at both ends may be required in commercial and industrial districts.
  10. Where railroad crossings are proposed or are affected, provisions for grade separations, buffer strips and safety protection devices shall be provided by the applicant as required. Obtaining approval from the affected railroad company and the Colorado Public Utilities Commission where applicable shall be the applicant's responsibility.
  11. Streets which are stub streets designated to provide future connection with adjacent unplatted land shall be provided with a temporary turnaround at the stub end. (1971 Code, sec. 22.19)
  12. Cul-de-sac streets are intended to serve only those dwelling units to which direct access is provided and shall have a turnaround with a minimum radius of fifty feet (50') at the closed end. The length of a cul-de-sac street shall be based on the maximum permissible traffic volume (as determined by the City's Traffic Engineer); and on emergency vehicle access (as determined by the City's Fire and Police Departments). Cul-de-sac streets may be permitted due to limitations caused by topography, drainageways or other physical site conditions, and where an alternative means of connection with adjacent neighborhoods is provided, such as pedestrian paths. In the event the cul-de-sac drains into the closed end, storm sewers or other drainage structures shall be required to dispose of storm water satisfactorily. (Ord. 21, Series of 1996)
  13. Street curb intersections shall be rounded by a tangential arc with a minimum radius of twenty feet (20') for single-family local residential streets and cul-de-sacs, and thirty feet (30') for intersections including multi-family residential, business, industrial, collector and arterial streets. Corresponding radii for property lines shall be rounded by a tangential arc having the same center as the arc of the curb intersections. (1971 Code, sec. 22.19)
  14. All changes in street bearings shall be connected with curves tangent to the bearing at both ends. (Ord. 21, Series of 1996)
  15. When a subdivision abuts or contains an existing or proposed freeway or major arterial, restriction of access may require the platting of a frontage road and/or a visual screen planting easement.
  16. Where vertical curbs with separated sidewalks are required, the planting area or that unpaved portion of the right of way between the curb and the sidewalk shall be landscaped and maintained by the abutting property owners. Landscaping shall normally be limited to sodding or seeding, except that trees, shrubs or other plant materials may be used subject to City approval of the location and species of planting materials to be installed.
- (D) Private Streets: The use of private streets will be limited and is permitted only upon approval of the plan by the City Council. Private streets shall be confined to closed loops and dead-end streets not to be used for the convenience or safety of the general public.
- (E) Design Criteria:



1. Street design shall be in conformance with the following drawings and table of street design criteria and according to the proposed vehicular demands imposed by the development.
2. The use of a particular street classification shall be considered sufficient only when such choice is certified by the Director of Public Works.
3. In no case shall street grades exceed four percent (4%) within one hundred feet (100') from an intersection.

**STANDARDS FOR LOCAL STREETS  
(Single-Family Residential Areas)**

**FUNCTION**

- (A) Local streets provide direct access to adjacent property.  
 (B) All traffic carried by local streets should have an origin or a designation within the neighborhood.

**RIGHT-OF-WAY WIDTH**

50 feet.

**NUMBER OF MOVING LANES**

Two.

**ACCESS CONDITIONS**

Intersections are at grade with direct access to abutting property.

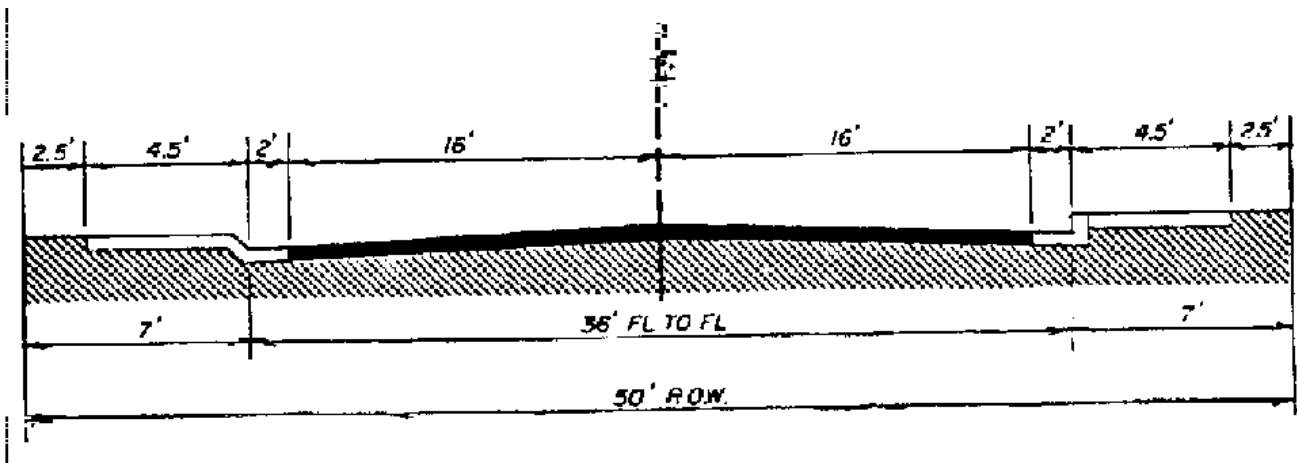
**TRAFFIC CHARACTERISTICS**

- (A) Direct access to residential properties is by way of curb cuts or drive-over curbs.  
 (B) Parking is normally allowed on both sides of the street.

**PLANNING CHARACTERISTICS**

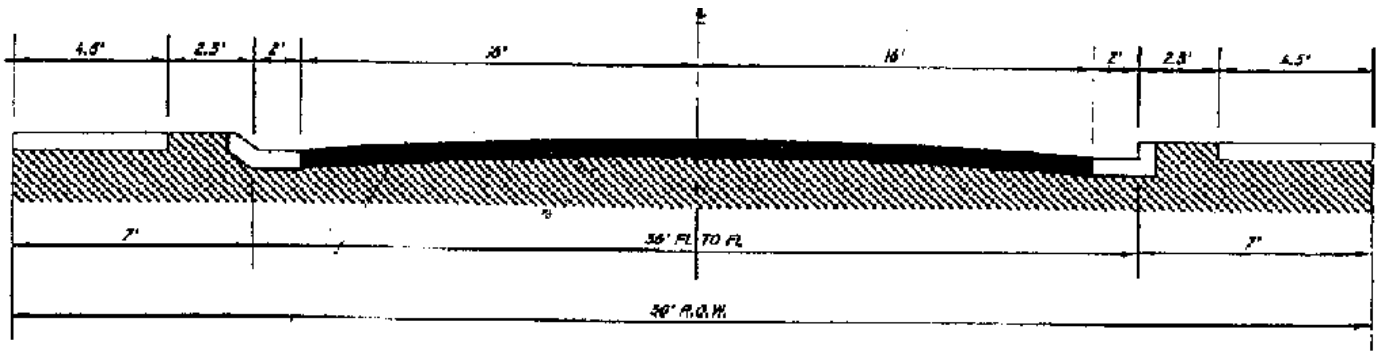
- (A) Local streets should be designed to prevent through traffic from moving through the neighborhood.  
 (B) Local streets should not intersect arterial streets.  
 (C) Designated bikeways are not required. (1971 Code, sec. 22.19)  
 (D) Attached or detached sidewalks are permitted in conformance with the following drawings: (Ord. 26, Series of 2000)

LOCAL STREETS  
SINGLE FAMILY RESIDENTIAL AREAS



(1971 Code, sec. 22.19)

LOCAL STREETS  
SINGLE FAMILY RESIDENTIAL AREAS



(Ord. 26, Series of 2000)

**STANDARDS FOR LOCAL STREETS  
(Cul-De-Sacs)**

**FUNCTION**

- (A) Cul-de-sacs provide direct access to adjacent property.
- (B) All traffic carried by cul-de-sacs shall have an origin or a destination within the neighborhood.

**RIGHT-OF-WAY WIDTH**

50 feet.

**NUMBER OF MOVING LANES**

Two.

**ACCESS CONDITIONS**

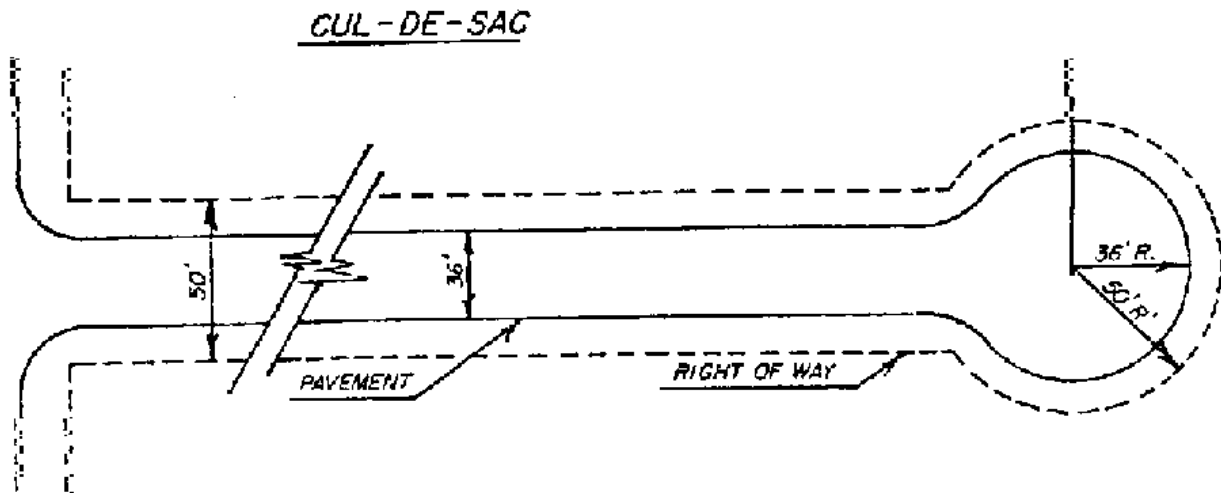
Intersections are at grade with direct access to abutting property.

**TRAFFIC CHARACTERISTICS**

- (A) Direct access to residential properties is by way of curb cuts or drive-over curbs.
- (B) Parking is normally allowed on both sides of the street, although may be prohibited within the circular portion if minimum.

**PLANNED CHARACTERISTICS**

- (A) Cul-de-sacs shall not intersect arterial streets.
- (B) Designated bikeways are not required. (1971 Code, sec. 22.19)



(1971 Code, sec. 22.19; amd. Ord. 21, Series of 1996)

**STANDARDS FOR LOCAL STREETS  
(Multiple-Family Residential, Business And Industrial Areas)**

## FUNCTION

- (A) Local streets provide direct access to adjacent property.  
 (B) All traffic carried by local streets should have an origin or a destination within the immediate area.

## RIGHT-OF-WAY WIDTH

60 feet.

## NUMBER OF MOVING LANES

Two.

## ACCESS CONDITIONS

Intersections are at grade with direct access to abutting property permitted.

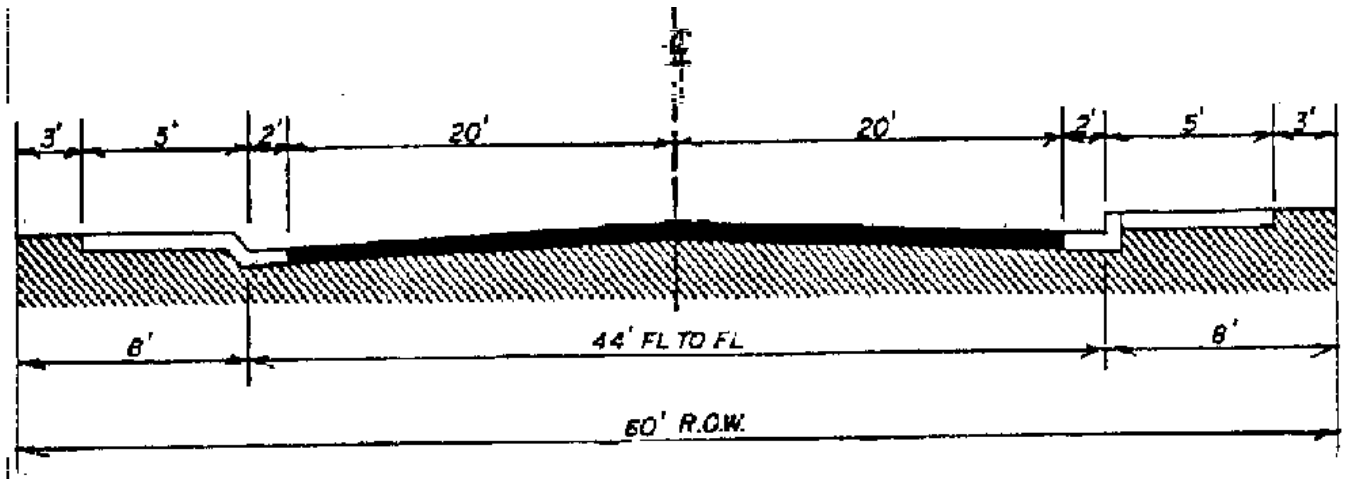
## TRAFFIC CHARACTERISTICS

- (A) Traffic and access requirements in these areas may require special design considerations for wider sidewalks and special curb cut designs, etc.  
 (B) Parking is normally allowed on both sides of streets.

## PLANNING CHARACTERISTICS

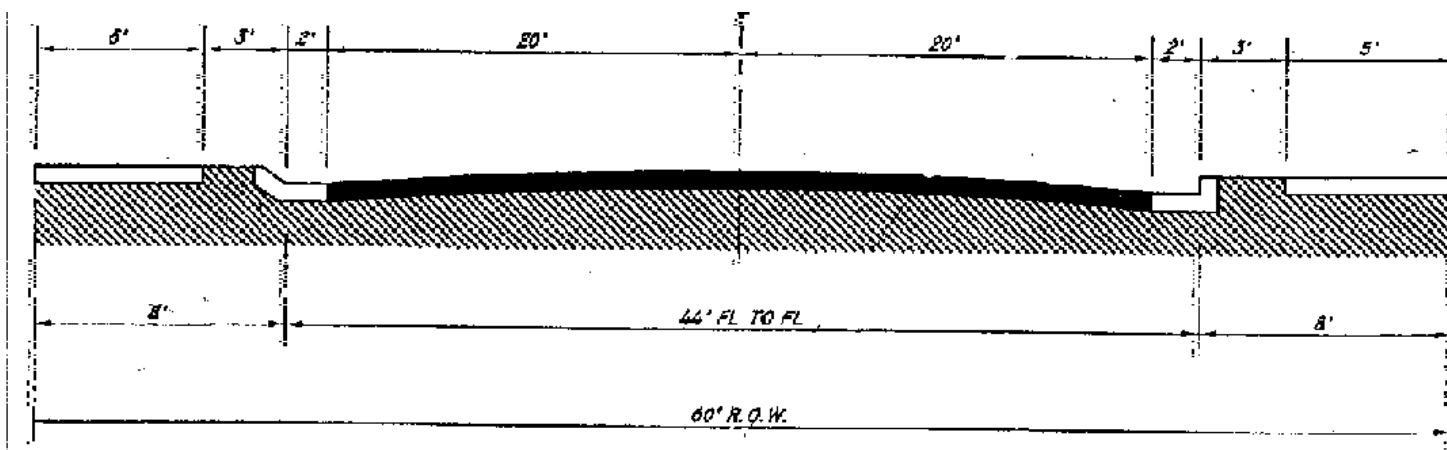
- (A) Local streets should be designed to discourage through traffic from moving through these areas.  
 (B) Local streets should not intersect arterial streets.  
 (C) Designated bikeways are not required. (1971 Code, sec. 22.19)  
 (D) Attached or detached sidewalks are permitted in conformance with the following drawings: (Ord. 26, Series of 2000)

LOCAL STREETS  
MULTIPLE FAMILY RESIDENTIAL, BUSINESS, AND  
INDUSTRIAL AREAS



(1971 Code, sec. 22.19)

LOCAL STREETS  
MULTIPLE FAMILY RESIDENTIAL, BUSINESS, AND  
INDUSTRIAL AREAS



(Ord. 26, Series of 2000)

## STANDARDS FOR COLLECTOR STREETS

### FUNCTION

- (A) Collector streets collect and distribute traffic between major arterial and local streets.
- (B) Collector streets serve as main connectors within communities, linking one neighborhood with another or one industrial district with another.

(C) All traffic carried by collector streets should have an origin or a destination within the community.

### RIGHT-OF-WAY WIDTH

70 feet

### NUMBER OF MOVING LANES

Two

### ACCESS CONDITIONS

Intersections are at grade with direct access to abutting property permitted.

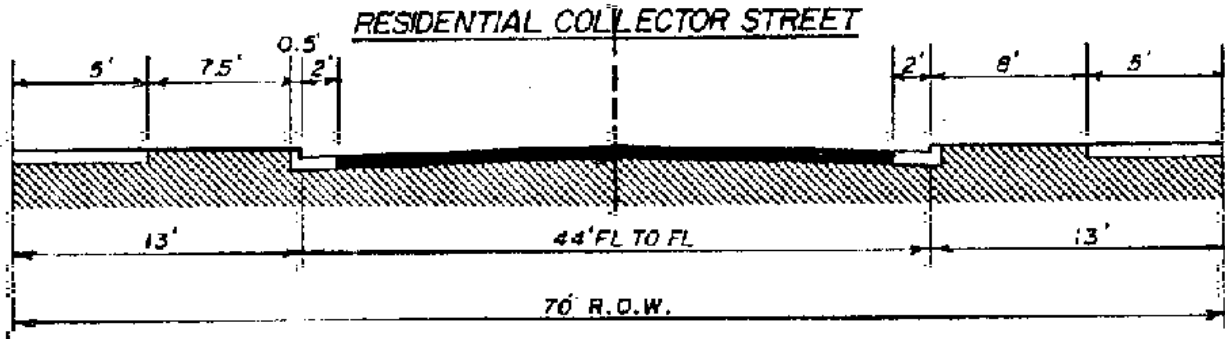
### TRAFFIC CHARACTERISTICS

Regulation of traffic between collector streets and other types of streets is accomplished by traffic control devices.

### PLANNING CHARACTERISTICS

- (A) Collector streets should have continuity throughout a neighborhood or industrial district but need not extend beyond the neighborhood or industrial district. Maximum length should not exceed three (3) miles.
- (B) Intersections with arterial streets should be at least one-quarter ( $1/4$ ) mile apart.
- (C) Sidewalks should be set back from the street.

(D) Designated bikeways may be required in lieu of parking on one side.



## STANDARDS FOR ARTERIAL STREETS

### FUNCTION

Arterial streets permit rapid and relatively unimpeded traffic movement throughout the City, connecting major land use elements as well as communities with one another.

### RIGHT-OF-WAY WIDTH

(A) Secondary Arterials -- 100 feet

(B) Primary Arterials -- 120 feet

### NUMBER OF MOVING LANES

(A) Secondary Arterials -- Four

(B) Primary Arterials -- Six

### ACCESS CONDITIONS

(A) Intersections will generally be at grade.

(B) Intersections will normally not be permitted at intervals less than one-quarter ( $\frac{1}{4}$ ) mile.

(C) Normally, abutting properties and local streets will not be allowed indiscriminate direct access to the street.

### TRAFFIC CHARACTERISTICS

(A) Regulation of traffic shall be accomplished by traffic control devices and channelization.

(B) Parking shall be prohibited.

(C) Roadways shall have a median strip between them.

### PLANNING CHARACTERISTICS

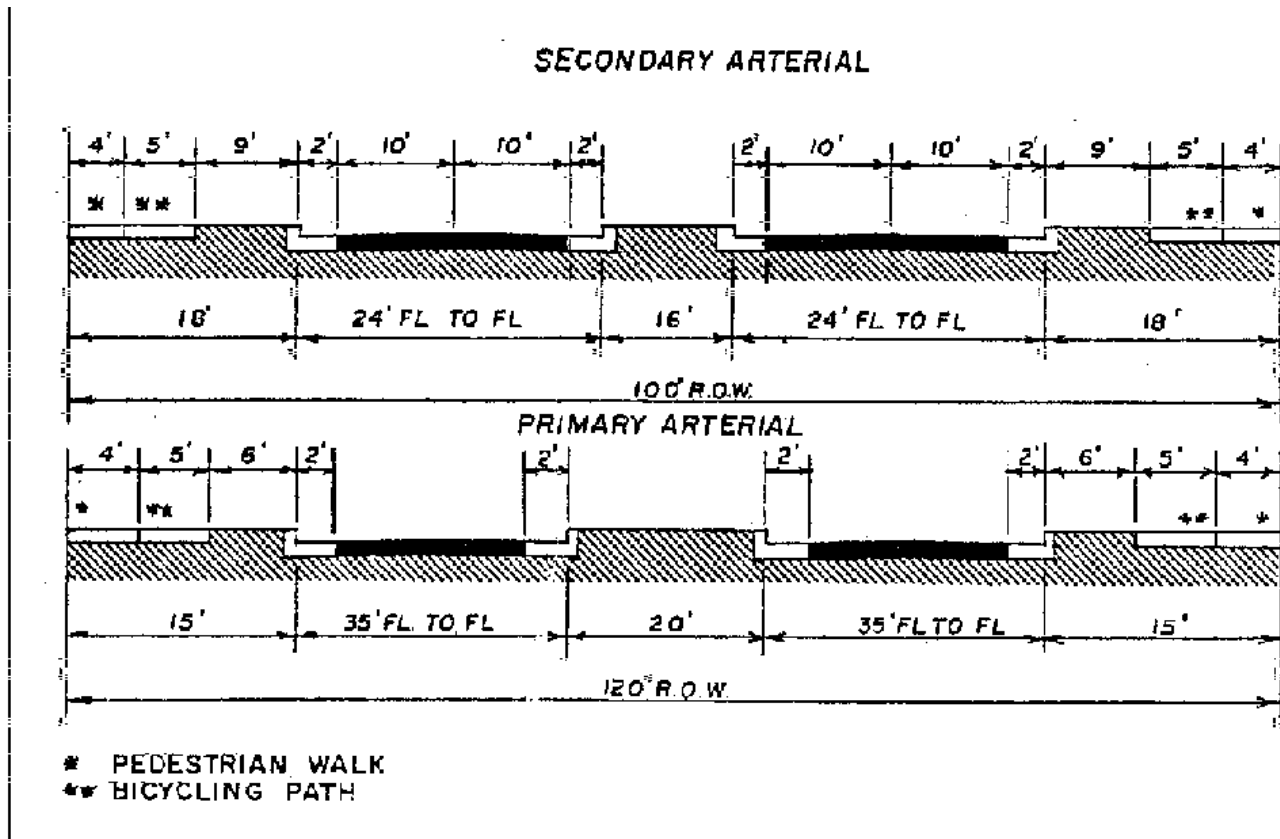
(A) Secondary arterial streets should traverse the entire City while primary arterials should, additionally, have continuity through the County and metropolitan area.

(B) Arterial streets should not bisect neighborhoods but should act as boundaries between them.

(C) Sidewalks should be set back from the street.

(D) Abutting properties should not face on the roadway unless separated from it by a frontage road.

(E) Bikeways, adjacent to sidewalks and set back from the street, may be required on both sides of arterial streets.



#### STANDARDS FOR LIMITED ACCESS FACILITIES

##### FUNCTION

Limited access facilities permit rapid and unimpeded movement of traffic through and around the City.

##### RIGHT-OF-WAY WIDTH

150-400 feet

##### NUMBER OF MOVING LANES

Four to eight

##### ACCESS CONDITIONS

###### (A) Expressways:

1. Access partially or fully controlled.
2. Grade separations at major intersections.

###### (B) Freeway:

1. Access shall be completely controlled.
2. Interchanges shall be made with arterial street and limited access facilities only.
3. No intersections at grade shall be permitted.

#### TRAFFIC CHARACTERISTICS

(A) No traffic signals except for at-grade expressway intersections.

(B) Parking prohibited.

(C) Two (2) separate one-way roadways with a dividing median strip.

#### PLANNING CHARACTERISTICS

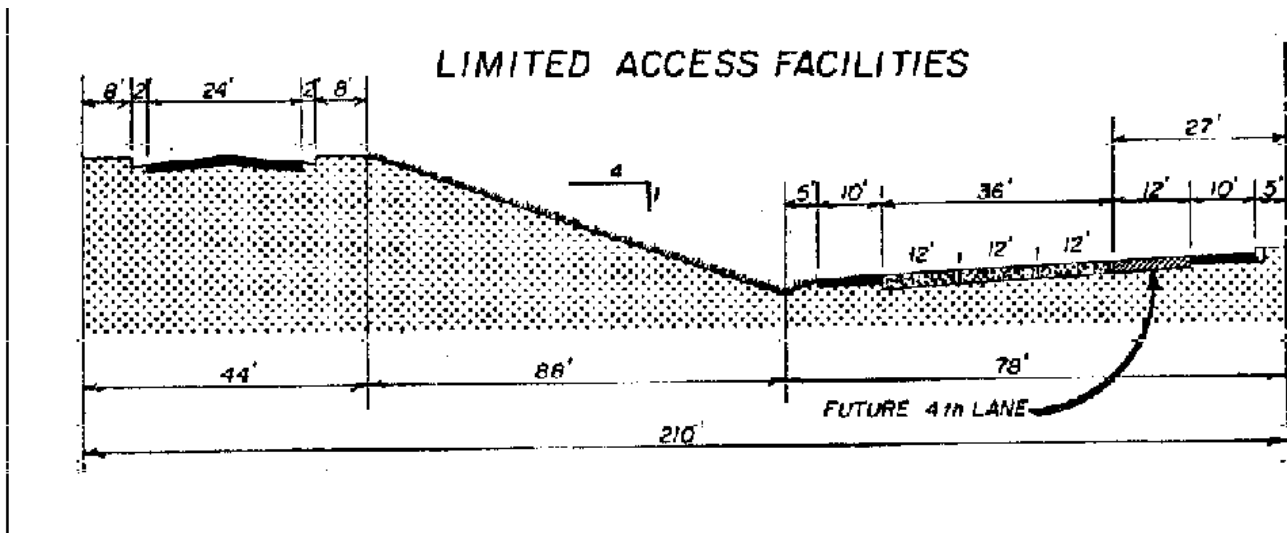
(A) Limited access facilities should connect with main highways approaching and leaving the City from all directions.

(B) Limited access facilities should be so aligned as to serve the major traffic generators within the City such as the C.B.D., major industrial areas, regional shopping centers, etc.

(C) Limited access facilities should not bisect neighborhoods or communities but should act as boundaries between them.

(D) Added right of way is provided for landscaping, grass planting, added safety and the more generous designs of evolving national policy.

(E) Where desirable, consideration in design should be given to combined use by public transportation vehicles.



(F) Street improvements:

1. Paving in accordance with current department of public works standards is required for all public or private streets.
2. Roadways, curb and gutter, and sidewalks are required as specified in current department of public works standards.
3. All proposed intersections with state highways will require approval of the Colorado state highway department.
4. Roadway drainage structures such as bridges, culverts, cross pans, inlets, curbs and gutters are to be provided as required and in conformance with current department of public works standards.

(G) Business and industrial subdivisions:

1. Service access and parking for the uses proposed as required in the zoning regulations shall be provided.
2. Access openings to major public roads shall be kept to an absolute minimum to avoid impeding the roadway traffic and safety.

(H) Curbs, gutters and sidewalks: Sidewalks and curbs and gutters shall be constructed in accordance with department of public works specifications.

- (I) Pedestrian and bikeway facilities: Trail or walkway systems or links are to be provided, where feasible, to schools, shopping areas, parks, greenbelts and other facilities as necessary. Trail systems and walkways through open space areas are encouraged as an alternate to pedestrian sidewalk requirements and may be used upon approval by the city providing the following criteria are met:
1. The system provides at least the same level of service as would the applicable sidewalk requirement.
  2. Easements or open ways are platted and dedicated for the system.
  3. Trails and walkways are either paved, treated or constructed from selected material to provide a suitable all weather surface that is easily maintained. The type of construction shall be compatible with the anticipated use.
  4. A perpetual association or corporation or other suitable means is established for maintenance.
  5. Unsafe road crossing locations shall be avoided. Special structures and/or traffic control devices may be required at road crossings for safety.
  6. Facilities closely paralleling major roadways shall be avoided.
- (J) Fire lanes: Fire lanes shall be required where necessary to protect the area during the period of development and when developed, an easement therefor shall be dedicated, be twenty feet (20') in width and remain free of obstructions, be of adequate load construction and provide access at all times. (1971 Code, sec. 22.19)

#### **11-6-4: STORM DRAINAGE; EROSION AND SEDIMENT CONTROL:**

- (A) Storm Drainage: Facilities for storm water detention or retention shall be constructed by the owner and at the owner's sole expense as required by [title 7, chapter 7](#) of this code. (Ord. 5, Series of 1985)
- (B) Erosion And Sediment Control: In addition to permanent measures which shall be required for erosion and sediment control, temporary erosion and sediment control measures shall also be required and provided by the owner during any grading or construction operations. The owner shall at all times and during all phases of work, be responsible for the protection and maintenance of all existing drainage facilities, including streets, and for the protection of upslope, downslope, and adjacent properties. Construction of the required permanent sediment and erosion control structures or measures shall be completed as soon as possible after the beginning of the construction process. Inlets for drainage structures are to be protected from sediment deposition. Guidelines and regulations shall be adopted or prepared by the director of public services or his designee for purposes of providing for procedures for review of plans and to provide for design criteria for erosion and sediment control facilities or measures. Such criteria shall be made a part of the city's storm drainage design and technical criteria as such is authorized in [title 7, chapter 7](#) of this code and shall be drafted so as to provide the public with reasonable protection from erosion and sediment deposition. The performance guarantee, in addition to guaranteeing other required on or off site improvements, shall include specific provisions for guaranteeing both permanent and temporary erosion and sediment control facilities or measures. (Ord. 64, Series of 1986)
1. Temporary and permanent erosion and sediment control facilities or measures and the regulations for such authorized herein shall not only apply to subdivisions, but shall also apply to all subdivision exemptions, planned development districts, planned development overlays and site plans, or manmade construction or demolition activities that result in land disturbance of equal to or greater than one acre, or less than one acre of total land area that is part of a larger common plan of development or sale, if the larger common plan will ultimately disturb equal to or greater than one acre, except agricultural activities. (Ord. 30, Series of 2005)

#### **11-6-5: UTILITIES:**

- (A) General Criteria:
1. Existing and proposed telephone, cable television, electric, gas and other similar utility lines and services shall be placed underground in locations approved by the director of public services except where this requirement is in conflict with the requirements of public and private utility companies or other regulatory agencies. Transformers, switching boxes, terminal boxes, metering, roadway lighting, traffic signal devices, gas regulators, compressor stations or other similar facilities necessarily appurtenant to underground facilities may be placed aboveground in locations approved by the director of public services. Utility lines, as approved by the director of public services, may be placed either within public road rights of way within the subdivision in accordance with adopted encroachment requirements or within easements or rights of way provided for the particular facilities in accordance with the approved improvements plan. (Ord. 52, Series of 1985)
  2. The subdivider shall be responsible for all construction or installation charges including those required by the agency serving utilities except those installed at the expense of the utility company involved. Utilities are subject to all other applicable city, state and federal regulations. (1971 Code § 22.21)
  3. All utilities' systems and facilities, such as sewer, water, gas and electrical systems, installed in any area of special flood hazard shall be designed, located and/or constructed to eliminate damage from floodwaters. (Ord. 33, Series of 1978)
  4. The director of public works may temporarily waive the underground placement requirements of this section when the owner of the proposed subdivision, on behalf of himself, his heirs, successors, and assigns, agrees by written contract or otherwise, in a form acceptable to the city attorney, to underground all required utilities in the future. The city council shall determine when the underground placement of utilities shall be required in its sole discretion. By means of example and not by means of limitation, council may consider, in establishing the future time for the underground placement of utilities, such matters as: the formation of a special improvement district to underground; and whether or not adjacent



property owners are placing utilities underground so as to achieve more cost savings as to the entire project. In those instances where the underground placement requirements of this section are temporarily waived by means of a written contract, said contract shall be recorded in the records of the county clerk and recorder and shall be deemed to be an obligation running with land. (Ord. 20, Series of 2012)

(B) Easements: New easements shall be planned so as to be free from conflicting legal encumbrances, to avoid unnecessary removal of trees or excessive excavations, and to be free from obstructions. Easements which coincide with common rear lot lines shall be at least sixteen feet (16') wide, eight feet (8') of which shall be on each side of the common rear lot lines. Where an easement abuts a rear lot line which is not the rear lot line of another lot, or which is on the perimeter of the subdivision, the easement width shall be ten feet (10') or more. Side lot easements, where necessary, shall be at least ten feet (10') in width, five feet (5') of which shall be on each side of the common side lot line. Where easements are combined with a watercourse, drainageway, channel or stream, a usable utility easement of at least ten feet (10') in width outside that required for water shall be provided if the use would be in conflict with drainage requirements. Multiple use of a given easement is encouraged. The developer is encouraged, in lieu of mechanically providing easements on each and every lot line, to propose a layout based upon a plan for providing the necessary utilities in order to reduce the number and complexity of easements. Such a proposal is subject to approval by the utility agencies involved and by the city. Easements are to be retained or, if nonexistent, provided for all existing utilities that are to remain.

(C) Availability Of Service: The subdivider must present assurances from authorized representatives of all major suppliers of utilities to the proposed subdivision that said utilities are available and will be supplied to the project.

If such services are not presently available, the subdivider shall provide a written statement from the utility company(s) involved commenting on the anticipated date service will be available. Such utilities include, but may not be limited to, water, sanitary sewer, natural gas, electricity and telephone service.

(D) Water And Sewer Mains:

1. In order to provide for the orderly construction of public improvements as areas are built and developed to avoid intermittent sections so improved or unimproved, and to promote the public health, safety and welfare, all water and sewer mains shall be installed and improved in accordance with the specifications of the city and appropriate water or sewer district.
2. All water and sewer mains shall be laid to the grades shown on the water and sewer profile and cross section plans submitted and approved and shall be inspected and checked for accuracy by the department of public works.

(E) Survey Monuments: Permanent plat boundary monuments shall be set at locations approved by the department of public works. Generally, such monuments shall be set at the surface of the ground not more than one thousand four hundred feet (1,400') apart along any straight boundary line, at all angle points, points of change in direction or change in radius of any curved boundary, and at public land corners. In addition, road centerlines shall be monumented at all intersections and dead ends with suitable markers set in concrete and encased in a lidded metal box at least 0.3 feet below the finished road surface. Road monuments are subject to approval by the department of public works.

(F) Fire Protection: Fire hydrants are to be provided in all developments served by central system and are to be separated by no more than five hundred feet (500'). (1971 Code § 22.21)

#### **11-6-6: WAIVERS AND MODIFICATIONS:**

(A) Upon written request to the department of community development by a subdivider, the city council may waive or modify the requirements of these regulations upon a finding that the requested waiver or modification meets the following criteria:

1. The granting of the waiver or change will not be detrimental to the health, safety, convenience and general welfare of the citizens of the city; and
2. The waiver or change shall not, in any manner, vary the provisions of the zoning ordinance; and
3. The waiver or change will be consistent with the goals and policies of the applicable neighborhood policy plan and the comprehensive plan of the city; and
4. The waiver or change shall not be injurious to the permitted usage of adjacent property; and
5. The waiver or change will allow conformance with existing improvements; or
6. The waiver or change will improve the design, character and quality of the new development by facilitating more efficient and economic provision of streets and utilities; and by preserving natural and scenic features of the particular site.

(B) Waivers or modifications authorized hereunder shall bind the development of the specific property regardless of any change in ownership of the property.

(C) Waivers or modifications authorized hereunder shall be indicated in written or graphic form on the final plat prior to recording the approved final plat in the office of the county clerk and recorder.

(D) No waiver or modification may be considered or granted for minor subdivisions. (Ord. 19, Series of 1978)

## Chapter 7 CAPITAL FACILITY IMPACT FEE

### 11-7-1: PURPOSE AND LEGISLATIVE INTENT:

- (A) Purpose: The purpose of this chapter is to charge a capital facility impact fee to applicants for nonresidential and residential development in the city to fund capital improvements needed to address demand attributable to new development for fire, museum, police, facilities, library and transportation.
- (B) Legislative Intent: The city council recites the following legislative findings and statements of intent that were taken into consideration in the adoption of this chapter:
1. The capital facility impact fees collected pursuant to this chapter are not intended to fund operation, maintenance or replacement costs or otherwise fund the general costs of government.
  2. The capital facility impact fee applies regardless of the value of the property developed. The capital facility impact fee shall be imposed in addition to other fees, taxes or charges of the city. (Ord. 14, Series of 2013)
  3. The capital facility impact fee established in this chapter is based in part on the methodology in the "Impact Fee Study" prepared by BBC Research & Consulting, Inc., dated July 30, 2013, as updated by a supplemental memorandum dated June 5, 2014. (Ord. 17, Series of 2014)
  4. The city council finds that the impact fee study and this chapter establish capital facility impact fees that are generally applicable to broad classes of property; quantifies the reasonable impacts of proposed development on capital facilities; and establishes charges at a level no greater than necessary to defray such impacts directly related to proposed development.
  5. The city council intends that the capital facility impact fees collected pursuant to this chapter are to be used to fund expenditures for capital facilities attributable to new development. (Ord. 14, Series of 2013)

### 11-7-2: DEFINITIONS:

For purposes of this chapter the following words have the following meanings, unless the context clearly indicates otherwise:

ACCESSORY USE: Shall have the same meaning as in section [10-1-2](#) of this code.

CAPITAL FACILITY CLASSIFICATION: Each separate municipal capital facility area for which the capital facility impact fee is charged, including library, museum, facilities, police, fire and transportation.

CAPITAL FACILITY IMPACT FEE: The fee charged in accordance with this chapter.

DEVELOPMENT AND DEVELOPED PROPERTY: The construction, existence or the intensification of any structure attached to real property.

DWELLING UNIT: Shall have the same meaning as in section [10-1-2](#) of this code.

FLOOR AREA: Shall have the same meaning as in section [10-1-2](#) of this code.

MIXED USE DEVELOPMENT: Development that combines residential development and nonresidential development on the same real property.

MULTI-FAMILY RESIDENTIAL DEVELOPMENT: The principal use of developed property as a multiple-family dwelling, as that term is defined in section [10-1-2](#) of this code.

NONRESIDENTIAL DEVELOPMENT: The principal use of developed property as other than single-family residential or multi-family residential development and includes, without limitation, motels, hotels, resorts, nursing homes and bed and breakfasts.

RESIDENTIAL DEVELOPMENT: Multi-family residential development or single-family residential development.

SINGLE-FAMILY RESIDENTIAL DEVELOPMENT: The principal use of developed property as a single-family dwelling, as that term is defined in section [10-1-2](#) of this code.

UNINHABITABLE AREA: A room that has a six foot (6') or less floor to ceiling height, or a room housing mechanical or electrical equipment that serves the building, with less than three feet (3') of clearance in any dimension between the equipment (except supply and return air ducts and wiring) and the adjacent wall. (Ord. 14, Series of 2013)

**11-7-3: GENERAL REGULATORY REQUIREMENTS:**

(A) Capital Facility Impact Fee Payment: Any person engaged in nonresidential or residential development in the city shall pay the capital facility impact fee described in subsection (B) of this section. (Ord. 14, Series of 2013)

(B) Impact Fee Rate: Capital facility impact fees shall be assessed and collected according to the standards of this chapter and the following rates:

Use	Capital Facility Impact Fee Rate						Total
	Fire	Museum	Library	Police	Facilities	Transportation	
Residential (per dwelling unit)	\$453.00	\$515.00	\$542.00	\$319.00	\$1,550.00	\$317.00	\$3,696.00
Nonresidential (per sq. ft.)	\$0.227	\$0.00	\$0.00	\$0.160	\$0.775	\$0.784	\$1.946

(Ord. 17, Series of 2014)

(C) Capital Facility Impact Fee Timing: The capital facility impact fee prescribed by this chapter is in addition to any other fee, tax or charge required by this code or any other ordinance of the city. The capital facility impact fee shall be paid at the time of the issuance of a building permit.

(D) Capital Facility Impact Fee On Development: The capital facility impact fee shall be charged on the following types of development:

1. Nonresidential Development:

- (a) New Nonresidential Development: Any person who proposes to construct a structure in a nonresidential development shall pay the capital facility impact fee in subsection (B) of this section.
- (b) Replacing An Existing Nonresidential Structure: Any person who proposes to replace a structure in a nonresidential development shall pay the capital facility impact fee in subsection (B) of this section for the net increase in floor area.
- (1) In calculating the capital facility impact fee, the city manager, or his designee, shall credit the nonresidential development with an amount equal to the fee that would have been charged to the existing use at the time of redevelopment.
- A. If the credit is less than the amount of the capital facility impact fee for each capital facility classification, the applicant shall pay the difference.
- B. If the credit is greater than the amount of the capital facility impact fee for each capital facility classification, the applicant will not be required to pay for each such capital facility classification.
- (2) The credit prescribed by this subsection applies only to the property served and only to the capital facility impact fees owed to the city and not to other fees, taxes or charges.
- (3) No refund for any credit prescribed by this subsection shall be paid to any person.
- (c) Additional Floor Area: Any person who proposes to add floor area to any nonresidential development shall pay the capital facility impact fee in subsection (B) of this section for the net increase in floor area for nonresidential development.
- (d) Decreased Floor Area: Any person who proposes to decrease the floor area of any nonresidential development shall be exempt from paying the capital facility impact fee in subsection (B) of this section and shall not receive any refund or credit for the decrease in floor area for nonresidential development.

2. Residential Development:

- (a) New Residential Development: Any person who proposes to construct a dwelling unit in a residential development shall pay the capital facility impact fee in subsection (B) of this section.
- (b) Increased Number Of Dwelling Units: Any person who proposes to increase the number of dwelling units of any residential development shall pay the capital facility impact fee in subsection (B) of this section for the net increase in dwelling units for residential development.
- (c) Decreased Number Of Dwelling Units: Any person who proposes to decrease the number of dwelling units of any residential development shall be exempt from paying the capital facility impact fee in subsection (B) of this section and shall not receive any refund or credit for the decrease in dwelling units for residential development.
- (d) Additions To Structures In Residential Development: An accessory building of a residential use or an addition to an existing dwelling unit, provided no additional dwelling units are created, shall be exempt from paying a capital facility impact fee.

3. Change In Use: For existing residential or nonresidential development, whenever there is a change of use classification the applicant shall pay the capital facility impact fee for the new use as described below:

- (a) Determination Of Capital Facility Impact Fee Rate For A Change Of Use: For conversions of existing floor area to different uses, the capital facility impact fee will be the difference in rate between each of the capital facility classifications for the existing use and for the proposed use as

follows:

(1) In calculating the capital facility impact fee, the city manager, or his designee, shall credit each developed property with an amount equal to the fee that would have been charged to the existing use at the time of the change in use.

A. If the credit is less than the amount of the capital facility impact fee for each capital facility classification, the applicant shall pay the difference.

B. If the credit is greater than the amount of the capital facility impact fee for each capital facility classification, the applicant shall not pay for each such capital facility classification.

(2) The credit prescribed by this subsection applies only to the property served and only to the capital facility impact fees owed to the city and not to other fees, taxes or charges.

(3) No refund for any credit prescribed by this subsection shall be paid to any person.

4. Mixed Use Development: For mixed use development, the applicant shall pay the residential rate of the capital facility impact fee for the residential development portion of the project and shall pay the nonresidential rate of the capital facility impact fee for the nonresidential development portion of the project. The provisions of this chapter applicable to residential development shall be applicable to the residential development portion of the mixed use development as if such portion of the mixed use development were solely residential development, and the provisions of this chapter applicable to nonresidential development shall be applicable to the nonresidential development portion of the mixed use development as if such portion of the mixed use development were solely nonresidential development. (Ord. 14, Series of 2013)

(E) Interpretation Of Use Classifications: The city manager, or his designee, may decide questions of interpretation of the use classification in subsection (B) of this section. This decision shall be based on precedents, similar situations, relative impacts, trip generation rates, employees per demand unit or the methodology used to create such classifications in the "Impact Fee Study" prepared by BBC Research & Consulting, Inc., dated July 30, 2013, as updated by a supplemental memorandum dated June 5, 2014. (Ord. 17, Series of 2014)

(F) Appeal: Any fee payer aggrieved by a decision of the city manager, or his designee, under this chapter may request a hearing under the procedures prescribed by [title 10, chapter 11](#), "Board Of Adjustment", of this code.

(G) Measurement Of Floor Area: No person applying for a building permit shall fail to provide the city with a floor area measurement for nonresidential development. The floor area measurement shall be signed by a professional engineer or architect licensed by the state of Colorado, or in another form acceptable to the city manager, or his designee, at the time of such application. The fee imposed by this chapter shall be apportioned according to such measurement. The rate of fee for each accessory use shall be the same as that for the principal use to which the accessory use is related.

(H) Rate At Time Of Application: The fee shall be calculated and charged at the rates in effect at the time of acceptance of a complete application for a building permit and shall be payable upon building permit issuance. (Ord. 14, Series of 2013)

#### **11-7-4: CAPITAL FACILITY IMPACT FEE CREDIT:**

(A) The city manager, or his designee, may recommend to council a capital facility impact fee credit on any of the fees imposed by this chapter if secured by a development agreement, subdivision improvement agreement or other legally binding instrument in which the owner and/or developer has agreed to make and dedicate to the city any capital improvements beyond those required by any provision of this code that would benefit the public at large to the same degree as collection of the capital facility impact fee, and that granting the credit will not result in a substantial increase in the city's costs of providing capital improvements in the future.

The amount of the credit shall be equal to the cost of such improvements to the person, as determined by the city manager, or his designee, and in no event shall the credit be greater than the amount of capital facility impact fee for each category that would be due on the property. No certificate of occupancy, temporary or otherwise, shall be issued for the property until such improvements have been completed to the satisfaction of the city manager, or his designee, and dedicated to the city, or a financial guarantee in a form allowed under subsections [11-5-1\(D\)5](#) and [\(D\)7](#) of this title or as provided in any development agreement, subdivision improvement agreement or other legally binding instrument and in an amount sufficient to secure the full costs, as determined by the city manager, or his designee, of constructing or installing the improvements, has been provided by the owner and/or developer. (Ord. 17, Series of 2014)

(B) Upon written request of the owner and/or developer, the city manager, or his designee, may grant a credit to such owner and/or developer who have paid the previous public facility fee or parks/open space fee but have not applied for a building permit. The amount of credit shall be equal to the amount expended for those fees and in no event shall the credit be greater than the amount of those fees paid previously for the property. (Ord. 14, Series of 2013)

#### **11-7-5: CAPITAL FACILITY IMPACT FEES TO BE EARMARKED:**

The city shall establish and maintain a capital facility impact fee account for each category of capital facility for which a capital facility impact fee is

imposed. Each such account must be clearly identified as to the category of capital facility for which the capital facility impact fee has been imposed.

The city shall reflect the historical allocation of the capital facility impact fee in each annual budget. The funds collected will be allocated according to the following capital facility categories: fire, museum, library, police, facilities, and transportation and shall be used exclusively for the purpose of capital improvements related to each particular category. (Ord. 14, Series of 2013)

#### **11-7-6: CITY MANAGER RULES:**

The city manager, or his designee, is authorized to adopt rules and regulations necessary in order to interpret, further define or implement the provisions of this chapter. (Ord. 14, Series of 2013)

## **Chapter 8 LAND RESERVATION**

#### **11-8-1: PURPOSE:**

Because of unique requirements for sites for community facilities, the City retains the right to reserve lands for new public facilities and streets at sites designated for such purposes on the City's Comprehensive Plan. Such reservation may be for future public buildings, school sites, open space, parks or streets above the classification of collector. These lands will be reserved for eventual purchase by the appropriate public body in the event that the projected need for public facilities on these sites becomes a reality. (1971 Code, sec. 22.28)

#### **11-8-2: TIME LIMITATIONS:**

Lands may be reserved under the provisions of this Chapter for a period of no longer than three (3) years after the approval of a final plat which includes the affected property. Within this three (3) year period, the public body for whom the land is reserved must make a commitment for purchase or all rights to the reserved properties shall revert to the landowner. (1971 Code, sec. 22.29)

#### **11-8-3: COMPENSATION:**

All acquisition of reserved land shall be based upon the fair market value as determined by not less than two (2) independent appraisals at the time of acceptance of the final plat by the City. Taxes on reserved lands during the period of reservation shall be paid by the agency for whom the land is reserved; if such taxes are not paid by the appropriate agency, the reservation shall cease. (1971 Code, sec. 22.30)

#### **11-8-4: USE OF LAND:**

During the period of reservation, lands may be used by the landowner for any purpose not incompatible with the proposed public use and the existing zoning on the property. (1971 Code, sec. 22.31)

#### **11-8-5: DENIAL OF PLAT:**

The subdivider shall be required to designate reserved lands on all plats as land reserved for public purchase. Failure to so designate such lands shall be a basis for denial of the final plat. (1971 Code, sec. 22.32)

## **Chapter 9 SUBDIVISION EXEMPTION**

#### **11-9-1: PURPOSE OF CHAPTER:**

It is the purpose and intent of this chapter to allow the owner or purchaser of land, or agent thereof, to divide such land into not more than two (2) parcels, which meet the requirements of the governing zone district classification, without requiring submission of a subdivision plat. Approval of a subdivision exemption shall not exempt the applicant from securing and/or providing the necessary improvements including, but not limited to,

sidewalks, curbs, gutters, street paving, storm drainage and utilities. Such land, or parcel which results from the approval of a subdivision exemption as hereinafter provided, shall not be eligible for any subsequent division under the provisions of this chapter. (Ord. 36, Series of 1979)

### **11-9-2: ELIGIBILITY FOR SUBDIVISION EXEMPTIONS:**

The following procedures shall apply to all applications for subdivision exemptions: (Ord. 36, Series of 1979)

(A) Eligibility For Subdivision Exemptions: The owner, purchaser, or agent thereof, must verify all of the following requirements prior to the submittal of a subdivision exemption application to the department of community development:

1. A division of land must not exceed two (2) lots;
2. Such division will not violate the minimum requirements of the governing zone district classifications, the subdivision regulations and other applicable city ordinances and resolutions;
3. All lots must abut a dedicated and accepted city street;
4. The applicant must show evidence that adequate sanitary sewer facilities exist to serve the subject lots;
5. The applicant must show evidence that adequate water facilities exist to serve the subject lots. (Ord. 20, Series of 2012)

(B) Compliance: Any proposed subdivision exemption which does not comply with all of the requirements as defined hereinabove shall be considered as a minor or major subdivision as applicable. (Ord. 36, Series of 1979)

### **11-9-3: PROCEDURES:**

(A) Preparation: The subdivider shall cause the preparation of a subdivision exemption map by a registered land surveyor. The map shall comply with the provisions of these regulations, and other ordinances of the city and state law.

(B) Submission: The applicant shall submit the application and the subdivision exemption map pursuant to the requirements and process described in section [11-2-2](#) of this title. The application deadlines, required number of copies and map details shall be in accordance with the operating standards as established by the department of community development.

(C) Administrative Action: City staff shall review the proposed subdivision exemption map for compliance with the provisions of this title, other applicable regulations, the comprehensive plan, existing and proposed development, and comments from affected agencies. City staff may approve the application, approve the application subject to modifications, or recommend the application be processed under the major or minor subdivision procedure. (Ord. 20, Series of 2012)