

CHAPTER 17

Subdivisions

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ARTICLE I

Definitions

Sec. 17-1. Generally.

As used in this Chapter, the following words and phrases are defined to include the meanings set down after them. (Prior code 16.04.010)

Sec. 17-2. Alley.

Alley means a public way having less width than a street, designated for special access to the rear of the improvements to be constructed in this subdivision. (Prior code 16.04.020)

Sec. 17-3. Developer.

Developer means any person, partnership, joint venture, association, corporation or entity, including the owner or agent for the owner, developing, subdividing, promoting, selling or leasing subdivided land. (Prior code 16.04.030; Ord. 1-1992, § 1)

Sec. 17-4. Developer obligations.

Developer obligations refers to the following: By submitting a final plat to the Planning and Zoning Commissions for approval, the developer shall be deemed to have agreed in advance to construct, at the developer's expense, all improvements required by this Chapter and any other ordinance of the Town and in conformance with the ordinances and regulations of the Town, including those improvements noted on the final plat, such as streets and alleys, as well as improvements required by Town ordinance, such as sidewalks. If the Planning and Zoning Commissions determine that the developer's agreement to construct any such improvements should be set forth formally in an additional written instrument, the Planning and Zoning Commissions may require the developer to enter into an improvement contract specifying the improvements, a timetable for the construction of the improvements and providing for bonding requirements to assure completion and payment for improvements. In the event the Planning and Zoning Commissions do not require a formal written instrument as set forth above in this Section, the Board of Trustees, in its discretion, before approving the final plat, may require such formal instrument. (Prior code 16.04.040)

Sec. 17-5. Easement.

Easement means a grant or reservation of the right to use a parcel of land for a specific purpose or purposes. (Prior code 16.04.050)

Sec. 17-6. Lot.

Lot means a portion of a subdivision used or intended for use as a unit for transfer of ownership or for development. (Prior code 16.04.060)

Sec. 17-7. Replats.

All *replats* shall be considered new subdivisions and shall require full compliance with this Chapter. (Prior code 16.04.070)

Sec. 17-8. Street.

Street means a public way for sidewalk, roadway and utility installations, being the entire width from lot line to lot line and including the terms highway, road, place, avenue or other similar designations. (Prior code 16.04.080)

Sec. 17-9. Subdivide.

Subdivide, and any form of the verb *subdivide*, means either:

- (1) To change the ownership of a unit of land so that the ownership of a portion of the unit, in a geographical sense, is different from the ownership of the remaining portion or portions of the unit, if one (1) or more of the portions is less than ten (10) acres in size; or
- (2) To record in the real estate records of the County a map or plat showing the division of a unit of land into one (1) or more portions, if any such portion is less than ten (10) acres; or
- (3) To construct two (2) or more single-family dwellings on a single unit of land owned by one (1) person or by one (1) group of co-owners; for the purpose of the foregoing provision, the term *single unit of land* means an unsubdivided parcel of land, or the smallest subunit of a subdivided parcel of land. (Prior code 16.04.090)

Sec. 17-10. Subdivided land.

Subdivided land means a section, parcel or parcels of land that have been officially platted, divided into lots or subparcels and recorded, whether within or outside the corporate limits of the Town. (Prior code 16.04.100)

Sec. 17-11. Subdivision.

Subdivision means a unit or parcel of land which has been subdivided, as that term is defined in Section 17-9, in compliance with the requirements of this Chapter. (Prior code 16.04.130)

Secs. 17-12—17-30. Reserved.

ARTICLE II

General Regulations

Sec. 17-31. Approval and recordation of subdivisions.

It is unlawful for the owner or owners of any unplatted or unsubdivided land located within the Town to transfer, sell, agree to sell or negotiate to sell any such land by reference to, exhibit of or the use of a plan or plat of a subdivision which has not been approved by the Planning and Zoning Commissions and the Board of Trustees and has not been recorded in the office of the County Clerk and Recorder. The description of any such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring the same shall not exempt the transaction from the penalty provided by this Chapter or by state statutes. (Prior code 16.08.010)

Sec. 17-32. Construction in subdivisions.

It is unlawful to erect or construct any building subject to the provisions of Chapter 18 unless the street giving access to the lot or parcel upon which the building is proposed to be placed has been accepted by the Board of Trustees as a public street. No structure shall be constructed, nor building permit issued for a structure, on any parcel of land within a subdivision approved pursuant to this Chapter, except where such structure is to be constructed upon a lot separately designated within the plat of such approved subdivision. The lot established in such approved subdivision shall not be altered by conveyance of a part of such lot, nor shall only a part of any lot be joined with a part of any other lot conveyance or construction, unless and until written application has been made to the Planning and Zoning Commissions and such change is approved by the Planning and Zoning Commissions and Board of Trustees after a finding that the general purpose and purport of this Chapter shall not be weakened by such change. (Prior code 16.08.020)

Sec. 17-33. Jurisdiction.

The territory within which these regulations are applicable shall include all land located within the legal boundaries of the Town, and all land located within three (3) miles of the corporate limits of the Town and not located in any other municipality for purposes of control with reference to the plan for major streets, public municipal utilities and services provided under contract by the Town. (Prior code 16.08.030)

Secs. 17-34—17-50. Reserved.

ARTICLE III

Filing Procedure

Sec. 17-51. Preapplication procedure.

(a) Prior to the filing of an application for approval of a preliminary plat, the developer shall submit to the Planning and Zoning Commissions an outline development plan as specified below.

This procedure shall not require formal application, fee or filing of a plat with the Planning and Zoning Commissions.

(b) The Planning and Zoning Commissions shall review the outline development plan to determine its general acceptability and compliance with the objectives and standards of these regulations, and may hold conference with the developer to discuss desirable modifications of the plan. The outline development plan shall be referred to the Board of Trustees for informal review and shall include:

- (1) Location map, scale not less than one (1) inch equals six hundred (600) feet;
- (2) Sketch plan, not less than one (1) inch equals one hundred (100) feet;
- (3) General development information, including size, type and number of structures, utility plan and related data. (Prior code 16.12.010)

Sec. 17-52. Preliminary plat; presentation to and approval by Planning and Zoning Commissions.

After the developer has reached preliminary conclusions concerning the feasibility and design of his or her proposed subdivision, he or she shall prepare a preliminary plat and required supplemental material for presentation to and approval of the Planning and Zoning Commissions. The purpose of this preliminary review is to check the proposed subdivision against design standards and improvement requirements and to be sure that zoning and Master Plan standards can be met. Thorough analysis of the problems at this stage will expedite approval of the final plat and will prevent the repeating of expensive calculations and drafting required for the final plat. (Prior code 16.12.020)

Sec. 17-53. Preliminary plat; processing.

The preliminary plat shall be processed as follows: Seven (7) copies of the preliminary plat, required supplemental material (see Section 15-8(c)) shall be presented by the developer to the Town Clerk's office. The preliminary plat shall be presented at least twenty (20) days prior to a regular Planning and Zoning Commissions meeting. If the plat is in acceptable condition according to these regulations, the Town Clerk shall, when appropriate, furnish the following agencies with copies for their review and comments:

- (1) Fire protection district;
- (2) Public Service Company of Colorado;
- (3) U.S. West Communications;
- (4) Applicable County Planning and Zoning Commissions;
- (5) School board for the area;
- (6) Other taxing districts.

The above agencies shall have fifteen (15) days from the date they receive the plat to review and return it to the Town Clerk's office. Failure to return the plat or to otherwise notify the Town Clerk shall constitute approval by the agency. (Prior code 16.12.030)

Sec. 17-54. Preliminary plat; Planning and Zoning Commissions to consider comments of other agencies.

The Planning and Zoning Commissions shall consider the comments of the other agencies before reaching their decision to approve, conditionally approve or disapprove the plat. (Prior code 16.12.040)

Sec. 17-55. Preliminary plat; approval, conditional approval or disapproved by Planning and Zoning Commissions.

(a) Within thirty (30) days after reviewing the preliminary plat, the Planning and Zoning Commissions shall notify the developer of their approval, conditional approval or disapproval. When circumstances require an additional period of time for review, the Town Clerk shall notify the developer 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. Approval of the preliminary plat shall be valid for no longer than one (1) year. A six (6) month extension of time may be applied for on the basis of unforeseen circumstances.

(b) If the plat is disapproved, reasons for such disapproval shall be stated in writing. If approved subject to modifications, the nature of the required modifications shall be indicated.

(c) Approval of the preliminary plat shall not constitute acceptance of the final plat by either the Planning and Zoning Commissions or Board of Trustees. (Prior code 16.12.050)

Sec. 17-56. Preliminary plat; request for review and hearing by developer.

Within fifteen (15) days after a preliminary plat is approved, conditionally approved or disapproved, the developer or an interested official agency may request, in writing, a review and hearing before the Planning and Zoning Commissions or Board of Trustees. (Prior code 16.12.060)

Sec. 17-57. Preliminary plat; contents and specifications.

The preliminary plat shall be prepared as follows:

(1) Names and addresses of the developers and owners, the designer of the subdivision and the engineer or surveyor, who shall be licensed by the State Board of Examiners for Engineers and Land Surveyors;

(2) Location and principal dimensions for all existing or recorded section lines, streets, alleys, easements, watercourses, public utilities and other important features within and adjacent to the tract to be subdivided;

(3) Location and principal dimensions for all proposed streets, alleys, easements, lot lines and areas to be reserved for public use;

(4) Date of preparation, scale (not less than two hundred [200] feet to the inch) and north sign, designated as true north;

(5) Contours at city datum at vertical intervals of not more than two (2) feet where the slope is less than ten percent (10%);

(6) Acreage of land to be subdivided; and

(7) Accurate names and addresses of the owners of adjacent property. (Prior code 16.12.070)

Sec. 17-58. Final plat; processing.

The final plat shall be processed as follows: not more than twelve (12) months after approval of the preliminary plat, the original and four (4) copies of the final plat, and the required supplemental material, shall be presented by the developer to the Town Clerk's office. The final plat shall be presented at least ten (10) days prior to a regular Planning and Zoning Commissions meeting. (Prior code 16.12.080)

Sec. 17-59. Final plat; conformance with preliminary plat.

The final plat shall substantially conform to the approved preliminary plat and shall include all changes specified thereon. (Prior code 16.12.090)

Sec. 17-60. Final plat; presentation to Planning and Zoning Commissions for review.

After reviewing the final plat to assure its acceptability, the Town Clerk shall present the plat to the Planning and Zoning Commissions for review. (Prior code 16.12.100)

Sec. 17-61. Final plat; approval, conditional approval or rejection by Planning and Zoning Commissions.

The Planning and Zoning Commissions shall review the final plat and approve it, approve it subject to certain conditions or reject it. (Prior code 16.12.110)

Sec. 17-62. Final plat; submittal to Board of Trustees.

After reviewing the final plat, the Planning and Zoning Commissions shall submit it, together with the Planning and Zoning Commissions' recommendations, in writing to the Board of Trustees for final action. (Prior code 16.12.120)

Sec. 17-63. Final plat; action by Board of Trustees.

Upon receipt of the plat and the recommendations of the Planning and Zoning Commissions, the Board of Trustees shall, within sixty (60) days, approve, disapprove or refer the plat back to the Planning and Zoning Commissions for further study. If the plat is disapproved or referred, the

reasons shall be stated in writing and a copy of the reasons furnished to the developer within ninety (90) days of presentation of the Planning and Zoning Commissions recommendations. (Prior code 16.12.130)

Sec. 17-64. Final plat; recordation with County Clerk.

Within ninety (90) days of approval of the final plat by the Board of Trustees, the developer shall record the plat in the office of the County Clerk and Recorder, returning a recorded copy of the plat to the Town, or the approval by the Board of Trustees shall be considered null and void. Written application to the Board of Trustees for an extension of the time period may be made by the developer. (Prior code 16.12.140)

Sec. 17-65. Final plat; contents and specifications.

The final plat shall contain all of the information required on the preliminary plat, except contour intervals, plus the following:

- (1) Accurate dimensions for all lines, angles and curves used to describe boundaries, streets, alleys, easements, areas to be reserved or dedicated for public use and other important features;
- (2) A systematic identification of all lots and blocks, and names for the streets;
- (3) A good and sufficient dedication to the public of all the streets, alleys, easements, parks, open space and other public areas as shown on the plat;
- (4) A certification by the surveyor or engineer as to the accuracy of the survey and drafting of the plat;
- (5) Certificates showing approval and acceptance of the plat by the Board of Trustees. The certificate of the Board of Trustees shall be in substantially the following form:

This plat, and the dedication to the public of the streets and public ways shown hereon, and the public utility easements as shown are hereby accepted and approved by the Board of Trustees of LaSalle the ____ day of _____, 19__.

Mayor

(SEAL)

ATTEST:

Town Clerk

- (6) A certificate by an attorney, licensed to practice in the State, that the person or persons dedicating to the public ways or areas shown thereon are the owners thereof in fee simple, free and clear of all liens and encumbrances; and

- (7) The originals of all drawings and signatures shall be in waterproof ink on tracing cloth or other permanent reproducible form acceptable to the Town, with the outer dimensions of not more than twenty-four (24) inches long and eighteen (18) inches high. (Prior code 16.12.150)

Sec. 17-66. Subdivision agreement and bond; required prior to final plat approval.

Before the Board of Trustees accepts a final plat, the developer and owner shall have entered into a written agreement with the Town wherein they shall agree to make and install within one (1) year, or such other period as the Board of Trustees shall approve, any required storm sewers, bridges, fences or other such subdivision improvements that may be required by the Town Engineer, and shall have provided a bond with sufficient sureties thereon, approved by the Board of Trustees, guaranteeing the faithful performance of their covenants thereon made, or have deposited sufficient funds in escrow with the Town to cover the cost of such improvements. Such bonds or such escrowed funds guaranteeing the performance of the developer's or owner's covenants shall be in an amount at least equal to one hundred percent (100%) of the then current cost of performing the covenants therein made. (Prior code 16.12.160)

Sec. 17-67. Subdivision agreement and bond; prerequisite to certificate of occupancy.

No certificate of occupancy shall be issued for any improvements within the subdivision if such agreement referred to in Section 17-4 is in default or until the remaining subdivision improvements of streets (required base of gravel, asphaltic concrete paving and seal coat), curbs and gutters, water mains and fire hydrants have been installed to serve the properties for which a certificate is sought. If any part of such improvements has not been installed, funds may be escrowed therefor with the Town, or a performance bond acceptable to the Board of Trustees may be provided for the cost thereof. (Prior code 16.12.170)

Secs. 17-68—17-80. Reserved.

ARTICLE IV

Design Requirements

Sec. 17-81. Applicability.

The design requirements set out in this Chapter shall apply to all subdivisions within the Town unless unusual conditions warrant a variance from such requirements and such variance is reviewed by the Planning and Zoning Commissions and approved by the Board of Trustees. (Prior code 16.16.010)

Sec. 17-82. Streets.

(a) Streets shall bear a logical relationship to topography and to the location of existing or platted streets in adjacent property.

(b) Streets, utility rights-of-way and public open space shall conform to previously approved plans for the extension of such public facilities.

(c) Minimum street widths shall be as follows:

<u>Classification</u>	<u>Rights-of-way Width in feet</u>	<u>Roadway Width in feet</u>
Arterial	200	Variable
Major	100	80
Collector	80	60
Local		
curb walk	60	40
property line walk	60	40

(d) Dead-end streets shall not be more than four hundred (400) feet in length with a minimum outside radius of seventy (70) feet at the closed end.

(e) Streets shall intersect at right angles.

(f) Half-streets shall be prohibited, subject to Subsection (n) of this Section.

(g) Street grades shall be more than five-tenths percent (0.5%), but less than ten percent (10%) for local and collector streets, and less than seven percent (7%) for secondary, major and arterial streets.

(h) Streets shall be leveled to a grade of less than four percent (4%) for a distance of at least one hundred (100) feet approaching all intersections.

(i) Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall not be allowed.

(j) When streets are in alignment with existing streets, the new streets shall be named according to the streets with which they correspond. Streets which do not fit into an established street-naming pattern shall be named in a manner which will not duplicate or be confused with existing street names in the Town.

(k) Lots shall be at least as large as the minimum permitted by zoning standards contained in this Code.

(l) Lot lines shall be at right angles to the street line or at right angles to the tangent to the curve of the street line.

(m) Through lots shall not be permitted.

(n) Half-streets. The dedication of a half-street shall not be accepted unless:

(1) The developer obtains for the Town a dedication from the abutting landowner of the other one-half (½) of the street; and

(2) The developer obtains from said abutting landowner an agreement in a form satisfactory to the Town which guarantees the cost of the improvements and construction of the same on the half-streets within a time suitable to the Town; and

(3) The developer guarantees the construction of the improvements on the half-street which he or she is dedicating.

(o) All curbs, gutters, sidewalks and streets shall be constructed in accordance with the requirements of this Code.

(p) Streets bearing heavy traffic may require additional compacted base and/or asphalt as determined by the Town.

(q) Alleys. If alleys are required by the Board of Trustees, they shall be paved in commercial and industrial zones.

(r) Curbs and gutters. All streets and paved alleys shall be provided with concrete curbs and gutters for the pavement edging in accordance with standards set by this Code.

(s) Driveways and accessways. Where appropriate to the type of development proposed, driveways or accessways shall be provided for vehicular access to each structure or parking or loading area.

(t) Street name and traffic regulation signs. Easily legible street name signs of a standard to be determined by the Town shall be installed at street intersections or as necessary for convenient identification of streets, at the expense of the applicant. (Prior code 16.16.020; Ord. 1-1992, § 1)

Sec. 17-83. Landscaping.

One (1) street tree of one and one-half (1½) inch caliper minimum size shall be provided for each lot of seventy (70) foot frontage or less, and at least two (2) trees for every lot in excess of seventy (70) foot frontage. For corner lots, at least one (1) tree shall be required for each street. The trees shall be located so as not to interfere with sight distance at driveways. (Prior code 16.16.040)

Sec. 17-84. Utilities.

Underground electric, power and telephone distribution systems shall be required as follows:

(1) All utilities shall be installed underground and, where applicable, shall be in place prior to street and/or alley surfacing. Above-ground facilities necessarily appurtenant to underground facilities or other installation of peripheral overhead electrical transmission and distribution feeder lines, or other installation of either temporary or peripheral overhead communications, distance, trunk or feeder lines, may be aboveground if approved by the Board of Trustees. No curb, gutter or sidewalk shall be installed until all utilities are installed.

(2) Transformer, switching bases, terminal boxes, meters, cabinets, pedestal ducts and other facilities necessarily appurtenant to such underground connections, where placed on the surface, shall be adequately screened and fenced as necessary for safety and concealment. The location of utilities under streets, alleys and sidewalks shall be marked and identified on the surface.

(3) Storm drainage.

a. Drainage districts. There are created drainage districts involving land both within the Town limits and adjacent to the Town. The map boundaries may change from time to time as determined by resolution of the Board of Trustees.

b. Required drainage facilities. Any dwelling unit for which a Town building permit is issued must provide and construct adequate surface or underground drainage facilities to protect both subject properties and adjacent uses.

1. Such facilities must be submitted to the Planning and Zoning Commissions and Board of Trustees for approval prior to issuance of a building permit.

2. The developer is required to secure all necessary easements and dedicate them to the Town.

c. Irrigation ditches. Irrigation ditches which are uncovered shall not be permitted on public streets or highways.

d. Floodplain areas. No lots shall be platted in areas subject to flooding. Provisions of state control shall apply to all areas identified by the Town that may, from time to time, lie within a floodplain area. (Prior code 16.16.050)

Sec. 17-85. Easements, public sites, reservations and dedications.

(a) A developer shall be required to dedicate rights-of-way for public streets, drainage easements and utility easements as needed to serve the area being platted. In cases where any part of an existing road is in the tract being subdivided, the developer shall dedicate such additional right-of-way as is necessary to increase such roadway to the minimum width for streets required under this Chapter.

(b) Reservation of sites for flood control purposes and other municipal uses shall be mutually agreed upon between the developer and the Town.

(c) Nothing in these subdivision regulations shall be construed as relieving a developer of the obligation to pay drainage fees, park fees or other fees or payments required by Town ordinance.

(d) Subdivision design shall give consideration to the preservation of groves of trees, streams, unusually attractive topography and other desirable natural landscape features. Provisions shall be made for the perpetual maintenance of such features through private covenants or other means acceptable to the Board of Trustees.

(e) A proposed subdivision shall be in general compliance with respect to adequate dedication and/or reservation of major street rights-of-way, major utility easements and open spaces for schools and recreation areas.

(f) A statement dissolving right of access from private lots or local streets or an arterial street shall be included on the final plat.

(g) Open space land dedication.

(1) For every dwelling unit or other use for which a separate occupancy is proposed, the developer or owner is required to dedicate, fee simple, an amount of land equal to various formulas computed and adopted from time to time by separate resolution of the Board of Trustees.

(2) The Town may choose to accept a cash payment in lieu of land dedication. Such payment shall be computed on the value of the site as improved land and supported by an MAI appraisal supplied by the applicant.

(3) For R-1 uses, the formula shall be determined by the Town within a range of two hundred ten (210) to two hundred fifty (250) square feet of dedication land for every occupant anticipated to dwell in the structures. The Town may in lieu thereof substitute a national average of people per dwelling unit or other formula.

(4) Dedications for other use zones shall be as directed by the Town.

(h) School site planning.

(1) Subdivision processing shall be subject to concepts of master planning and future facility planning as may be proposed by the Town for public needs, including future school planning.

(2) Wherever a subdivision is proposed for an area designated on the Town comprehensive Master Plan as a public area for future development, the developer or owner may be required by the Planning and Zoning Commissions to reserve such public area for purchase by an appropriate public agency within a period of not to exceed one (1) year from date of approval of the final plat by the Board of Trustees. (Prior code 16.16.060)

Sec. 17-86. Site consideration generally.

(a) At the option of the Board of Trustees, all parcels one (1) acre or larger may proceed through planned unit development. Refer to Article VII for planned unit development standards.

(b) A proposed subdivision shall not, by reason of its location or design, cast an undue burden on public utility systems and community facilities on or adjacent to the tract. Where extension and enlargement of public utility systems and community facilities is necessary, the developer shall make provision to off-set higher net public cost or earlier incursion of public cost necessitated by the subdivision. Due consideration shall be given to the difference between anticipated public costs of installation, operation and maintenance, and anticipated public revenue derived from the fully developed subdivision in determining added net public cost.

(c) A proposed subdivision shall be designed in such manner as to be coordinated with adjoining subdivisions with respect to the alignment of street right-of-way and utility and drainage easements and open space.

(d) Where a subdivision borders a railroad right-of-way, freeway or arterial street, a landscaped buffer area shall be provided for adequate reduction of noise and visual screening. Where the condition is extreme, the Town may require a parallel street, deep lots or other special methods. (Prior code 16.16.070)

Sec. 17-87. Lot specifications.

(a) No lot in a subdivision shall have less area than required under applicable zoning requirements of the Town.

(b) Each lot shall have vehicular access to a public street, and the access route shall itself be open to the public.

(c) Lots with both a front and rear frontage on a street shall not be permitted except where necessary to provide separation from major arterial streets or from incompatible land uses.

(d) Side lot lines shall be substantially at right angles or radial to street lines.

(e) Lot size, width, depth, shape and orientation and minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated, and shall facilitate the placement of buildings with sufficient access, outdoor space, privacy and view.

(f) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking, landscaping and loading areas required by the use and development contemplated.

(g) Corner lots for residential use shall have extra width to accommodate the required building setback line on both street frontages. (Prior code 16.16.080)

Sec. 17-88. Domestic water service.

As per this Code, there are obligations set forth dealing with water dedication and other aspects of water utility. (Prior code 16.16.090)

Sec. 17-89. Fire protection standards.

(a) Roadways.

(1) Curbcuts at driveways shall be a minimum of thirty-five (35) feet at the flow line in an industrial zone.

(2) Private circulation drives shall be a minimum of twenty-five (25) feet wide excluding parking.

(3) The driveway in a parking lot must be a minimum of twenty-five (25) feet wide at the inside curbline and fifty (50) feet at the outside curbline.

(4) Radius at ninety degree (90°) turns shall be a minimum of twenty-five (25) feet at the inside curbline and fifty (50) feet at the outside curbline.

(5) Obstructions shall not be permitted within a five (5) foot radius of a fire hydrant. Parking shall not be permitted within a fifteen (15) foot radius of a fire hydrant.

(6) Dead ends that exceed one hundred fifty (150) feet shall be provided with a seventy (70) foot turnaround to accommodate fire vehicles.

(b) Walkways that accommodate fire vehicles.

(1) On the recommendation of the Fire Department, walkways that accommodate fire vehicles may be required by the Board of Trustees.

(2) Fire walkways must be a minimum of twelve (12) feet wide and designed to withstand the weight of a fire vehicle, as determined from time to time by the Board of Trustees on recommendation of the Fire Department. The Fire Department will not be responsible for any damage to walkways or to adjacent property.

(3) Fire walkways shall be consistent with walkway standards and be linked to the roadways by means of a curb and ramp to the elevation of any fire walk or drive. Fire walkways and drives that require a fire vehicle to drive over a vertical curb will not be approved.

(4) Provisions shall be made to ensure ease of access to the fire walkways through design. Eliminate any and all parking by posting signs and painting yellow curbs leading to the fire walkway. A chain shall be placed across the entrance to the firelane or walkway, of one-fourth (1/4) inch noncase hardened steel.

(c) Firelane requirements.

(1) When recommended by the Fire Department and approved by the Board of Trustees, a roadway, firelane or fire walkway must be constructed so that fire equipment can drive broadside or directly forward to within a distance no closer than ten (10) feet and no further than thirty (30) feet away from a building over thirty (30) feet in height on fire.

(2) Single-family residences over one hundred (100) feet from the street shall provide access to such property with no less than sixteen (16) foot lanes capable of supporting the weight of the fire apparatus.

(3) When recommended by the Fire Department and approved by the Board of Trustees, multiple-family housing or buildings under three (3) stories or thirty (30) feet in height, but over two hundred (200) feet in length or over fifty (50) feet in width, fire lanes to the rear of such buildings shall be provided.

(4) Buildings three (3) stories or greater in height than thirty (30) feet shall have fire lanes provided on at least two (2) sides of the building from which rescue can be made.

(d) Firelane specifications.

(1) By the recommendation of the Fire Department, firelanes may be required by the Board of Trustees in an industrial area.

(2) Firelanes shall be clearly marked and kept clear of obstructions.

- (3) Firelanes shall be at least twenty (20) feet wide at the buildings.
 - (4) Approach firelanes may be no less than fifteen (15) feet in width.
 - (5) The center of the firelanes at the building shall be no more than thirty (30) feet, nor less than twenty (20) feet from the building.
 - (6) A turning radius of no less than fifty (50) feet shall be provided both on approach and at building firelanes.
 - (7) There shall be no overhead obstruction lower than fifteen (15) feet nor side obstructions closer than five (5) feet from the outer edges of the firelanes.
 - (8) Firelanes shall be constructed to withstand the weight of the fire apparatus.
- (e) Placement and spacing of fire hydrants.
- (1) Distance between fire hydrants shall be as follows:
 - a. R-1 zone. Residential structures shall be no further than five hundred (500) feet from a fire hydrant.
 - b. R-2 zone. Fire hydrants shall be placed no more than five hundred (500) feet apart. No structure shall be further than two hundred fifty (250) feet from a fire hydrant.
 - c. Mobile home park. Mobile home spaces or buildings shall be no further than one hundred seventy-five (175) feet from a fire hydrant.
 - d. All other zones. Fire hydrants shall be placed no more than three hundred fifty (350) feet apart. Buildings shall be no further than one hundred seventy-five (175) feet from a fire hydrant.
 - e. In accordance with Division 3, Section 10.301(c) of the Uniform Fire Code, all premises where buildings or portions of buildings other than dwellings are located more than one hundred fifty (150) feet from a public street, access to such premises shall be provided with approved fire hydrants connected to a water system capable of supplying the fire flow required by the Fire Chief. The location of such fire hydrants shall be approved by the Fire Chief. Paved access to fire hydrants shall be provided and maintained to accommodate firefighting apparatus.
 - (2) Hydrants shall be placed at intersections whenever possible.
 - (3) When on a divided highway, a hydrant shall be placed on each side of said highway.
 - (4) Fire hydrants shall be placed so that they are readily visible from the curb.
 - (5) Hydrants shall be placed no further than five (5) feet from the curb.

(6) Fire hydrants shall be installed and maintained so that the center of the lowest water outlet shall not be less than twelve (12) inches, nor more than thirty (30) inches from the ground.

(7) All hydrants, existing and future, shall be free from obstructions a minimum of five (5) feet in all directions.

(8) All hydrants shall be of approved coloring, as determined from time to time by the Board of Trustees with notification to the Fire Department.

(9) All curbing in front of each fire hydrant shall be painted yellow for a distance of fifteen (15) feet from the center of the plug in both directions.

(10) All new hydrants shall have three (3) outlets consisting of two (2) two and one-half (2½) inch hose outlets and one (1) four and one-half (4½) inch pumper outlet. All threads shall be American National Fire Hose connection Screw Thread, abbreviated as NH, NST, or NS. All hydrants shall have a one and three-eighth (1⅜) inch pentagon on the stem and on all caps. All hydrants shall have a shut-off valve located in front of the hydrant on the water line.

(11) The location of all hydrants shall be recommended by the Fire Department and approved by the Board of Trustees.

(12) Nothing less than a six (6) inch water line shall be attached to a fire hydrant.

(13) Minimum residential pressure of 20 to 30 psi (pounds per square inch) at the fire hydrants shall be required to provide minimum fire protection. (Prior code 16.16.100; Ord. 5-1982, § 1)

Sec. 17-90. Required improvements generally.

(a) The developer shall enter into an agreement with the Town to guarantee construction of all required improvements, including streets, curbs, gutters, driveways, sidewalks, storm drainage system, sanitary sewerage, potable water system, street lights and street trees.

(b) Under such agreement the developer shall post a performance bond or certified check, which bond or check shall be drawn in favor of the Town in an amount equal to the estimated cost of construction of improvements.

(c) The performance bond or certified check posted by the developer shall not be released until final construction of improvements has been completed, inspected at the developer's expense and approved and accepted by the Town.

(d) The improvements required by Sections 17-92 through 17-98 shall be provided in each subdivision or development proposed and to the extent determined by the Planning and Zoning Commissions and Board of Trustees. Required improvements shall be designed in accordance with the detailed design standards and specifications deemed necessary by the Town, and shall be constructed in accordance with the approved plans and profiles and the construction requirements and specifications of the Town.

(e) No improvements shall be made until all plans, profiles and specifications have been reviewed and approved by the Town. (Prior code 16.16.110)

Sec. 17-91. Drainage fees.

(a) Concurrent with the issuance of a building permit, the developer shall agree in writing to pay drainage fees as established by resolution. A drainage assessment shall be applied against any application for a building permit for a new dwelling unit or other new building or structure to be constructed within the Town limits.

(b) The fee shall reflect the prorated areas share of the cost of constructing area wide drainage facilities within districts as created by the Town.

(c) Sub-districts within each may be created by resolution of the Board of Trustees from time to time, and the drainage fee may reflect actual known costs and may be modified periodically by resolution of the Board of Trustees. (Ord. 4-1978, Appendix A; Ord. 1-1976)

Sec. 17-92. Storm drainage system.

(a) The storm drainage system shall consist of natural drainage courses whenever possible, and/or surface drainage structures, catch basins and other underground drainage structures. The storm drainage system shall be of sufficient size and design to carry off all predictable surface water runoff within the subdivision or development and stormwater drainage which enters the development from adjacent areas based on a twenty-five (25) year frequency storm.

(b) Where deemed necessary by the Planning and Zoning Commissions and the Board of Trustees, catch basins shall be provided at all low points, at street intersections and at intermediate locations as necessary to prevent overloading of the street gutters. Catch basins provided shall be connected to collection mains of adequate size with outfalls approved by the Planning and Zoning Commissions.

(c) Storm drainage shall not be permitted to empty into any sanitary sewerage system or be deposited on adjacent property. (Prior code 16.16.120)

Sec. 17-93. Sanitary sewerage system.

The sanitary sewerage system shall be connected to an existing public sanitary sewer system and shall consist of a closed system of sanitary sewer mains and lateral branch connections to each structure as built. The sanitary sewerage system shall be of sufficient size and design to supply service to each structure or lot upon which a structure is to be built. (Prior code 16.16.130)

Sec. 17-94. Fire hydrants.

Fire hydrants shall be installed at street intersections and at other points as necessary to assure that no building is located more than five hundred (500) lay-down feet from the nearest fire hydrant for residential zones. (Prior code 16.16.140)

Sec. 17-95. Street lights.

Acceptable street lighting and associated underground street lighting supply circuits shall be installed. The minimum requirements shall be seven thousand (7,000) lumen lamps at maximum spacing of four hundred (400) feet. The street lighting plan specifying the number, kind and approximate location of street lights must be included on the final plat. (Prior code 16.16.150)

Sec. 17-96. Reference monuments; benchmarks.

Permanent reference monuments of stone or concrete, at least thirty-six (36) inches in length and six (6) inches square or round with suitable center point, shall be located and placed within the subdivision or development as required by the Board of Trustees. Iron pin monuments at least twenty-four (24) inches long and flush with the surface shall be placed at all points on boundary lines where there is a change in direction, at all block and lot corners and at other points as required by the Board of Trustees. (Prior code 16.16.160)

Sec. 17-97. Maintenance of required improvements.

Adequate provisions for the satisfactory maintenance of street and utility improvements, including easements, shall be made by dedication of such improvements to the Town. Prior to acceptance by the Town, the improvements to be dedicated shall be inspected and approved by the Board of Trustees or its authorized representatives. (Prior code 16.16.170)

Sec. 17-98. Parking requirements.

(a) Without conflicting with pertinent sections of other ordinances, parking structures and facilities in other zones shall be identified with curbcuts to control ingress and egress, shall be paved to meet Town standards, shall be striped to indicate parking stalls and shall provide circulation patterns to be approved by the Board of Trustees. Parking ratios may be found in various sections of this Code.

(b) Parking along state highway rights-of-way and taking ingress and egress along a state highway is considered a potentially dangerous situation and will be reviewed as necessary in light of the need for public safety. (Prior code 16.16.180; Ord. 6-1992, § 4)

Secs. 17-99—17-110. Reserved.

ARTICLE V

Land Use Intensity

Sec. 17-111. Concept established; use of federal regulations.

There is established and recognized the concept of a spatial relationship and compatibility between structures within a subdivision. Moreover, the Town will consider the interrelationship of a proposed subdivision in light of the principle of land-use intensity as set forth in regulations from the

Department of Housing and Urban Development of the United States Government. (Prior code 16.20.010)

Sec. 17-112. Purpose.

(a) The purpose of this Article is to allow certain esthetic and value judgment considerations to be applied to subdivisions proposed for development within Town limits.

(b) The Planning and Zoning Commissions require that an overall land-use intensity quotient be developed by the Board of Trustees and thus so advise the Planning and Zoning Commissions of said rating in relation to a range of land-use intensity ratings adopted as guidelines from time to time by the Planning and Zoning Commissions and the Board of Trustees.

(c) Any recommendation pertaining to subdivision and development of more than five (5) dwelling units per acre, forwarded to the Board of Trustees by the Planning and Zoning Commissions, shall make a reference to the land-use intensity rating of the project. (Prior code 16.20.020)

Sec. 17-113. Denial of application on basis of land-use intensity standards.

The Board of Trustees may deny an application for subdivision on the basis that a particular proposal exceeds duly adopted land-use intensity standards established from time to time by the Board of Trustees. (Prior code 16.20.030)

Sec. 17-114. Applicant to supply required data.

It shall be the obligation of an applicant to supply any and all data, measurements and other information requested by the Town for the purpose of computing the land-use intensity rating of any given proposal or fraction thereof. (Prior code 16.20.040)

Sec. 17-115. Variables.

Land-use intensity variables shall include, but not be limited to, the following:

- (1) Floor area proposed;
- (2) Open space area;
- (3) Land area;
- (4) Paved area;
- (5) Interior recreation space;
- (6) Exterior recreation space; and
- (7) Overall square footage of each dwelling unit:

a. The Board of Trustees shall, working cooperatively with the Planning and Zoning Commissions, establish and require that any proposed subdivision contain a minimum or a maximum quantity of dwelling units of a given or established overall floor area, representing a broad variety of housing units.

b. Such determination shall be known as housing unit mix, and shall be determined from time to time by the Board of Trustees upon recommendation of the Planning and Zoning Commissions for the purpose of insuring that the dwelling unit inventory within the jurisdiction of the Town shall provide a balanced and broad range of housing stock at many price ranges, and to avoid becoming burdened by any one (1) given kind or price of housing. (Prior code 16.20.050)

Secs. 17-116—17-130. Reserved.

ARTICLE VI

Transferable Development Rights

Sec. 17-131. Concept established.

(a) There is recognized an economic development value placed upon land in urban areas by way of zoning classification and subdivision regulation.

(b) The development value of land can be separated from the raw parcel of ground through cooperative agreements with the land owner or group of owners and the Board of Trustees.

(1) Once the value is separated from the land, the value can then be transferred to another parcel of land and added to the existing value of the second parcel, thus increasing the development potential of the second parcel by the density value of the original parcel.

(2) This development value is called a development credit, and shall take the form of land-use density and shall be expressed in terms of dwelling units per net acre after streets have been platted.

(c) Development credits are mercantile in the bearer, but can be transferred only to previously zoned property that has been identified by the Board of Trustees as being able to accept the greater densities resulting from application of the credits.

(1) Development credits may be issued for any residentially zoned parcel of land.

(2) Development credits may be transferred to any R-2 or greater density residential use, any planned unit development zone, central business district zone or any combined use zone.

(d) Application of the credits will be effected through normal subdivision processing and be subject to all Code provisions pursuant to the revised density use factors resulting from application of the development credits. (Prior code 16.24.010)

Sec. 17-132. Purposes and uses.

(a) While development value exists on all zoned land, it can be transferred through municipal issuance of credits insofar as such transfer can be used to further:

- (1) Urban renewal;
- (2) Structural redevelopment;
- (3) Open space park acquisition;
- (4) Public facility development;
- (5) School site land acquisition;
- (6) Public purposes as defined by the Board of Trustees from time to time; and
- (7) Preservation of critical environmental areas, including but not limited to, floodplains.

(b) Development credits can be used by the legal bearer as a commodity to be sold and/or applied to land at another location.

(1) Land from which development value has been taken and transferred no longer has economic development value, and shall be known as declassified.

(2) Such declassified land shall be placed on the public property rolls of the Town, and thenceforth shall bear the classification of public zoning and be exempt from property taxation, effective on the date of recordation of title papers.

(3) As a result of negotiations and purchase agreements, the Town shall become the fee simple property owner of declassified land, effective as of the effective date of the ordinance authorizing the issuance of a development credit.

(4) Public land acquired through issuance of development credits may be disposed of in any manner determined by the Board of Trustees, pursuant to relevant state statutes. Such land may be used for:

- a. Public sponsored housing;
- b. Incentive for private urban renewal;
- c. Incentive for commercial or industrial business development; or
- d. Any other use determined by the Board of Trustees. (Prior code 16.24.020)

Sec. 17-133. Processing and procedures.

(a) For application for development credit initiated by the landowner or by the Planning and Zoning Commissions, request must be submitted on forms provided by the Town. All requests for development credits shall be submitted to the Planning and Zoning Commissions through the Town Clerk. The Board of Trustees shall be advised of receipt of such request as soon as practicable by the Town Clerk.

(b) In that the issuance of credits is a voluntary form of agreement, specific details and guidelines for various applications of these provisions shall be determined as needed by the Board of Trustees upon recommendation of the Planning and Zoning Commissions, and the Board of Trustees shall be the final arbitrator. (Prior code 16.24.030)

Secs. 17-134—17-150. Reserved.

ARTICLE VII

Planned Unit Development Overlay

Sec. 17-151. Purpose.

The objective of the planned unit development is to secure a fuller realization of the general plan of the Town than that which would result from the application of present zone district regulations. It is intended to be applied only to areas under single or unified ownership or control, which are sufficiently large to allow for overall planning and design in detail so as to secure to the community, the future occupants and the developer values and amenities greater than those likely to be achieved by the relatively inflexible provisions necessary to regulate the successive development. The planned unit development provides a method whereby land may be designed and developed as a unit by taking advantage of modern site planning techniques in order to produce an environment of stable, desirable character which will be in harmony with existing or potential development of the surrounding neighborhood. (Prior code 16.28.010)

Sec. 17-152. Planned unit development overlay defined.

Planned unit development overlay means a specific plan, adopted by ordinance, providing for the regulation of buildings, structures and uses of land in certain areas. The zoning regulations governing the area included in a planned unit development are contained within the ordinance adopting the same in lieu of any differing regulation imposed by the zoning code for the zone within which the planned unit development is located. (Prior code 16.28.020)

Sec. 17-153. Limitations.

The planned unit development procedure shall not apply:

- (1) To any site having a net area of less than one (1) acre, being either in one (1) ownership or the subject of a joint application filed by all the owners or agents of property thereof;

(2) Unless the proposed development is reasonably related, to the land use, open space, recreation and circulation elements of the general plan for the subject area. Where concurrent subdivision or subparcelling into individual lots of the dedication of any streets is involved, conformity to related ordinances of the Town is required and the procedure shall be concurrent with and supplementary thereto. (Prior code 16.28.030)

Sec. 17-154. Preapplication procedure.

Before submitting any application for a planned unit development, the prospective applicant shall submit to the Planning Coordinating Committee preliminary plans and sketches and basic site information for advice as to the relation of the proposal to general development objectives to be attained in the area and as to the policies of the Planning and Zoning Commissions and Board of Trustees with reference thereto. Such committee shall be appointed by the Board of Trustees at the time such a request is made. (Prior code 16.28.040)

Sec. 17-155. Application requirements.

Every application for a planned unit development shall be accompanied by the following:

- (1) A legal description or boundary survey map of the property. A tentative subdivision map may be substituted for this requirement if the applicant proposes to subdivide the property;
- (2) A general development plan with at least the following details shown to scale and dimensioned:
 - a. The proposed land ownership, the uses, dimensions and locations of all proposed structures and of areas reserved for vehicular and pedestrian circulation, open spaces, landscaping, recreation or other public uses;
 - b. Architectural drawings and sketches showing the design and character of the proposed uses and their relation to one another;
 - c. Height and approximate location of all proposed walls and fences and a statement setting forth the method by which such walls and fences shall be preserved and maintained;
 - d. Location and design of automobile parking areas and signs;
 - e. Type of surfacing proposed for walks and driveways;
 - f. Preliminary plans showing the proposed method for control and disposal of water flowing into, across or from the development;
 - g. Tables showing the total number of acres and their distribution by use and the percentage of the whole designated for dwellings of different types, nonresidential uses, streets, off-street parking, public uses and open spaces;
 - h. A time schedule for the proposed development with evidence of the intent and the ability of the applicant to carry out the plan;

- i. Such other pertinent information as the Planning Coordinating Committee may require to complete its evaluation of the intent and impact of the proposal. (Prior code 16.28.050)

Sec. 17-156. Board of Trustees requirements.

Concurrently with the adoption of a planned unit development, the Board of Trustees shall require of the applicants such conditions as may be appropriate to insure the accomplishment of any public improvements, grant of easement and development rights and such arrangements for maintenance of common open spaces as are relevant in the case. (Prior code 16.28.060)

Sec. 17-157. Mixed uses permitted.

The regulations of the planned unit development are intended to permit a diversity of uses, relationships and heights of buildings and open spaces in planned building groups while insuring substantial compliance with the spirit, intent and provisions of this Code. (Prior code 16.28.080)

Sec. 17-158. Findings required for approval.

The Planning and Zoning Commissions shall not recommend approval of the proposal unless they find that the planned unit development as applied for is, or may be conditioned to be, in full conformance to the general purposes of this Chapter, and in particular:

- (1) That the location, design and proposed uses are compatible with the character of existing development in the vicinity;
- (2) That the plan will produce internally an environment of stable and desirable character, and not tend to cause any traffic congestion on surrounding or access streets;
- (3) That the standards of development applicable to the planned unit development are subject to one (1) of the following or any combination thereof:
 - a. All of the standards of the appropriate zone which would permit the requested land use; and/or
 - b. Such standards of development which are clearly designated on the planned unit development plan and supplementary text material;
- (4) That the proposed development will be well integrated into its setting;
- (5) That the provision is made for both public and private open spaces, at least equivalent to that required by the superseded zoning regulation;
- (6) That suitable provision is made, where appropriate, for the protection and maintenance of private areas reserved for common use;
- (7) That there is reasonable assurance that the applicant intends and will be able to proceed with the execution of the project without undue delay; and

(8) That there is a substantial compliance with the spirit and intent of this Code. (Prior code 16.28.090)

Sec. 17-159. Conformance required.

After adoption, and prior to the issuance of any building permit, a final development plan shall be prepared and a final subdivision map or parcel map recorded, if either is involved. The final development plan shall conform to the ordinance adopting the planned unit development and shall show to scale all buildings, off-street parking facilities, landscaping, finished grades and such other details as will suffice to indicate conformance to all the features, conditions and characteristics upon which the approval was predicated. The final plan shall be recorded, and a notice of reference thereto shall be made forthwith upon the zoning map. No permit shall thereafter be issued for any building, structure or use except in full conformance to said final plan. A violation of any part of the plan or of any condition of the approval shall constitute a violation of this Article. The Board of Trustees may, however, by resolution extend any specified time limit for starting or completing the development upon the showing of good faith and effort to comply therewith. Prior to final approval by the Board of Trustees, the applicant shall submit to the Town Attorney a draft of covenants, conditions and restrictions which shall apply to the subject development as required, and shall be concurrently recorded with the County Clerk and Recorder along with the conditions of approval and a map of the subject development. (Prior code 16.28.100)

Sec. 17-160. Revocation.

The Planning and Zoning Commissions shall, upon their own motion, initiate proceedings to reclassify the area included in an adopted planned unit development to the same zone or zones as affected it prior to such adoption, if no development has occurred in pursuance of the adopted plan:

- (1) Within twelve (12) months after the date of adoption to the planned unit development; or
- (2) Upon expiration of any extension of the time for starting development granted by the Board of Trustees, whichever is the later date. (Prior code 16.28.110)

Secs. 17-161—17-180. Reserved.

ARTICLE VIII

Annual Dwelling Unit Production

Sec. 17-181. Concept established.

There is acknowledged the concept of a reasonable annual rate of residential development. (Prior code 16.32.010)

Sec. 17-182. Reasonable annual rate defined.

Reasonable annual rate is defined as:

(1) Development activity expressed as the number of residential new construction building permits issued during a given calendar year.

(2) At the second regular meeting of the Board of Trustees each year, the Board of Trustees shall establish the maximum number of permits that will be issued during that year.

(3) The Board of Trustees will set the annual permit number after recommendation has been made by the Planning and Zoning Commissions, and shall consider the following factors in so doing:

a. Average of the aggregate number of residential permits issued during the five (5) year period immediately previous;

b. Estimated economic lifespan of public utility facilities, including but not limited to, capacity of sewer treatment plant, phased sizing increase of sewer main lines and water main lines; and

c. Compatibility with the Town's Master Plan. (Prior code 16.32.020)

Sec. 17-183. Excess and shortage of permit availability.

(a) In the event that the Board of Trustees receives a number of requests during any year which exceeds the predetermined number of permits to be issued, that excess number of specific requests shall be carried forward to the next year's aggregate total of permits.

(b) In the event that the Board of Trustees does not receive a number of permits to be issued, such a surplus shall be carried forward to the next successive year and added to the number of permits which would have normally been established for that year. (Prior code 16.32.030)

Sec. 17-184. Transfer of permit.

Building permits shall not be transferable. (Prior code 16.32.040)

Sec. 17-185. Validity and renewal of permit.

Building permits shall be valid for a period of one (1) year from the date of issuance. Any permit not used during the twelve (12) month period after issuance must be formally renewed by the Board of Trustees. Such renewal procedure is the burden of the applicant. Any permit not so renewed becomes automatically null and void, and all fees are forfeited. (Prior code 16.32.050)

Secs. 17-186—17-200. Reserved.

ARTICLE IX

Variances

Sec. 17-201. Conditions of granting.

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 developer. Such variances shall not be granted if they would be determined to be detrimental to the public good or impair the intent and purposes of this Chapter. The conditions of any variance authorized shall be stated in writing in the minutes of the Board of Trustees with the justifications set forth. (Prior code 16.36.010)

Secs. 17-202—17-220. Reserved.

ARTICLE X

Fees

Sec. 17-221. Designated; responsibility.

(a) There shall be required a fee for each plat submitted for approval. The fees shall be paid at the time of submission of such plats to the Planning and Zoning Commissions.

(b) The developer shall pay the cost of recording fees and be responsible for filing any documents with the County Clerk and Recorder. (Prior code 16.40.010; Ord. 1-1992, § 1)

Sec. 17-222. Payment required prior to final plat approval.

The developer shall pay all fees as specified in this Code and all applicable fees as established by this Chapter and other resolutions and ordinances of the Town prior to approval of the final plat by the Planning and Zoning Commissions. (Prior code 16.40.020)

Sec. 17-223. Set by resolution.

Development fees and payments not included in this Code shall be set by resolution by the Board of Trustees. (Prior code 16.40.030)

Sec. 17-224. Costs incurred for plat review by professional services.

After advisement that the Planning and Zoning Commissions deem professional review of submitted plats by an engineer and/or attorney is necessary, the costs incurred shall be borne by the developer and these fees, in addition to those already in existence, shall be paid in full prior to approval of the final plat by the Planning and Zoning Commissions. (Prior code 16.40.040)

Secs. 17-225—17-240. Reserved.

ARTICLE XI

Residential Design Standards

Sec. 17-241. Intent.

The intent of this Article is to implement the Town's Comprehensive Plan and promote the health, safety and general welfare of the residents of the Town by encouraging high quality in the siting, organization and construction of new residential developments and neighborhoods in the Town and, more specifically, by:

(1) Promoting new residential developments that are distinctive, have character and relate and connect to established Town neighborhoods;

(2) Encouraging site planning that accommodates and responds to the existing natural and the built environment on and adjacent to the site, including preservation of existing trees, vegetation, wildlife habitat, stream corridors, wetlands and man-made cultural resources such as agricultural buildings and irrigation ditches;

(3) Encouraging organization of new residential developments into cohesive neighborhoods that are safe, walkable, bikeable and pedestrian-friendly;

(4) Encouraging connections within and between new residential neighborhoods and adjacent and surrounding neighborhoods (existing or planned), land uses (such as schools, shopping and employment), parks and open space/trail systems;

(5) Providing variety in housing design and types in order to promote more social, economic and lifestyle diversity in the Town;

(6) Providing variety in housing design and types in order to reduce the adverse, visual monotony of home designs often associated with large-scale residential subdivisions; and

(7) Encouraging housing siting and design that emphasize light, privacy and resident access to outdoor space and recreation. (Ord. 9-2002, § 1)

Sec. 17-242. Applicability.

(a) New residential subdivision. All new residential subdivision applications, final plats and applications for building permits, approved after the effective date of the ordinance codified herein, in the Town shall comply with all the standards set forth herein.

(b) New residential development on previously approved lots. Development on lots in a subdivision approved prior to the effective date of the ordinance codified herein shall not be required to conform to these standards unless required by the Board of Trustees as part of the final plat and development agreement approval. (Ord. 9-2002, § 1)

Sec. 17-243. Definitions.

As used in this Chapter, the following words and phrases are defined to include the meanings set down after them.

Arcade means a series of arches supported by piers or columns.

Architectural Development Plan (ADP) means a conceptual plan of a proposed residential land development, together with written materials, showing the general character and layout of the development parcel, including the approximate location and density/intensity of uses, the approximate location of parks and open space, the location of existing and proposed streets and alleys and the relationship of the development to adjacent areas that it may affect.

Block face means the properties abutting on one (1) side of a block.

Building bay means any of a number of principal divisions of a wall, roof or other part of a building marked off by vertical or crosswise supports.

Building mass means the three-dimensional bulk of a building: height, width and depth.

Building scale means the relationship of a particular building, in terms of building mass, to other nearby and adjacent buildings.

Character means those attributes, qualities and features that make up and distinguish a development project and give such project a sense of purpose, function, definition and uniqueness.

Commercial grade equipment means playground and/or picnic/barbeque equipment used and intended for installation in high use areas or public settings such as parks or other recreational facilities.

Compatible or compatibility means the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass and bulk of structures. Other characteristics that affect compatibility are landscaping, lighting, noise, odor and architecture. *Compatibility* does not mean "the same as." Rather, *compatibility* refers to the sensitivity of development proposals in maintaining the character of existing development.

Connectivity means the ability to be linked between areas, through vehicular and pedestrian transportation systems, including adjacent and proposed residential neighborhoods and schools, parks, trails and shopping and employment areas.

Cornice means a continuous, molded projection that crowns a wall or other construction or divides it horizontally.

Crusher fines means crushed granite or other similar types of crushed rock, used for the surface of trails.

Dormer means a windowed wall area flanked on both sides by sloping roof areas.

Eave means the projecting lower edges of a room overhanging the wall of a building. All eaves shall consist of a minimum of twelve (12) inches, unless otherwise approved by the Operations Director or designee.

Fenestration means the design, proportioning and arrangement of windows and other exterior openings of a building.

Front facade means the exterior walls of the principal residential building that faces the street from which the building takes access or is addressed. Where the front facade includes walls with different setbacks, that portion of a wall that is closest to the front of the lot, exclusive of garage walls, shall be the point used to determine the front facade.

Garage, front-loaded means a private residential garage that is accessed from a street other than an alley. A front-loaded garage may face the street (garage doors parallel to the street), or may turn its side to the street (garage doors perpendicular to the street), sometimes referred to as a *side-loaded garage*.

House model means having different or unique exterior identification features to distinguish one (1) house from another, through the use of exterior materials, including but not limited to elevations, material treatments, front facade placement of windows and doors, garage location and placement, rooflines, number of stories and color.

Micro-commercial land use means small-scale commercial land uses of a personal service nature, which are planned and integrated into high density residential or commercial office/employment developments and are intended to serve the residents or employees of these developments.

Multi-modal trail means a trail intended for use by different types or modes of transportation, such as pedestrians, bicyclists and/or equestrians.

Neighbor identity feature means a place for gathering or recreation, or a design feature or features intended to create a unique character or sense of identity in single-family and two-family, multi-family or mixed-use developments.

Oriented means to locate or place a building or structure in a particular direction on a lot or site, which shall generally be parallel to the adjacent street.

Parapet means that portion of an exterior wall that rises above the roof.

Pedestrian plaza means an open space that may be improved, landscaped or paved, usually surrounded by buildings or streets and available for pedestrian use.

Perimeter fences and walls mean those structures used for screening purposes, which shall be designed to be compatible with the related principal structures or buildings on site, including the same or similar colors and materials used on the related principal structures or buildings. Such screen walls shall not be continued for longer than fifty (50) feet without variation by using changes in height, different material combinations, offset angles or articulation and shall include similar changes along the top of the wall.

Pilaster means a shallow rectangular feature projecting from a wall, having a top and base and architecturally treated as a column.

Pocket park means a privately owned and maintained park between one-half (1/2) and four (4) acres in size, located internal to developments and providing passive recreational opportunities for the residents or business employees and customers of the development.

Porch means a covered platform, usually having a separate roof, at an entrance to a dwelling, an open gallery or a room which is not heated or cooled, and that is attached to the outside of a building.

Portico means a porch having a roof supported by columns, often leading to the entrance of a building.

Reflective materials mean materials that return light, glare or radiant heat after striking the surface of the material.

Rib means any of several members supporting an arch, defining its surfaces or dividing these surfaces into panels.

Scale means the proportional relationship of the size of the building or structure to its surroundings.

Stealth design means an alternative design using artificial trees, clock towers and similar nontraditional structures that are compatible with the existing setting or structure and camouflage or partially conceal the presence of antennas or towers. (Ord. 9-2002, § 1)

Sec. 17-244. Building connection and orientation standards.

These standards are intended to provide for safe, visible and convenient pedestrian and bicycle movement on site and to provide the opportunity to connect to surrounding areas.

(1) A system of public concrete sidewalks ranging from four (4) feet to ten (10) feet wide and six (6) inches thick. Pedestrian /bicycle pathways shall range from eight (8) feet to ten (10) feet wide, and six-inch-thick concrete will be incorporated to move pedestrians throughout the site. The width of sidewalks or pathways internal to the site shall be a sufficient width to accommodate the intended usage.

(2) Sidewalks or pedestrian pathways shall be provided on site connecting the site and public sidewalks, all principal buildings on the site, parking lots and principal buildings on the site and, where logical, connections to off-site locations can be made as identified in the Town's pedestrian and bicycle route maps in the Transportation Plan. In no event is the placement of a sidewalk or pedestrian pathway intended to displace existing landscaped areas or to duplicate existing pedestrian routes.

(3) Where it is necessary for the primary pedestrian route to cross internal roadways, the pedestrian crossing shall be designed to emphasize and prioritize pedestrian access and safety.

Such crossings shall be identified using pavement treatments, signals, lighting, traffic-calming techniques, median refuge areas and/or landscaping, along with signs and striping.

(4) A system of pathways shall be provided for the use of bicyclists throughout and to and from the site. Off-street routes may be combined with pedestrian sidewalks or pathways and, where combined, shall be a minimum of ten (10) feet wide to accommodate the amount of pedestrian and bicycle traffic volumes expected to use the sidewalks or pathways.

(5) Where adjacent to commercial areas or an existing or planned trail system, multi-family developments shall provide ten-foot-wide direct walkways on site that allow residents to walk to nearby shopping services and recreational amenities.

(6) Every front facade with a primary entrance to a dwelling unit shall face the adjacent public street to the maximum extent possible. Every front facade with a primary entrance to a dwelling unit shall include a connecting walkway from the primary entrance to the perimeter street sidewalk system.

(7) Every building containing four (4) or more dwelling units shall have at least one (1) building entry or doorway facing any adjacent street that is not an arterial street or that has on-street parking.

(8) Multi-family developments between five (5) and fifteen (15) acres shall include a minimum of one (1) public street or private drive with detached sidewalks and six-foot landscaped planting strips that are continuous through the site, and connect to a public street on either end (referred to as a "through-access drive").

(9) Multi-family development sites greater than fifteen (15) acres shall include a minimum of two (2) through-access drives with detached sidewalks and six-foot landscaped planting strips.

(10) The design of all through-access drives shall be consistent with, and aligned with, local streets in adjacent existing development sites.

(11) All subdivisions shall provide ornamental street lighting, as approved by the Operations Director or designee.

(12) Building orientation.

a. Single-family and two-family residential buildings adjacent to major collector and arterial streets shall include two (2) of the following features:

1. The use of different exterior materials on the rear facade elevation (brick, stone, stucco or other Town-approved masonry materials).

2. Substantial variations in rooflines and/or in the angle of roof runs. Roofs shall have a minimum pitch of 4:12 except for dormers, porch roofs or other extensions.

3. Use of roof dormers.

4. A variation of building types: ranch, two-story, split-level or other.

5. Window shapes that are substantially different (shutters).

6. Other distinct and substantial architectural design variations approved by the Operations Director or designee. The sole use of minor cosmetic changes, such as different paint color, reversing or creating a mirrored image of the exterior architectural elevations or using different brick color, shall not meet the intent of this Section.

b. Multi-family buildings within a development shall be arranged to enclose and fence common areas, which may include gardens, courtyards, recreation and play areas. Such common areas shall contain at least three (3) of the following features:

1. Seasonal planting areas.

2. Large, flowering trees.

3. Seating.

4. Pedestrian-scaled lighting.

5. Gazebos or other decorative structures.

6. Play structures for children.

7. Natural environmental features. (Ord. 9-2002, § 1)

Sec. 17-245. Mix of different residential lot dimensions.

All residential subdivisions containing twenty (20) or more lots for single-family, two-family or mixed-use dwellings shall provide a mixture of lot sizes and dimensions in order to avoid monotonous streetscapes. For example, larger and wider lots are encouraged on corner lots, while smaller lots are encouraged adjacent to parks and open spaces. The intent of this Section is to have developers distribute similar lot sizes throughout a subdivision rather than consolidate them in one (1) area.

(1) No more than forty percent (40%) of all lots within the subject subdivision shall be similar in total lot area. For purposes of this Section, *similar lot sizes* shall be defined as within five hundred (500) square feet of each other.

(2) Lot sizes ranging from the minimum lot size of six thousand (6,000) square feet to six thousand five hundred (6,500) square feet shall not exceed thirty percent (30%) of the subdivision.

(3) Exception. Up to fifty percent (50%) of the lots within the subject subdivision may be similar if the Planning and Zoning Commission and Board of Trustees find that, notwithstanding deviation from the forty-percent standard stated above, lot sizes and dimensions are sufficiently varied, for different housing types, to avoid monotonous streetscapes. (Ord. 9-2002, § 1)

Sec. 17-246. Mix of different housing models required.

(a) A minimum of five (5) different house models shall be provided in all single-family and two-family developments containing more than one hundred (100) lots or dwelling units. Single-family and two-family developments containing between twenty (20) and one hundred (100) lots or dwelling units shall have at least four (4) different models. Single-family and two-family developments containing less than twenty (20) lots shall have at least three (3) different models, and single-family and two-family developments containing less than eight (8) lots shall have at least two (2) different models. There shall be a minimum of two (2) different elevation plans for each different house model. Please refer to the following table:

<i>Required Number of Housing Models</i>	
Number of Lots/Dwelling Units	Required Number of House Models
1—8	2
9—19	3
20—100	4
Over 100	5

When the number of house models required by the table above results in a fractional number, the fractional number shall be rounded up to the nearest whole number.

(b) House models shall have at least four (4) of the following features, which distinguish them from other house models:

(1) The placement of windows and doors on the front facade elevation (at least a two-foot vertical or horizontal variation in size or location is required).

(2) The use of different exterior materials on the front facade elevation.

a. When at least two (2) of the four (4) required home models have an area equivalent to at least twenty-five percent (25%) of the front facade elevation (not including window and door areas and related trim areas) clad in brick, stone, stucco or other Town-approved masonry materials, the developer will be allowed to repeat the same home model elevation no more than once every three (3) lots on the same side of the street (i.e., the first and fourth lots in a row may contain the same model elevation, but the second and third lots must each contain a different model elevation).

b. Brick or other approved masonry materials shall wrap around inside corners and turn a minimum of two (2) feet on outside corners.

(3) Substantial variation in the location and/or proportion of garages and garage doors.

(4) The width of the front facade elevation must differ by at least two (2) feet.

(5) Variation in the location and proportion of front porches. Front porches shall comply with the minimum standards outlined below:

a. When at least two (2) of the four (4) required home models in the development or in each subdivision filing incorporate a qualified front porch, as defined in Subparagraph b. below, said porches may extend five (5) feet into the required front yard setback and the developer shall be allowed to repeat the same home model elevation on more than once every three (3) lots on the same side of the street.

b. A *qualified front porch* shall mean a covered front porch with a minimum size of seventy-two (72) square feet of floor area, excluding the stoop and any projections (e.g., bay window), with a minimum depth of six (6) feet, and at least seventy-two (72) square feet in size. Qualified front porches shall not be enclosed to provide additional living space.

(6) Substantial variations in rooflines and/or in the angle of roof runs. Roofs shall have a minimum pitch of 4:12 except for dormers, porch roofs or other extensions.

(7) Use of roof dormers.

(8) A variation of building types: ranch, two-story, split-level or other.

(9) Window shapes that are substantially different.

(10) Other distinct and substantial architectural design variation approved by the Operations Director or designee. The sole use of minor cosmetic changes, such as different paint color, reversing or creating a mirrored image of the exterior architectural elevations or using different brick color, shall not meet the intent of this Section.

(c) No two (2) of the same model elevation shall be located next to each other except for two-family dwellings, and no more than one-third ($\frac{1}{3}$) of the development shall be of a single house elevation. For two-family dwellings, both units in the structure may have the same exterior appearance, but each different structure shall be designed to meet the intent of this Section by providing different models.

(d) No home model elevation shall be repeated directly across any street from the same house model elevation. (Ord. 9-2002, § 1)

Sec. 17-247. Residential garage placement and design.

Garage placement standards are intended to prevent residential streets from being dominated by garage doors ("garagescaping") and to add variety to the streetscape.

(1) All R-1 (Low Residential) and R-2 (Medium Density Residential) Zoning Districts shall be required to provide at a minimum one (1) single-car garage per residential dwelling unit.

(2) Design standards for front-loading garages for single-family and two-family dwellings shall be designed and oriented so that the garage does not dominate the streetscape.

a. Garage doors shall not comprise more than forty-five percent (45%) of the front facade of the principal dwelling structure for two-car garages or more than fifty percent (50%) for three-car garages or larger.

b. Garages located on the side or rear of the residential structure, or on alleys. Garages that are adjacent to the street but that have side-facing garage doors (perpendicular to the street) shall have architectural details or windows that mimic the feature of the living portion of the dwelling on the side of the garage facing the street.

c. Garages on the front or side that are accessed by a shared driveway. In this case, the use of shared driveways may be permitted to occur on more than two (2) adjacent lots as long as the shared driveway does not exceed twenty-four (24) feet in width at the curb and does not cover more than fifty percent (50%) of the front yard setback, except on cul-de-sacs where the coverage may be a maximum of seventy-five percent (75%) and as long as the only hard surface in the front yard setback is driveway or sidewalk.

d. It is strongly encouraged that dwellings on corner lots be built with garages (either attached or detached) that face the side lot line (as opposed to facing the designated front lot line of the corner lot).

(3) Design standards for garages for two-family and multi-family residential:

a. Garages for townhouse and multi-family dwellings shall be designed to be compatible with the related residential structures, and shall be designed and oriented to minimize the visual effect of the scale and massing of the garages and create visual interest on all sides of the garage that are visible from the public right-of-way, through the use of landscaping, berming, architectural features or styles, building material and/or orientation of the site.

b. To the maximum extent feasible, garage entries, carports and parking garages shall not be located between a principal multi-family building and a required street frontage, but shall instead be internalized in building groups so that they are not visible from adjacent public streets.

c. Detached garages and carports shall be compatible with the principal building architecture, and shall incorporate similar and compatible forms, scale, materials, colors and details.

d. Carports shall be limited to six (6) spaces per parking structure to avoid a continuous row of parking structures.

e. No more than six (6) garage doors may appear on any multi-family building elevation containing front doors, and the plane of each garage door shall be offset at least two (2) feet from the plane of the garage door adjacent to it.

f. Detached garages and carports shall have pitched roofs with a minimum slope of 4:12. (Ord. 9-2002, § 1)

Sec. 17-248. Mix of roof colors.

These roof standards shall apply to all new residential developments containing twenty (20) or more single-family or two-family residential dwellings. Where asphalt shingles are used, each development or subdivision filing with between twenty (20) and fifty (50) dwelling units shall use at least three (3) visibly distinct colors of roof materials distributed in roughly equal proportions throughout the development; and each subdivision filing with more than fifty (50) dwelling units shall use at least four (4) visibly distinct colors of roof materials distributed in roughly equal proportions throughout the development. All vents and vent piping shall be painted to match the roof material. Exceptions for roofing material (i.e., tile) shall be approved by the Operations Director or designee. (Ord. 9-2002, § 1)

Sec. 17-249. Rear elevations.

Rear elevation standard shall apply to all new multi-story residential developments containing twenty (20) or more single-family detached or duplex dwellings. A horizontal or vertical offset, projection or recess of twelve (12) inches or greater is required on all rear elevations. (Ord. 9-2002, § 1)

Sec. 17-250. Townhome, multi-family, commercial, institutional and industrial architectural review standards.

(a) Exterior architecture elevations, including proposed roof style and pitch, window and/or detail, materials and colors shall be compatible with the character of the surrounding area if there is an established character.

(b) Uses that generate noise and glare (including outdoor vending machines) shall not be located in areas of the site that are visible from any residential land uses.

(c) All sides of all buildings shall include design characteristics and materials consistent with those on the front or primary facade of the building, where visible from the public right-of-way.

(d) Building entrances shall be identified and directly accessible from a public sidewalk or sidewalk internal to the site.

(e) Walls in excess of fifty (50) feet in length shall be permitted to be visible from a public right-of-way if a minimum of twenty percent (20%) of the length of the wall projects or recesses at a minimum depth equal to three percent (3%) of the length of the wall and a change in materials and texture or a permanent architectural treatment or feature is provided.

(f) Exposed HVAC units and grilles. When through-wall heating, venting or air conditioning units appear on exterior building walls, such units shall be covered by an architectural grille and shall be designed in such a manner as to blend in with surrounding wall surfaces. When such units are adjacent to building windows, they shall be designed to appear to be part of the building's window pattern by matching window dimensions, colors or trim. Such units shall not overhang surrounding wall planes more than eight (8) inches or be placed inconspicuously in facade recesses. (Ord. 9-2002, § 1)

Sec. 17-251. Architectural design review procedure.

(a) Architectural Design Plan required. The Architectural Design Plan ("ADP") is a conceptual master plan intended to accomplish the goals of integrated master planning, connectivity between major developments, creation of park and open space networks across neighborhood boundaries, creation of neighborhood features and centers and provision of adequate utilities and high levels of residential design quality.

(b) Submittal timing. Review of an ADP by the Planning and Zoning Commission and approved by the Board of Trustees shall be required prior to, or concurrent with, at the sole discretion of the Board of Trustees, at the time of the first annexation, zoning, subdivision application or final plat approval for the subject property or any part or portion of the subject property.

(c) Procedure for approval of an ADP.

(1) Application requirements. The application requirements for an ADP shall be the same as those required for a preliminary plan, except that, instead of a plot plan, the applicant shall submit an Architectural Development Plan containing all the elements required by this Section.

(2) Combined submissions encouraged. At the applicant's option, an application for an ADP may be combined with an application for a preliminary subdivision plat or PUD plan. The Board of Trustees shall be the final decision-making authority on all such combined applications, after review and recommendation by the Planning and Zoning Commission.

(d) Review criteria. The Board of Trustees shall review an ADP and shall take final action to approve, approve with conditions or deny the ADP based on its compliance with the following criteria.

(1) The ADP is consistent with the Comprehensive Plan and with all other duly adopted plans and policies;

(2) The ADP complies with all applicable zoning district, development and subdivision regulations; and

(3) The ADP complies with these Residential Design Standards.

(e) Effect of approval.

(1) An approved ADP is conceptual in nature only and shall not accord the applicant with any vested rights pursuant to Section 24-68-101 et seq., C.R.S. An approved ADP indicates that those aspects of the proposed development shown on the ADP are generally acceptable to the Board of Trustees, and that the Board of Trustees is willing to entertain an application for a preliminary subdivision plat or PUD plan for all or a portion of the property, in one (1) or more phases, provided that such subdivision plat or PUD plan conforms to all applicable design and development standards adopted by the Board of Trustees at the time the application for subdivision or PUD approval is submitted.

(2) Within thirty (30) days of the Board of Trustees' final action to approve an ADP, the ADP shall be recorded with the County Clerk and Recorder's office.

(3) An approved and recorded ADP shall lapse and be of no further force and effect if a preliminary subdivision plat or PUD plan for the development, or for a phase of the development identified in the ADP, has not been submitted within three (3) years from the date of the Board of Trustees' final action on the ADP.

(4) If a preliminary subdivision plat or PUD plan that pertains to an approved ADP, or any portion of an approved ADP, has not been submitted within three (3) years from the date of the Board of Trustees' final action on the ADP, the Planning and Zoning Commission may review the case to determine if the conditions in support of approval have changed. In the event that the Planning and Zoning Commission determines that the conditions have changed, prior approval of the ADP plan shall be reevaluated. If this action is taken, the applicant may request reconsideration of the original ADP or may prepare a new ADP. In either case, the complete ADP review procedure set forth in this Subsection shall apply. This provision shall be applicable to each subsequent three-year period following original approval or confirmation of approval.

(5) In addition to other applicable review criteria, the Planning and Zoning Commission and Board of Trustees shall make explicit findings that any subsequent subdivision plat and/or PUD plan for property located within the boundaries of a previously approved and recorded ADP shall be consistent with the ADP.

(f) Submittal requirements.

(1) Each ADP shall contain the following elements unless the Board of Trustees determines that one (1) or more of the elements are unnecessary because all planning issues concerning the internal organization of the development and the relationship of the development to surrounding areas can be resolved through either subsequent subdivision or design review for the development.

a. A land analysis element that identifies:

1. Natural or man-made features and amenities such as streams, irrigation ditches, significant views, stands of mature trees, historic or archeological sites or areas, agricultural outbuildings and actual and potential wildlife habitat (as identified by the Colorado Division of Wildlife);

2. Hazards, including airport influence areas;

3. Existing or planned street and road system located adjacent to the subject property;

4. Land uses, existing or approved by the Town, located within one-half (½) mile of the boundaries of the subject property;

5. The proposed development's relationship with and connections to surrounding lands and land uses (existing or approved);

6. Any nonresidential areas within the development; and

7. Any natural or man-made features used to divide the property into individual neighborhoods and development areas.

b. Location and provision of neighborhood features that will serve as focal points for the community, and identification of any design themes for the proposed neighborhood feature, such as common architectural themes, landscaping themes, general material and general styles.

c. General organization of land uses and densities, including the placement of neighborhood features and activity centers. An ADP may include identification of general locations or conditional uses if the applicant chooses, but approval of an ADP shall not constitute approval of specific conditional uses.

d. General auto, pedestrian circulation and trails network that complies with these design standards, this Chapter and applicable Town road standards and specifications.

e. A general park and open space network that complies with these design standards and this Chapter.

f. Conceptual drainage plan. Planning level of detail is required, but no engineering details or analysis is required at this stage.

g. An adequate public facilities element that identifies adequate proposed school sites and school capacity, adequate public safety facilities, other public facilities and general utility system design and phasing.

(g) Staff review for compliance.

(1) The Operations Director or designee shall be responsible for reviewing all subdivision applications for compliance with these design standards. In the staff report compiled for the Planning and Zoning Commission and Board of Trustees, the Operations Director shall include a written finding regarding the application's compliance or noncompliance with these design standards.

(2) The documents shall be submitted to the Public Works Department/Planning office not less than four (4) weeks prior to the Planning and Zoning Commission meeting. Preliminary plan submittals shall be accompanied at the time of filing by a fee as established by the Board of Trustees by resolution.

(h) Additional review criteria.

(1) Preliminary subdivision plats. In addition to the review criteria set forth in this Chapter, the Planning and Zoning Commission and the Board of Trustees shall review all applications for preliminary subdivision plats for compliance with the following criteria:

a. The plat complies with the terms and conditions of any previously approved ADP.

b. The plat complies with the residential site planning and site design standards and the mix of residential lot dimensions standards set forth in this Article; and

c. The plat evidences the availability and adequacy of public facilities and services needed to meet the demand generated by the proposed subdivision.

d. The Planning and Zoning Commission and Board of Trustees shall deny a preliminary subdivision plat that does not evidence such compliance, unless the applicant has made a successful application for a variance from these design standards pursuant to Section 17-253 below, or pursuant to waivers or exceptions contained in an approved PUD plan.

(2) Final subdivision plats. In addition to the review criteria set forth in this Chapter, the Planning and Zoning Commission and the Board of Trustees shall review all applications for final subdivision plats for compliance with the following criteria:

a. The plat complies with the terms and conditions of any previously approved ADP and/or a preliminary subdivision plat;

b. The plat complies with these design standards, including, without limitation, standards requiring a mix of housing models; and

c. The plat evidences the availability and adequacy of public facilities and services needed to meet the demand generated by the proposed subdivision, or has provided measures to substantially mitigate any inadequacies.

d. The Planning and Zoning Commission shall not recommend approval, nor shall the Board of Trustees approve a final subdivision plat that does not show evidence of compliance with these design standards, and all other applicable Town ordinances, unless the applicant has made a successful application for a variance pursuant to Section 17-253 below, or pursuant to waivers or exceptions contained in an approved PUD plan.

(3) Housing model mix – verification at building permit stage. Applicants for building permits for single-family detached dwellings that were part of a subdivision approved in accordance with this Subsection shall affirm and certify in the building permit application that the dwelling that is the subject of the permit does not adjoin or face a lot with the same housing model in violation of the mix of housing model standards set forth in this Article. No building permit shall be issued for construction out of compliance with these regulations or this Article.

(i) Building permit review required. After the effective date of the ordinance codified herein, no building permit shall be issued for the construction of a residential structure subject to this Article unless the applicant has produced evidence that the unit for which a permit is being requested has been approved pursuant to the building permit review set forth in this Subsection.

(j) Extensions of approval periods.

(1) Once a building permit review has been completed and approved, it shall become a part of the building permit and is subject to the same conditions of the building permit. The building permit and the approval may be extended for six (6) months with the approval of the Building Department and the Planning Department if at least thirty percent (30%) of the overall building permits have been issued in the subdivision for which the extension is being requested. Only one (1) such extension shall be granted.

(2) If the building permit review has been approved for a phased project, the approval shall be void if no building permit is applied for within a three-year period. If one (1) phase is completed which accounts for at least thirty percent (30%) of the total project, the building permit review approval for the remaining phases shall be valid for an additional three (3) years from the date of completion of the first phase. The issuance of a certificate of occupancy for the last building constructed in a phase shall mark the completion of that phase. Only one (1) such extension shall be granted for multi-phased projects.

(k) Lapse of approval. The right to construct residential structures in accordance with the building permit review approval shall lapse and be of no further effect with respect to any homes for which a building permit has not been obtained within six (6) months of the date of review approval, unless an extension has been granted under Subsection (j) above.

(l) Application filing. Applications for building permit review shall be submitted to the Town. Such applications shall include:

(1) An application form approved by the Town; and

(2) Three (3) scale drawings of each elevation of each dwelling unit, or housing model, that is subject to design requirements pursuant to this Article. All applicant materials shall be in adequate detail to enable the Town to determine whether each of the required standards has been met.

(m) Review and action. The Town shall review each application for building permit review and act to approve, approve with conditions or deny the application based on the approval criteria.

(n) Approval criteria. The Town shall review the application to determine if the proposed development complies with the Comprehensive Plan, all applicable zoning and subdivision requirements and all applicable requirements of this Article.

(o) Approval language. The building permit review approval document shall state that all dwellings covered by the approval shall be constructed as shown in the application documents, except as such designs may have been amended by conditions attached to the approval.

(p) Appeal. Disputes regarding the Town's decisions shall be first appealed to the Operations Director or designee. Disputes regarding the Director's decisions shall be appealed to the Zoning Board of Appeals with final decision by the Board of Trustees.

(q) Amendments. Any building permit review approval granted pursuant to this Subsection may be amended by filing a new application for building permit review approval, together with all supporting documents.

(r) Building permits. No building permit relating to any nonexempt residential development shall be issued until the applicant has received a building permit review approval pursuant to the terms of this Article. (Ord. 9-2002, § 1)

Sec. 17-252. Application of design principles.

The design principles are intended to be specific enough to guide development, but not to preclude creative design solution. Applicants must substantially conform to the design principles unless it can be demonstrated that an acceptable alternative meets one (1) or more of the following conditions:

- (1) The alternative better achieves the stated intent.
- (2) The intent will not be achieved by application of the principle in this circumstance.
- (3) The effect of other principles will be improved by not applying the principle.
- (4) Strict application or unique site features make the principle impractical. (Ord. 9-2002, §1)

Sec. 17-253. Variances.

If specific site conditions make it impossible or clearly impractical to construct dwellings as required by this Article, the applicant may request a variance from the terms of this Article through the Town's standard zoning variance procedure set forth in Section 16-167 of this Code. The variance process may not be used to vary the terms of a subdivisions approval or a building permit review approval where the site conditions supporting the variance were caused by the applicant or known to the applicant at the time of the subdivision or design review application. The Board of Trustees has the exclusive right to grant such variance. (Ord. 9-2002, §1)

Sec. 17-254. Enforcement.

Any violation of this Article, including without limitation construction of any new single-family detached, duplex dwelling unit or multi-family building without first obtaining subdivisions or design review approval, or filing false or misleading information on a subdivision or design review application, shall be a violation of Chapter 16 of this Code, and shall be subject to all of the enforcement provisions of said Chapter. Without limiting the generality of the previous sentence, this Article may be enforced by withholding any type of building permits, suspending or revoking building permits previously granted, an action for damages and/or specific performance in the District Court for the County or issuing a stop work order effective until violations of this Article have been corrected. The Town's remedies shall be cumulative. (Ord. 9-2002, §1)

Sec. 17-255. Violation; penalty.

Any person who violates any of the provisions of this Chapter is guilty of a violation of this Chapter and shall be punished as provided in this Code. (Ord. 9-2002, §1)

Secs. 17-256—17-270. Reserved.