CHAPTER 14. PLANNING AND ZONING.

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¹ Chapter 14, Article 1, Section 14-1 through 14-13.2 is repealed and reenacted (Ord. 1818, eff. 7/15/06)
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3 Chapter 14, Section 103 is enacted (Previously expired) (Ord. 1704, eff., 9-27-00)
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4 Chapter 14 is amended by the addition of Article 7 with new sub-sections 14-142 through 14-149. (Ord. 1624. Effect. 12/18/99)

5 Chapter 14 is amended by the addition of Article 7 with new sub-sections 14-150 through 14-170. (Ord. 1675. Effect. 10-26-01)
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6 Chapter 14, Article 9 is enacted. (Ord. 1738, eff., 10/21/03)
7 Chapter 14, Article 10 is enacted. (Ord. 1828, eff., 3/30/07)
CHAPTER 14. PLANNING AND ZONING.

ARTICLE 1. SUBDIVISION REGULATIONS. 8

Section 14-1. Title and authority.9

These regulations shall be referred to as the "City of Trinidad Subdivision Regulations," and are enacted in accordance with the authority of the Charter of the City and applicable laws and statutes of the State of Colorado. No sketch plan, preliminary plat, or final plat of a subdivision shall be accepted or approved unless it complies with the provisions of these regulations.

Section 14-2. General provisions and intent.10

The provisions of this Article, the Subdivision Regulations, shall apply to any and all development of land located within the municipal boundaries of the City of Trinidad. All layouts of proposed subdivisions located outside the City but located within the territorial limits of the City as established under the statutes of the State of Colorado shall be submitted to the City for approval, and shall be evaluated based on subdivision design, traffic, circulation, and conformity with the City's Comprehensive Plan.

No development shall be undertaken without prior and proper approval or authorization by the City pursuant to the terms of these Regulations. All development shall comply with the applicable terms, conditions, requirements, standards and procedures established in this Article.

Except as herein provided, no building, structure or land shall be used and no building or structure or part thereof shall be erected, constructed, reconstructed, altered, repaired, moved or structurally altered except in conformance with the regulations herein specified for the district in which it is located, nor shall a yard, lot or open space be reduced in dimensions or area to an amount less than the minimum requirements set forth in this Chapter.

This Article, in conjunction with the Zoning Code, establishes procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications will be reviewed for compliance with the City's Comprehensive Plan and with adopted regulations, plans, policies and other guidelines.

This Article is designed and enacted for the purpose of promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the City of Trinidad by:

(1) Encouraging new subdivision developments to relate to the City’s historic development pattern.

(2) Promoting compact, well-defined, stable, and sustainable neighborhoods that create a healthy

8 Chapter 14, Article 1, Section 14-1 through 14-13.2 is repealed and reenacted (Ord. 1818, eff. 7/15/06)

9 Chapter 14, Article 1, Section 14-1 through 14-13.2 is repealed and reenacted (Ord. 1818, eff. 7/15/06)

10 Chapter 14, Article 1, Section 14-1 through 14-13.2 is repealed and reenacted (Ord. 1818, eff. 7/15/06)
living environment for the residents of the City and enhance the City’s character.

(3) Retaining or creating livable neighborhoods that foster a sense of community.

(4) Encouraging the proper arrangement of streets and building orientation in relation to existing or planned streets and ensuring streets facilitate safe, efficient and pleasant walking, biking and driving experiences.

(5) Providing a variety of lot sizes and housing types throughout the City.

(6) Protecting sensitive natural and historic areas, including views of the area's geological features, and the City’s environmental quality.

(7) Ensuring that public facilities, including parks and recreational areas, are provided in accordance with the City's Comprehensive Plan.

(8) Providing for adequate law enforcement and fire protection facilities.

(9) Providing for an efficient, adequate and economical supply of utilities and services to land proposed for development, in order to assure that governmental costs are minimized to the greatest extent possible.

(10) Ensuring at the time of subdivision that adequate storm drainage, sewage disposal and other utilities, services and improvements needed as a consequence of development or subdivision of land are provided.

(11) Providing for adequate and convenient open spaces for traffic, utilities, access of fire apparatus and other emergency vehicles, recreation, light and air.

(12) Providing for minimal light pollution.

(13) Providing for adequate storm water management.

(14) Providing protection from geologic hazards and flood prone areas.

(15) Ensuring compliance with the Zoning Code, the City's Comprehensive Plan, and other plans, policies, guidelines and studies adopted by the City Council.

(16) Regulating such other matters as the City Council may deem necessary in order to protect the best interest of the public.

Section 14-3. Interpretation of Conflicting Regulations.¹¹

Where any provision of this Article imposes more stringent requirements, regulations, restrictions or

¹¹ Chapter 14, Article 1, Section 14-1 through 14-13.2 is repealed and reenacted (Ord. 1818, eff. 7/15/06)  Chapter 14, Page 9
limitations than are imposed or required by any other ordinance or the statutes of the State of Colorado, then the provisions of this Article shall govern.

Section 14-4. Definitions.12

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Any office referred to in this Article by title shall include the person employed or appointed for that position or his duly authorized deputy or representative. Terms, phrases or words not expressly defined in this section are to be construed in accordance with the Zoning Code or other applicable ordinance of the City, or in the absence of such ordinance in accordance with the customary usage in municipal planning and engineering practices.

(1) "Adequate public facilities" means those facilities determined to be capable of supporting and servicing the physical area and designated intensity of the proposed subdivision as determined by the City Council based upon specific levels of service.

(2) "Alley" means a public way which affords a secondary means of access to abutting property.

(3) "Applicant" means the owner of land, the owner’s authorized representative, or the optionee of the land.

(4) "Block" means a unit of land, or a group of lots, bounded by streets or by a combination of streets and public lands, or other rights-of-way other than an alley, waterways or any barrier to the continuity of development, or land which is designated as a block on any recorded subdivision tract.

(5) "Building" means any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, which is governed by the following characteristics:

   (a) Is permanently affixed to the land.

   (b) Has one (1) or more floors and a roof.

(6) "Building code" means the set of standards that is adopted by the City Council that must be followed in the construction and remodeling of all buildings and structures.

(7) "Butt lots" means lots that have rear lot lines which abut the side lot lines of other lots platted in the same block and not separated by an alley or open space.

(8) "Collector street" means a street which carries traffic from minor streets to the major street system, including the principal entrance streets of residential developments and the primary circulating streets within such developments.

(9) "Commission" means the City of Trinidad Planning, Zoning and Variance Commission.

12 Chapter 14, Article 1, Section 14-1 through 14-13.2 is repealed and reenacted (Ord. 1818, eff. 7/15/06)
(10) "Common open space" means a parcel of land, an area of water, or a combination of land and water within a site or development designed and intended primarily for the use or enjoyment of residents, occupants and property owners of the site or development.

(11) "Comprehensive Plan" means the master plan developed and adopted by the Commission for the growth and development of the City and its environs, including any and all elements of such plan, addressing such topics as land use, natural resources, streets and thoroughfares, public facilities, utilities, drainage, cultural assets, parks, open space, as well as other related topics.

(12) "Condominium" means a unit that is available for individual sale in fee simple. Such units are contained in a multi-occupancy project which is subject to covenants and restrictions placing control over common facilities in an elected board.

(13) "Conservation easement" means a right of the owner of the easement to prohibit certain acts with respect to the property in order to maintain the property in a manner that will preserve its value for recreation, education, habitat, open space, or historical importance. See also §38-30.5-102 C.R.S.

(14) "Covenants" means a private written agreement outlining regulations specific to a development. As private restrictions, they are not enforced by the City. In the event of conflict between the covenants and this Article, this Article controls.

(15) "Cross access" means the construction of driveways within private property which interconnect the driveways of two (2) or more abutting nonresidential properties. Cross access provides motorists the ability to move between developments without using the roadway. Cross access reduces traffic on the roadway and reduce the potential for conflict between entering, exiting and through traffic.

(16) "Crosswalk" means a pathway marked off for pedestrians to cross a street.

(17) "Cul-de-sac" means a local street with only one outlet and having the other end for the reversal of traffic movement.

(18) "Cultural assets" means buildings, locations and other features considered historically or socially significant to the City.

(19) "Dedicated land" means land, typically for the purposes of developing parks or open space, as determined by the City Council, which is transferred to the City by platting, title, deed or other legal method approved by the City Attorney, land dedicated to another governmental entity recognized as such by the State of Colorado, or land dedicated to a homeowners or owners association, which is recognized as such by the State of Colorado.

(20) "Design standards" means the design requirements, standard construction details, and other standards to be followed when designing, improving, repairing, constructing or performing modifications of any kind to infrastructure.

(21) "Detention basin" means a man-made or natural water collector facility designed to collect
surface and sub-surface water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of property, into natural or manmade outlets.

(22) "Developer" means any person, partnership, joint venture, limited liability company, association or corporation who participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development.

(23) "Development" means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into two (2) or more parcels. When appropriate in context, development shall also mean the act of developing or to the result of development.

(a) Development shall also include:

(I) Any construction, placement, reconstruction, alteration of the size, or material change in the external appearance of a structure on land;

(II) Any change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land or a material increase in the intensity and impacts of the development;

(III) Any change in use of land or a structure;

(IV) Any alteration of a shore or bank of a river, stream, lake, pond, reservoir or wetland;

(V) The commencement of drilling oil or gas wells, mining, stockpiling of fill materials, filling or excavation on a parcel of land;

(VI) The demolition of a structure;

(VII) The clearing of land as an adjunct of construction;

(VIII) The deposit of refuse, solid or liquid waste, or fill on a parcel of land;

(IX) The installation of landscaping within the public right-of-way, when installed in connection with the development of adjacent property; and

(X) The construction of a roadway through or adjoining an area that qualifies for protection as a wildlife or natural area.

(b) Development shall not include:

(I) Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way;
(II) Work by any public utility for the purpose of inspecting, repairing, renewing or constructing, on established rights-of-way, any mains, pipes, cables, utility tunnels, power lines, towers, poles, or the like; provided, however, that this exemption shall not include work by a public entity in constructing or enlarging mass transit or fixed guide way mass transit depots or terminals or any traffic-generating activity;

(III) The maintenance, renewal, improvement, or alteration of any structure, if the work does not prompt the loss of nonconformance under the provisions of Section 14-104;

(IV) The use of any land for an agricultural activity;

(V) A change in the ownership or form of ownership of any parcel or structure; or

(VI) The creation or termination of rights of access, easements, covenants concerning development of land, or other rights in land.

(24) "Driveway" means a surfaced area providing vehicular access between a public street or a private street and an off-street parking or loading area.

(25) "Dwelling unit" means a residential unit providing complete, independent living facilities for one (1) family, including permanent provisions for sleeping, living, cooking and sanitation. Dwelling units may be detached, attached, single-family, multi-family, sold or leased.

(26) "Easement" means a right to land generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation or particular persons for specified uses.

(27) "Environmentally sensitive areas" means aquifer recharge areas, significant wildlife habitat and migration corridors, unique vegetation and critical plant communities, and ridge lines.

(28) "FEMA" means Federal Emergency Management Agency.

(29) "Final plat" means a complete and exact subdivision plan which has been accurately surveyed, has been prepared in accordance with this Article, and is in a form suitable to be recorded with the Las Animas County Clerk.

(30) "Floodplain or flood hazard area" means areas which have been designated by the U. S. Army Corps of Engineers, the Colorado Water Conservation Board or FEMA as susceptible to flooding.

(31) "Flood prone" means areas subject to flooding which have not been designated by the U. S. Army Corps of Engineers, the Colorado Water Conservation Board or FEMA.

(32) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
(33) "Gateways" mean designated thoroughfares, including the interstate system, state highways, and designated scenic byways, which provide vehicular access into and out of the City of Trinidad.

(34) "Geologic hazards" means unstable or potentially unstable slopes, undermining, faulting, landslides, rockfalls, coal mine shafts, flood, wildfire or similar naturally occurring dangerous features or soil conditions or natural features unfavorable to development.

(35) "Grade" means:

(a) The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

(b) The degree of rise or descent of a sloping surface.

(36) "Grade, finished" means the final elevation of the ground surface after development.

(37) "Grade, natural" means the elevation of the ground surface in its natural state, before man-made alterations.

(38) "Historic preservation easement" means a legal agreement that enables a historic property owner to establish certain preservation restrictions while retaining possession and use of the property. There are three general types of historic preservation easements: facade; interior space; and, development rights.

(39) "Homeowners association," or "owners association," means the association, incorporated or not, which has been set up to enforce the covenants and maintain all common areas and buildings for a development.

(40) "Infill development" means development designed to occupy scattered or vacant or undeveloped parcels of land which remain after the majority of development has occurred in an area.

(41) "Infrastructure" means those man-made structures which serve the common needs of the population, such as: potable water systems; wastewater disposal systems; solid waste disposal sites or retention areas; storm drainage systems; electric, gas or other utilities; bridges; roadways; bicycle paths or trails; pedestrian sidewalks, paths or trails; and transit stops.

(42) "Inter-neighborhood connections" means connections (such as trails and roads) between neighborhoods.

(43) "Landowner" means any owner of a legal or equitable interest in real property, and includes the heirs, successors, and assign of such ownership interests.

(44) "Lot" means a designated parcel, tract or area of land established by plat or subdivision of at least a sufficient size to meet minimum requirements for use and area in accordance with the Zoning
Code, and to provide required yards and other open spaces in the zoning district in which the lot is located, and which has direct access onto a public or private street. Lots are typically contained in a block and are designated on a subdivision plat by numerical or letter identification.

(45) "Lot, double frontage" means lots which front on one (1) public street and back on another.

(46) "Lot, flag" means a lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street.

(47) "Lot line, front" means the property line dividing a lot from a street. On a corner lot only one (1) street line shall be considered as a front line.

(48) "Lot line, rear" means the line opposite the front lot line.

(49) "Lot, reverse corner" means a corner lot having its side street line substantially a continuation of the front lot line of the first lot to its rear.

(50) "Lot line, side" means any lot lines other than the front lot line or rear lot line.

(51) "Lot size" means the total horizontal area within the lot lines of a lot; synonymous with area of lot.

(52) "Lot width" means the distance parallel to the front lot line, measured at the front building setback line. Lot width on a curving front lot line means the distance parallel to the tangent of the front lot line at the building setback line. The lot width and the lot frontage may have different lengths on an irregularly shaped lot as they are measured at different points on the lot.

(53) "Major street" means a public thoroughfare, as designated on the City's thoroughfare plan, having a high degree of traffic continuity requiring a minimum width of eighty (80) feet.

(54) "Major subdivisions" mean all subdivisions not classified as minor subdivisions.

(55) "Minor subdivisions" mean those subdivisions consisting of either a condominium form of ownership to be located within existing buildings or those subdivisions consisting of three (3) or fewer residential lots fronting an existing public street, not involving the need for any new street or road, or the extension of municipal facilities or the creation of any public improvements, except for curb, gutter and sidewalks, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Zoning Ordinance, the City's Comprehensive Plan, or this Article.

(56) "Neighborhood" means a geographical area, the focus of which are residential uses, but also may include a mixture of activities that people need to live. A neighborhood may include a diversity of housing types, schools, parks, shopping and jobs (frequently service-type), and a civic component.
(57) "Neighborhood Park and Recreation Improvement Fund" means a special fund established by the City Council to retain monies contributed by developers in accordance with the "cash-in-lieu of parkland" provisions of this Article.

(58) "Nonresidential subdivision" means a subdivision whose intended use is other than residential, such as commercial or industrial.

(59) "Off-site improvements" mean public improvements occurring off-site that are necessary to serve the development.

(60) "Oversized improvements" mean public improvements larger than necessary for the immediate development.

(61) "Open space" means any land or water area with its surface open to the sky, which serves specific uses of: providing park and recreation opportunities, conserving natural areas and environmental resources, structuring urban development form, and protecting areas of agricultural, archeological or historical significance. Open space shall not be considered synonymous with vacant or unused land but serves important urban functions. Usable open space shall exclude areas used for offstreet parking, off-street loading, service driveways and setbacks from oil and gas wells and their appurtenances, or other hazards to the public.

(62) "Outlot" means a measured piece of land contained within subdivided land that is not a building lot. An outlot may be conveyed to the public for open space or other public purposes, be retained by the developer for later subdivision, or be conveyed to an owners association.

(63) "Owner" means the person or entity that owns the property under consideration.

(64) "Parcel" means a tract or plot of land.

(65) "Performance criteria" means regulation of development based on open space ratio, impervious surface ratio, density, and floor area ratio.

(66) "Preliminary plat" means a map or plan of a proposed subdivision prepared in accordance with this Article, illustrating the features of the development for the review and preliminary approval of the Commission.

(67) "Permanent monument" means any structure of masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference.

(68) "Phase" means a portion of property that is being platted and engineered for development at the same time.

(69) "Plan" means the map(s) and supporting documentation for a development which includes but is not limited to, lots, blocks, easements, rights-of-way, pedestrian ways, park and school sites, open space areas, and conservation areas in accordance with the requirements of this Article.
(70) "Proof of ownership" means ownership as specified in a recorded deed, a title insurance commitment or policy, or certification of title, issued by a title insurance company licensed by the State of Colorado, which is dated less than thirty (30) days prior to the date of the application. Where the owner of the property is an entity, it must be stated who the owners/managers of the entity are, i.e., officers, directors, and shareholders of corporations, managers and members of Limited Liability Corporations (LLCs), general and limited partners for limited partnership, partners in partnerships. In instances where the applicant is not the owner of the property, an authorization from the owner for the non-owner applicant to proceed must be included with the above-referenced proof of ownership.

(71) "Property" means all real property subject to land use regulation by the City.

(72) "Property line" means the boundary of any lot, parcel or tract as the same is described in the conveyance of such property to the owner; and does not include the streets or alleys upon which the said lot, parcel or tract abuts.

(73) "Public areas" mean streets, parks, open spaces and other property designated or described as for public use on a map or plat of the City and fee title is vested in the City, other public body or a special district as defined in 32-1-103 C.R.S.

(74) "Public facilities" means those constructed facilities, including but not limited to, transportation systems or facilities, water systems or facilities, wastewater systems or facilities, storm drainage systems or facilities, fire, police and emergency systems or facilities, electric, gas, telecommunication utilities or facilities, and publicly owned buildings or facilities.

(75) "Public use" means uses which are owned by and operated for the public by the City, County, state or federal governments or by school districts.

(76) "Public utility" means a common carrier supplying electricity, wire telephone service, natural gas, water, wastewater or storm water service or similar public services, but shall not include railroads or other forms of rail mass transit or depots or terminals supporting the same, or wireless telecommunication facilities.

(77) "Quasi-public" means having the nature or characteristics of being public, but owned by a private or not-for-profit entity.

(78) "Resubdivision, or replatting," means the changing of any existing lot or lots, street rights-of-way or easements of a subdivision plat previously recorded with the County Clerk and Recorder.

(79) "Retention basin" means a pond, pool or basin used for permanent storage of water runoff.

(80) "Right-of-way" means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for another special use. The usage of the term “right-of-way” for land platting purposes shall mean that every right-of-way established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the
dimensions of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use on the plat on which such right-of-way is established.

(81) "Schedule of required copies" means the "Schedule of Required Copies--City of Trinidad Subdivision Regulations."

(82) "Setback" means the required unoccupied open space between the nearest projection of a structure and the property line of the lot on which the structure is located.

(83) "Setback, front yard" means the distance a building or structure must be placed from the front lot line.

(84) "Setback, rear yard" means the distance a building or structure must be placed from the rear lot line.

(85) "Setback, side yard" means the distance a building or structure must be placed from the side lot line.

(86) "Shade tree" or "street tree" means a tree in a public place, street, special easement, or right-of-way adjoining a street as provided in this Article.

(87) "Sketch plan" or "conceptual plan" means a sketch preparatory to the preliminary plat (or final plat in the case of minor subdivisions) to enable the subdivider to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat and the objectives of this Article.

(88) "Shared parking" means that parking spaces are shared by more than one user, which allows parking facilities to be used more efficiently. Shared Parking takes advantage of the fact that most parking spaces are only used part time by a particular motorist or group, and many parking facilities have a significant portion of unused spaces, with utilization patterns that follow predictable daily, weekly and annual cycles.

(89) "Sidewalk" means the hard surface path within the street right-of-way for use by pedestrians and/or bicyclists.

(90) "Sight distance triangle" means the area at the four corners of an intersection that is to be kept free of shrubs, ground covers, berms, fences, structures, or other materials or items greater than thirty (30) inches in height. Trees shall not be planted in the triangular area. The size of the sight distance triangles is determined as follows:

(a) At the intersection of any two streets or where a street intersects with an alley, a triangle measuring thirty (30) feet along each curb or edge of roadway from their point of intersection, the third side being a diagonal line connecting the first two.
(b) At the intersection of a driveway or private access and a street, a triangle measuring fifteen (15) feet in length along the edge of the driveway and along the curb or edge of roadway from their point of intersection, the third side being a diagonal line connecting the first two.

(91) "Significant wildlife habitat and migration corridors" mean areas designated by the Colorado Division of Wildlife and/or the Colorado Natural Diversity Information Source as areas of landscape that provide food, cover and water sufficient to meet the needs of a given species to survive and reproduce.

(92) "Street, private" means a private thoroughfare, not dedicated to public use, which provides vehicular access from a public street to more than two (2) residential dwelling units, or two (2) or more commercial or industrial buildings or parking areas.

(93) "Street, public" means any public thoroughfare or right-of-way, dedicated for public use, which provides vehicular access to adjacent land.

(94) "Structure" means anything constructed or erected.

(95) "Subdivider or developer" means any person, partnership, joint venture, limited liability company, association or corporation who participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development.

(96) "Subdivision" means the division of any lot, tract or parcel of land, by plat, map or description, whether undeveloped, vacant, or developed, into two (2) or more lots, plots or sites, or other divisions of land, for the purpose, whether immediate or future, of (a) transfer or division of ownership; (b) rental or lease; (c) building development; or, (d) redevelopment, including all changes in street or lot lines; provided, however, that divisions of land for agricultural purposes, in parcels of five (5) or more acres not involving any new street or easement of access, shall be exempted. Subdivision includes resubdivision and condominium creation or conversion.

(97) "Tentative or conditional approval" means an approval with recommended alterations or conditions given to a plat application by the Planning Commission. Accordingly, all recommended alterations or conditions must be met for a sketch plan application before a preliminary plat application may be submitted, all conditions must be met for a preliminary plat application before a final plat application may be submitted, and all conditions for a final plat application must be met before a final plat may be released for recordation.

(98) "Title commitment" means formal documentation from a title company listing the name of the owner of the property under consideration, the legal description of the property and any legal holdings on the property such as easements, rights-of-way or liens.

(99) "Title report" means a report prepared and executed by a title company authorized to do business in the State of Colorado certifying the true owner of the property and describing all encumbrances of record which affect the property.
(100) "Traffic Impact Study" means a report analyzing anticipated roadway conditions and addressing such related areas as access and circulation, within and outside of a development.

(101) "Trail" means a linear feature, or corridor, constructed for the purposes of providing access to/from residential and nonresidential uses, access to the City's cultural assets, and recreational opportunities to pedestrians and bicyclists.

(102) "Trip" means a single or one-way vehicle movement to or from a property or study area. “Trips” can be added together to calculate the total number of vehicles expected to enter and leave a specific land use or site over a designated period of time.

(103) "USGS datum" means United States Geological Survey basis of elevations.

(104) "Undeveloped land" means land that has never been developed.

(105) "Vacant land" means land that was previously developed, but no longer in use.

(106) "Viewshed protection" means to minimize the impact of man-made structures and grading on the ridges of hills, mesas, mountains, open spaces, and similar natural features, when within view from public rights-of-way.

(107) "Walkway" means:

   (a) A right-of-way dedicated to public use that is not within a street right-of-way, to facilitate pedestrian access through a subdivision block by means of a hard surface path.

   (b) Any portion of a parking area restricted to the exclusive use of pedestrian travel.

Section 14-5. Plat approval required.13

(1) It shall be unlawful for any person to subdivide any tract, lot or parcel of land within the City or its planning area unless and until a final plat of such subdivision has been approved in accordance with the terms of this Article. Unless and until a final plat, plan or replat of a subdivision shall have been first approved in the manner provided in this chapter by the City Council, it shall be unlawful for any person to construct or cause to be constructed any street, utility facility, building, structure or other improvement on any lot, tract or parcel of land within such subdivision except as specifically permitted in this Article.

(2) No permit shall be issued by the City for the construction or repair of any structure on a lot or tract in a subdivision for which a final plat has not been approved by the City Council and filed for record, except as specifically allowed in this chapter. No permit shall be issued by the City for the construction or repair of any structure on a lot or tract in a subdivision in which the permanent public improvements have not been approved and accepted by the City.

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13 Chapter 14, Article 1, Section 14-1 through 14-13.2 is repealed and reenacted (Ord. 1818, eff. 7/15/06)
(3) The City shall not repair, maintain, install or provide any street or public utility service, or authorize the sale or supply of water or sewer service, in any subdivision for which a final plat has not been approved by the City Council and filed for record. The City shall not repair, maintain, install or provide any street or public utility service, or authorize the sale or supply of water or sewage service, in any subdivision in which the permanent public improvements have not been approved and accepted by the City.

Section 14-6. Variances. 14

(1) The rules and regulations provided in this Article or incorporated herein are the minimum standards and requirements of the City. Upon application by the developer, a variance from any such rule or regulation may be granted by the Commission upon a good and sufficient showing by the developer that:

(a) There are special circumstances or conditions affecting the property in question;

(b) Enforcement of the provisions of this chapter will deprive the applicant of a substantial property right; and

(c) If a variance is granted it will not be materially detrimental to the public welfare or injurious to other property or property rights in the vicinity.

(2) The application for a variance shall be made on a form prescribed by the City, and shall specifically identify the provision of this Article from which a variance is sought and the specific circumstances and conditions which the applicant believes will support and justify the granting of such variance. If more than one variance is sought, each shall be specifically identified in the application and the specific circumstances and conditions justifying each request shall be provided with the application. Each and every application for a variance shall be decided solely and entirely on its own merits, and the disposition of any prior or pending application for a variance shall not be allowed to enter into or affect any decision on the application in question. Pecuniary interests shall not be considered as a basis for the granting of a variance.

(3) No application for a variance will be considered unless submitted, in writing, no later than the date the application for final plat approval is submitted. An application for a variance must be accompanied by a nonrefundable application fee in the amount specified in the schedule of fees for the City. Multiple copies of the application for variance shall be provided in accordance with the schedule of required copies.

14 Chapter 14, Article 1, Section 14-1 through 14-13.2 is repealed and reenacted (Ord. 1818, eff. 7/15/06)
Section 14-7. Subdivision of land: procedures, expiration of approval, and penalty for violation.  

(1) Before creating a subdivision, as defined by the provisions of this Article, a subdivider shall:

(a) File an application with the Planning, Zoning and Variance Commission to subdivide in accordance with the provisions contained in this section. Such applications shall consist of no fewer than the number of copies required in the schedule of required copies maintained by the City Planning Department, and shall be submitted no later than twenty (20) business days before a scheduled meeting of the Commission. Applications shall be examined for completeness within three (3) business days of their submittal to the City Planning Director. This initial examination period may be extended for a specified period of time if the City Planning Director deems it necessary and notifies the applicant of such extension before the end of the initial examination period. Applications may be rejected as incomplete and returned to the subdivider with an explanation before the end of the examination period(s). Once deemed complete, applications shall be processed and reviewed by City staff prior to consideration by the Commission. Notice of consideration of such applications by the Commission and the City Council shall be sent to abutting property owners and advertised in a newspaper of general circulation in the City of Trinidad a minimum of one time at least ten (10) days prior to such considerations. The Commission shall, within fifteen (15) days from the date of the next regular meeting following such filing, forward its recommendations for approval, tentative or conditional approval or disapproval to the City Council. A subdivider is expected to meet all conditions of approval issued by the Commission, where applicable, prior to City Council consideration. The City Council shall review the application at its next available meeting, and shall either approve, with or without conditions, deny the application, or postpone its consideration as needed.

(b) Except as provided herein, file all preliminary plat applications associated with an approved sketch plan within a one (1) year after receiving approval from the City Council for the sketch plan. The City Council may, upon receipt of a written request from the subdivider, extend this term of approval for any time period not to exceed an additional one (1) year.

If a subdivider fulfills all conditions of approval adopted by the City Council for a final plat or plats covering a portion of a sketch plan area prior to its expiration date, the remainder of the sketch plan shall be valid for a period of two (2) years from the date on which its original approval was granted. If a subdivider fulfills all conditions of approval adopted by the City Council for approval of additional preliminary plat or plats covering another portion of the sketch plan area within the last 12 months immediately prior to expiration of the two-year period from the date on which the original sketch plan approval was granted, the plan shall be valid for a third year or upon expiration of the final or preliminary plat, whichever is later.

The extension policy may continue as long as platting activity is continued within one (1) year after successive anniversaries of the original sketch plan approval. Notwithstanding the foregoing, the City Council may, in its discretion, extend such period of validity for an additional term to be fixed by the City Council. Revised sketch plans may be required as

15 Chapter 14, Article 1, Section 14-1 through 14-13.2 is repealed and reenacted (Ord. 1818, eff. 7/15/06) Chapter 14, Page 22
(c) After obtaining approval of a preliminary plat application from the City Council, a subdivider shall file a final plat application with the Planning, Zoning and Variance Commission no later than one (1) year after receiving approval from the City Council.

(d) Following final approval by the City Council, the approved final plat and associated restrictive covenants may be recorded with the Las Animas County Clerk in compliance with State statutes and in a form acceptable to the County. Approval of the final plat by the City Council shall be null and void if the plat is not recorded within 180 days after the date of approval. The City Council may, upon receipt of a written request from the subdivider, extend this term of approval for any time period not to exceed an additional 180 days.

(e) A subdivider shall not record or attempt to record a plat with the County Clerk until such plat has received approval by the City Council and all required City signatures have been affixed to the plat. Platting will not be considered complete until the subdivider has furnished the City with sufficient copies of the recorded plat and associated documents, including restrictive covenants.

(2) Restrictive Covenants, Deed Restrictions. The City of Trinidad shall have the right to confer with the subdivider regarding the type and character of the development that will be permitted in the subdivision and may require certain minimum regulations be incorporated in the subdivision and/or restrictive covenants or deed restrictions. The intent of such regulations is to protect the character and value of the development within the subdivisions and to protect the value of surrounding properties.

(3) Penalty for violation. Whoever shall violate any of the provisions of this Article shall upon conviction be fined not more than three hundred dollars ($300.00) for each offense, or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

Section 14-8. Types of subdivision applications submitted to the Commission: requirements and processes.16

(1) General Requirements.

(a) All maps and supporting documentation included in subdivision applications submitted to the City of Trinidad shall be prepared in a clear and legible manner by a professional land surveyor licensed in the State of Colorado or by a professional engineer registered in the State of Colorado. Plat maps shall be prepared in the following sizes: Full size - twenty-four (24) inches high by thirty-six (36) inches wide; and, Reduced size (not required to be to scale) - eight and one-half (8 1/2) inches high and eleven (11) inches wide. Maps shall include:
(I) The title of proposed subdivision, the date of preparation, and the total acreage.

(II) The names and addresses of the property owner, the developer, and the person who prepared the survey and land design.

(III) A vicinity map, drawn to a scale, and depicting major streets, subdivisions, watercourses and significant physical features within no less than one-quarter mile of the boundaries of the subdivision area.

(IV) A statement or certificate, in separate writing, executed by the person who prepared the plat map, which certifies that all existing easements, rights-of-way, and significant topographical features on the proposed subdivision are fully shown and accurately identified on the face of the map, and further stating whether the map being submitted includes all of the contiguous land which the subdivider owns directly or indirectly, or has a legal or beneficial interest in, or whether the subdivider owns or has a legal interest in any adjacent property.

(V) The boundary of the proposed subdivision, locations of existing and proposed roadways, and shall include existing and proposed land uses.

(VI) Orientation to the north and a north arrow.

(VII) The average lot size and the proposed density for residential developments.

(VIII) Any land existing or proposed as dedication of park land, open space, rights-of-way, and easements, including their uses, owners, and area dimensions.

(IX) Locations of existing buildings and structures, including fences, within the proposed subdivision, including their current uses and their future status within the proposed subdivision.

(X) Any unique historical, archeological, scenic or other noteworthy features within or in proximity to the proposed subdivision.

(XI) Adjacent properties identified by property owner, subdivision name, and zoning district.

(b) Appropriate zoning must be in place before subdivision commences. The subdivider is responsible for ensuring that adequate area is available within all lots and tracts to meet the minimum requirements for the applicable zoning district.

(c) Access, in accordance with state statutes, shall be provided to all lots or tracts.

(d) Parcels not contiguous shall not be included in one (1) plat, nor shall more than one (1) plat be made on the same sheet. Contiguous parcels owned by different parties may be included on one (1) plat, provided that all owners join in the dedication and acknowledgment.
(e) All subdivision applications shall include the following:

(I) A completed application form as provided by the City Planning Department.

(II) Payment of the applicable fee as adopted by the City Council.

(III) Proof of ownership as required by the provisions of Section 14-4.

(IV) An accurate legal description for the proposed subdivision that includes an enumeration of the total acreage of the proposed subdivision. If a metes and bounds description is prepared, such must be signed and sealed.

(V) A list of property owners and their mailing addresses of properties located within 100 feet, minus public rights-of-way, of the proposed subdivision.

(VI) A list of any lienholders, subsurface mineral interests in the proposed subdivision and their lessees, if any, and their mailing addresses.

(VII) Any variance application to the City's Subdivision Ordinance.

(VIII) Documentation attesting that all past and current ad valorem taxes due to all applicable taxing entities are paid up-to-date.

(2) Major Subdivisions

(a) Major Subdivision Requirements and Process. In addition to the requirements set forth herein, requirements and processes for major subdivisions consist of the following:

(I) Sketch Plan.

(A) Specific requirements. A sketch plan application is required only if a developer plans to submit multiple preliminary plat applications for a development.

The City shall evaluate the applicant’s sketch plan application in accordance with the following criteria: The land use mix within the project conforms to the City’s Zoning District Map, Future Land Use Plan, and availability of public services and furthers the goals and policies of the City's Comprehensive Plan including: That utilities and services are available to adequately serve the development; That the proposed development promotes the City’s historic small town character; That proposed residential development adds diversity to the City’s housing supply; That proposed commercial development will benefit the City’s economic base; That parks, trails and open space are incorporated into the site design; That the proposed project protects the City’s environmental quality; and, That the proposed development enhances the City's cultural, historical, educational and/or human service opportunities.
The sketch plan application package shall also include:

(i) A preliminary utility plan with calculations.

(ii) Sketch Plan Map - The sketch plan map shall show the proposed development in relation to land uses in the surrounding area (one [1] mile radius around the property). At a minimum, the map shall provide the following information:

1. Graphics drawn to scale (not greater than 1" = 200', unless a smaller scale has been approved by the City Planning Director) on full size maps.

2. Major existing and proposed streets (show and label street names, if applicable).

3. Existing utility lines and utility easements, and preliminary connections, and information regarding the availability of utilities and public safety facilities.

4. Location(s) of local and regional recreational/open space/trails.

5. Locations and areas of major arroyos, ditches, rivers and other bodies of water, including any known, identified or designated 100-year flood plains and any other natural hazards within and adjacent to the proposed development.

6. Locations and areas of major canyons, hills, ridges, mesas, buttes, and other natural physical and geological features within and adjacent to the proposed development.

7. Geologic hazards and soils reports.

8. Topographic information indicating the directions of surface water flow, and a preliminary drainage plan, noting all areas with a slope in excess of 20%.

9. A wildfire mitigation plan, if determined by the City to be required.

10. A traffic impact study, if determined by the City to be required.
(B) Process. The sketch plan review/consideration process is as follows:

(i) Pre-Application Conference with City staff.

(ii) Application Submittal.

(iii) City staff determines that the application is complete or not complete. If deemed complete, staff starts processing the application.

(iv) City staff schedules the public hearing and completes the public notification process.

(v) Staff reviews the application and prepares comments.

(vi) The applicant meets with City staff and responds to staff's comments.

(vii) Planning Commission Public Hearing and Recommendation.

(viii) Applicant Meets Planning Commission Conditions.

(ix) City Council Public Hearing and Action.

(x) The applicant addresses the City Council's conditions, if sketch plan was approved, and meets all conditions before submitting any preliminary plat applications.

(II) Preliminary Plat

(A) Requirements. A preliminary plat application may be submitted in lieu of a sketch plan application if one preliminary plat application is submitted for the entire development. A preliminary plat application may also be submitted concurrently with a sketch plan application, at the applicant's risk, if subsequent preliminary plats are planned for a development.

The preliminary plat application package shall also include:

(i) An acknowledgement that notice of the subdivision was provided to all utility companies, whether public or private, the applicable school district(s), and, as applicable, any special district(s). Such notices shall contain the statement of the intent to subdivide, the intended use of the property within the subdivision, a copy of the preliminary plat map, and a referral to direct comments to the City prior to the date of the Commission's consideration.

(ii) A preliminary grading and drainage plan and report with
calculations. The proposed drainage system shall be indicated by a single line drawing showing the proposed direction sheet flow through the subdivision. Detention analysis and calculations, where required, shall be submitted.

(iii) A master utility plan prepared by a registered professional engineer. Proposed locations of utility infrastructure, including water, sanitary sewer, and storm sewer, approved by the City, shall be submitted.

(iv) Preliminary construction plans for public improvements.

(v) A copy of the proposed restrictive covenants and architectural design guidelines. Restrictive covenants shall address the maintenance and funding of maintenance of any private roadways and driveways, and private park land, recreational amenities and open space.

(vi) A wildfire mitigation plan, a traffic impact study, a geologic hazards report, and a soils report, if not submitted previously with a sketch plan application, and as determined to be required by the City.

(vii) A preliminary landscape plan.

(vii) At the discretion of the City Council, an applicant may be required to provide the City with a Colorado Historical Society records listing historically or archaeologically significant findings on the property being subdivided. If a listing shows a significant finding, a site-specific historic survey will be required of the applicant. The survey shall provide the following information:

1. Site identification:
   a. State site number;
   b. Site address;
   c. Site location/access;
   d. Type and description of finding; and,
   e. Owner’s name and address.

2. Eligibility assessment for historic designation.


4. Management and administrative data:
   a. References;
   b. Photographs of the site;
   c. Maps of the site;
d. Name, address, phone number and qualifications of person completing the survey; and

e. Date of completion of the survey.

If, in coordination with the subdivider, the City Council decides to protect an historic resource, a protection plan must be prepared by the subdivider.

(viii) Preliminary Plat Map - The preliminary plat map shall show the proposed development in relation to land uses in the surrounding area (one-quarter [0.25] mile radius around the property). At a minimum, the map shall provide the following information:

1. Graphics drawn to scale (not greater than 1" = 100', unless a smaller scale has been approved by the City Planning Director) on full size maps.

2. The plat shall be drawn with heavy lines to indicate the subdivision area, with overall survey dimensions and bearings. Lines outside the plat boundary shall be drawn as dash lines. An accurate location of the subdivision shall be provided by reference to an established survey or section corner, subdivision corner, or other known point.

3. Accurate existing contours at intervals of two (2) feet or less; except that intervals of five (5) feet will be acceptable for very rough topography. The contours shall be extended onto adjacent property a sufficient distance to establish proper topographical relationships (contours shall be based on USGS datum and tied to the City's coordinate system).

4. Lots, blocks, and street layout with approximate dimensions and square footage of each lot.

5. Consecutive numbering of all lots and blocks, and a lot and street layout indicating scaled dimensions.

6. Existing and proposed rights-of-way and easements on and within 100 feet of the plat.

7. Existing and proposed street names for all streets on and adjacent to the property. Indication of any private streets.
8. Location and dimensions of existing and proposed sewer lines, water lines and fire hydrants, gas lines, electric service lines, street lights, telephone and cable lines, fiber optic lines, and similar utilities located within the plat and within 100 feet of the plat.

9. Existing and proposed curb cuts on and adjacent to subject property.

10. Location by field survey or aerial photography of existing and proposed water courses and bodies of water such as rivers, arroyos, creeks, irrigation ditches and lakes, with the direction of flow indicated.

11. Floodplain boundary with source of information indicated, including FEMA map number and effective map date and zone. If a floodplain does not exist, this must be indicated on the plat.

12. Proposed grading including approximate street grades.

13. Approximate radii of all street curves.

14. Location, function, ownership and manner of maintenance of any private park land or open space.

15. Land Use Table - The table shall include: land uses, approximate acreage of each land use, and percentage of each land use.

16. Total number of lots, blocks, and tracts.

17. Number of each type of dwelling unit proposed.

18. Dimensions of building setback lines.

19. Indication of existing easements and/or previously recorded plats requested to be vacated.

20. Means of providing vehicular access to adjoining properties.

(B) Process. The preliminary plat review/consideration process is as follows:

(i) Pre-Application Conference with City staff.

(ii) Application Submittal.
(iii) City staff determines that the application is complete or not complete. If deemed complete, staff starts processing the application.

(iv) City staff schedules the public hearing and completes the public notification process.

(v) Staff reviews the application and prepares comments.

(vi) The applicant meets with City staff and responds to staff’s comments.

(vii) Planning Commission review and consideration/action.

(viii) Applicant Meets Planning Commission Conditions.

(ix) City Council Public Hearing and Action.

(x) The applicant addresses the City Council's conditions, if preliminary plat was approved, and meets all conditions before submitting any final plat applications.

(III) Final Plat

(A) Requirements. All conditions on the preliminary plat application must be met prior to the submittal of a final plat application. The final plat application package shall also include:

(i) A final grading plan and final drainage plan or report.

(ii) A copy of the final draft restrictive covenants and architectural design guidelines, ready for filing. Restrictive covenants shall include the maintenance and funding of maintenance of any private roadways and driveways, and private park land, recreational amenities and open space.

(iii) Final construction plans for public improvements.

(iv) A final landscape plan.

(v) As required by the City Council, a Historic Protection Plan.

(vi) Final Plat Map - The final plat map shall show the proposed development in relation to land uses in the surrounding area (one-quarter [0.25] mile radius around the property). At a minimum, the map shall provide the following information:
1. Graphics drawn to scale (not greater than 1" = 100', unless a smaller scale has been approved by the City Planning Director) on full size maps.

2. Basis for establishing bearing.

3. Bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside, with the lot dimensions.

4. Lengths shall be shown to the nearest hundredth of a foot and bearings shall be shown in degrees, minutes and seconds.

5. Bearings, distances, chords, radii, central angles and tangent links for the perimeter and all lots, blocks, rights-of-way and easements.


7. The plat shall be drawn with heavy lines to indicate the subdivision area, with overall survey dimensions and bearings. Lines outside the plat boundary shall be drawn as gray-scaled dash lines.

8. Lots, blocks, and street layout with exact dimensions and square footage of each lot.

9. Consecutive numbering of all lots and blocks, and a lot and street layout indicating scaled dimensions.

10. Existing and planned rights-of-way and easements, with dimensions, within the plat and within 100 feet of the plat.

11. Existing and planned street names for all streets within and adjacent to the plat. Designate any private streets.

12. Total number of lots, blocks, tracts in the title block.

13. Designation of entity responsible for common areas. The legal entity responsible for the maintenance of any building, park, recreational area, open space, equipment, pool or private driveway which is to be owned and shared by the owners of real property in the proposed subdivision shall be designated by appropriate articles of incorporation, contracts, restrictions or other method. The means of securing payment for maintenance and operating expenses and any method of
terminating such obligation shall be stated in the creating documents. If such entity is responsible for the maintenance of driveways, park areas, recreational areas or open spaces, the following note shall be indicated on the face of the plat: "The City of Trinidad, Colorado, shall not be responsible for maintenance of driveways, park areas, recreational areas, and open spaces; and, the ________________ Homeowners' / Property Owners' Associations shall be responsible for such maintenance of driveways, park areas, recreational areas and open spaces."

14. Proof of adequate, suitable access must be provided and clearly indicated on the face of the plat. If access is not directly gained from public right-of-way, a separate access easement must be provided and referenced on the plat.

15. Indication of existing easements and/or previously recorded plats requested to be vacated.

16. Dedication statements as plat notes: Statements of land to be dedicated to the City for parks, public streets and alleys, and grants of easements.

17. Sidewalks, curb and gutter. Unless otherwise approved by the City Council, the following plat note shall be indicated: "Sidewalks, curb and gutter shall be installed along all streets in accordance with subsection 17-43 of the Code of Ordinances of the City of Trinidad, Colorado."

18. Development of area subject to code: A statement that development of the plat is subject to the Code of Ordinances of the City of Trinidad, Colorado.

19. Statement of performance guarantee regarding public improvements. The following plat note shall be indicated: "The development shall comply with the provisions of subsection 14-12 of the Code of Ordinances of the City of Trinidad, Colorado."

20. Certificate blocks for notarized signatures of owner, lienholders, preparer, and City approvals, as applicable. The signature of the mortgagee, if any, consenting to the execution of the plat and any dedications is required.

21. Certifications showing that all taxes and special assessments due on the plat have been paid in full.
(B) Process. The final plat review/consideration process is as follows:

(i) Pre-Application Conference with City staff.

(ii) Application Submittal.

(iii) City staff determines that the application is complete or not complete. If deemed complete, staff starts processing the application.

(iv) City staff schedules the public hearings and completes the public notification process.

(v) Staff reviews the application and prepares comments.

(vi) The applicant meets with City staff and responds to staff’s comments.

(vii) Planning Commission Public Hearing and Recommendation.

(viii) Applicant Meets Planning Commission Conditions.

(ix) City Council Public Hearing and Action.

(x) The applicant addresses the City Council's conditions, if plat was approved.

(xi) The applicant records the Final Plat when all conditions have been met.

(xii) The applicant submits copies of recorded documents to the City before submitting any construction permit applications.

(3) Minor Subdivisions.

(a) Requirements. In addition to the requirements set forth in subsection 14-8(1), applications for minor subdivisions must also meet the requirements for minor subdivisions as set forth in subsection 14-4. The minor subdivision plat application package shall also include:

(I) A completed application form as provided by the City Planning Department.

(II) Payment of the applicable fee as adopted by the City Council.

(III) General Development Information - Provide a written description addressing how the proposed development complies with the City's Land Use Code and the City's Comprehensive Plan.
(IV) An acknowledgement that notice of the subdivision was provided to all utility companies, whether public or private, the applicable school district(s), and any special district(s). Such notices shall contain the statement of the intent to subdivide, the intended use of the property within the subdivision, a copy of the plat map, and a referral to direct comments to the City prior to the date of the Commission's consideration.

(V) A copy of the final draft restrictive covenants and architectural design guidelines, ready for filing, if applicable.

(VI) The minor subdivision plat shall provide the following information:

(i) Graphics drawn to scale (not greater than 1"=100', unless a smaller scale has been approved by the City Planning Director) on full size maps.

(ii) Basis for establishing bearing.

(iii) Bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside, with the lot dimensions.

(iv) Lengths shall be shown to the nearest hundredth of a foot and bearings shall be shown in degrees, minutes and seconds.

(v) Existing contours at two (2) foot intervals.

(vi) Existing and proposed curb cuts within and adjacent to the plat.

(vii) The perimeter survey description of the proposed subdivision shall include at least one (1) tie to an existing section monument of record and a description of monuments. The survey shown shall not have a closure error greater than one (1) part in ten thousand (10,000).

(viii) Bearings, distances, chords, radii, central angles and tangent links for the perimeter and all lots, blocks, rights-of-way and easements.

(ix) Lot and block numbers, numbered in consecutive order, and square footage of each lot or tract.

(x) Excepted parcels from inclusion noted as “not included in this subdivision” and the boundary completely indicated by bearings and distances.

(xi) Location and dimensions of planned utility easements required for the plat's development and approved by the City.

(xii) Indication of existing easements requested to be vacated.
(xiii) Location and description of monuments.

(xiv) Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plat).

(xv) Locations of existing streets and their names for all streets adjacent to the plat.

(xvi) Location and dimensions of existing and planned sewer lines, water lines and fire hydrants, gas lines, electric service lines, street lights, telephone and cable lines, fiber optic lines, and similar utilities located within the property and within 100 feet of the property.

(xvii) Total number of lots, blocks, tracts in the title block.

(xviii) Designation of entity responsible for common areas. The legal entity responsible for the maintenance of any building, park, recreational area, open space, equipment, pool or private driveway which is to be owned and shared by the owners of real property in the proposed subdivision shall be designated by appropriate articles of incorporation, contracts, restrictions or other method. The means of securing payment for maintenance and operating expenses and any method of terminating such obligation shall be stated in the creating documents. If such entity is responsible for the maintenance of driveways, park areas, recreational areas or open spaces, the following note shall be indicated on the face of the plat: "The City of Trinidad, Colorado, shall not be responsible for maintenance of driveways, park areas, recreational areas, and open spaces; and, the ____________ Homeowners' / Property Owners' Association shall be responsible for such maintenance of driveways, park areas, recreational areas and open spaces."

(xix) Dedication statements as plat notes: Statements of land to be dedicated to the City for parks, public streets and alleys, and grants of easements.

(xx) Sidewalks, curb and gutter. Unless otherwise approved by the City Council, the following plat note shall be indicated: "Sidewalks, curb and gutter shall be installed along all streets in accordance with subsection 17-43 of the Code of Ordinances of the City of Trinidad, Colorado."

(xxi) Development of plat subject to code: A statement that development of the plat is subject to the Code of Ordinances of the City of Trinidad, Colorado.

(xxii) Certificate blocks for notarized signatures of owner, lienholders, preparer, and City approvals, as applicable. The signature of the mortgagee, if any, consenting to the execution of the plat and any dedications is required.

(xxiii) Certifications showing that all taxes and special assessments due on the plat have been paid in full.
(xxiv) Certificate blocks for notarized signatures of owner, lienholders, preparer, and City approvals, as applicable.

(xxv) Certifications showing that all taxes and special assessments due on the plat have been paid in full.

(b) Process. The minor subdivision review/consideration process is as follows:

(I) Pre-Application Conference with City staff.

(II) Application Submittal.

(III) City staff determines that the application is complete or not complete. If deemed complete, staff starts processing the application.

(IV) City staff schedules the public hearings and completes the public notification process.

(V) City staff reviews the application and prepares comments.

(VI) The applicant meets with City staff and responds to staff's comments.

(VII) Planning Commission Public Hearing and Recommendation.

(VIII) City Council consideration and action.

(IX) If approved, the Applicant addresses the City Council's conditions before recording the Minor Subdivision Plat with the County.

(4) Minor amendments to recorded plats. Minor amendments which are filed with the County Clerk and Recorder to correct minor survey or drafting errors on a recorded plat shall be prepared in the form of an affidavit or, where deemed necessary for clarity, a revised plat certified by a land surveyor licensed with the State of Colorado. All affidavits or corrected plats indicating minor amendments shall be reviewed and approved by the City administratively. However, substantial changes shall require approval of a new plat by the City Council after the Commission has considered a recommendation. Written notice of all minor amendments to recorded plats shall be provided to the Commission and the City Council.

(5) Resubdivision of land or changes to a recorded plat. Except as provided herein, the resubdivision of land or changes to a recorded plat shall be considered a subdivision, and it shall comply with this Article except that the City may require that the subdivider to start with the submission of a preliminary plat or a final plat application. The determination shall be based on the extent to which the proposal differs in density and/or intensity from the recorded plat.
Section 14-9. Minor lot line adjustment, minor lot line elimination.  

(1) Minor lot line adjustment.  

(a) Purpose. The purpose of the lot line adjustment is to allow administrative review of minor adjustment to legally subdivided lots and building envelopes.  

(b) Applicability. The City Planning Director shall be authorized to grant lot line adjustments that meet all of the following conditions:  

(I) The adjustment shall affect only two (2) adjacent lots or building envelopes. No new parcels, lots or building envelopes shall be created.  

(II) The lot line adjustment shall comply with all other applicable requirements of this Code, including development standards.  

(III) The adjustment shall not cause either of the two (2) adjacent lots or building envelopes to shift to a new zoning district.  

(IV) The adjustment shall not diminish in size parks, open space, or other protected environments.  

(V) The use of a lot line adjustment shall be limited to one time by the affected lots or building envelopes. Additional adjustments shall be considered a resubdivision and shall be subject to the provisions of subsection 14-8.  

(c) Submittal requirements. All requests for approval of a lot line adjustment shall contain all items listed in this subsection unless specifically waived by the City Planning Director on the grounds that such information is not required to accurately determine the impacts of the adjustment.  

(I) Application form. A completed application form as provided by the City Planning Director.  

(II) Fee. Payment of the applicable fee as adopted by the City Council.  

(III) Proof of ownership. Proof of ownership as required by the provisions of Section 14-4.  

(IV) Final plat plan. A final plat plan with the following format and information:  

(A) Format. The final plat plan shall be prepared in full size - twenty-four (24) inches high by thirty-six (36) inches wide.  

(B) Contents. The final plat plan shall contain the information required for
final plats in this Article, and any additional information as determined necessary by the City Planning Director.

(d) Criteria for approval.

(I) Conformity with the Code. The proposed lot line adjustment substantially conforms to all applicable requirements of the City's Code of Ordinances, including area standards of the zone district(s) in which it is located, as modified by any PUD or variance for the property.

(II) Conformance with other applicable regulations. The proposed lot line adjustment conforms to any other applicable regulations and requirements including but not limited to provisions of state law, the City's Code of Ordinances, and any requirements set by any capital improvement plan or program, or any approved subdivision improvements agreement or development agreement for the property.

(III) Compatibility with surrounding area. The proposed lot line adjustment shall be compatible with the character of existing land uses in the area and shall not adversely affect the future development of the surrounding area.

(e) Term effect of approval.

(I) Approval of a lot line adjustment shall be final when the City Planning Director's signature has been affixed on the final plat.

(II) A lot line adjustments must have an approved final plat recorded with the county clerk and recorder within ninety (90) days of approval or the approval shall be considered null and void.

(III) Lot line adjustments shall run with the land unless and until amended.

(2) Minor lot line elimination.

(a) Purpose. The purpose of a lot line elimination is to allow administrative review to remove interior lot lines of a parcel comprised of two (2) or more separate lots with contiguous ownership.

(b) Applicability. The City Planning Director shall be authorized to grant lot line eliminations which meet all of the following conditions:

(I) The elimination shall affect five (5) or less lots. Lot line eliminations that affect more than five (5) lots shall be processed in accordance with the final plat section of this Article.

(II) Lot line eliminations shall comply with all other applicable requirements of this Code.
(c) Submittal requirements. All requests for approval of a lot line elimination shall contain all of the items listed in this subsection unless specifically waived by the City Planning Director on the grounds that such information is not required to accurately determine the impacts of the elimination.

(I) Application form. A completed application form as provided by the City Planning Department.

(II) Fee. Payment of the appropriate fee as adopted by the City Council.

(III) Proof of ownership. Proof of ownership as required by the provisions of Section 14-4.

(IV) Site plan. A site plan with the following format and information shall be submitted:

   (A) Format. The site plan shall be prepared in full size - twenty-four (24) inches high by thirty-six (36) inches wide pages in standard final plat format.

   (B) Contents. All site plans shall contain the information required for final plats in accordance with this Article, and any additional information as determined necessary by the City Planning Director.

   (C) Additional submittals. The City Planning Director may require additional materials if he/she determines that such materials are necessary to evaluate potential project impacts.

(d) Criteria for approval.

   (I) Conformity with the Code. The proposed lot line elimination conforms to all applicable requirements of the City's Code of Ordinances, including the dimensional standards of the zone district(s) in which it is located, as modified by any PUD or variance for the property.

   (II) Conformance with other applicable regulations. The proposed lot line elimination conforms to any other applicable regulations and requirements including but not limited to provisions of state law, the City's Code of Ordinances, and any requirements set by any capital improvement plan or program, or any approved subdivision improvements agreement or development agreement for the property.

   (III) Compatibility with surrounding area. The proposed lot line elimination shall be compatible with the character of existing land uses in the area and shall not adversely affect the future development of the surrounding area.
(e) Term effect of approval.

(I) Approval of a lot line elimination shall be final when the City Planning Director's signature has been affixed on the document to be filed with Las Animas County.

(II) A lot line elimination must be recorded with the county clerk and recorder within ninety (90) days of approval or the approval shall be considered null and void.

(III) Lot line eliminations shall run with the land unless and until amended.

Sec. 14-10. Dedication of land for mini parks, neighborhood parks, community parks, district parks, linear parks in the form of trails, and regional open space; reservation of land for public uses.  

(1) Purpose of land dedication requirements.

(a) This section is adopted to provide recreational areas in the form of mini parks, neighborhood parks, community parks, district parks, linear parks in the form of trails, and regional open space as a function of subdivision and site development in the City of Trinidad. This section is enacted in accordance with the home rule powers of the City of Trinidad, granted under the Colorado Constitution, and the statutes of the State of Colorado. This section is administered in a manner consistent with the City's Comprehensive Plan and with adopted regulations, plans, policies and other guidelines.

The primary cost of parks should be borne by the ultimate residential property owners who, by reason of the proximity of their property to such parks, shall be the primary beneficiaries of such facilities. All park land dedication proposals involving land areas shall also include park amenity development plans that require the approval of the City Council. Construction of approved amenities, including their associated costs, shall be the responsibility of the developer. Native and drought-tolerant vegetation, in addition to subsurface irrigation systems to sustain newly installed plant life, shall be constructed in such areas.

It is hereby declared by the City Council that recreational areas in the form of mini parks, neighborhood parks, community parks, district parks, linear parks in the form of trails, and regional open space are necessary and in the public welfare, and that the only adequate procedure to provide for same is by integrating such a requirement into the procedure for planning and developing property or subdivisions, whether such development consists of new residential construction on vacant land or the addition of new dwelling units on previously developed land.  

(b) Types of parks.

(I) “Mini parks” provide places within walking distance of a neighborhood for
supervised play for young children and unstructured activities for residents. Mini parks are less than two (2) acres in size, and are located within 1/4 mile of the residents that they serve. At a minimum, a mini park shall include live ground cover and trees, plus one of the following: playground equipment, contemplative garden or other active or passive recreation opportunities for the neighborhood. Notwithstanding other requirements in this section, developers will be expected to provide a minimum of one 1-acre mini park per 200 dwelling units in central locations to the dwellings they are to serve.

(II) "Neighborhood parks" are places for recreation and social gatherings, typically 2-5 acres in size, which are located within ½ mile of the residents that are to be served. At a minimum, a neighborhood park shall include a multiple-use lawn area, a picnic area, playground equipment, landscaping, lighting, signage, access to trails, and/or community gardens, plus at least one of the following: a pavilion or a court game facility.

(III) "Community parks" are places for recreation, typically larger than 5 acres in size, which serve the residents of more than one neighborhood. Community parks are located within two (2) miles of the residents that are to be served, and are located on or near arterial streets at the edge of residential areas or in nonresidential areas to minimize the impact of organized recreational activities such as those that require lighted competition fields. At a minimum, a community park shall include an indoor recreation center, indoor or outdoor swimming pools, competitive and practice ball courts and fields, skateparks, and/or skating and hockey rinks, as well as landscaped areas, lighting, signage, trail access, restrooms, and off-street parking areas.

(IV) "District parks" are places for recreation that serve the residents of the entire City, as well as people who may live outside of the community. These parks are typically located to take advantage of special natural settings, including lakes, forests, and geological features, including but not limited to ridgelines, mesas and mountains. At a minimum, a district park shall contain campsites, a lake with canoe/kayak/boat ramps, restrooms, educational signage, and off-street parking areas.

(V) "Linear parks in the form of trails" provide recreational opportunities and access that connect neighborhoods, parks, schools, businesses, open spaces, community facilities and neighboring areas located outside of the City. The construction of trails within such facilities, in accordance with City standards, shall be required for developers to receive credit as park land. The construction of amenities, including exercise stations, water fountains, and educational signage, where appropriate and practical along trails, shall be required.

(VI) "Regional open space" includes natural areas, natural area buffer zones, areas of geological, archeological or historical significance, floodplains, wetlands, subsidence areas, and agricultural preservation areas. Access to and within such areas is generally limited to unpaved trails. Amenities such as educational signage, water stations, and off-street parking shall be provided in these parks.
(2) Park land dedication required; manner of dedication.\textsuperscript{17}

(a) Land dedication. Whenever a final plat is filed of record with the County Clerk and Recorder of Las Animas County for development of a residential area in accordance with this Article, such plat shall contain a clear fee simple dedication of an area of land to the City for park purposes, which area shall equal no less than 1,000 square feet of area per each proposed dwelling unit. Any proposed sketch plan and/or preliminary plat submitted to the City for approval shall indicate the location of land area proposed to be dedicated under this section.\textsuperscript{1} Except as provided herein, all park land dedication proposals shall be approved by the City Council.

(I) Land areas not requiring additional subdivision that have not yet fulfilled the park land requirement, shall meet the provisions of this section through payment of a fee in lieu of land dedication per dwelling unit, which is based upon a fee schedule specifically established and adopted by the City Council by resolution to promote infill development and affordable housing in the City. Such fees must be paid before a building permit will be issued for the following: upon the construction of a new residential dwelling unit, upon the relocation of an existing residential dwelling unit, or upon the reconstruction and/or the refurbishment of a previously uninhabitable residential dwelling unit; or upon the reconstruction and/or refurbishment of a previously non-residential use into a residential dwelling unit.\textsuperscript{17}

(A) This fee shall be administratively collected on a one-time basis per dwelling unit and shall not require any appraisals or City Council action on individual applications.

(B) Upon application by an individual property owner, the City Council may on a case-by-case basis reduce the amount of the fee, postpone its payment, or waive its payment.

(C) The fee schedule shall be reviewed annually beginning in January, 2008, by the City Manager and any necessary changes will be made by resolution of the City Council.

(b) Acceptance of drainage areas. Drainage areas may be accepted as part of a public park land dedication if the channel is constructed in accordance with City requirements; and provided the City determines that the land is appropriate for park use; and provided no significant area of the park is cut off from access by such channel.

(c) Alternatives to land dedication. Pursuant to the provisions of this section, the required park land dedication may be alternatively met by a payment of money in lieu of land and/or the provision of private park land.

\textsuperscript{17} Section 14-10(2)(II) amended (Ord. 1881, eff. 5/1/09) / Chapter 14, Article 1, Section 14-1 through 14-13.2 is repealed and reenacted (Ord. 1818, eff. 7/15/06)
(d) Minimum acreage. In instances where an area of less than two (2) acres is required to be dedicated, the City shall accept or reject the dedication of such public park within 60 days following approval of the preliminary plat after consideration by the Commission. If the City determines that sufficient park area already is in the public domain in the area of the proposed development, or if the recreation potential for that area would be better served by expanding or improving existing parks, then the proposed dedication will be disallowed and the developer shall be required to make payment of cash in lieu of land as provided by subsection 3 of this section.

(e) Method of dedication. The dedication required by this section shall be made by filing of the final plat or by separate instrument at the City’s election.

(f) Additional dedication required. If the actual number of completed dwelling units exceeds the figure upon which the original dedication was based, such additional dedication shall be required, and shall be made by payment of the cash in lieu of land amount provided by subsection 3(c) of this section, or by the conveyance of additional land by amendment of plat or by separate instrument.

(g) Access. Each park facility must have access to those it is to serve, most typically by a street, trail, and/or sidewalk.

(3) Cash payment in lieu of dedication of land for new subdivisions.¹

(a) Cash payment alternative. Subject to City Council approval, a developer responsible for dedication under this section may elect to meet the requirements of subsection 2 of this section in whole or in part by a cash payment in lieu of land, in the amount set forth in this section. Such payment in lieu of land shall be made at or prior to the time of final plat approval; provided that the final plat includes the following notation: “No building or other permit, except permits for construction of public improvements, will be issued by the City of Trinidad, Colorado, for construction within the subdivision until such time as the payment of money in lieu of park land required under the provisions of the Code of Ordinances of the City of Trinidad, Colorado, has been submitted to and accepted by the City.” If the developer places this notation upon the final recorded plat of the subdivision in lieu of making the payment of money in lieu of park land, the City shall not issue any permits for construction within the subdivision, except permits to construct public improvements, until such time as the payment in lieu of park land required by subsection 3 of this section is submitted to and accepted by the City.

(b) Park land purchased by the City in anticipation of development. The City may, from time to time, decide to purchase land for parks in or near the area of actual or potential development. If the City does purchase park land, the City may elect to have subsequent park land dedications for that area be in cash only, and calculated to reimburse the City’s actual cost of acquisition and development of such land for parks. The cash amount shall be equal to the sum of (a) the average price per acre of such land, and (b) the actual cost of adjacent streets and on-site utilities, or an estimate of such actual cost provided by the City Manager.
(c) Amount of cash payment. To the extent that subsection 3(b) of this section is not applicable, the dedication requirement shall be met by a payment of cash in lieu of land. Cash payments may be used only for acquisition or improvement of parks located in proximity as to adequately serve the residents of such development. The payment shall comply with the following requirements unless otherwise provided for by this Code:

(I) Payment shall be based on the requirements set forth in subsection 2(a) and shall be based on the fair market value of the entire property as it is valued after platting and shall include the value of the construction of adjacent streets and utilities required to serve park land.

(II) The value of the land shall be based upon an appraisal by a competent, independent appraiser selected by the City, whose costs are reimbursed to the City by the applicant. The suitability of the land to be dedicated for public purposes and the credit to be given toward the land dedication requirement is at the City’s sole option and discretion. The City Manager may waive the requirement of an appraisal where the owner/developer provides sufficient documentation evidencing the land's fair market value.

(III) Combination of land dedication and cash-in-lieu:

(A) The applicant, at the option of the City Council, may meet the dedication requirements through a combination of cash-in-lieu and land dedication in those cases where a portion of the dedication of land is not desired.

(B) The value of the combination of both the land dedication and the cash-in-lieu of land shall not exceed the full market value of the total required dedication of sites and land areas.

(4) Provision of private park land in lieu of dedication of land.

(a) Amount of credit. Subject to City Council approval, a developer responsible for dedication under this section may elect to meet up to 100 percent of the requirements of subsection 2 of this section by the provision of private park land.

(b) Suitability. Any land dedicated to the City or provided as private park land under this section must be appropriate for park and recreation purposes. The City reserves the right to reject any land which it deems as unsuitable for such purposes.

(c) Accessibility and development. The land offered as private park land must be open and accessible to all residents of the platted subdivision. Land or facilities which are excluded to a portion of the subdivision residents will not be considered as private park land meeting the requirements of this section.

(d) Type of private dedication.
(I) Unencumbered. Land which is unencumbered by easements, detention areas, lake and drainage channel borders, or other similar characteristics will qualify for private park land at full credit. Land which has recreational facilities on it such as tennis courts, swimming pools, playing fields, recreation buildings, etc., will also qualify for full credit.

(II) Encumbered. Land which has the following type of encumbrances may be used to satisfy the private park land option on the basis of partial credits as recited herein:

(A) Land encumbered by easements, detention ponds and detention areas, arroyos, drainage channel borders, or other similar characteristics will qualify for private park land on the basis of one-half credit.

(B) Except as provided herein, land which is generally undeveloped and unsuitable for organized recreational activities without substantial development effort, but that does provide desirable aesthetic qualities, such as wetlands and other wooded areas, will qualify for private park land on the basis of one-quarter credit.

Land areas consisting of ridges on the tops of hills, mesas, mountains, and similar geological features, and having minimum elevations of 6,250 feet shall qualify for private park land on the basis of full credit. Lakes shall also qualify for private park land on the basis of full credit.

(III) Limit on encumbered land. Not more than 50 percent of the private park land provision may be satisfied with land possessing the encumbrances set forth as qualifying for partial credit in this subsection.

(e) Responsibility for maintenance. Maintenance responsibility for areas offered as private park land must be identified with the submission of a preliminary plat. Private park land and open space shall be owned and maintained by a homeowners' association or landowner.

(f) Areas less than one-quarter acre. Land offered for private park land credit which is less than one-quarter acre in size is generally discouraged unless it is an integral part of the park, recreational and open space provisions of the subdivision. A list of landscaping and other improvements of special uses planned for areas of land less than one-quarter acre in size shall be submitted with the preliminary plat.

(5) Disposition of funds paid in lieu of dedication of land.

(a) Special fund established. There is hereby established a special fund for the deposit of all sums paid in lieu of land dedication under this section, which fund shall be known as the park land dedication fund.

(b) Accounting; expenditures; refunds. The City shall account for all sums paid in lieu of land dedication under this section with reference to the individual plats involved. Any funds...
paid for such purposes must be expended by the City within ten (10) years from the date received by the City for acquisition or development of a park as defined in this section. Such funds shall be considered to be spent on a first in, first out basis for each area of the City. If not so expended, then on the last day of such period the then-current owners of the property for which money was paid in lieu of land dedication shall be entitled to a pro rata refund of such sum, computed on a square footage basis. The owners of such property must request such refund within one (1) year of entitlement, in writing, or such right shall be barred.

(6) Administration.

(a) Review of proposals. Unless provided otherwise in this section, an action by the City shall be by the City Council, after consideration of the recommendations of the Planning, Zoning and Variance Commission.

Sec. 14-11. Standards and Specifications.\(^{19}\)

No preliminary or final plat shall be approved by the City, and no permit shall be issued for construction of any improvement intended for public use or for the use of purchasers or owners of lots or tracts within the subdivision, and no improvement intended for public use shall be accepted by the City, unless such subdivision and public improvements comply with the standards and specifications in this subsection. Minimum standards for surveying and engineering in the preparation of maps and plans submitted to the City shall be based on the requirements of the State of Colorado and on the accepted best practices for the applicable profession.

(1) General Site Considerations.

(a) The future character and environment of the City will be greatly affected by the design of subdivisions and plats that are approved by the City. Planning, layout and design of a subdivision are of utmost concern. Residents must have available to them within their neighborhoods, safe and convenient access and movement to points of destination or collection. Modes of travel to achieve this objective should be varied and should not conflict with each other or abutting land uses. Lots and blocks should provide desirable settings for the buildings that are to be constructed, make use of natural contours, protect views, and provide privacy of residents and protection from adverse noise, lighting and vehicular traffic. Natural features and vegetation of the area should be preserved. Schools, parks, churches and other community facilities should be planned as integral parts of neighborhoods.

(b) All portions of a tract being subdivided, unless otherwise permitted, shall be designed as lots, streets, planned open spaces, or other uses to avoid creation of vacant landlocked spaces. The design of subdivisions shall provide for efficient traffic flow, proper mixing of land uses, and a logical link between nearby existing developments, and the proposed subdivision. The City's Comprehensive Plan is to be used as a guide in determining if the design of a proposed subdivision is proper. The City Council shall have the authority to deny a plat or to request a redesign, if, in accordance with the Comprehensive Plan and any other adopted plans or

\(^{19}\) Chapter 14, Article 1, Section 14-1 through 14-13.2 is repealed and reenacted (Ord. 1818, eff. 7/15/06) Chapter 14, Page 47
policies, the proposed layout is not suitable for the site, or if the development of the subdivision would be premature.

(c) Subdivisions and land developments shall be designed to prevent excessive erosion by the forces of wind and/or water, and shall be laid out so as to avoid the necessity for excessive cut and fill.

(d) Whenever possible, developers shall preserve trees and other vegetation, waterways such as creeks and arroyos, viewsheds and scenic points, cultural and historic sites and resources, and other local assets and landmarks.

(e) Where feasible, conservation of energy through the use of solar and wind systems in accordance with federal guidelines is encouraged.

(f) Drainage areas, whenever possible, should be left in a natural state and no encroachments shall be made on the natural channel area. Drainage designs of subdivisions shall be engineered using accepted best management practices, and so as to not increase historic drainage patterns or flows off site.

(g) Any land subject to flooding shall be platted in accordance with any applicable floodplain ordinances, statutes and/or laws. The following should be indicated as a plat note, where applicable: "Homebuilders are required to provide a floodplain elevation certificate prior to or with a building permit application. All plans and specs are required to meet FEMA guidelines for flood mitigation." Land subject to flooding or other hazards to life, health, or property, and land deemed to be unsuitable from the standpoint of geology, soil conditions, or topography, shall not be platted for residential occupancy or other such purposes as may increase danger to health, life, or property, not aggravate erosion or flood hazard, unless such hazards are properly mitigated through the subdivision planning process as provided in this Article.

(h) Where a subdivision borders a railroad right-of-way or principal arterial street, design of the subdivision shall include adequate provisions for the reduction of noise.

(i) Except as provided herein, all subdivisions shall have frontage on and direct access to a public right-of-way. In the interest of public safety and for the preservation of the traffic-carrying capacity of the street system, the City Council shall have the right to restrict and regulate points of access to all property from the public street system.

(2) Blocks.

(a) General standards. The length, width and shape of blocks shall be determined with due regard to:

(I) The provision of adequate building sites suitable to the specific needs of the type of use contemplated.
(II) Requirements as to lot sizes and dimensions.

(III) Need for convenient access, circulation, control and safety of street traffic.

(IV) The limitations or opportunities of the topography of the subdivision.

(V) The limitations and characteristics of the soil and slope relative to the requirements for the installation of utilities.

(b) Length, width and shape.

(I) Blocks should not exceed 1,320 feet in length unless topographic conditions or other physical constraints justify a longer length. In general, blocks should not be less than 300 feet in length.

(II) Blocks should be designed so as to provide two (2) tiers of lots.

(III) Blocks may be irregular in shape, provided they are harmonious with the overall pattern of blocks in a proposed subdivision.

(3) Lots.

(a) Lots shall meet all applicable zoning requirements.

(b) Corner lots for residential use shall have extra width to permit appropriate building setback from an orientation to both streets.

(c) Lots should be designed, as far as possible, with side lines being at right angles or radial to any adjacent street right-of-way line.

(d) Except to accommodate drainage in easements, minimal grades shall be maintained along lot lines.

(e) Double-frontage lots shall be prohibited in residential areas except where essential to provide separation from principal arterial streets or from incompatible land uses. A landscape buffer located in an easement or a tract dedicated for such of at least twenty (20) feet in width and across which there will be no vehicular right of access, may be required along the lot line of lots abutting such traffic artery or other incompatible uses.

(f) Each lot shall have vehicular access to a public or private street, as approved by the City Council.

(g) Prior to recording the final plat, all boundary, block and lot corners shall be marked by iron monuments no smaller than 5/8 inch in diameter with suitable caps and statue markings and 2 feet in length, driven into the ground flush with the existing ground surface.
(4) Easements.

(a) Public utility easements. Though it is preferable to locate public utilities within public rights-of-way, easements may be required to locate facilities necessary to provide water, electrical power, natural gas, telephone, cable television and sanitary sewer services. Storm sewers or open drainageways must not be constructed within utility easements unless specifically approved by the City.

(b) Drainage easements. Any required drainage easements must be located and dedicated to accommodate the drainage requirements for the property within the subdivision boundaries and within the natural watershed in conformance with the City's Comprehensive Plan and the requirements of the City. Drainage easements along proposed or existing open channels shall provide sufficient width for the required channel and such additional width as may be required for maintenance and adequate slopes necessary along the bank of the channel. Drainage easements shall also be provided for emergency overflow drainageways of sufficient width to contain within the easement stormwater resulting from a 100-year frequency storm event less the amount of stormwater carried in any enclosed drainage system. The needed width of drainage easements shall be substantiated by a drainage study and drainage calculations or other criteria submitted to and approved by the City.

(c) Floodway easements. Floodway easements may be required along natural drainageways and lakes or reservoirs. Floodway easements shall encompass all areas beneath the water surface elevation resulting from a 100-year frequency storm, plus such additional width as may be required to provide ingress and egress to allow maintenance of the banks and for the protection of adjacent property.

(d) Restrictions on use of drainage and floodway easements. A suitable note on the subdivision plat must restrict all properties within the subdivision to ensure that drainage and floodway easements within the plat boundary shall be kept clear of fences, buildings, plantings and other obstructions to the operations and maintenance of the drainage facility, and abutting properties shall not be permitted to drain directly into such easements except by means of a drainage structure approved by the City.

(e) Easements created prior to subdivision. All easements created prior to the subdivision of any tract of land must be shown on a subdivision plat of the land with appropriate notations indicating the name of the owner of such easement, the purpose of the easement, the facilities contained therein, the dimensions of the easement tied to all adjacent lot lines, street rights-of-way and plat boundaries, and the recording reference to the instruments creating and establishing the easement. In those instances where easements have not been defined by accurate survey dimensions, the subdivider should request the owner of such easement to accurately define its limits and the location of the easement through the property within the plat boundaries. If the holder of such undefined easement does not define the easement involved and certifies his refusal to define such easement to the City, the subdivision plat must provide adequate information as to the centerline of the location of all existing facilities placed in accordance with the easement holder's rights. Except for historic preservation easements, building setback lines must be established at least 30 feet from and
parallel to the boundary of the easement. The subdivider shall obtain from the holder of any private easement within the plat to be crossed by proposed streets or other public easements an instrument granting to the public the use and benefit of the private easement for the construction, operation and maintenance of such public streets and easements. This instrument shall be delivered to the City at the time the final plat application is submitted for review. The subdivider shall also furnish the City with a letter from the holder of the private easement stating that arrangements for any required adjustments to pipelines, electrical transmission lines or other similar facilities have been made to the satisfaction of the holder of the easement.

(5) The following improvements shall be constructed by developers unless waived by the City Council:

(a) Road grading and surfacing.
(b) Curbs and gutters.
(c) Street lights.
(d) Sidewalks.
(e) Sanitary sewer collection system.
(f) Storm sewers or storm drainage system, as required.
(g) Potable water distribution including fire hydrants.
(h) Utility distribution system for parks and open space.
(i) Street signs at all street intersections.
(j) Permanent reference monuments and monument boxes.
(k) Underground telephone, cable, electricity and gas lines.
(l) Berms or fencing along major arterial streets.
(m) Underdrains.
(n) Required floodway improvements.
(o) Required irrigation ditch improvements.
(6) Minimum standards for public improvements. No final plat shall be approved without receiving a statement from the City Engineer certifying that the improvements described in the subdivider's plans and specifications, together with agreements, meet the minimum requirements of all ordinances of the City and, as established by the City Engineer, that they comply with the following minimum standards:

(a) Streets and alleys.

(I) All streets in subdivisions shall be paved and shall be designed and constructed in accordance with City requirements. The right-of-way shall be graded to provide suitable finish grades for utilities, pavement, sidewalks and planting strips, with adequate surface drainage and convenient access to the lots. The street system pattern proposed in any subdivision must comply with the provisions of this Article and other applicable provisions of the City's Code of Ordinances, and shall:

(A) Be designed to be logically related to topography so as to produce reasonable grades, satisfactory drainage, suitable building sites, and provide for horizontal sight distances on all curves depending on design speed.

(B) Provide for adequate vehicular access to all properties within the proposed subdivision plat boundaries.

(C) Provide adequate street connections to adjacent properties to ensure adequate traffic circulation within the general area.

(D) Provide a local street system serving properties to be developed for residential purposes which discourages through traffic while maintaining sufficient access and traffic movement for convenient circulation within the subdivision and access by fire, police and other emergency services.

(E) Provide a sufficient number of continuous streets and major thoroughfares, particularly in those areas designated for the development of high density multiple-family residential, commercial and industrial land uses, to accommodate the increased traffic demands generated by these land uses.

(F) When necessary to the neighborhood pattern, existing streets in adjoining areas shall be continued and shall be at least as wide as such existing streets in alignment therewith. When conditions permit, centerline offsets should be at least 125 feet. Greater centerline offsets may be required by the City when necessary for traffic safety. Where a proposed subdivision is adjacent to or at the end of an existing street which will afford primary or significant access to the proposed subdivision and is determined by the City Engineer, in accordance with traffic engineering principles and practice, to be of inadequate design or construction, the developer will be required to
improve, reconstruct, widen or make any other alterations to the existing street as deemed necessary by the City in order to provide appropriate and safe access to the subdivision.

(G) Where adjoining areas are not subdivided, the City may require the arrangement of streets in the subdivision to make provision for the proper projection of streets into such unsubdivided areas.

(H) Street intersections shall be as nearly at right angles as practical giving due regard to terrain, topography, sight distances and safety.

(II) Grades of streets shall not be in excess of five percent (5%) on major or collector streets, nor in excess of eight percent (8%) on other streets.

(III) All proposed subdivisions of greater than sixteen (16) residential dwelling units or greater than 25,000 square feet of gross floor area for nonresidential subdivisions shall submit a traffic impact study with the preliminary plat application. Such traffic impact study shall demonstrate that the proposed subdivision will not create traffic conditions that result in a level of service (LOS) that fails to meet the standards set forth in subparagraph (A) below.

(A) The street system within the proposed subdivision shall provide LOS "A" on all proposed streets and at all proposed intersections, and shall be adequate to maintain current LOS's on all existing abutting streets and intersections. The Planning, Zoning and Variance Commission shall not forward a positive recommendation, and the City Council shall not approve any subdivision that fails to meet this standard unless the subdivider provides traffic mitigation measures that will maintain or improve the current LOS on such adjacent streets and intersections.

(B) A traffic impact study shall be prepared by a professional traffic engineer, and shall contain the following additional requirements:

(i) An inventory of existing conditions within one (1) mile of the proposed subdivision including: roadway network and traffic control; existing traffic volumes in terms of peak hours and average daily traffic (ADT); planned roadway improvements; and, intersection levels of service.

(ii) Projected site-generated traffic volumes in terms of: peak hours and ADT; approach/departure distribution including method of determination; site traffic volumes on roadways; and, comparison of existing conditions to proposed site generation.

(iii) An analysis of future traffic conditions including: future design
year (development fully completed); combined volumes (site traffic plus future roadway traffic); and, intersection levels of service.

(iv) A description and schematic plan of recommended access and on-site circulation.

(v) A description of proposed on-site and/or off-site mitigation measures necessary to meet the LOS standard set forth herein.

(vi) Any other information deemed necessary by the City Engineer.

(IV) The design of the pavement section shall be performed by a registered professional engineer based upon a geotechnical evaluation of the site and the pavement design procedures presented in the "AASHTO Guide for Design of Pavement Structures." The pavement shall be designed with a twenty (20) year design life.

(V) Street jogs should be avoided on all streets.

(VI) Curbs and gutters on minor residential streets shall be concrete of the integral type B unit, not less than thirty inches (30") in overall width, and not less than six inches (6") thick where curb abuts the street pavement.

(VII) Storm water inlets and catch basins of adequate size and spacing shall be provided within the roadway improvement at points specified by the stormwater design prepared by a professional engineer and approved by the City Engineer.

(VIII) All curb corners shall have a radius of not less than fifteen feet (15') and at intersections involving collector or major streets of not less than twenty-five feet (25').

(IX) Except as approved by the City Council, all streets within the corporate limits of the City, other than State or County highways, shall be improved with pavement bounded by integral curbs and gutters to an overall width in accordance with the following minimum dimensions:

<table>
<thead>
<tr>
<th>Type of Street</th>
<th>Dedicated Right-of-Way Width</th>
<th>Pavement Width (including gutter)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major Collector &amp; Arterials</td>
<td>Conform to thoroughfare plan</td>
<td>Conform to thoroughfare plan</td>
</tr>
<tr>
<td>Minor Collector</td>
<td>60 feet</td>
<td>40 feet or more; Less than 40 feet requires City approval in advance</td>
</tr>
<tr>
<td>Cul-de-sac &amp; Local</td>
<td>60 feet</td>
<td>36 feet or more; Less than 36 feet requires City approval in advance</td>
</tr>
</tbody>
</table>
(X) Arrangement and layout of thoroughfares.

(A) Location and alignment. The location and alignment of designated thoroughfare shall be in conformance with the thoroughfare plan of the city.

(B) Right-of-way width. The width of the right-of-way to be dedicated for any designated thoroughfare shall be in conformance with the City's thoroughfare plan. In those instances where the proposed subdivision is located contiguous to an existing thoroughfare having a right-of-way less than that required by the thoroughfare plan, sufficient additional right-of-way must be dedicated to bring the right-of-way width in conformance with the thoroughfare plan. In all cases the minimum right-of-way width required for the development of a designated thoroughfare must be of sufficient width to accommodate the approved roadway pavement and drainage and utility facilities.

(C) Curves and intersections. Curves proposed for the right-of-way of designated thoroughfares shall be in conformance with AASHTO guidelines and accepted best engineering practices.

(XI) Buffering and traffic separation requirements for thoroughfares. Where a subdivision abuts or contains an existing or proposed thoroughfare, the City may require marginal access streets, reverse frontage with screening by landscaping and berming contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford a separation of through and local traffic. If landscaping or berming is used as a buffer between the thoroughfare and residential property uses, the subdivider shall provide a minimum 20-foot landscape buffer in an easement or in a tract dedicated for such purposes along the thoroughfare.

(XII) Arrangement and layout of streets, other than thoroughfares.

(A) Location and alignment. The location and alignment of streets must be in conformance with the City's thoroughfare plan.

(B) Right-of-way width. The width of the right-of-way to be dedicated for any designated or proposed street shall be in conformance with the provisions of subsection 14-11 6(a). In those instances where the proposed subdivision is located contiguous to an existing street having a right-of-way less than that required by the thoroughfare plan, sufficient additional right-of-way must be dedicated to bring the right-of-way in conformance with the City's thoroughfare plan. The minimum right-of-way width required for the development of a designated or proposed street must be of sufficient width to accommodate the approved roadway pavement and drainage and utility facilities.
(C) Curves and intersections. Curves proposed for the right-of-way of designated streets shall be in conformance with AASHTO guidelines and accepted best engineering practices.

(XIII) Cul-de-sacs, dead-end streets and stub streets.

(A) Length of cul-de-sac. The length of all cul-de-sacs shall not exceed 500 feet, unless topographic conditions warrant a longer length.

(B) Radius of cul-de-sac. The radius of the right-of-way for all cul-de-sacs shall not be less than sixty (60) feet.

(C) Drainage of a cul-de-sac. Drainage of a cul-de-sac shall preferably be toward the open end.

(D) Dead-end streets. Dead-end streets shall be prohibited, except as stubs, to permit future extensions into adjoining tracts or when designed as circular cul-de-sac turnarounds.

(E) Stub streets. Stub streets, greater in length than one (1) lot length, shall be paved to the full width of the right-of-way for the last fifty (50) feet of their length.

(XIV) Private streets.

(A) Private streets may be permitted by the City Council if it determines that the use of private streets will preserve the aesthetic environmental qualities of the subdivision while providing property owners with a safe, functional and lasting means of access. The design and approval of any private streets shall promote driver and pedestrian safety by improving movement along streets and ingress and egress for properties adjacent thereto. Generally, as the widths of streets and vehicular speeds increase, the number of private street connections thereto should decrease.

(B) Private streets shall be designed in accordance with traffic engineering principles and practices as applied to existing and anticipated conditions, particularly the land uses to be served and the configuration of the thoroughfare itself.

(C) Private streets shall meet all requirements contained in this Article for public streets. Adequate space shall be provided in the private street right-of-way for easements for the location and maintenance of utilities.

(D) A note shall be included on the plat that provides that the maintenance of private streets shall be the responsibility of the applicable homeowners' or property owners' association, and that assessments for such maintenance shall
be addressed in the association's deed restrictions, protective covenants, or covenants, conditions and restrictions.

(XV) Partial or half streets.

Partial or half streets may be dedicated in those instances where the City concurs that it is necessary for the proper development of the land and in the public interest to locate a public street right-of-way. The City will not approve a partial or half street dedication within a subdivision dedicating less than a 60-foot right-of-way width. Appropriate notations must be placed upon the plat restricting access from any partial or half streets so dedicated to adjacent acreage tracts until the adjacent property is subdivided in a recorded plat and the additional adjacent right-of-way is acquired providing the full right-of-way as specified in this Article.

(XVI) Alleys.

(A) General arrangement and layout. Alleys may be provided within a subdivision plat to provide secondary vehicular access to lots which otherwise have their primary access from an adjacent street. Alleys may not be used or designed to provide the principal access to any tract of land.

(B) Right-of-way width; intersections and curves. Alleys must have a right-of-way width of at least sixteen (16) feet. Alleys must intersect with streets.

(C) Dead-end alleys. No dead-end alley or cul-de-sac alley shall be permitted.

(XVII) Driveway approaches. Driveway approaches shall be provided in accordance with the driveway approach standards of the State of Colorado.

(XVIII) Driveways. Driveways shall be constructed with minimal grades or slopes.

(XIX) Shared access, driveways and parking facilities for nonresidential tracts.

(A) All off-street parking and driveway areas and primary access to parking facilities shall be surfaced with asphalt, concrete or similar materials.

(B) Where feasible, parking lots of nonresidential uses shall share access drives with adjacent property.

(C) Off-street parking areas shall be designed so that vehicles may exit without backing onto a public street unless no other practical alternative is available.

(D) Off-street parking areas shall be designed so that parked vehicles do not
encroach upon or extend onto public rights-of-way, sidewalks or strike against or damage any wall, vegetation, utility or other structure.

(E) When there are opportunities to support parking demand through shared off-street parking for compatible uses (such as a movie theater and an office building), a parking study and shared parking agreements may be used to demonstrate the adequacy of the parking supply as a substitute for standard parking requirements.

(F) Circulation areas shall be designed to facilitate the safe movement of vehicles without posing a danger to pedestrians or impeding the function of the parking area.

(G) Unless otherwise approved by the City, all plats for commercial and/or industrial tracts shall provide for shared access and parking facilities, and the plat shall contain a note on it to that effect.

(XX) Street lighting, naming, signage, and traffic signals.

(A) Street lighting. The City shall install streetlights at the developer's expense. To minimize light pollution, street lights shall only be installed at street intersections, street dead-ends, or in cul-de-sacs.

(B) Street naming and signage. Streets that are in alignment with other already existing and named streets shall bear the names of the existing streets. Otherwise, new street names should not be similar to existing street names located in or adjacent to the City as to cause confusion to drivers of public safety vehicles. Developers shall be responsible for the costs of purchasing and installing street signs at intersections in their subdivisions in accordance with City standards.

(C) Addressing, U. S. Postal Requirements. Upon plat recordation and prior to the submittal of building permit applications, developers shall coordinate the addressing of lots with the City Planning Department and the local postmaster. Cluster mailbox units required for new subdivisions shall not be located within a residential lot, but shall be located within a centrally-located parcel owned and maintained by the homeowners association, and shall have vehicular and/or pedestrian access.

(D) Traffic signs and signals. Developers shall be required to provide and install all traffic signage and signalization determined by the City to be necessary because of the construction of the subdivision. All signs and signals shall be provided and placed in accordance with City standards and shall be erected prior to the acceptance of streets by the City. Developers shall be responsible for upgrading existing signals, equipment, and facilities to accommodate their development.
(XXI) Fire lane. Fire lanes shall be required where deemed necessary by the City to protect an area during the period of development and after development. If required after development, a fire lane easement shall be dedicated and marked as such in accordance with applicable fire codes, so that it is to remain free of obstructions and provide access at all times.

(XXII) Sidewalks, trails, and multi-use pathways.

(A) The intent of the standards for sidewalks, multi-use pathways and trails is to assure a safe, convenient, and attractive pedestrian/bicycle system that minimizes conflicts between vehicles, bicycles and pedestrians.

(B) A sidewalk network that interconnects all dwelling units with other dwelling units, non-residential uses, and common open space shall be provided throughout each development. Trails and sidewalks may be combined as multi-use pathways.

(C) Sidewalks shall be constructed along both sides of streets in and adjacent to a subdivision, and shall be constructed to be separate and distinct from motor vehicle circulation to the greatest extent possible. Adjacent property owners shall be responsible for the maintenance of such sidewalks. A minimum one foot (1') separation shall be provided between a sidewalk and curb. When permitted by the City Engineer, combination curb, gutter and sidewalk will be allowed.

(D) The pedestrian circulation system shall include gathering/sitting areas and provide benches, landscaping and other street furniture where deemed appropriate by the City. Pavement markings, separators, signage, fencing and landscaping may also be required where necessary to promote circulation, screening, buffering and safety.

(E) Sidewalks, trails and multi-use pathways shall be located within the right-of-way unless otherwise authorized by the City Council.

(F) Sidewalks, trails and multi-use pathways shall be constructed of concrete, but may also include accents of brick, slate, and/or colored/textured concrete pavers, that are compatible with the style, materials, colors, and detail of the surrounding buildings. Asphalt shall not be used for sidewalks, trails or multi-use pathways.

(G) Sidewalks and related improvements shall be installed or constructed by the subdivider in accordance with plans and specifications approved by the City and, after installation or construction; they shall be subject to inspection and approval by the City. All required improvements shall be completed in accordance with the officially established grades.
(H) Sidewalks, trails or multi-use pathways shall be provided between and within residential neighborhoods, nonresidential areas, open space areas, parks, schools, and other community facilities.

(I) Sidewalks shall be a minimum of five (5) feet in width. Trails shall be a minimum of eight (8) feet in width. Multi-use pathways shall be a minimum of ten (10) feet in width.

(XXIII) Utilities.

(I) Sewers.

(A) Sanitary sewers.

(i) All residential, commercial and industrial uses located within the City's corporate boundaries which have human occupancy shall either have sanitary sewer served by the City, or a sewer system that has been specifically approved for the site by the City.

(ii) The sanitary sewer 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 or lot upon which a structure is to be built.

(iii) Sanitary sewer lines are to be of sufficient size and design to collect all sewage from all proposed or portable structures within the subdivision or development.

(iv) Plans and specifications of any proposed sewer system or treatment plant in accordance with the requirements of the City shall be submitted and approved by the City prior to the commencement of such construction.

(v) The locations and dimensions of existing sanitary sewer lines, and plans and profiles of proposed sanitary sewer lines, indicating depths and grades of lines, shall be indicated on construction plans submitted to the City for review and approval.

(vi) Pretreatment of industrial discharge into the City's sewage collection system or treatment plant shall be required if, in the opinion of the appropriate utility superintendent, the concentration of such discharge results in shock loading or contains elements untreatable by normal City treatment methods.
1. Storm sewers.
   
a. Storm sewers shall be constructed throughout the entire subdivision to carry off water from all inlets and catch basins, and be connected to an adequate outfall.

b. The storm water drainage system shall be separate and independent of the sanitary sewer system.

c. All street widths and grades shall be indicated on construction plans submitted to the City, with runoff figures indicated on the outlet and inlet side of all drainage ditches and storm sewers and at all points in the street or storm sewer drainage ditch, and with proposed locations of all drainage easements indicated.

d. When a drainage channel, retention/detention facility or storm sewer is proposed, completed plans, profiles and specifications signed and sealed by a professional engineer shall be submitted showing complete construction details. Such plans require City approval.

(II) Potable Water.

(A) All residential, commercial and industrial uses located within the City's corporate boundaries, which have human occupancy, shall have potable water served by the City.

(B) The water system shall be of sufficient size and design to supply potable water to each structure or lot upon which a structure is to be built.

(C) The location and size of existing water lines and fire hydrants, plans and profiles of all proposed water lines and fire hydrants showing depths and grades of the lines, and detail design information of proposed water lines and fire hydrants shall be indicated on construction plans in accordance with the requirements of the City. Such plans shall be submitted and approved by the City prior to the commencement of such construction.

(III) Electricity.

(A) All residential, commercial and industrial uses located within the City's
corporate boundaries, which have human occupancy, shall have electric service provided for in accordance with City standards and policies.

(B) The electric system shall be of sufficient size and design to supply power to each structure or lot upon which a structure is to be built.

(C) The location and size of existing power lines, plans and profiles of all proposed power lines, and detail design information of proposed power lines shall be indicated on construction plans in accordance with the requirements of the City. Such plans shall be submitted and approved by the City prior to the commencement of such construction.

(IV) Gas.

(A) All uses located within the City's corporate boundaries may elect to have gas service. If elected, gas shall be provided by the City.

(B) The gas system shall be of sufficient size and design to supply gas to each structure or lot upon which a structure is to be built.

(C) The location and size of existing gas lines, plans and profiles of all proposed gas lines, and detail design information of proposed gas lines shall be indicated on construction plans in accordance with the requirements of the City. Such plans shall be submitted and approved by the City prior to the commencement of such construction.

(V) Fire hydrants. The subdivider shall install fire hydrants at street intersections and at other points as required by the City to meet adopted fire codes.

(VI) Underground utilities. The City may require that utilities to be located within a subdivision be placed underground.

(VII) Flood prevention. No subdivision of land shall be approved unless the subdivision complies with all applicable ordinances, statutes and federal law pertaining to flood prevention. All subdivisions shall comply with the flood prevention provisions of Sections 14-130 through 14-134.

(A) It shall be unlawful for any person, due to excavation, fill work or grading, to impede, obstruct or otherwise divert the natural flow of surface waters on adjoining properties, or to cause surface waters on adjoining properties, or to cause surface waters to drain over and across adjoining property contrary to existing natural runoff and flow, without written permission to allow such in perpetuity from the owner of such adjoining tract.

(B) It shall be the responsibility of the owner, builder, developer, design engineer and architect to examine the property under construction and adjoining tracts prior to and during periods of construction and to provide
such drainage facilities, at appropriate times, to ensure proper on-site and off-site drainage.

(C) When a tract or parcel of land is graded to a level that is higher or lower than the natural grade of adjacent property, or graded in any manner which may alter the natural flow of waters on such tract or on any adjoining tract, the person causing such alteration of natural grade or natural flow shall cause to be constructed, to the satisfaction of the City, ditches, swales, catchbasins, drains, retaining walls or other facilities necessary to protect adjoining tracts from erosion, overflow or accumulation of surface waters or any obstruction of the natural drainage of such adjoining tracts. A grading permit, based upon a set of grading plans approved by the City Engineer, issued by the City is required before the commencement of such work.

(D) Developers shall be required to participate in and/or provide on- and off-site drainage improvements deemed by the City as necessary to provide adequate drainage for the subdivision and to protect downstream areas from the hazards of flooding and high waters.

(E) Land subject to periodic flooding, or that has inadequate drainage, may be subdivided only if improvements or structures are designed by a professional engineer so as to assure adequate flood proofing. Proposals for subdivision of land in such areas shall include engineering evidence that the proposed development will:

(i) Not unduly restrict or block the conveyance of flood water;

(ii) Not result in an increase in height of flood water of more than one (1) foot;

(iii) Require residential structures to have the lowest floor (including basement) to be at least one (1) foot above such flood level or require nonresidential structures to be elevated or flood-proofed to at least one (1) foot above such flood level; and,

(iv) Meet all zoning requirements for identified flood hazard areas.

(F) New or replacement water supply and/or sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(7) In subdivisions located outside the City's corporate limits but located within the City's territorial limits, street improvements shall conform to standards of improvements as outlined in this Article for subdivisions located within the corporate limits.
Subdividers and developers are referred to Chapter 17, Streets and Sidewalks, for additional applicable standards relating to public improvements.

Sec. 14-12. Public improvements, improvement guarantees, development agreements, construction plans, inspections, and maintenance of dedicated improvements.

1. Improvements required; oversized or off-site improvements. All public improvements required under this Article, including improvements specified in the City's Comprehensive Plan, which, in the judgment of the City Council, are necessary for the adequate provision of streets, drainage, utilities, municipal services and facilities to the subdivision, shall be constructed at the sole expense of the developer. If oversizing of utility or drainage facilities or off-site improvements are required as a part of the subdivision development, and are necessary for the adequate and efficient development of surrounding areas, the City may require the developer to construct such oversized or off-site improvements. In such event the developer may seek financial participation of adjoining developers to reimburse his portion of the cost of the oversizing or offsite improvements not attributable to the subdivision development.

2. Dedication or reservation of land for public improvements.
   
   (a) Rights-of-way, streets, alleys, and utilities. Where a proposed right-of-way shown in the City plan and adjacent unincorporated areas, is located in whole or in part in a proposed subdivision, the Planning, Zoning and Variance Commission or the City Council may require the dedication or reservation of such area, in whole or in part, within the subdivision in those cases in which the Commission or the City Council may deem such requirements to be reasonable.

   (b) School sites and other public areas. Where a proposed school site or other public use area, shown in the City plan and adjacent unincorporated areas, is located in whole or in part in a proposed subdivision, the Planning, Zoning and Variance Commission or the City Council may require the dedication or reservation of such area, in whole or in part, within the subdivision in those cases in which the Commission or the City Council may deem such requirements to be reasonable. However, in no case shall the total amount of required public areas to be dedicated or reserved, for these uses, exceed ten percent (10%) of the total gross acreage controlled by the owner. The acquisition of the additional area needed for such uses shall be secured by the authority having jurisdiction, and shall be made no later than ninety (90) days after the plat has been recorded.

3. Improvement Guarantees.
   
   (a) The final plat to be placed on record shall be accompanied by a statement signed by the owner and the subdivider, setting forth the following:

20 Chapter 14, Article 1, Section 14-1 through 14-13.2 is repealed and reenacted (Ord. 1818, eff. 7/15/06)
(I) Plans and specifications for such improvements previously approved by the City Engineer clearly describing same.

(II) Agreement executed by the owner and subdivider with the City wherein they agree to make and install the improvements provided for by this Article, in accordance with the plans and specifications accompanying the final plat; and that all such improvements shall be inspected during the course of construction by an inspector appointed by the City Council, with salaries and other costs in connection with such inspections to be paid by the owner and subdivider, with such costs to be based on the reasonable customary charges for such service.

(a) In the event that the City Council, by motion, approves the action of the Planning, Zoning and Variance Commission in approving the final plat, it shall withhold its approval of the plat until an agreement signed by the owner and subdivider, as provided in subsection 3(a)II above, shall be given, supported by a bond executed by an acceptable surety company, as approved by the Director of Finance, or some other acceptable form of security, as approved by the City Council, in an amount equal to the cost of construction of the required improvements as estimated by the developer and approved by the City Engineer. Such surety or other security shall be subject to the condition that the improvements shall be completed within two (2) years after the recordation of the final plat. Unless otherwise approved by the City Council, no construction of public improvements shall commence prior to the City's acceptance of the required improvement guarantee.

(4) Development agreements. A development agreement stating the developer agrees to construct any required public improvements shown in the final plat documents together with collateral which is sufficient, in the judgment of the City Council, to make reasonable provision for the completion of said improvements in accordance with design and time specifications may be required by the City. No subdivision plat shall be signed by the City or recorded at the office of the County Clerk, and no building permit shall be issued for development until a development agreement, if required, between the City and the developer has been executed, and until all public improvements have been accepted by the City. Such agreement shall include a list of all agreed-upon improvements, an estimate of the cost of such improvements, the form of guarantee for the improvements, and any other provisions or conditions deemed necessary by the City Council to ensure that all improvements will be completed in a timely, quality and cost-effective manner. A development agreement shall run with and be a burden upon the land described in the agreement. Other agreements or contracts setting forth the plan, method and parties responsible for the construction of any required public improvements shown in the final plat documents may also be required.

(5) Construction plans of public improvements. Construction plans for public improvements to be installed within a subdivision shall be prepared by a registered professional engineer and submitted in accordance with the requirements and specifications of the City. Multiple copies of such documents shall be provided in accordance with the schedule of required copies, with payment of the
applicable fee as adopted by the City Council. No grading activities and no public improvements shall be constructed until and unless such plans shall have been received and approved by the city. Construction plans shall include but are not limited to those items specified in this Article.

(6) Inspections of public improvements. The City Engineer shall fully inspect all phases of the construction of the improvements for subdivisions. No sanitary sewer, water or storm sewer pipes shall be covered without approval of the City Engineer, working in coordination with the appropriate utility superintendent. No flexible base material, subgrade material or stabilization shall be applied to the street subgrade without prior approval. No concrete or asphalt may be poured or placed to the base without prior approval. The City Engineer may at any time cause any construction, installation, maintenance or location of improvements to cease when, in his judgment, requirements of this Article or the standards or specifications provided in this Article have been violated, and may require such reconstruction or other work as may be necessary to correct any such violation.

(7) Acceptance and maintenance of public improvements. Following the completion of the installation or construction of required subdivision improvements, the developer shall request, and the City Engineer shall provide, a final inspection of required subdivision improvements. Upon approval of said construction, the City Engineer shall issue to the developer a statement approving the subdivision improvements and releasing the improvement guarantee.

The developer shall, upon receiving written approval from the City of the construction of subdivision improvements, provide the City with adequate surety covering the maintenance of all subdivision improvements for a period of two (2) years. The surety is subject to the approval of the City in the same manner as the improvement guarantee. The developer shall, during said two-year maintenance period, provide any and all maintenance and repair required on the subdivision improvements and as directed by the City. At the end of the two-year maintenance period, the developer and City shall conduct a final inspection of all subdivision improvements and the developer shall, where necessary, and at the direction of the City, provide any and all final maintenance and repair to all subdivision improvements prior to the City's letter of acceptance of the improvements for maintenance purposes.

(8) Finished plans. Finished plans, or "as-builts," attested to by a professional engineer, of all public improvements as installed shall be required before the City will accept the improvements.

Sec. 14-13. Annexation. 21

Any area proposed for annexation to the corporate limits of the City shall be studied by the Planning, Zoning and Variance Commission and a public hearing held on the proposed annexation, in accordance with state statutes, prior to the incorporation of the area into the City.

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21 Chapter 14, Article 1, Section 14-1 through 14-13.2 is repealed and reenacted (Ord. 1818, eff. 7/15/06) Chapter 14, Page 66