

TOWN OF BOW MAR, COLORADO

NOTICE OF PUBLIC HEARING
MONDAY, MARCH 16, 2009, 7:00 P.M.
#2 MIDDLEFIELD ROAD
COLUMBINE VALLEY, COLORADO

ORDINANCE NO. 25⁵ - BOW MAR MUNICIPAL CODE CHAPTER 17 AN ORDINANCE TO REGULATE DEVELOPMENT OF SUBDIVISIONS IN THE TOWN OF BOW MAR, COLORADO

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ARTICLE I

General Subdivision Provisions

Sec. 17-1-10. Short title.

This Chapter shall be known and may be cited as the *Subdivision Regulations of the Town of Bow Mar, Colorado*.

Sec. 17-1-20. Purpose.

(a) The subdivision of land is the first step in the process of urban development. The arrangement of land parcels for residential and recreational uses, utilities and other public purposes will determine to a large degree the qualities of health, safety and the environment.

(b) These regulations are designed, intended and should be administered in a manner to:

- (1) Assist in providing for protection from fire, flood and other dangers; and provide for proper design of storm water drainage and streets.
- (2) Establish adequate and accurate records of land subdivision.
- (3) Relate harmoniously the development of the various tracts of land to the existing community and facilitate the future development of appropriate adjoining tracts.
- (4) Provide for adequate, safe and efficient public utilities and improvements; and provide for other general community facilities and public places.
- (5) Provide for light, air and other spaces for public use.
- (6) Protect the health and safety of the residents and preserve the quality of the environment.
- (7) Provide that the cost of improvements will be borne by the owners/developers of the tract.

Sec. 17-1-30. Jurisdiction.

These subdivision regulations shall apply to all land located in the Town, and all land in the process of annexation or that may hereafter be annexed to the Town

Sec. 17-1-40. Interpretation.

In the interpretation and application of the provisions of this Chapter, the following shall govern:

(1) The provisions of this Chapter shall be regarded as the minimum requirements for the protection of the public health, safety, comfort, morals, convenience, prosperity and welfare. This Chapter shall be regarded as remedial and shall be liberally construed to further its underlying purposes.

(2) Whenever both a provision of this Chapter and any other provision of this Chapter or any provision of any other law, ordinance, resolution, rule or regulation of any kind contains any restrictions covering any of the same subject matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern.

(3) This Chapter is not intended to and shall not abrogate or annul any permits issued before the effective date of this ordinance.

Sec. 17-1-50. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

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

Block means a parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, public walks, parks or green strips, rural or vacant land or drainage channels or a combination thereof.

Trustees means the Bow Mar Board of Trustees

Cul-de-sac means a short street having only one (1) end open to traffic and being terminated at the other end by a vehicular turnaround.

Easement means a right in the public of any person to use the land of another for a special purpose not inconsistent with the general property rights retained by the owner.

Evidence means any map, table, chart, contract or any other document or testimony prepared or certified by a qualified person to attest to a specific claim or condition, which evidence must be relevant and competent and must support the position maintained by the subdivider.

Floodplain means the relatively flat or lowland area adjoining a river, stream, watercourse, lake or other body of standing water which has been or may be covered temporarily by flood water. For the purpose of this Chapter, the *floodplain* is defined as the area that would be inundated by the base flood and is used interchangeably with the term *one-hundred-year flood* and the term *special flood hazard area*.

Improvements means street grading; paving and curbing; fire hydrants; water mains; sanitary sewers; storm sewers and drains; pedestrian ways; crosswalks; and such other construction as may be designated by the Trustees.

Lot means a block or other measured parcel intended as a unit for the transfer of ownership or for development.

Plat, final means the map of a proposed subdivision and specific supporting material drawn and submitted in accordance with the requirements of adopted regulations as an instrument for recording of real estate interests with the County Clerk and Recorder.

Plat, preliminary means the map of a proposed subdivision, drawn and submitted in accordance with the requirements of adopted regulations, to permit the evaluation of the proposal prior to detailed engineering and design.

Plat, sketch means a map of a proposed subdivision, drawn and submitted in accordance with the requirements of the subdivision regulations, to evaluate feasibility and design characteristics at an early state in the planning.

Public hearing means a meeting of the Trustees for the purpose of hearing comments, testimony, recommendations and other responses from the applicant, other interested parties and the general public regarding the applicant's proposal or appeal. Notice of the date, time, place and purpose of the public hearing shall be published at least once in a newspaper of general circulation in the Town at least fifteen (15) calendar days prior to the public hearing, shall be posted on the property, if practical, on a sign at least two (2) feet by three (3) feet for a period of fifteen (15) days prior to the public hearing, and posted in a conspicuous location approved by the Trustees. Publication costs shall be paid by the Town and posting costs by the applicant.

Regular meeting means any regularly scheduled or special call meeting of the Trustees.

Resubdivision means the changing of any existing lot on any subdivision plat previously recorded with the County Clerk and Recorder.

Right-of-way means all streets, roadways, sidewalks, alleys and all other areas reserved for present or future use by the public as a matter of right, for the purpose of vehicular or pedestrian travel.

Street means a dedicated public right-of-way which provides vehicular and pedestrian access to adjacent properties. This definition shall include the terms *road, lane, place, avenue, drive* and other similar descriptions.

Subdivider or *developer* means any person, firm, partnership, joint venture, association or corporation who shall participate as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a subdivision, and who either owned the land or has written authorization from the owner of the land to proceed with the subdivision.

Subdivision means the division of a lot, tract or parcel of land into two (2) or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes resubdivisions and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

Subdivision improvements agreement means one (1) or more security arrangements which may be accepted by the Town to secure the construction of such public improvements as are required by the subdivision regulations within the subdivision, and shall include collateral such as, but not limited to, performance or property bonds, private or public escrow agreements, loan commitments, assignments of receivables, liens on property, deposit of certified funds or other similar surety agreements.

Sec. 17-1-60. Separability.

It is hereby declared to be the legislative intent of the Trustees that the provisions of this Chapter shall be severable in accordance with the provisions set forth below:

(1) If any provision is declared invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that the effect of such decision shall be limited to that provision or those provisions which are expressly stated in the decision to be invalid, and that such decision shall not affect, impair or nullify this Chapter as a whole, or any other part thereof.

(2) If the application of this Chapter to any tract of land is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that the effect of such decision shall be limited to that tract of land

immediately involved in the controversy, action or proceeding in which the judgment or decree of invalidity was rendered, and such decision shall not affect, impair or nullify this Chapter as a whole or the application of any provision thereof to any other tract of land.

Sec. 17-1-80. Enforcement and Penalties.

(a) It is unlawful for any person, being the owner or agent of the owner of any land located within the Town, to transfer, sell, agree to sell or offer to sell any land which would constitute a subdivision as described herein, or to refer to, exhibit or use a plat of a proposed subdivision, before such plat has been approved by the Trustees and recorded or filed in the office of the County Clerk and Recorder. The penalties for a violation of this Section shall be as described in Subsection (c) hereof. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction.

(b) No permits or certificates for the use or construction of buildings or other improvements requiring a permit shall be issued, upon any land for which a plat is required by this Chapter, unless and until the requirements thereof have been duly complied with. It shall be the duty of the Trustees, the Mayor, the Town Attorney and the Building Inspector to enforce the provisions of these regulations.

(c) Penalties.

(1) It is a misdemeanor for any person to violate any of the provisions stated or adopted in this Chapter. Every person convicted of a violation of any provision stated or adopted in this chapter shall be punished as set forth in Section 1-72 of this Code for each lot or parcel so transferred or sold, agreed or negotiated to be sold, or offered to be sold.

(2) The Town may further enjoin such transfer or sale or agreement by appropriate action brought in any court of competent jurisdiction and may recover therein all penalties provided for herein and all reasonable costs, expenses and attorney's fees incurred therein.

ARTICLE II

Subdivision Procedures

Division I General Provisions

Sec. 17-2-110. General procedure.

(a) The subdivision of land within the Town shall be accomplished by the combined actions of the subdivider, and the Trustees. Only the Trustees have authority to accept a plat for filing, thereby permitting the subdivision.

(b) The first step in the process is for the subdivider to submit a sketch plat to the Trustees. The Trustee shall review the submittal and advise the subdivider of whatever comments or recommendations it deems appropriate.

(c) The second step is for the subdivider to submit the preliminary plat to the Trustees. After proper notice is given to neighboring property owners and referrals made to appropriate agencies, the Trustees, following a public hearing, shall approve, approve conditionally or disapprove the plat. Approval shall be valid for twelve (12) months only.

(d) The last step is for the subdivider to submit the final plat to the Trustees. The final plat must correspond in every significant respect with the preliminary plat as previously approved. The Trustees shall approve, disapprove or approve conditionally the final plat by action taken at a regular meeting.

Sec. 17-2-120. Fees.

(a) To defray the costs and expenses of administrative procedures, there shall be paid to the Town Clerk at the time of submission of the preliminary plat a fee of two thousand dollars (\$2000.00) plus one hundred dollars (\$100.00) per lot.

(b) Applicants for subdivision approval, including plat amendments, shall also pay for planning and engineering review services, attorney and consultant fees and other costs and expenses incurred by the Town and made necessary as a result of said application. An initial deposit into a non-interest-bearing escrow account held by the Town shall be made at the time the preliminary or amended plat application is filed with the Town. The amount of this initial deposit shall be ten thousand dollars (\$10,000), plus two hundred dollars (\$200.00) per lot. The Town shall have the right and authority to make disbursements from said escrow account at its sole discretion for planning and engineering review services, attorney and consultant fees and other costs and expenses incurred with regard to said application. Any balances remaining in the escrow account

following approval, denial or withdrawal of said application shall be returned to the applicant without interest.

(c) In the event said funds are exhausted before final disposition of said application, the applicant shall make a supplemental deposit to said escrow account in a reasonable amount to cover future costs and expenses, as determined by the Mayor, based on past expenditures. Failure to make necessary supplemental deposits shall cause the application process to cease until the required deposits are made. The Mayor, with cause, may reduce the amount of the initial escrow deposit, however, the applicant shall remain responsible for the actual cost of the planning and engineering review services and other consultant fees, including, without limitation, legal fees and other costs and expenses incurred by the Town.

(d) If the Town incurs costs and expenses beyond the amount deposited with the Town and the applicant does not pay those costs and expenses within ten (10) days after written notice from the Town, then, in addition to the other remedies the Town may have, the Town shall be entitled to a lien on the property that is the subject of the application, or the Town may elect to certify the assessed costs and expenses to the office of the County Treasurer for collection in the same manner as general property taxes are collected. Such lien shall be perfected and foreclosed upon in accordance with applicable state laws.

(e) The Subdivider shall pay a fee of ten dollars (\$10.00) per page for County filing fees. This fee may be paid after approval of the final plat.

Sec. 17-2-130. Land dedication or cash payment in lieu thereof.

(a) In addition to provisions for roads and easements for drainage and utilities, every subdivider, in order to facilitate the acquisition and development of open space, and other community recreational, cultural, educational and civic amenities and facilities, shall convey to the Town an area of land from within the subdivision that is not less than ten percent (10%) of the gross area of all land being subdivided. The Town may, in its discretion, accept in lieu of such land dedication either land located outside of the land being subdivided or a payment equivalent to the fair market value of the land required for dedication hereunder, or some combination thereof.

(b) In the event the Town elects to require the dedication of land from the land being developed, the Town and the subdivider shall determine what land shall be dedicated and whether in fee simple or by easement, provided that the Town's reasonable determination of what land shall be dedicated shall control in the event the Town and the subdivider do not agree. Land dedications and cash payments in lieu thereof under this provision shall be used to provide, improve and maintain open space, parks, trails and other recreational amenities for the benefit of all residents of the Town. In addition, every subdivider shall pay to the Town a development fee of five thousand five hundred dollars

(\$5,500.00) for each lot included in the proposed subdivision to improve and maintain the open space.

(c) The amount of these fees may be adjusted as appropriate from time to time by resolution of the Trustees.

(c) All cash fees payable to the Town under this Section shall be due to the Town prior to the recording of the plat or per contract. They shall be placed in the Land Dedication Fund of the Town for future disbursement by the Town Trustees.

Sec. 17-2-140. Sketch plat and submittal.

(a) The subdivider shall submit to the Trustees the sketch plat reflecting such information as the Trustees deem appropriate and in the form as required by the Trustees, consistent with the design principles of Article IV of this Chapter.

(b) The Trustees shall review the sketch plat submittal to determine if it is consistent with the standards set forth in this Chapter, and will suggest to the subdivider whatever changes, if any, are recommended in the plan. They shall respond to applicant within a period of sixty (60) days.

*Division 2
Preliminary Plat and Submittal*

Sec. 17-2-210. Requirements for subdivider.

(a) The subdivider shall submit to the Trustees the preliminary plat reflecting such information and in the form required by this section and consistent with the design principles of Article IV of this Chapter. All plats shall be dated when they are received to avoid confusion at a later time.

(b) The subdivider shall furnish a letter addressing the land dedication requirement of Section 17-2-130 above and outlining in preliminary fashion how he proposes to satisfy this requirement.

(c) The subdivider shall furnish documentary evidence of at least a preliminary nature, indicating the manner in which the following essential items will be provided to the subdivision. The essential items are:

- (1) Water supply.
- (2) Sewage disposal.
- (3) Electric.
- (4) Gas.

- (5) Storm drainage.
- (6) Telephone.

(d) The subdivider shall submit, at least in summary or outline form, any agreements as may be required by Sections 17-3-10 and 17-3-20 of this Chapter relating to improvements.

(e) In the event that the preliminary plat covers only a portion of the subdivider's entire holding, a sketch plat of the prospective street systems and the approved zoning for the entire tract shall accompany said plat. Filing fees will not be paid on the additional area until such time that a preliminary plat is actually submitted for such area.

(f) Written notice of the forthcoming Trustees hearing at which the plat will be considered shall be given at least ten (10) days in advance by the subdivider by receipted personal service or receipted certified mail to the owners of all property (exclusive of streets, alleys and easements) within five hundred (500) feet of any portion of the proposed subdivision, and a certificate of mailing shall be filed with the Town Clerk. Such written notice shall specify that the proposed plat may be inspected at the Town offices during normal working hours prior to the hearing and that any person may appear at said meeting to protest such subdivision.

Sec. 17-2-220. Action required by Trustees.

(a) Distribution: The Town Clerk shall submit the preliminary plat to the following agencies with a request for prompt return of comments and recommendations.

- (1) Public Works Director.
- (2) Fire District.
- (3) Park and Recreation District
- (4) Arapahoe County.
- (5) Denver County.
- (6) Adjacent municipalities
- (7) Water and/or Sanitation District.
- (8) Telephone company.
- (9) Gas and electric company.
- (10) Ditch company.
- (11) Tri-County Health.
- (12) Colorado Department of Public Health and Environment.
- (13) State Engineer regarding water wells.
- (14) Colorado Department of Transportation.
- (15) Town Police Department.
- (16) School district.
- (17) Parks, Trails and Recreation Commission.

(b) Failure of a reviewing agency to forward its comments to the Town within twenty (20) calendar days after receiving a plat may be interpreted to indicate there are no objections to said plat.

(c) Public hearing. The Town Clerk shall schedule a public hearing of the Trustees to consider the proposed subdivision. Notice of this date shall be given to the subdivider at least fifteen (15) days in advance of the hearing

(d) Following the hearing referred to in the preceding Subsection, the Trustees shall respond to the subdivider within sixty (60) days. When the preliminary plat has been given approval or conditional approval by the Trustees, the subdivider shall be informed by the Trustees.

(e) Approval of a preliminary plat shall be effective for a period of twelve (12) consecutive months. After the twelve month period, a new preliminary plat must again be submitted before action may be taken on a final plat. Any fees that have previously been paid are forfeited.

*Division 3
Final Plat and Submittal*

Sec. 17-2-310. Requirements for subdivider.

(a) Within the time limits prescribed in Section 17-2-210 above following approval of the preliminary plat, the subdivider shall submit to the Trustees the final plat, prepared in accordance with the requirements of this Section and consistent with the design principles of Article IV of this Chapter.

(b) The subdivider shall also submit the following to the Trustees:

(1) A current commitment for title insurance showing the ownership to the property in the proposed subdivision, together with liens, encumbrances and restrictions thereon, if any.

(2) Treasurer's certificate of taxes, reflecting that taxes are not delinquent.

(3) A general warranty deed which deeds to the Town, or other appropriate public agency, all lands other than streets which are to be held for or used for public purposes.

(4) Subdivision improvement agreements in accordance with Sections 17-3-10 and 17-3-20 below.

(5) Certified check representing the amount in lieu of land donation required of the subdivider pursuant to Section 17-2-130 above.

(6) Attorney's certificate.

(7) Proof satisfactory to the Trustees that all essential services will be provided to the subdivision.

(8) Two (2) sets of pavement design computations in accordance with Section 17-4-30 below.

(9) One (1) reproducible copy of the plan with approved house numbers, two prints of the same, and electronic copies in AutoCAD or similar electronic form as approved by the Trustees, and a PDF copy of the same.

(10) A recorded copy of the Bow Mar covenants, demonstrating that the entire parcel to be subdivided is burdened by the covenants.

Sec. 17-2-320. Action required by Trustees.

(a) The Trustees shall seek such comments on the final plat submittal from such other governmental units, utilities, service companies or consultants as it deems appropriate.

(b) The Trustees shall, at a regular meeting, review the final plat submittal. The final plat submittal shall be approved or rejected, after which the subdivider shall be informed of its decision.

(c) Following the approval of the final plat by the Trustees, the plat shall be signed by the Mayor and attested by the Town Clerk. The Town Clerk shall then record the final plat and any other documents required in the office of the County Clerk and Recorder. All costs of recording shall be paid by the applicant.

(d) Any conditional or final approval of a final plat by the Trustees shall be effective for a period of twelve (12) consecutive months. In the event all required conditions are not fully met or the plat is not signed by the appropriate Town officials within said period of time, the subdivider shall submit a new proposed final plat before any further action may be taken. Any fees that have been previously paid are forfeited. In considering the new proposed final plat, the Trustees may impose any reasonable additional conditions to the approval of same and may require a review and re-evaluation of the land dedication provisions as set forth in Section 17-2-130 above. For good cause shown, the Trustees may grant an applicant a twelve-month extension of this time limitation. This Section shall apply to any final plat now pending or hereinafter submitted.

ARTICLE III

Improvement and Plat Requirements

Sec. 17-3-10. Public Improvements.

(a) Prior to the approval of the final plat, the Town will require from the subdivider a written agreement to construct any required public improvements shown in the final plat documents, as well as repairs occasioned by such improvements. Such agreement shall reflect an estimate of the cost of the various improvements, repairs and a time schedule for their completion.

(b) The subdivider shall deposit with the Town an irrevocable letter of credit for 110% of the construction costs with an institution acceptable to the Town in order to assure its financial capability to complete the improvements or repairs required under Subsection (a) above.

(c) If the Town determines that any of the improvements are not constructed in substantial compliance with specifications, it shall furnish to the subdivider a list of specific deficiencies. If the Town determines that the subdivider has not constructed any or all of the improvements within a reasonable time after providing this list of deficiencies, the Town may draw on the letter of credit as may be necessary to construct the improvement or improvements in accordance with specifications. Additionally, the Town retains all other legal and equitable remedies as provided by law.

(d) Notwithstanding any provisions to the contrary, public ways, including but not limited to streets, roads, lanes and drives, or other public improvements, including but not limited to improvements on or in recreational trails, parks or open space, dedicated to the Town for public use must remain free from defect for a period of two (2) year from the date that the respective public way or other public improvement is complete as determined by the Town. The subdivider shall provide the Town with a performance bond equaling 10% of the costs of the improvements. This bond shall remain in place until the second anniversary of the completion of the public way or other public improvement, at which time, depending upon the condition of the public way or other public improvement, the Town may, in its sole discretion, do what it deems necessary for the public health, safety and welfare, including, but not limited to:

- (1) Accept the same for maintenance;
- (2) Require the subdivider to correct any defects in the public way or other public improvement; or
- (3) Draw on the performance bond to correct any defect in the public way or other public improvement.

The subdivider shall be responsible for paying the Town for any shortfall in the performance bond.

Sec. 17-3-20. Private improvements.

(a) In the event the subdivision is to contain any property or facility that is not for public use but which is for the private use of the owners or occupants of two (2) or more lots or dwelling units, the maintenance and operation of such privately owned common facility shall be covered by an agreement with the Town. Examples of such property or facility might be tennis courts, swimming pools, parkways, roadways, gates, greenbelts and stables.

(b) The agreement between the subdivider and the Town will provide to the Town whatever it deems necessary to assure that:

(1) The proposed facilities will be constructed as proposed.

(2) The future operation and maintenance of the facility is properly provided for both as to management and funding. Such agreement may require approval of covenants, escrow deposits, performance and payment bonds or any other method of assurance required by the Town.

(3) Maintenance of drainage facilities.

a. The subdivider and all of the owners of the properties drained by or draining into any drainage facility, including but not limited to private drainage facilities and private and public drainage easements, located on the property that is the subject of the final plat ("benefited owners") shall be jointly and severally responsible for maintaining the structural integrity and operational functions of said drainage facility. If at any time following certification of any such drainage facility, or any time following approval of the final plat, the Town deems that any such drainage facility no longer complies with the approved plans, the subdivider and the benefited owners shall restore such facility to the standards and specifications as shown on the approved drainage plans. Failure to maintain the structural integrity and operational function of any such drainage facility will result in the Town notifying the subdivider and the benefited owners as to the nature of the work required to bring the facility into compliance, together with a request for the work to be performed in a reasonable time period. If the subdivider and benefited owners fail to bring the drainage facility into compliance with the approved drainage plans or an emergency situation exists, the Town may enter onto the property and cause the necessary work to be performed at the expense of the subdivider and benefited owners.

b. The Town shall invoice said subdivider and benefited owners for its costs and expenses. The subdivider and benefited owners shall, within thirty (30) days of the date of the invoice, remit full payment to the Town. If full payment is not made by the thirtieth day, the Mayor may elect to have the Town's costs and expenses become a lien against the properties drained by or draining into any such drainage facility as of the date the Town Clerk certifies the costs and expenses to the office of the County Treasurer for collection in the same manner as general property taxes are collected. A notice of the lien shall be recorded in the office of the County Clerk and Recorder. The amount of the costs and expenses may be paid to the Town at any time prior to certification of the same by the Town Clerk to the office of the County Treasurer, but thereafter payments shall be made only to the office of the County Treasurer. Upon receipt of the certified costs and expenses, the County Treasurer shall proceed to collect the amounts so certified against said properties in the same manner as the collection of general property taxes and the redemption thereof.

Sec. 17-3-30. Engineering and construction criteria.

Pursuant to and in the manner provided by law, there is hereby adopted by reference Article VI (sometimes designated as "Appendix A"), "Engineering Criteria," and Article VII (sometimes designated as "Appendix B"), "Construction Criteria," of "Regulations for the Subdivision of Land for Arapahoe County, Colorado," officially approved August 29, 1972, by the Board of County Commissioners, of which one (1) copy is now filed in the office of the Town Clerk and may be inspected during regular business hours, the same being adopted as if set out at length save and except:

(1) Rules of construction. In the above referred to Articles VI and VII, substitute the word "Town" for all of the following words wherever they occur therein: "Arapahoe County," "Board of County Commissioners," "County Commissioners," "County," "Regulating Agency," "Regulating Authority," "County Engineer," "County Engineer's office," "The Engineer," "Engineer and Traffic Engineer," and Arapahoe County Sheriff

(2) Deletions in their entirety: Section 1.4.6 of Article VI; Section 1.4.1 of Article VII; Section 5 of Article VII; Section 10.7.1 of Article VII; and Section 10.7.4 of Article VII.

(3) Construction criteria relating to asphalt paving shall be based upon requirements of Information Series No. 139 and Manual Series No. (MS-1) prepared by the Asphalt Institute, and all other applicable codes, as may be amended from time to time.

ARTICLE IV

Design Principles

Sec. 17-4-10. General provisions.

In order to achieve the intent and purpose of these regulations, the following design principles shall be followed, and as such will constitute a portion of the evaluative criteria to be met before approval of a plat:

(1) Minimum standards for development are contained in Chapter 16, Chapter 18, Article I, and this Chapter. Subdivision design shall be of a quality to carry out the purpose and spirit of the policies and special reports expressed in the Master Plan (and amendments thereto) and in this Chapter

(2) The layout of lots and blocks should provide desirable settings for structures by making use of natural contours, maintaining existing views, and affording privacy for the residences and protection from adverse noise and vehicular traffic. Natural features and vegetation of the area must be preserved if at all possible.

(3) Tree masses and large individual trees should be preserved. The system of roadways and the lot layout should be designed to take advantage of visual qualities of the area.

(4) Pedestrian and recreational ways should be separated from roadways and be designed to provide all residential building sites which direct access to all neighborhood facilities.

(5) Tracts subdivided into large parcels which offer the possibility of further subdivision shall be arranged to allow the opening of future streets and logical further subdivision.

(6) Tracts of land or portions thereof lying within the one-hundred-year floodplain shall not be subdivided.

(7) Whenever a proposed subdivision is not served by proper community access roads, utilities and other basic needs of the future residents, the Trustees may deny the subdivision until such needs are properly met.

Sec. 17-4-20. Streets and traffic patterns.

(a) If a tentative plan has been adopted by the Trustees for the neighborhood of the proposed subdivision, the street system of the latter shall conform in general thereto.

(b) Streets shall be located with appropriate regard for topography, creeks, wooded areas and other natural features which would enhance attractive development.

(c) Existing streets, including preliminary platted streets, in adjoining territory shall be continued at equal or greater width and in similar alignment by streets proposed in the subdivision, unless variations are approved by the Trustees.

(d) Streets within subdivisions shall be designed as a system of circulation routes, so that the use of local streets by through traffic will be discouraged.

(e) Where a subdivision borders on or contains a state highway right-of-way, the Trustees shall require provisions for reduction of noise. Masonry walls, landscaped berms, a parallel street, landscaping or screening easement, greater lot depth and increased rear yard setbacks, among others, are recommended solutions.

(f) Streets shall intersect as nearly at right angles as possible.

(g) When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and opening of future streets and appropriate resubdivision, with provision for adequate utility easements and connectors for such resubdivision.

(h) Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be prohibited.

(i) Long cul-de-sacs should be avoided whenever possible and shall be designed in accordance with the requirements for Fire Apparatus Access Roads from the most recent version International Fire Code .

(j) Where a street will eventually be extended beyond the plat but is temporarily dead-ended, an interim turnaround may be required.

(l) Dedication of half streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and provided that the Trustees finds it will be practical to obtain the dedications of the other half of the street right-of-way. Wherever a half-street dedication is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

(m) No street names shall be used which will duplicate or be confused with the

names of existing streets. All street naming shall be subject to approval by the Trustees.

(n) Subdivision streets shall have such curbs, gutters, sidewalks, culverts and pavements as may be required by the Trustees

(o) Street name signs must be in accordance with Town specifications and shall be furnished and installed at the cost of the subdivider.

(p) Subject to approval by the Trustees, streets that are extensions of or obviously in alignment with existing streets shall bear the same names of the existing streets.

(q) Intersecting collector and local streets shall not empty into the same side of an arterial street at intervals of less than eight hundred (800) feet.

(r) When a subdivision abuts and controls access to public lands or existing streets, access shall be provided in the form required by the public agency involved. When a subdivision abuts private lands, the Town may require the developer to provide access thereto.

(s) The planting area, or that unpaved portion of the right-of-way between the curb and the property line, shall be landscaped and maintained by the abutting property owners unless provided otherwise by the Trustees.

(t) Reverse curves on arterials and collectors shall be joined by a tangent at least one hundred (100) feet in length.

Sec. 17-4-30. Drainage.

(a) Developers of property that is tributary to the Patrick Bennett Reservoir Company ditches, lakes and other watercourses shall be required to prepare and execute an agreement similar to the Stormwater Agreement made and entered into on March 14, 1997 by and among the Town of Bow Mar, Bow Mar Owners, Inc., the Lower Bowles Company, the Joseph W. Bowles Reservoir Company, the RSR Ranch Company, LLC, and Bowles Metropolitan District, in order to ensure the protection of water quality of these water courses.

(b) The rainfall frequency rate used in determining the flow of storm water shall be based on the following principles. The flow of stormwater shall be computed in anticipation of full development of the area upstream in the applicable drainage basin as allowed by present zoning, or where upstream zoning changes are reasonably anticipated, then the drainage resulting from the highest reasonable density should be used in computing flow of storm water.

(1) A fifty-year frequency storm shall normally be carried within the dedicated street right-of-way. In the event a quantity of water in excess of these limits is calculated to exist, a storm system will be provided either in the form of an underground system or a formal drainage way to prevent excessive ponding.

(2) A generally accepted rational formula and tabulation shall be used to calculate individual drainage areas, time of flow and ultimate quantities at each collection point.

(3) In general, culvert sizes shall be sufficient to accommodate the flow computed with no head at the inlet and no less than the equivalent of an eighteen-inch-diameter pipe.

(4) The velocity of flow in an unlined ditch shall be compatible with the soil erosion characteristics or the treatment to be afforded the ditch.

(5) The quantity and velocity of flow in streets shall be computed from acceptable flow charts or by the usual methods used in computing flows in open channels.

(6) Whenever a subdivision is traversed by a drainageway which is approved by the Town for surface drainage, provision shall be made for the dedication to the public adequate rights-of-way for access and maintenance. (Prior code 7-5-3)

Sec. 17-4-40. Lots.

(a) The size, shape and orientation of lots shall be appropriate to the location of the proposed subdivision and to the type of development contemplated.

(b) Lots should front only on local streets; however, when necessary, lots designated to face a collector street shall provide adequate means for automobile turnaround within the lot.

(c) Side lot lines should be approximately at right angles or radial to street lines..

(d) The building area of lots should not face directly into the oncoming traffic of an intersecting street of a "T" intersection.

Sec. 17-4-50. Utilities.

Utilities (telephone, electric services and gas lines) shall be installed underground and shall be in place prior to street surfacing. Above ground facilities necessarily appurtenant to underground facilities or other installation or peripheral overhead electrical transmission

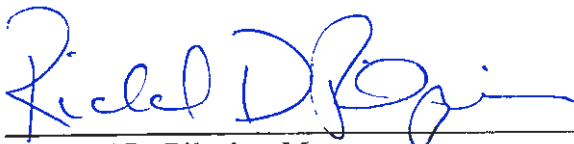
And distribution feeder lines, or other installation of either temporary or peripheral overhead communications, distance, trunk or feeder lines, may be above ground.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BOW MAR, COLORADO:

- a. The Town Clerk shall cause notice of contents of this Ordinance to be published in the Littleton Independent, said newspaper being a weekly newspaper of general circulation in the Town of Bow Mar and being duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.
- b. Introduced as Ordinance No. 255 at a regular meeting of the Board of Trustees on the 16th day of February, 2009, and passed on final reading at a regular meeting of the Board of Trustees by a vote of 5 to 0 on the 16th day of March, 2009.

Adopted this 16th day of March, 2009.

ATTEST


Richard D. Pilgrim, Mayor


Patricia A. Hoffman, Clerk

Seal