

AN ORDINANCE REGULATING THE SUBDIVISION OF LAND IN THE TOWN OF MEAD, WELD COUNTY, COLORADO AND IMMEDIATE VICINITY: PROVIDING A PROCEDURE FOR THE PREPARATION, PROCESSING AND PRESENTATION OF PRELIMINARY AND FINAL PLATS; ESTABLISHING DESIGN STANDARDS; REQUIRING IMPROVEMENTS, DEFINING CERTAIN TERMS; PRESCRIBING METHODS FOR VARIANCES, ENFORCEMENT, INTERPRETATION, AMENDMENT, SEPARABILITY AND REPEALS.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MEAD, COUNTY OF WELD, STATE OF COLORADO:

SECTION 1

DECLARATION OF PURPOSE

The following regulations have been prepared and enacted in accordance with Title 31, Article 23 of the Colorado Revised Statutes, 1973, for the purpose of promoting the health, safety, and general welfare of the present and future inhabitants of the Town of Mead, Colorado, hereinafter referred to as the Town.

To these ends such regulations are intended to assure efficient circulation, adequate improvements, sufficient open space and basic order in subdivision design by providing for the proper arrangements of streets in relation to other existing or planned streets; for adequate and convenient open spaces for traffic circulation, utilities, emergency access, recreation and light and air; for the avoidance of population congestion; and for the establishment of minimum standards for the design and construction of improvements herein required.

SECTION II

APPLICABILITY OF REGULATIONS

(1) Control

These regulations shall be held to be minimum requirements and shall apply to those subdivisions of land where streets are constructed to give access to newly created lots. Any and all such subdivisions shall be submitted in the form of plats or plans to the Mead Planning Commission hereinafter referred to as the Planning Commission and the Mead Board of Trustees hereinafter referred to as the Town Board for their approval or disapproval. The dedication to public use of any street, utility system or site shall also be governed by these regulations. No final plat on a subdivision shall be approved and accepted by the Town Board unless it conforms to this Ordinance.

(2) Jurisdiction

The territory subject to jurisdiction herein shall include all land located within the legal boundaries of the Town of Mead, and, limited only to control with reference to a major street plan and not otherwise, shall also include all land lying within three miles of the corporate limits of the Town and not located in another municipality.

(3) Fees

A. There shall be required the following fees upon submission of each plat for approval:

1. Preliminary plats: \$35.00 for the first 25 lots and \$1.50 per lot over 25.
2. Final Plat: \$25.00 for each filing.
3. Recording fees required by the Weld County Clerk and Recorder.

- B. Subdivider shall also pay all fees as specified in Appendix A and all applicable fees as established by this Ordinance and other ordinances of the Town prior to approval of the Final Plat by the Planning Commission.

### SECTION III

#### PROCEDURE

##### (1) Pre-Application Procedure

- A. Prior to subdividing a tract of land, a subdivider shall comply with the following procedure:
  - 1. The subdivider or authorized representative shall first consult with the office of the Town Clerk for general information regarding subdivision regulations and required procedure, street and highway requirements, street grading, servicing and improvements, possible drainage problems, meeting dates of the Planning Commission and Town Board and such other matters as shall be applicable to the proposed subdivision.
  - 2. The subdivider shall submit to the Planning Commission an Outline Development Plan as specified in Section 4.1. This procedure shall not require formal application, fee, or filing of plat with the Planning Commission.
  - 3. The Planning Commission shall review the Outline Development Plan to determine its general acceptability and compliance with the objectives and standards of these regulations, and shall hold conference with the subdivider to discuss desirable modifications of the plan.

##### (2) Conditional Approval of Preliminary Plat

- A. Upon formal application the subdivider shall submit to the Planning Commission ten copies of a Preliminary Plat, together with supplementary material as specified in Section 4.2. The Preliminary Plat shall be submitted together with written application for conditional approval at least 20 days prior to the Planning Commission meeting at which it is to be considered.
- B. Upon receipt of the Preliminary Plat the Planning Commission shall transmit copies to public agencies having jurisdiction, and utility companies, who shall examine the plan and report their recommendations thereon to the Planning Commission.
- C. The Planning Commission shall review the Preliminary Plat for compliance with these regulations, and negotiate with the subdivider on the type and extent of improvements to be installed and on modifications deemed advisable.
- D. The Secretary of the Planning Commission shall notify the subdivider by certified mail of the time and place of the hearing not less than five days before the date fixed for the hearing. Similar notice shall be mailed to the owners or occupants of land immediately adjoining the area proposed to be platted as shown on the proposed subdivision.

- E. The Planning Commission, shall at such meeting or at such later public meeting to which it may adjourn, approve, conditionally approve, or disapprove the preliminary plat. If approved, copies of the Preliminary Plat shall be forwarded to the office of the Mayor and the Board of Trustees for further consideration.
- F. Conditional approval of the Preliminary Plat by the Board of Trustees shall be deemed a tentative expression or approval of the general layout as submitted or modified, pending approval of the Final Plat.

(3) Approval of Final Plat

- A. A Final Plat, containing the information specified in Section 4.3., shall be submitted to the Planning Commission within 12 months after approval of the Preliminary Plat; otherwise such approval shall become null and void unless an extension of time is applied for and granted by the Planning Commission.
- B. The Final Plat as submitted shall conform substantially with the Preliminary Plat as approved, and may constitute only that portion of the approved Preliminary Plat which the subdivider proposes to record and develop at the time. In the case of partial submission, the approval of the remaining portion of the Preliminary Plat shall automatically gain an extension of TWELVE (12) months before another phase of the plat must be submitted in final form.
- C. Following review, the Planning Commission shall act to approve or disapprove the Final Plat, and send its recommendations to the Town Board for its approval or disapproval of the Final Plat. If the Plat is disapproved the reasons therefor shall be stated in writing and a copy furnished to the subdivider.
- D. The subdivider shall enter into a contract with the Town which contract shall give the Town full assurance that all improvements, including, but not limited to, streets, street lights, drainage facilities, utilities, walks and gutters, shall be completed by the subdivider to Town specifications. Such approved subdivision plat may be divided into predetermined segments: each segment providing full utility service and street access. No building permit shall be issued to such segment until full financial security is provided to the Town for all improvements not completed in such segment and upon recording of the Final Plat with the County Clerk and Recorder. Such financial security may be in the form of a corporate surety bond, funds in escrow or such other means as shall be approved by the Board of Trustees.

SECTION IV

PLATS AND DATA

(1) Outline Development Plan and Data

The Outline Development Plan and Data shall contain the following information presented in generalized and schematic form:

A. Location Map

The location map shall be prepared on a sheet map or zoning map and shall indicate clearly the relationship of the proposed subdivision to the surrounding area within one-quarter mile of the subdivision's boundaries. The map shall show existing development including major streets, existing public sewers, public water supply, and storm drainage systems; major land use concentration; principal places of employment; .. community facilities such as schools and parks; zoning on and adjacent to the tract; school districts, taxing districts and other special districts, if any. The location map shall include a title, scale, total acreage of the tract, north arrow and date. (Scale not less than 1" = 600').

B. Sketch Plan

The Sketch Plan may be a free hand drawing at suitable scale (not less than 1" = 200') in a legible medium, and shall clearly show the following: the proposed layout of streets and lots in relation to topographic conditions and natural landscape features on the site; the proposed location and extent of major open spaces and public sites; general locations of utilities easements and installations; proposed land uses; and indication of building types, with approximate location of major buildings exclusive of single family residential dwellings.

C. General Development Information

This information shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawings required in subsections A and B above, and shall include information on existing covenants and land characteristics, and information describing the development proposal, such as number of residential lots or dwelling units, typical lot width and depth, price ranges of lots and dwelling units, proposed protective covenants, and proposed utilities and street improvements.

(2) Preliminary Plat and Data

A. The Preliminary Plat may be drawn with scaled dimensions and need not be an engineering drawing with calculations or dimensions and survey closures. The Preliminary Plat shall be prepared at a scale of not less than 1" = 100', and shall show all existing conditions required in subsection 1, "Outline Development Plan and Data", and shall contain all information including but not limited to that required below.

1. Outer boundary lines of the tract.
2. Location and dimensions of all existing streets, alleys, utility easements, drainage areas, irrigation ditches and laterals and all other significant features.
3. Proposed streets on and adjacent to the tract: name, right-of-way width and location; type, width and elevation of surfacing: curbs and gutters, sidewalks, culverts.
4. Lot lines, lot numbers, and block numbers.

5. Location, dimensions and purpose of all other proposed easements and rights-of-way to be reserved or dedicated for public use, such as schools, parks, playgrounds, etc.
  6. Location and acreage of sites, if any, for multi-family dwellings, shopping centers, community facilities, industry or other use exclusive of single-family dwellings.
  7. Site data, including number of residential lots, and typical lot size.
  8. Name of proposed subdivision; names and addresses of owners, subdividers, designers and engineers; date; scale; north arrow; and legal description of tract.
- B. Drainage Plan shall be submitted along with the Preliminary Plat and shall show all information including but not limited to that required below.
1. A topographic map of ground elevations on the tract based on the United States Geological Survey datum plane or an approved datum plane by the Planning Commission showing contours at two (2') feet intervals.
  2. Map showing the method of moving storm runoff water through the subdivision. The map should show runoff concentrations in acres of drainage area on each street entering each intersection. (This may be combined with the topographic map). Flow arrows should clearly show the complete runoff flow pattern at each intersection. For storm drainage facilities not on or adjacent to the tract, indicate the direction and distance to, size and invert elevation or nearest extensions of such utilities.
- C. Utilities Plan showing:
1. Location and size of existing utilities within and adjacent to the subdivision, including water, sewer, electricity, gas and telephone.
  2. Proposed utility system including water mains, fire hydrants, sewers, other utility mains (electricity, gas, telephone), and any other services that shall supply the subdivision. All utilities must be constructed within approved easements.
  3. Utility clearance record showing approval by utilities companies that service can be supplied (form supplied by Town).
- D. Supplemental Data
1. Subsurface conditions on the tract: location and results of tests made to ascertain subsurface soil, rock and ground-water conditions.
  2. Draft of proposed covenants whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development.

3. Such additional information as may be required by the Planning Commission in order to determine that the subdivision can be constructed without an adverse effect on the surrounding area, and by reason of its location or design, will not cast an undue burden on public utilities and community facilities.
4. Application for rezoning, if required for the development of the subdivision.

(3) Final Plat and Data

The Final Plat and supplementary data shall contain the following information:

A. Final Plat

The Final Plat shall be an engineering drawing prepared to normal engineering tolerances of accuracy with calculated rather than scale dimensions. The exterior lines of the Final Plat shall join or close. The Plat shall be drawn in permanent ink on a reproducible linen or mylar with outer dimensions of 24 inches by 36 inches and shall be at a scale of 1" = 100'. The Final Plat may constitute the entire approved Preliminary Plat or any logical portion of the approved Preliminary Plat proposed for immediate recording. The Final Plat shall conform to the approved Preliminary Plat and shall include all changes and additions as required by the Planning Commission and shall show the following:

1. Primary control points, or descriptions, and "ties" to such control points to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
2. Tract boundary lines; right-of-way lines of streets, easements and other right-of-way; property lines of residential lots and other sites; with accurate dimensions, bearings or deflection angles, and radii, arcs and central angles of all curves. All dimensions, both linear and angular, shall be determined by an accurate control survey in the field which must balance and close within a limit of one in ten thousand. No final plat showing plus or minus dimensions will be approved.
3. Total acreage and surveyed legal description of the subdivision.
4. Name and right-of-way width of each street or other right-of-way.
5. Location, dimensions and purpose of any easements.
6. Numbers to identify each block, lot and/or site.
7. Purpose for which sites, other than residential lots, are dedicated or reserved.
8. Location and description of all monuments both found and set.
9. Names of record owners of adjoining unplatted land.

10. Reference to recorded subdivision plats of adjoining platted land by record name, date, and number.
  11. Signature and seal of land surveyor registered in the State of Colorado certifying to accuracy of survey and plat, including a statement explaining how bearings, if used, were determined.
  12. Signature block for certification of approval by the Planning Commission and Town Board, with signatures by the Chairman of the Planning Commission and the Mayor.
  13. Certification of title showing that the applicant is the land owner.
  14. Statement by the subdivider dedicating streets, rights-of-way, easements and public sites.
  15. Title under which the subdivision is to be recorded, scale, north arrow and date.
- B. Other documents required at the time of submission of the Final Plat shall be:
1. Complete engineering plans and specifications for all public facilities to be installed, including water and sewer utilities, streets and related improvements, bridges, and storm drainage.
  2. Agreements made with ditch companies when needed.
  3. Clearance record showing approval by the Health Department and utility companies (form supplied by Town).
  4. A performance bond drawn and posted in favor of the Town, which bond shall be of sufficient amount to assure completion of all required improvements.
  5. Protective covenants, if any, in form for recording.
  6. Such other certificates, affidavits, endorsements, or deductions as may be required by the Planning Commission or Town Board in the enforcement of these regulations.

## SECTION V

### DESIGN STANDARDS

- (1) General Site Considerations
- A. A proposed subdivision shall be in general compliance with respect to adequate dedication and/or reservation of major street rights-of-way, major utility easements and open spaces for schools and recreation areas.
  - B. A proposed subdivision shall not, by reason of its location or design, cast an undue burden on public utility systems and community facilities on or adjacent to the tract. Where extension and enlargement of public utility systems and community facilities is necessary, the subdivider shall make provision to offset higher net public cost or earlier incursion of public cost necessitated by the subdivision. Due

(1) General Site Considerations

- B. (continued)  
consideration shall be given to difference between anticipated public costs of installation, operation and maintenance and anticipated public revenue derived from the fully developed subdivision in determining added net public cost.
- C. No land shall be subdivided in areas where soil, sub-soil or flooding conditions are potential danger to health and safety unless and until adequate provisions as approved by the Town have been made for the general health, safety and welfare for inhabitants or structures in the developed area and other areas of the Town effected by the new development.
- D. A proposed subdivision shall be designed in such a manner as to be coordinated with adjoining subdivisions with respect to the alignment of street rights-of-way and utility and drainage easements and open spaces.

(2) Streets

A. Arrangement of Streets

1. The arrangement, extent, width, type and location of all streets shall be designed in relation to existing or planned streets, to topographic conditions, to public convenience and safety, and in relation to the proposed use of land to be served.
2. Local streets shall be arranged so that their use by through-traffic will be discouraged.
3. Streets shall be extended to the boundaries of the property, except where such extension is prevented by topography or other physical conditions, or where the connection of streets with existing or probable future streets is deemed unnecessary for the advantageous development of adjacent properties.
4. Where future extension of a street is anticipated, a temporary turn around having a minimum outside diameter of 80 feet shall be provided.

B. Closed-End Streets

1. The maximum allowable length of closed-end streets in single-family residential and multi-family residential development shall be 500 feet.
2. Closed-end streets shall be provided with circular turnarounds having a minimum outside right-of-way diameter of 120 feet, and a minimum pavement diameter of 90 feet.

C. Intersection

1. Streets shall intersect at right angles whenever possible and no intersection shall be at an angle of less than 75 degrees.

D. Half-Streets

1. The dedication of a half-street shall not be accepted unless:



D. Half-Streets (continued)

- a. The subdivider obtains for the Town a dedication from the abutting landowner of the other one-half of the street; and,
- b. The subdivider obtains from the said abutting landowner an agreement in a form satisfactory to the Town which guarantees the cost of the improvements and construction of the same on the half-street within a time suitable to the Town; and,
- c. The subdivider guarantees the construction of the improvements on the half-street which he is dedicating.

E. Perimeter Streets

1. When the plat dedicates a street which ends on the plat or is on the perimeter of the plat, the subdivider shall convey the last foot of the street on the terminal end or outside border of the plat to the Town in fee simple and such shall be designated as "outlot(s)"; the Town shall put the same to public use for public road and access purposes when, within its sole and absolute discretion, it deems advisable.

F. Right-of-way, Pavement, and Sidewalk widths

Minimum widths in feet, by street type:

Type	Right-of-Way	Pavement	Sidewalk
Arterial	100-120	48-68	5
Collector	80	44	5
Local	60	44	4
Alley	20	15	-

G. Horizontal Alignment

1. Where street centerlines deflect from each other at any point by more than 15 degrees, they shall be connected by horizontal curves having minimum radii as follows:

Local streets	100 feet
Collector streets	200 feet
Arterial streets	400 feet
2. A tangent not less than 100 feet long shall be provided between reverse curves on collector and arterial streets.
3. Cross streets which cannot be directly aligned at intersections shall be separated by a horizontal offset of not less than 125 feet between center-lines provided that this requirement shall not apply to the alignment of short, opposing closed-end streets.

H. Vertical Alignment

1. No vertical grade shall be less than 0.4% in order to facilitate adequate drainage.

2. Maximum percent of street grade, except as provided below:

Local streets	5%
Collector streets	5%
Arterial streets	5%

I. Street Names

Names of new streets shall not duplicate names of existing streets, provided that new streets which are extensions of, or which are in alignment with existing shall bear the names of such streets.

(3) Utilities Easements

- A. Where necessary for installation and maintenance of utility systems, easements of at least 10 feet in width shall be reserved along rear lot lines, or at other locations which will not interfere with the siting of buildings.
- B. Where a subdivision is traversed by a water course, drainage way or stream, there shall be provided a perpetual drainage easement conforming substantially with the lines of such watercourse, and of such width as necessary and adequate to carry off the predicatable volume of storm water drainage from a twenty-five (25) year frequency storm.
- C. In general, utility systems shall be arranged and located in such manner as to avoid cross connections, minimize trenching and adequately separate incompatible systems.

(4) Blocks

- A. The lengths, widths and shapes of blocks shall be determined with due regard to the following:
  - 1. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
  - 2. Requirements of the zoning ordinance as to lot sizes and dimensions.
  - 3. Needs for convenient access and control and safety of vehicular and pedestrian traffic circulation.
  - 4. Limitations and opportunities of topography.
- B. Maximum block length between intersecting streets shall be 1,500 feet.

(5) Lots

- A. Lot size, width, depth, shape and orientation and minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated, and shall facilitate the placement of buildings with sufficient access, outdoor space, privacy and view.
- B. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking, landscaping, and loading areas required by the type of use and development contemplated.

- C. Corner lots for residential use shall have extra width to accommodate the required building set-back line on both street frontages.
- D. Each lot shall be provided with satisfactory access to an existing public street.
- E. Double frontage and reverse frontage lots shall not be permitted except where essential to provide separation of residential properties from arterial streets or commercial uses, or to overcome specific disadvantages of topography and orientation.
- F. Insofar as is practical, side lot lines shall be at right angles to straight streets and radial to curved streets.

## SECTION VI

### REQUIRED IMPROVEMENTS

#### (1) General Regulations

- A. The subdivider or developer shall enter into an agreement with the Town to guarantee construction of all required improvements, including streets, curbs and gutters, driveways, sidewalks, storm drainage system, sanitary sewerage, potable water system, street lights and street trees.
- B. Under such agreement the subdivider shall post a performance bond, or certified check, which bond or check shall be drawn in favor of the Town in an amount equal to the estimated cost of construction of improvements.
- C. The performance bond or certified check posted by the subdivider or developer shall not be released until final construction of improvements has been completed, inspected at the subdivider's expense, and approved and accepted by the Town.
- D. The improvements required by the following subsections shall be provided in each subdivision or development proposed, and to the extent determined by the Planning Commission and Town Board. Required improvements shall be designed in accordance with the detailed design standards and specifications deemed necessary by the Town, and shall be constructed in accordance with the approved plans and profiles and the construction requirements and specifications of the Town.
- E. No improvements shall be made until all plans, profiles, and specifications have been reviewed and approved by the Town.

#### (2) Street Improvements

##### A. Grading

Street rights-of-way shall be graded as necessary to provide adequate surface drainage and convenient access to lots or sites.

##### B. Pavement Base

The pavement base shall be properly drained and constructed of suitable materials so as to support the contemplated traffic load.

C. Pavement

Pavement shall be constructed of asphalt or concrete of sufficient thickness to support the contemplated traffic load. Streets shall be paved to the widths required under Section 5.2.F.

D. Alleys

If alleys are provided, they shall be graded and graveled in conformity with the standards of the Town of Mead.

E. Curbs and Gutters

All streets shall be provided with concrete curbs and gutters for the pavement edging. Such curbs and gutters shall be designed as an integral part of the pavement.

F. Driveways and Accessways

Where appropriate to the type of development proposed, driveways or accessways shall be provided for vehicular access to each structure or parking or loading area. Driveways and accessways provided shall be of adequate width and constructed with suitable subgrade, base, drainage and surfacing to be durable under the use contemplated.

G. Sidewalks and Walkways

Sidewalks and walkways shall be provided where necessary or appropriate for the safety and convenience of pedestrians. Width of sidewalks shall be as specified in Section 5.2.F. Sidewalks and walkways shall be durably constructed, with all-weather surfacing and shall be adequately lighted and maintained for the use contemplated.

H. Street Name Signs

Easily legible street name signs shall be installed at street intersections or as necessary for convenient identification of streets.

(3) Public Improvements Required

A. Storm Drainage System

1. The storm drainage system shall consist of natural drainage courses whenever possible and/or surface drainage structures, catch basins and other underground drainage structures. The storm drainage system shall be of sufficient size and design to carry off all predictable surface water runoff within the subdivision or development and storm water drainage which enters the development from adjacent areas based on a 25 year frequency storm.
2. Where deemed necessary by the Planning Commission and the Town Board, catch basins shall be provided at all low points, at street intersections and at intermediate locations as necessary to prevent over-loading of the street gutters. Catch basins provided shall be connected to collection mains of adequate size with outfalls approved by the Planning Commission.

3. Storm drainage shall not be permitted to empty into any sanitary sewerage system.

B. Sanitary Sewerage System

The sanitary sewerage system shall be connected to an existing district 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. The sanitary sewerage system shall be of sufficient size and design to collect all sewage from all proposed or probable structures within the subdivision or development.

C. Potable Water System

The potable water system provided shall connect to an existing public water system and shall consist of water mains directly connected to using structures by means of lateral branches. 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.

D. Fire Hydrants

Fire hydrants shall be installed at street intersections and at other points as necessary to assure that no building is located more than 500 feet from the nearest fire hydrants.

E. Underground Electric Power and Telephone Distribution Systems

Electric power and telephone connections and wire shall be placed below or above the surface of the ground at the Town's option. Transformers, switching bases, terminal boxes, meters, cabinets, pedestal ducts and other facilities necessarily appurtenant to the electrical system shall be placed on or under the surface of the ground or on poles at the Town's option, and where placed on the surface shall be adequately screened and fenced as necessary for safety and concealment.

Electrical transmission and distribution feeder lines and communication trunk and feeder lines may be placed above ground.

F. Street Lights

Ornamental street lighting and associated underground street lighting supply circuits shall be installed. The minimum requirement shall be 7,000 lumen lamps at a maximum spacing of 400 feet. The street lighting plan specifying the number, kind and approximate location of street lights must be included on the Final Plat.

(4) Reference Monuments

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

(5) Maintenance of Required Improvements

Adequate provisions for the satisfactory maintenance of streets and utilities improvements, including easements, shall be made by dedication of such improvements to the Town. Prior to acceptance by the Town, the improvements to be dedicated shall be inspected and approved by the Town Board or its authorized representatives.

SECTION VII

DEDICATION AND RESERVATION OF LAND

(1) Dedication

- A. Dedication of land, free of all liens and encumbrances, for park and recreation areas shall be required in each new subdivision or other designation of the Town. The subdivider shall allocate and convey no less than 8% of the gross land area, exclusive of street, alleys and utility easements, of the proposed subdivision for such public purposes. Specific sites to be dedicated for parks shall be subject to approval by the Planning Commission and Town Board upon consultation with appropriate public agencies having jurisdiction.

At the option of the Town, the subdivider shall in lieu of such conveyance of land pay to the Town in cash an amount equal to the value of 8% of the gross land area before subdivision. The equivalent cash valuation, when acceptable, shall be based upon an appraisal by a competent, independent appraiser selected by the Town and the subdivider. The proceeds of any equivalent cash payment shall be placed in a separate Town account and shall be used only for the acquisition and improvement of land for public park and recreation areas.

At the further option of the Town, the subdivider shall in lieu of such conveyance of land or payment of equivalent in cost, shall pay a park fee as specified in Appendix A.

(2) Reservation

- A. Reservation by covenant, in lieu of dedication, may be permitted in some cases such as a Planned Unit Development where land is to be used for recreational or amenity purposes by the property owners.
- B. Reservation of land within a subdivision may be required for the duration of the Preliminary Plat approval in order to afford the appropriate public agency the opportunity to coordinate its acquisition of public land with the development of the subdivision. An agreement shall be entered into between the subdivider and the public agency regarding the timing and method of acquisition.

SECTION VIII

PLANNED UNIT DEVELOPMENT

(1) Intent

Planned Unit Development may be used whenever a parcel larger than five acres is subdivided in order to minimize the environmental impact of urban development, to enable

(1) Intent (continued)

the subdivider to make more efficient use of the site by minimizing grading and reducing the amount of land needed for streets and utilities, and to provide the consumer a wider choice of housing types and amenities.

(2) Procedure

The procedure for preparing, processing and presenting a Planned Unit Development shall be the same as that specified for all subdivision of land in the Ordinance except that there shall be no partial submission of a Final Plat.

(3) Principal Permitted Uses

- A. Single-family dwelling unit
- B. Multi-family dwelling unit
- C. Combination of the above

(4) Accessory Uses

Building and use customarily appurtenant to the permitted uses.

(5) Special Uses

By appropriate designation on the Planned Unit Development Plan, the following uses may be allowed:

- A. Recreational facilities and areas
- B. Community buildings
- C. Public and parochial schools
- D. Medical clinics
- E. Nursery and rest homes
- F. Nurseries and day-care centers for children
- G. Public libraries
- H. Convenience retail facilities
- I. Professional offices
- J. Eating places not including drive-in types
- K. Personal service shops or agencies
- L. Prescription shops
- M. Parking incidental to special uses permitted

(6) Requirements

Planned Unit Development is intended to allow originality in the planning of a community development by relaxing the minimum and maximum requirements set forth in the Ordinance. It will be expected that development under Planned Unit Development will provide for maintained open spaces and recreational areas, safety features for pedestrian and vehicular traffic, elimination of unsightly uniformity, and conservation of natural features.

- A. The following requirements as set forth in the Zoning Ordinance of the Town can be modified as established by the Planned Unit Development plan, subject to the approval by the Planning Commission and Town Board:
1. Minimum lot area
  2. Minimum lot width
  3. Minimum front set-back
  4. Minimum side set-back
  5. Minimum rear set-back
- B. The following additional requirements are established for Planned Unit Development:
1. Maximum building height not to exceed 35 feet
  2. Maximum density of residential units shall be 12 units per acre
  3. Minimum common open space shall be 30% of the gross acreage of the site
  4. Off-street parking:
    - a. 2 spaces for each dwelling unit
    - b. 1 space for every 2 employees and 1 space for each 1000 square feet of building area.
    - c. Landscaping to screen parking areas
    - d. Adequate lighting for parking areas
  5. Unified ownership of site
  6. Where use(s) other than residential is(are) proposed:
    - a. Architectural elevations at a scale of not less than 1/8" = 1' for all nonresidential structures.
    - b. Size, type and location of all signs, other than street sign.
  7. Covenants specifying how common areas are to be maintained.

## SECTION IX

### VARIANCES AND MODIFICATIONS

#### (1) Procedure

Application for variances or modifications of these regulations shall be submitted to the Planning Commission. Such application shall include a statement setting forth the nature and extent of the requested variance, or modification together with evidence supporting need for such variance.



(2) Criteria for Grant of Variances or Modifications

A. Hardship

Where the Planning Commission and the Town Board find that extraordinary hardships may result from strict compliance with these regulations, they may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variance is based on a finding that unusual topography or other exceptional conditions not caused by the subdivider make such variance necessary; and that the granting thereof will not have the effect of nullifying the intent and purpose of these regulations.

(3) Conditions

In granting variances and modifications, the Planning Commission and the Town Board may require such conditions as will, in their judgment, secure substantially the objectives of the requirements and standards so varied or modified.

SECTION X

DEFINITIONS

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

- (1) The singular number includes the plural and the plural the singular.
- (2) The present tense includes the past and future tenses, and the future the present.
- (3) The word "shall" is mandatory, while the word "may" is permissive.
- (4) The masculine gender includes the feminine and the neuter.

The following words and terms, wherever they occur in this Ordinance shall be construed as herein defined:

- Block - A parcel of land bounded on all sides by a street or streets.
- Comprehensive Plan - A plan for guiding and controlling the physical development of land use and circulation facilities in the Town and any amendment or extension of such a plan.
- Consumer - Any person contacted as a potential purchaser, lessee, or renter as well as one who actually purchases, leases, or rents property in the subdivision.
- Dedication - A grant by the owner of a right to use land to the public in general involving a transfer of property rights and an acceptance of the dedicated property by the appropriate public agency.
- Easement - A dedication of land for a specified use, such as providing access for maintenance of utilities.

Lot - A parcel of land intended for transfer of ownership or building development, having its full frontage on a public street.

Person - An individual, partnership, corporation, association, unincorporated organization, trust or any other legal or commercial entity including a joint venture or affiliated ownership. The word "person" also means a municipality or state agency.

Plat - A map, drawing or chart upon which the subdivider presents proposals for the physical development of a subdivision, and which he submits for approval and intends to record in final form.

Reservation - A legal obligation to keep property free from development for a stated period of time, not involving any transfer of property rights.

Rights-of-Way - The width between property lines of a street.

Street - A way for vehicular traffic, further classified and defined as follows:

Arterial streets are those which permit the relatively rapid and unimpeded movement of large volumes of traffic from one part of the community to another.

Collector streets are those which collect traffic from local streets and carry it to arterial streets or to local traffic generators such as neighborhood shopping centers and schools. Collector streets include the principal entrance streets to a residential development, those linking such adjacent developments, and those streets providing circulation within such developments.

Local streets are those used primarily for direct access to properties abutting the right-of-way. Local streets carry traffic having an origin or destination within the development and do not carry through traffic.

Subdivider or Developer - Any person, individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as herein defined, including any agent of the subdivider.

Subdivision -

- (1) The division of a parcel of land into 2 or more parcels, sites or lots for the purpose, whether immediate or future, of transfer of ownership or building development, provided that the division of land into parcels of more than 5 acres which does not involve the creation of any new streets or easements of access shall be exempted; or
- (2) The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants or

Subdivision - Part (2) continued

lease holders, or as easements for the extension and maintenance of public sewerage, water, storm drainage or other public utilities or facilities.

SECTION XI

ADMINISTRATIVE PROVISIONS

(1) Penalty

Any person who shall violate any of the provisions hereof shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall pay a fine not less than ONE HUNDRED AND NO/100 (\$100.00) DOLLARS, nor more than THREE HUNDRED AND NO/100 (\$300.00) DOLLARS, or be imprisoned for a period not to exceed NINETY (90) days, or be penalized by both such a fine and imprisonment. Each day that a violation of this Ordinance continues shall constitute a separate and distinct offense and shall be punishable as such.

(2) Interpretation

On the interpretation and application of the provisions of this Ordinance, the following shall govern:

- A. The provisions herein contained shall be regarded as minimum requirements for the protection of the public health, safety and welfare.
- B. Whenever a provision of this Ordinance and any provision in any other law of the Town cover the same subject matter, whichever is the most restrictive or imposes the higher standard or requirement shall govern.
- C. Any part of any ordinance which is in conflict herewith is hereby repealed.

(3) Validity

Should any section, clause, sentence or part of this Ordinance be adjudged by any Court of competent jurisdiction to be unconstitutional and/or invalid, the same shall not affect the validity of the Ordinance as a whole or part thereof, other than the part so declared to be unconstitutional or invalid.

(4) Amendment

The within Ordinance may be amended by the Town Board from time to time in accordance with the provisions of law.

(5) When Effective

This Ordinance shall be in full force and effect from and after five (5) days from the date of passage, approval, and publication.

PASSED AND ADOPTED, SIGNED AND APPROVED AND ORDERED PUBLISHED, this 8<sup>th</sup> day of September, 1975.

Robert A. Clark  
Mayor

Attest:

Virginia Frei  
Town Clerk

APPENDIX A

Subdivider shall pay the following fees after approval of the Preliminary Plat and prior to the approval of the Final Plat by the Planning Commission:

- A. Park fee, according to one of the following two schedules, whichever is the larger:

- (1) TWO (\$0.02) CENT per square foot of lot area with a minimum of ONE HUNDRED FIFTY AND NO/100 (\$150.00) DOLLARS per lot and a maximum of THREE HUNDRED AND NO/100 (\$300.00) DOLLARS per lot; or
- (2) ONE HUNDRED FIFTY AND NO/100 (\$150.00) DOLLARS per dwelling unit.

Such park fee shall be deposited in a separate Town account and shall be used only for acquisition and development of land for public park and recreation areas.

- B. Drainage Fee

- (1) All undeveloped property shall be charged a minimum fee of ONE HUNDRED FIFTY AND NO/100 (\$150.00) DOLLARS for the first 10,000 square feet of lot area or fraction thereof if less than 10,000 square feet regardless of use.
- (2) In addition to said ONE HUNDRED FIFTY AND NO/100 (\$150.00) DOLLARS fee, if said property is used for commercial or industrial use, the fee shall be TWO (\$0.02) CENTS per square foot of lot area that exceeds 10,000 square feet.
- (3) In addition to said ONE HUNDRED FIFTY AND NO/100 (\$150.00) DOLLARS fee, if said property is used for any other use than (2) above, the fee shall be ONE AND FIVE-TENTHS (\$0.015) CENT per square foot of lot area that exceeds 10,000 square feet.

Such drainage fees shall be deposited in a separate Town account and shall be used only for providing and improving storm drainage systems of the Town. Additional specific fees may be charged over the basic fees for additional loads and costs placed on the drainage system(s) of the Town.

- C. Water Tap Fee: As established by the Town Board
- D. Sewer Tap Fee: As established by the Mead Sanitation District Board