

Title 17

SUBDIVISIONS

Chapters:

- 17.04 General Provisions
- 17.08 Definitions
- 17.12 Preliminary Plat
- 17.16 Final Plat
- 17.20 Site Considerations
- 17.24 Design Requirements
- 17.28 Public Sites, Reservations and Dedications
- 17.32 Improvements
- 17.36 Variances
- 17.38 Procedure for Annexation Petitions and Land Use Applications
- 17.40 Violation--Penalty

Chapter 17.04

GENERAL PROVISIONS

Sections:

- 17.04.010 Authority.
- 17.04.020 Jurisdiction.
- 17.04.030 Interpretation.
- 17.04.040 Divisions subject to title regulations.
- 17.04.050 Approval of plats before filing.
- 17.04.060 Access streets to be dedicated.
- 17.04.070 Compliance with title required.

17.04.010 Authority. No final plat of a subdivision shall be approved and accepted by the board of trustees unless it conforms to the provisions of this title. (Ord. 114 § 1, 1983)

17.04.020 Jurisdiction. This title is applicable within the following described areas:

A. All undeveloped land to be annexed to the legal boundaries of the town of La Veta;

B. All land located within three miles of the corporate limits of the town and not located in any other municipality for the purposes of control with reference to the major street plan only;

C. All lots, parcels, or combinations of adjacent lots or parcels with a minimum combined total of fourteen thousand square feet within the corporate boundaries of the town. (Ord. 227 (part), 2004; Ord. 114 § 3, 1983)

17.04.030 Interpretation. In the interpretation and application of the provisions of this title, the following regulations shall govern:

A. Application of Overlapping Regulations. Whenever both a provision of this title, and any other provisions of this title, or any provision in any other law, ordinance, resolution, rule, or regulation of any kind, contain any restriction covering any of the same subject matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern.

B. Existing Permits. This title is not intended to abrogate or annul:

1. Any permits issued before the effective date of the ordinance codified in this title; or

2. Any easement or covenant. (Ord. 114 §19, 1983)

17.04.040 Divisions subject to title regulations.

Whoever divides a tract or parcel of land into two or more lots, plats, sites or other divisions of land for the purpose whether immediate or future of sale or building development shall make the transaction subject to the provisions of this title whether a plat is recorded or not. (Ord. 114 §2(a), 1983)

17.04.050 Approval of plats before filing. All plats of a subdivision of land shall be filed and recorded only after having been approved by the board with such approval entered in writing on the plat and signed by the mayor and attested by the town clerk. (Ord. 114 §2(b), 1983)

17.04.060 Access streets to be dedicated. No building shall be erected on any lot, nor shall a building permit be issued for a building unless the street giving access to the lot upon which such building is proposed to be placed shall have been dedicated and approved by the board as a part of an official subdivision. (Ord. 114 §2(c), 1983)

17.04.070 Compliance with title required. No subdivision shall be accepted for annexation into the town, unless the developer and subdivision comply and conform to these regulations. (Ord. 114 §2(d), 1983)

Chapter 17.08

DEFINITIONS

Sections:

- 17.08.010 Generally.
- 17.08.020 Drainage easement.
- 17.08.030 Street.
- 17.08.040 Subdivider or developer.
- 17.08.050 Subdivision.

17.08.010 Generally. As used in this title, the following words shall be interpreted and defined in accordance with the provisions set forth in this chapter. (Ord. 114 §16, 1983)

17.08.020 Drainage easement. "Drainage easement" means a granting to the town of the right to control development of a drainage right-of-way or an area subject to periodic flooding. Development on such easement shall be restricted to uses which would not interfere with the flow of the water or act as a barrier for debris. (Ord. 114 §16(e), 1983)

17.08.030 Street. "Street" means a way for vehicular traffic, whether designated as a street, alley, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

A. "Major streets" are the principal local travelways carrying traffic volumes from one side of the town to the other.

B. "Collector streets" carry traffic to major streets. (Ord. 114 §16(a), 1983)

17.08.040 Subdivider or developer. "Subdivider" or "developer" means any person, partnership, joint venture, association, or corporation who shall participate as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale, or lease of a subdivision. (Ord. 114 §16(b), 1983)

17.08.050 Subdivision. "Subdivision" means the division of a lot, tract or parcel of land into two or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future of sale or building development within three miles of the corporate limits. (Ord. 114 §16(c), 1983)

## Chapter 17.12

### PRELIMINARY PLAT

#### Sections:

- 17.12.010 Presentation to town board.
- 17.12.020 Processing.
- 17.12.030 Preparation.
- 17.12.040 Contents.
- 17.12.050 Additional information.

17.12.010 Presentation to town board.

The subdivider shall prepare a preliminary plat and required supplemental material for presentation to and approval of the town board. (Ord. 114 §4(part), 1983)

17.12.020 Processing.

The preliminary plat shall be processed as follows:

A. Three copies of the preliminary plat, required supplemental material, and a fee established by resolution of the board of trustees shall be paid to the town clerk. The preliminary plat shall be presented at least ten days prior to a regular town board meeting. In addition to the fee established by resolution of the board of trustees, the developer shall pay to the town clerk prior to the final plat approval a fee in the amount that the town expended or expects to expend and incur for advice and review of the developer's plan by the town's engineer and/or attorney.

B. Within thirty days after receiving the preliminary plat the town board shall notify the subdivider of its approval, conditional approval or disapproval. When circumstances require an additional period of time for review, the town board shall notify the subdivider in writing of the extended time period required. If the plat is conditionally approved or disapproved, the reasons shall be noted in writing, and, if possible, recommendations made whereby the plat might gain approval.

C. Approval of the preliminary plat shall be valid for no longer than one year. A six-month extension of time may be applied for on the basis of unforeseen circumstances. (Ord. 135 §5, 1985; Ord. 114 §4(a), 1983) (Ord. No. 251, § 11, 6-16-2009)

17.12.030 Preparation.

The preliminary plat shall be prepared as follows:

A. The design shall be in accord with the subdivider's plans for actual development, and, therefore, shall be a true representation of the subdivision which may eventually be recorded. (Ord. 114 §4(b), 1983)

17.12.040 Contents.

The preliminary plat shall contain the following information:

A. Proposed name of the subdivision;

B. Location and boundaries of the subdivision as a part of some larger subdivision or tract of land;

C. Names and addresses of the subdivider, the designer of the subdivision, and the engineer or surveyor (who shall be licensed by the Colorado State Board of Examiners for Engineers and Land Surveyors);

D. Date of preparation, scale, and north sign (designated as true north);

- E. Total acreage of the subdivision;
- F. Location and principal dimensions for all existing streets (including their names), alleys, easements, water-courses, and other important features within and adjacent to the tract to be subdivided;
- G. Location and principal dimensions for all proposed streets (including their names), alleys, easements, lot lines and areas to be reserved or dedicated for parks, schools, or other public uses;
- H. Topography at twenty-foot intervals;
- I. Designation of areas subject to inundation and perpetual drainage easements;
- J. Site data, including the number of residential lots and typical lot sizes;
- K. Proposed sites, if any, for multiple-family residential use, business areas, industrial areas, churches and other nonpublic uses exclusive of one-family residential uses;
- L. Zoning on and adjacent to the tract;
- M. The names of abutting subdivisions or the names of the owners of abutting, unplatted property;
- N. The location and size of existing utilities within or adjacent to the tract; and
- O. The location of all existing buildings that are to be retained on the site;
- P. Location and size of proposed utilities, including telephone, electricity, water and sewage;
- Q. Source and amount of water required to supply the development in cfs and priority and legal description of water source. (Ord. 114 §4(c), 1983)

17.12.050 Additional information. The preliminary plat shall be accompanied by the following:

- A. Such additional preliminary information as may be requested by the town board in order to adequately evaluate proposed utility systems, surface improvements, or other construction projects contemplated within the area to be subdivided;
- B. That application form for rezoning, if required for the development of the subdivision;
- C. After the preliminary plat has been approved or conditionally approved, the developer shall execute a subdivision dedication and improvements agreement wherein the town and the developer shall reduce to formal writing how the developer will comply with the provisions of Title 17, which agreement shall include a time schedule and conditions for final approval. (Ord. 135 §§3, 4, 1985; Ord. 114 §4(d), 1983)

Chapter 17.16FINAL PLATSections:

- 17.16.010 Processing, fees and costs.
- 17.16.020 Contents.
- 17.16.030 Additional information.

17.16.010 Processing, fees and costs.

The final plat shall be processed as follows:

A. Not more than twelve months after approval of the preliminary plat, the original and three copies of the final plat, and the required supplemental material shall be presented by the subdivider to the town. The final plat shall be presented at least ten days prior to a regular town board meeting.

B. The final plat shall substantially conform to the approved preliminary plat and shall include all changes specified thereon.

C. Upon receipt of the plat the board of trustees shall approve or disapprove the plat. If the plat is disapproved the reasons shall be stated in writing and a copy of the reasons furnished to the subdivider within thirty days of presentation.

D. Within thirty days of approval of the final plat by the town board, the subdivider shall record the plat in the office of the county clerk and recorder or the approval by the board of trustees shall be considered null and void.

E. Fees for the processing of final subdivision plats may be established by the town board by resolution. Such fees shall be paid to the town at time the proposed final subdivision plat is submitted to the town for review and processing. In addition, the applicant for final plat shall reimburse the town for its expenses and costs incurred such as engineering and legal review of the proposed final subdivision plat. Said reimbursement shall be paid to the town prior to the plat being signed by town officials and released for recording. (Ord. 114 §5(a), 1983)  
(Ord. No. 251, § 12, 6-16-2009)

**Editor's note**—Ord. No. 251, § 12, adopted June 16, 2009, amended § 17.16.010 as herein set out. Former § 17.16.010 pertained to processing.



17.16.020 Contents.

The final plat shall contain the following information:

- A. The proposed name of the subdivision;
- B. Scale, north sign and date;
- C. Legal description of the property, together with a complete reference to the book and page of county records;
- D. A complete description of primary control points to which all dimensions, angles, bearings, and similar data on the plat shall be referred;
- E. Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, irrigation ditches, and property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles, and radii arcs or chords and central angles of all curves;
- F. Names and right-of-way widths for each street or other right-of-way;
- G. Location, dimensions and purposes of any easements;
- H. Number to identify each lot or site, and each block;
- I. Location and description of monuments;
- J. Statement of land ownership by the subdivider;
- K. Statement by owner dedicating streets, rights-of-way and any sites for public uses;
- L. Certification by surveyor or engineer certifying to accuracy of survey and plat;
- M. Certifications for approval by the board of trustees;
- N. Certification of title to land and water rights involved. (Ord. 114 §5(b), 1983)

17.16.030 Additional information.

The final plat shall be accompanied by the following:

- A. A statement from the town building inspector that required improvements are in place; or

B. A bond guaranteeing that improvements shall be constructed according to official specifications; or

C. A certified check sufficient to cover the cost of the construction of the required improvements as specified in Sections 17.32.020, 17.32.030 and 17.32.040; and

D. Perpetual drainage easements for areas subject to flooding. (Ord. 114 §5(c), 1983)

## Chapter 17.20

### SITE CONSIDERATIONS

#### Sections:

17.20.010 Steep or unstable land--Inadequate drainage areas.

17.20.020 Land in natural drainage channel.

17.20.030 Railroad right-of-way.

17.20.010 Steep or unstable land--Inadequate drainage areas. Steep land, unstable land, and areas having inadequate drainage shall be noted and unless acceptable provisions are made for eliminating or controlling problems which may endanger health, life or property such areas shall not be platted for residential occupancy. (Ord. 114 §6(a), 1983)

17.20.020 Land in natural drainage channel. Any land in a natural drainage channel shall not be platted for occupancy unless adequate provisions to eliminate or control flood hazards are made and approved. These provisions shall be made to protect the health, safety and welfare of the public, as well as to eliminate any flood hazard resulting from the development of the area. (Ord. 114 §6(b), 1983)

17.20.030 Railroad right-of-way. Where a residential subdivision borders a railroad right-of-way, either a parallel street, deep lots, or a buffer strip shall be required. (Ord. 114 §6(c), 1983)

Chapter 17.24DESIGN REQUIREMENTSSections:

- 17.24.010 Streets, alleys and easements.
- 17.24.020 Blocks.
- 17.24.030 Lots.

17.24.010 Streets, alleys and easements. A. Streets shall be aligned to join with planned or existing streets, where desirable.

B. Streets shall be designed to bear a logical relationship to the topography.

C. Intersections shall approximate right angles as closely as possible.

D. Cul-de-sacs shall be permitted, provided they are not more than five hundred feet in length and have a turn-around diameter of at least one hundred feet. Surface drainage shall be toward the intersecting street, or if this is not possible, a drainage easement shall be required through the cul-de-sac.

E. Dead-end streets, with the exception of cul-de-sacs, shall be prohibited unless they are designed to connect with future streets in adjacent land that has not been platted, in which cases a temporary turnaround easement of eighty feet shall be required.

F. Restriction of access shall be required when a subdivision or portion thereof adjoins an arterial highway. Marginal access streets, reverse frontage with screen planting contained in a no access reservation, deep lots or similar treatment shall be required to reduce the impact of the traffic on residential properties and to avoid interference with the movement of the traffic on thoroughfares.

G. Half-streets will be prohibited.

H. Reverse curves on major arterials shall be joined by a tangent at least two hundred feet in length.

I. Reserve strips controlling access to streets, are permitted only when the control of such strips is given to the town.

J. Street, alley, and easement right-of-way widths and grades shall not be less than the following:

| <u>Classification</u> | <u>Right-of-way</u> | <u>Width</u> |
|-----------------------|---------------------|--------------|
| Major streets         |                     |              |
| Commercial zone       |                     | 70 feet      |
| Residential zone      |                     | 60 feet      |
| Collector streets     |                     | 50 feet      |

Alleys (where permitted) 20 feet  
 Easements 10 feet

K. Alleys shall be provided in commercial and industrial areas, except that this requirement may be waived where other provisions are made and approved for service access.

L. Easements of not less than seven feet in width shall be provided for utilities on each side of all rear lot lines where alleys are not provided and along each side of certain lot lines. (Ord. 128 (part), 1984; Ord. 114 §7, 1983)

17.24.020 Blocks. Block lengths and widths shall be suitable for the uses contemplated and shall be adequate for requirements pertaining to minimum lot sizes and dimensions. (Ord. 114 §8, 1983)

17.24.030 Lots. A. Lot dimensions and sizes shall be at least as large as required by applicable zoning requirements.

B. Each lot shall have vehicular access to a public street.

C. Lots with double frontage shall be avoided, except where essential to provide separation from major arterials or from incompatible land uses.

D. Side lot lines shall be substantially at right angles or radial to street lines. (Ord. 114 §9, 1983)

Chapter 17.28

PUBLIC SITES, RESERVATIONS AND DEDICATIONS

Sections:

17.28.010 Streets, drainage and utilities.

17.28.020 Percentage of land to be dedicated.

17.28.010 Streets, drainage and utilities. Dedications of rights-of-way for public streets, drainage easements and utility easements shall be required. (Ord. 114 §10(a), 1983)

17.28.020 Percentage of land to be dedicated. Six percent of the total land area of the tract being subdivided shall be dedicated for public purposes, except in cases where satisfactory dedication arrangements were made and approved by the board of trustees at the time of annexation or subdivision. (Ord. 114 §10(b), 1983)

Chapter 17.32IMPROVEMENTSSections:

- 17.32.010 Approval required.
- 17.32.020 Required improvements designated.
- 17.32.030 Water.
- 17.32.040 Procedure.
- 17.32.050 Release of guarantee.

17.32.010 Approval required. Before accepting a final plat, the board of trustees shall be satisfied that the required improvements have been installed according to town specifications. (Ord. 114 §11, 1983)

17.32.020 Required improvements designated. The following improvements shall be installed, conveyed to the town and all utility services and lines shall be placed underground before final approval:

- A. Survey monuments;
- B. Sanitary sewers;
- C. Water lines;
- D. Telephone and electric lines;
- E. Storm sewers, culverts or bridges (where required);
- F. Water rights;
- G. Easements, and streets and alley dedications;
- H. Fire hydrants;
- I. Street signs; and
- J. Other items not specifically mentioned in this section but found necessary due to conditions found on the site and the effect of the subdivision on existing utility facilities; and
- K. If in the judgment of the board of trustees of the town its current water treatment facility or sewage treatment facility can support the additional demand of any proposed annexation to the town, the developer shall be required to reimburse the town for its capital contribution to its water treatment facility, distribution system, lines and sewage treatment facilities according to the following formula:

1. The percentage capacity sought by the developer multiplied by cost of systems.

a. Percentage capacity sought by developer equals proposed need for water (gallons per minute) divided by capacity of water treatment facility multiplied by one hundred.

b. Cost equals a total of actual cash cost to the town of the water treatment facility, sewage treatment

facility and water distribution system and sewage collection system.

2. If the facilities cannot support the additional demand, the developer shall expand the facilities as required. (Ord. 128 (part), 1984; Ord. 114 §12, 1983)

17.32.030 Water. A. Before accepting a final plat of a subdivision to be annexed to the town, the developer shall provide to the town merchantable title to sufficient water rights, adjudicated for domestic use, diversion point similar to the existing diversion point and an acceptable priority the quantity of .0006 c.f.s./residential unit or single-family dwelling, and .0012 c.f.s. per commercial lot or site or per tap to be used for commercial purposes.

B. Water quantity and priority shall be determined by the town board based upon a review of the final plat.

C. That in the town's sole discretion, it may accept cash in lieu of the aforementioned raw water requirements. The amount of cash shall be determined by appropriate board action. (Ord. 135 (part), 1984; Ord. 128 (part), 1984; Ord. 114 §13, 1983)

17.32.040 Procedure. No improvements shall be made, until all required plans, profiles and specifications for such improvements have been submitted and approved by the town. (Ord. 114 §14, 1983)

17.32.050 Release of guarantee. As each stage of improvements is completed, inspected and accepted, the amount of guarantee sufficient to cover that phase of the development shall be released upon written request by the subdivider to the board of trustees. (Ord. 114 § 15, 1983)

### Chapter 17.36

#### VARIANCES

##### Sections:

17.36.010 When granted.

17.36.010 When granted. The board of trustees may authorize variances from these regulations in cases where, due to exceptional topographical conditions or other conditions peculiar to the site, an unnecessary hardship is placed on the subdivider. Such variances shall not be granted if it would be detrimental to the public good or impair the intent and purposes of this title. The conditions of any variance authorized shall be stated in writing in the minutes of the town board, with the justifications set forth. (Ord. 114 § 17, 1983)

### Chapter 17.38

#### PROCEDURE FOR ANNEXATION PETITIONS AND LAND USE APPLICATIONS

##### Sections:

17.38.010 Intent.

17.38.020 Annexation petition--Compliance with state statutes required.

17.38.030 Fee schedule--Adopted by resolution.

17.38.040 Payment of fees.

17.38.050 Process.

17.38.060 Impact fees.

17.38.010 Intent. The intent of this chapter is to provide a procedure by which the board of trustees shall

process annexation petitions and/or land use applications and provide for the establishment and collection of fees associated with those requests. (Ord. 242 § 1, 2008)

17.38.020 Annexation petition--Compliance with state statutes required. The board of trustees shall not review any proposal for development of real property located outside the town boundaries until the board of trustees has determined that the annexation petition describing the property substantially complies with the requirements set forth in C.R.S. Section 31-12-107(1)(a). (Ord. 242 § 2, 2008)

17.38.030 Fee schedule--Adopted by resolution. The town shall, by resolution, adopt a fee schedule for annexation petitions and/or land use applications. No petition for annexation or land use application shall be deemed complete until all application fees have been paid to the town. (Ord. 242 § 3, 2008)

17.38.040 Payment of fees. All applications for which there is a fee required shall be accompanied by the appropriate application and review fee to the town board of trustees or its designee. Applications which are not accompanied by the appropriate application and review fee shall be considered incomplete and shall not be processed nor shall any permit of any type be issued unless the appropriate application and review fee accompanies the application. The application and review fee, which shall be established by the board of trustees shall equal no less than the actual cost to the town for services rendered in connection with the review of any land use application and/or for petitions for annexation, plus a fifteen percent nonrefundable fee to cover administrative costs incurred by the town. The applicant, upon submission of the land use application, must deposit a certified check in the amount of the application and review fee as determined by the board of trustees or its designee. The amount of deposit shall be based upon the type of development, size of development, the anticipated impact of the development on the town of La Veta, and the fifteen percent nonrefundable administrative fee. The deposit shall serve as security for payment of the actual cost to the town in providing the services described above, and shall not be refunded



until after the land use application is approved, disapproved, or withdrawn by the applicant. (Ord. 242 § 4, 2008)

17.38.050 Process. A. The town will send the applicant a statement for the actual costs incurred by the town for the services described on a monthly basis. The applicant shall pay the town the amount due on the statement within fifteen days of the date of issuance of the statement. In the event the applicant fails to pay the amount due on the statement within the time period described above, the town shall immediately stop the review process for the land use application, including any consideration of building permits, inspections, certificates of occupancy, or any other pending permit. In addition, any amounts not paid within said fifteen days shall be subject to an interest charge of twelve percent per annum. The application will be deemed withdrawn if the statement is not paid in full within fifteen days of the date of issuance of the statement. When the application is deemed withdrawn, the town will apply any amounts that are due from the applicant against the deposit held by the town. In the event any funds remain after all expenses incurred by the town have been paid, the town will refund such amounts to the applicant, provided that any such refunds shall occur only after all claims and payments due from the town to any third parties have been made. In the event the deposit is not sufficient to pay for all the expenses incurred by the town, the town will not consider another application from the applicant for any land use matter until all expenses owed to the town are paid in full.

B. No petition for annexation of real property shall be accepted by the town unless the same is accompanied by a development plan/preliminary plat for the property to be annexed, which development plan/preliminary plat shall conform to all applicable town ordinance requirements and regulations.

C. No petition for annexation shall be approved unless accompanied by an annexation agreement. Said agreement shall address all requirements of Titles 15, 17, 18 of the La Veta Municipal Code and set forth fees and methods of payment for such fees associated with the proposed development of property to be annexed. (Ord. 242 §§ 5, 5b, 2008)

17.38.060 Impact fees. A. Intent. The town is experiencing growth that increases the costs to the town of providing facilities and services necessitated by the growth. The board of trustees has determined that a fee upon annexation of new territory into the town is a proper method of financing growth.

B. Any person submitting a petition for annexation on or after the effective date of the ordinance codified in this chapter shall, as a condition of obtaining such annexation, pay to the town an impact fee, in an amount to be determined by the board of trustees in its sole discretion and set forth in the annexation agreement, for the purpose of defraying costs not otherwise identified, associated with providing facilities and services to the territory proposed to be annexed. (Ord. 242 § 6, 2008)

Chapter 17.40

VIOLATION--PENALTY

Sections:

17.40.010 Designated.

17.40.010 Designated. Any subdivider who shall violate any of the provisions of this title shall be deemed guilty of a misdemeanor and upon conviction thereof shall pay a penalty of not more than three hundred dollars or a jail sentence of not more than ninety days or by both such fine and imprisonment. Each day that a violation of this title continues shall constitute a separate and distinct offense, and shall be punishable as such. (Ord. 114 § 18, 1983)