

# **ARTICLE 7. SUBDIVISION REGULATIONS & IMPROVEMENTS**

## **7.1 PURPOSES**

### **7.1.1 General**

These regulations are enacted for the purposes of promoting the health, safety, convenience, order, prosperity, and welfare of the present and future inhabitants of the City of Arvada; for adequate and convenient open spaces for traffic, utilities, access of fire fighting apparatus, recreation, light, air, and solar access; and for the avoidance of congestion of population, and other public requirements.

### **7.1.2 Specific**

The character and environment of the City of Arvada for future years will be greatly affected by the design of subdivisions and the plats that are approved by the City of Arvada. Planning, layout, and design of a subdivision are of the utmost concern. The residents must have available to them within the area safe and convenient movement to points of destination or collection. Modes of travel to achieve this objective 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 and protect the view, afford privacy for the residents and protection from adverse noise and vehicular traffic. Natural features and vegetation of the area should be preserved. Schools, parks, churches, and other community facilities should be planned for as an integral part of the area.

## **7.2 APPLICABILITY AND JURISDICTION**

### **7.2.1 General**

This Article shall be applicable to all subdivisions or re-subdivisions of land within the corporate limits of the City of Arvada, and any additional lands over which the City has control authority under C.R.S. §31-23-212. In addition, this Article shall apply to all land in the process of annexation to the City of Arvada. No plat of a subdivision of land shall be used for purposes of sale or building development until approved and recorded under the provisions of these subdivision regulations.

### **7.2.2 Exemptions**

- A. This Article shall not apply to the following:
1. Any division of land to heirs through an estate proceeding.
  2. Any division of land by virtue of the foreclosure of a deed of trust.
  3. Cemeteries.

4. Any transfer of a part of another lot or parcel for the purpose of enlarging an existing lot or parcel; provided, however, this exception shall not apply if:
  - a. Whenever the part of another lot or parcel being transferred and the lot or parcel to which the former is added create, at the time of the transfer, any additional lots, parcels, or building sites.
  - b. Whenever the transfer would reduce the lot or parcel area, frontage, or setbacks below the minimums required by Article 6 of this Code.
  - c. Whenever the transfer would conflict with any other regulations, ordinances, codes, rules, or law.
- B. If any of the conditions in A.4.a., A.4.b., or A.4.c., occur, approval of such transfer shall be obtained from the City of Arvada according to the provisions of this Article 7.
  1. Any transfer of a part of one lot to another shall comply with the requirements set forth in §7-6, "Subdivision Design and Improvements," and §7-7, "Subdivision Monumentation."

### **7.2.3 Minor Subdivisions**

- A. A subdivision that involves the creation of 5 or less lots shall be classified as a "minor subdivision."
- B. A minor subdivision may be approved by the Community Development Director subject to the procedures set forth in §3.9 of this Code.

## **7.3 RECORDATION REQUIRED**

Every subdivision plat shall be recorded in the office of the appropriate County Clerk and Recorder.

## **7.4 SUBDIVISION REVIEW PROCEDURES**

Unless otherwise expressly stated in this Code, all subdivisions subject to this Article shall submit plats for review and approval pursuant to the procedures and review criteria set forth in §3.8 (Major Subdivisions) of this Code.

## **7.5 MODIFICATIONS (VARIANCES) OF SUBDIVISION DESIGN STANDARDS**

Modifications or variances from the subdivision design standards set forth in this Article may be approved pursuant to the procedures and review criteria set forth in §3.20 (Variances) of this Code.

## 7.6 SUBDIVISION DESIGN AND IMPROVEMENTS

### 7.6.1 Applicability

Unless otherwise expressly stated in a valid approved development agreement or annexation agreement, the provisions of this Section shall apply to all subdivisions.

### 7.6.2 General Requirements

No subdivision shall be approved unless it complies with all of the following standards and criteria:

- A. Name of Subdivision. The title under which the subdivision will be recorded shall not duplicate the name of any existing subdivision in the City of Arvada or the County in which it is located.
- B. Compliance with the City of Arvada Comprehensive Plan. The design of subdivisions shall be consistent with the City of Arvada Comprehensive Plan and all other adopted plans and policies, unless otherwise approved by the City.
- C. Compliance with Other Provisions of this Code. All subdivisions shall comply with all other applicable zoning, design, and development regulations set forth in this Code, including but not limited to:
  - 1. The requirements of the zoning district in which the property is located (See Article 4, Zoning Districts);
  - 2. The requirements relevant to specific uses (See Article 5); Use Regulations and;
  - 3. Generally applicable development standards (See Article 6, Development Standards).
- D. Plans for Remainder Parcels. Where an entire parcel under the subdivider's control or ownership is not subdivided, the subdivider shall submit plans for the remainder of the parcel, including major road connections and intended land uses prior to approval of the subdivision of any portion of the property.
- E. Noise Attenuation Required. Where a subdivision borders a railroad right-of-way, freeway, or arterial street, the subdivision design shall include adequate provisions for the reduction of noise. Parallel streets, a landscaped buffer area, lots with increased setbacks, among others, are recommended solutions.

### 7.6.3 Layout and Design of Subdivisions

- A. Applicability. In addition to the general principles and standards set forth in this Article applicable to all subdivisions, the following supplemental regulations shall apply.

B. Supplemental Design Standards for Subdivisions.

1. The subdivider shall demonstrate that the proposed street, parcel, and block pattern is specifically adapted to the uses anticipated and accounts for and accommodates other uses in the vicinity.
2. Any proposed parcel shall be suitable in area and dimension for the types of development anticipated.
3. Street rights-of-way and pavement width shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon, and all street widths must be approved by the City Traffic Engineer.
4. Special requirements may be imposed by the City with respect to street, curb, gutter, and sidewalk design and construction and with respect to the installation of the public utilities, including water, sewer, and storm water drainage.
5. All subdivisions shall design and construct streets, curbs, gutters, and sidewalks to allow movement of the handicapped.
6. To the maximum extent feasible, adjacent residential areas shall be protected from potential nuisances arising from a proposed non-residential subdivision, including but not limited to providing extra depth in parcels that back onto existing or potential residential development and providing for a wider than otherwise required landscaped buffer strip.
7. Streets that carry non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.
8. The location and number of access points to a public way may be restricted by the Traffic Engineer in a subdivision.
9. In non-residential subdivisions, a "blanket easement" is normally required for utilities. Applicants should consult with the utility companies for each particular case.

**7.6.4 Protection of Existing Vegetation, Wildlife Areas and Natural Features**

- A. The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within all proposed subdivisions shall be designed in a manner that minimizes the land disturbance and preserves existing trees, vegetation, watercourses, wildlife areas and other natural features that would add value to the proposed development. Applicants shall refer to the development standards set forth in §6.5.2.C (Tree Preservation and Replacement) of this Code, and shall apply them in the layout of the subdivision in order to avoid creating lots or patterns of lots that will make compliance with such standards difficult or infeasible.
- B. The determination of which existing site trees are to be saved, replaced, or relocated shall be made by the City, pursuant to §6.5.2.C of this Code.

No trees shall be removed from any subdivision or any change of grade of the land affected until approval of the plat has been granted. All trees on the platted area required to be retained shall be preserved, and all trees where required shall be welled and protected against change of grade. See §6.5.2.C.

### **7.6.5 Geologic Hazard Areas and Protection of Natural Lands**

#### **A. Generally.**

1. All subdivisions shall comply with the standards set forth in §6.14, "Avoidance of Natural Hazards and Protection of Natural Lands."
2. All subdivision plats shall be reviewed in regard to geologic hazards, including but not limited to existing soils conditions and slope stability. All subdivisions shall evidence design and use compatibility with existing soils, particularly in regard to topography, drainage, bearing capacity, and erosion potential. All subdivision design shall ensure adequate protection from potentially hazardous or undesirable soils or geological conditions on the development site.
3. No subdivision shall be approved where the design or related facilities clearly constitute the creation of a hazardous circumstance or lack of provision for the public safety.

#### **B. Hazard Areas within Platted Lots.**

1. To the maximum extent feasible, lands that contain steep slopes (an average of 30 percent slope or greater as measured from the points with highest and lowest elevation within 25 feet of any portion of the proposed structure) or that show evidence of slope instability, landslides, avalanches, or other natural or man-made hazards shall not be included in platted lots, or alternately, shall not be included within the plat's and/or an individual lot's identified Limits of Development. See §6.14.4 and §6.14.7 of this Code.
2. Alternately, platted lots may contain such hazard areas only if an acceptable mitigation and remedial plan, prepared by a Colorado-licensed geotechnical engineer, is approved by the City. See §6.14.2. Such mitigation plans shall be judged by generally accepted principles of engineering adapted to the particular circumstances of the subdivision site. If approved, the plat shall include a plat note that all development in the subdivision shall be carried out in conformity with such mitigation and remedial plans.

### **7.6.6 Floodplain**

All subdivisions containing lands within the 100-year floodplain, as shown on the City of Arvada Official Floodplain Map, shall comply with the floodplain regulations set forth in §6.13 of this Code.

### 7.6.7 Blocks

- A. Blocks shall normally be at least 400 feet in length and not more than 1,200 feet between street centerline intersections, unless, because of extreme conditions, a longer block is approved by the City Traffic Engineer.
- B. Block lengths and widths shall be suitable for the uses contemplated and the zoning requirements pertaining to minimum lot sizes and dimensions.
- C. In blocks over 1,000 feet long, pedestrian, bicycle, and equestrian crosswalks may be required. Said crosswalks shall normally require a six and one-half foot (6½') right-of-way.
- D. Blocks along designated or planned parkways or arterial streets shall not be less than 660 feet in length, unless approved by the City Traffic Engineer.

### 7.6.8 Lots

- A. Access Required.
  - 1. All subdivisions shall comply with the standards set forth in §6.8.1.D., "Access to Public Roads," in §6.8.2, "Street Hierarchy and Connectivity," and in §7.6.10, "Streets" below.
  - 2. Access to a street shall occur only at intersections approved by the City Traffic Engineer, who shall determine the intersection or intersections for access based upon standards for efficient traffic movement and safety for drivers and pedestrians.
  - 3. Where driveway access from a street to several adjoining lots is allowed, the Decision-Making Body may require that such lots be served by a combined or shared access drive in order to limit possible traffic hazards on such street.
  - 4. If the plat provides for indirect access (i.e., over intervening private drives), access easements benefiting all lots with indirect access shall be provided and recorded before any building permit is issued for a lot with indirect access. Indirect access to public streets may be provided by means of an auto court or loop lane pursuant to §6.8.2.H and §6.8.2.I.
- B. Compliance with Zoning Required. Lots shall meet all applicable zoning requirements for lot dimensions and configuration. See also §7.9 below regarding provisions for cluster-lot subdivisions.
- C. Buildable Lots Required. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with this Code or in providing driveway access to buildings on such lots from an approved street. See §7.6.5 above regarding geologic hazard areas and protection of natural lands.

- D. Side Lot Lines. Side lot lines shall be substantially at right angles or radial to street lines when feasible.
- E. Drainage. Lots shall be laid out so as to provide positive drainage way from structures. Individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots. See §7.6.15, "Storm water Drainage and Management," below.
- F. Double-Frontage Lots.
  - 1. Double frontage lots shall be avoided to the maximum extent feasible, except where necessary to provide separation of residential development from Parkways and Arterials, or to overcome specific disadvantages of topography and orientation.
  - 2. If approved, double frontage lots shall have an average lot depth of not less than one hundred and thirty feet (130').
  - 3. Unless waived by the City, the subdivider shall construct fences along the rear of double frontage lots. Such fences shall be six (6) feet high, composed of cedar picket fencing with brick posts not more than 60 feet apart, unless an alternate design or material is approved by the Decision-Making Body. See also §6.5.8 for applicable fence and wall standards.

### **7.6.9 Sidewalks, Trails, and Bicycle Paths**

- A. General Requirements.
  - 1. The layout and design of all sidewalks, trails, and bicycle paths shall be consistent with the City of Arvada Transportation Plan and Trails Plan, as amended, and all other adopted plans and policies.
  - 2. All subdivisions shall comply with the development standards set forth in §6.8, "Circulation and Connectivity," including without limitation the standards set forth in §6.8.3, "Pedestrian and Bike Access, Circulation, and Parking."
  - 3. Subdivisions shall include an interconnected system of sidewalks and trails that directly connect to all uses, lots, open space areas, and parks.
- B. Trails.
  - 1. The subdivider shall construct and provide pedestrian, bicycle, or equestrian trail rights-of-way in compliance with §6.8.3.A., "Trails," and §7.11, "Public Park and Trails Dedications," below. Additional trail rights-of-way may be required where necessary for access to parks, schools, shopping areas, or other community facilities.

2. Trails shall be eight (8) feet wide, unless a wider trail is required by the City. All trails between lots shall be located within a minimum 40-foot wide landscaped strip, which 40-foot wide strip may be dedicated to the City or set aside as private, common open space.

#### **7.6.10 Streets**

- A. Compliance with the City of Arvada Transportation Plan. The location, design, and configuration of all street systems (including curb and gutter) shall be consistent with the City of Arvada Transportation Plan, as amended, and all other adopted plans, policies, and specifications.
- B. Connectivity Requirements.
  1. All subdivisions shall comply with the development standards set forth in §6.8, "Circulation and Connectivity," including without limitation the standards set forth in §6.8.2.F., "Connectivity."
  2. Parkway, Arterial, and Collector streets shall be aligned to join with planned or existing streets. The street right-of-way widths shall meet the current design standards of the City of Arvada.
  3. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing street layout or the most advantageous future development of adjacent tracts.
- C. Street Names. All street names shall conform to the standard metropolitan grid pattern, unless specifically accepted there from as part of the development plan or plat process.
- D. Street Grade. Streets shall be related appropriately to the topography. To the maximum extent practicable, all streets shall be designed and arranged so that adjacent building sites are located at, or above, street grade. A combination of steep grades and curves shall be avoided.
- E. Street Drainage. The subdivider shall provide all grading, paving, drainage, and drainage structures necessary for the proper use and drainage of streets, and other areas necessary for the public safety. The subdivider shall also provide bridges, culverts, or open drainage channels and covered irrigation ditches where required by the City.
- F. Local Streets. Local streets shall be laid out to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
- G. Street Design Adjacent to Rural or Estate Residential Areas. When developing adjacent to an existing rural residential area or estate residential area, the street design should discourage primary and secondary access through the existing rural area or estate residential area. Emergency access may be obtained through the existing rural residential area or estate residential area.

- H. Minimize Conflicts of Movement/Circulation. The layout of buildings, streets, alleys, access ways, parking areas, and walkways in commercial, office, and industrial developments shall be planned and coordinated to minimize conflicts of movement between the different types of on-site traffic (including but not limited to pedestrian, rail, truck, and automobile traffic).
- I. Street Access--Design. See §6.8 (Circulation and Connectivity).
- J. Intersection Design.

- 1. Street intersections shall approximate right angles as closely as possible and in no case shall the angle be less than sixty (60) degrees.
- 2. Streets with offset intersections shall have a minimum separation of 125 feet from centerline to centerline of the streets or shall be aligned with existing intersections.
- 3. Property lines at corners of all intersecting streets shall be rounded by an arc having a minimum radius, as follows:

Type of Street Intersection	Minimum Radius of Arc at Corner of Intersection (Feet)
Local-Local	15
Local-Collector	15
Arterial-Local	15
Collector-Collector	25
Arterial-Collector	25
Arterial-Arterial	50

- K. Cul-de-Sacs.
  - 1. Cul-de-sac streets shall not exceed 500 feet in length, measured along the centerline, from the extended property lines on the open end to the farthest side of the circumference on the turn-around, with a minimum of 45' radius.
  - 2. Where a particular parcel's size or shape makes a 500-foot limitation impracticable, the City may approve a longer cul-de-sac provided it determines that there is no reasonable alternative. In such a case, the City may require upgrading of the cul-de-sac and/or a second, emergency only access, where possible.
  - 3. A "T" or "Y" design, or other acceptable design to provide a turn-around may be used if approved by the City Traffic Engineer, and if the street does not exceed 200 feet in length.
- L. Dead-End Streets. Dead-end streets, with the exception of cul-de-sacs, shall be prohibited unless they are designed to connect with future streets in adjacent land that has not been platted, in which case a turn-around

easement of forty-five (45) feet radius shall be required with full paving and curb and gutter, unless waived by the City.

- M. Fire Lanes. Fire lanes may be required where necessary to protect the area during the period of development and when developed, and shall be at least 24 feet in width, and remain free of obstructions and provide access at all times.
- N. Private Streets. Unless private streets are expressly approved as part of the subdivision approval process, all streets shall be dedicated to the City of Arvada. Parking lot driveways or internal circulation driveways with perpendicular parking for multi-family, commercial, or industrial sites shall not be required to conform to standards for public streets.
- O. Half-Streets. The dedication of a half-street or portion of a street shall not be accepted unless:
  - 1. The subdivider obtains for the City a dedication from the abutting landowner of the other one-half street; and
  - 2. The subdivider obtains from the said abutting landowner an agreement in a form satisfactory to the City Attorney that guarantees the cost of the improvements and construction of the same on the half-street within a time acceptable to the City Engineer.
- P. Handicapped Accessibility. All subdivisions shall have street, curb, gutter and sidewalks designed and constructed to allow movement of the handicapped.
- Q. Street Lights. The subdivider shall provide streetlights as required by the Traffic Engineer.

#### **7.6.11 Traffic Impact Analysis**

All subdivisions shall be subject to the requirements for preparation of a Traffic Impact Analysis (TIA) set forth in §6.8.1.F, "Traffic Impact Analysis."

#### **7.6.12 Fire Hydrants & Access Roads-Completion Required Before Construction Above Foundation Level**

- A. Timing. Fire hydrants and hard-surfaced access roads shall be installed before construction is begun above foundation level, or before combustible materials are stockpiled.
- B. Access Roads. Hard-surfaced access roads subject to this subsection shall include all streets, parking lots, or other vehicular areas shown on the final development plan or plat, including curbs, gutters, cross pans, street signs, and all base and surfacing with the exception of the upper 1 to 1-1/2 inches of asphaltic concrete, which shall be installed after construction is substantially completed or as otherwise directed by the City Engineer.

- C. Testing of Hydrants. Fire hydrants shall be tested and charged ready for Fire Protection District use.
- D. Exception. The Chief Building Official, with the concurrence of the Fire Chief, may, upon written request, waive the above access requirements.

### **7.6.13 Off-Site Utilities and Services**

All subdivisions shall be reviewed in regard to whether off-site utilities and services, including but not limited to drainage facilities, roads, and streets, that are necessary to serve a proposed subdivision are adequate in terms of capacity, configuration, connections, routes, and other relevant considerations. Any deficiencies shall be identified and commitments made by the subdivider to undertake remedial measures. See §3.18 (Public Improvements Agreements) of this Code.

### **7.6.14 Utilities**

- A. All subdivisions shall comply with the requirements set forth in §6.11 (Underground Utilities).
- B. The following utilities shall be provided by the subdivider:
  - 1. Water and Sewer Lines.
    - a. The subdivider shall design and install at the subdivider's cost all water and sanitary sewer lines and accessories to serve a development. City standards will be used wherever applicable to the specific development. All such water and sanitary sewer lines will be not less than eight (8) inches nominal diameter, unless smaller diameters are permitted by the design criteria of the City.
    - b. The City will reimburse the subdivider for excess costs resulting when oversized water or sanitary sewer lines are required to be built by a subdivider, to the extent such oversized lines are greater than eight inches nominal diameter.
  - 2. Storm Drainage Improvements and Storm Sewers, where required. See §7.6.15 below.
  - 3. Fire Hydrants, spaced to meet the requirements of the Fire Protection District within which the subdivision is located. Water main sizes shall also meet the requirements of the applicable Fire Protection District.
  - 4. Telephone and Electric Lines and Other like Utility Services shall be installed underground pursuant to the standards set forth in §6.11 (Underground Utilities). The subdivider shall make the necessary arrangements, including payment for any construction or installation charges, with each of the serving utilities for the installation of such facilities.
- C. Approval of the preliminary plat does not constitute final approval of the utilities to be located within the subdivision.

### 7.6.15 Storm Water Drainage and Management

- A. Compliance with Development Standards. All subdivisions shall comply with the development standards set forth in §6.12 (Storm Water Drainage and Erosion Control).
- B. Drainage Study Required. All applications for preliminary subdivision plat approval shall include a preliminary drainage study encompassing all of the land involved in the subdivision and indicating how the subdivider proposes to handle drainage both within the subdivision and, if required, outside the subdivision. A final drainage report shall be included with the Final Plat.

### 7.6.16 Water Supply

The City of Arvada shall have the right of first refusal on all ditch and water rights appurtenant to the property being subdivided. See also §3.28.4 (Effects of Approval) regarding sale of water rights to City upon annexation.

### 7.6.17 Easements

- A. Utility Easements. All utility easements shall conform to the requirements of the appropriate utility company, unless inconsistent with the requirements of the City. Normally, these easements are as follows, unless it is unsuitable due to drainage, irrigation ditches, timber areas, or other obstructions.
  - 1. Natural gas easements are usually six (6) feet wide inside the front property lines running parallel and adjacent to all platted streets in and around the subdivision. Other additional easements, such as side lot line easements, may be required when the developer builds and points of service have become known.
  - 2. Utility easements (electric, telephone, sewer, water, and drainage) along the perimeter should measure ten (10) feet along the rear property lines adjacent to unsubdivided property. Easements adjacent to subdivided property should measure eight (8) feet in width. Easements should normally be sixteen feet (16') in width, measuring eight feet (8') on each side of abutting rear lot lines.
  - 3. Sanitary sewer easements should be designed so that sewer lines flow under streets and not between lots, which can create maintenance problems.
  - 4. Easements required for street lighting are normally five feet (5') on one side of a lot line. Additional utility easements may be required to extend services from existing lines to the subdivision.
  - 5. In all cases, the subdivider should consult with the utility company regarding requirements for a particular subdivision.

B. Drainage Easements.

1. Where a subdivision is traversed by a watercourse, drainage way, channel, stream or irrigation ditch, dedication of drainage easements or drainage right-of-way shall be required. Such easements shall conform substantially to the lines of such watercourse, and shall be of such width and construction, or both, as will be adequate for the purpose.
2. The subdivider shall dedicate, either in fee simple or by drainage or conservation easement, land on both sides of existing watercourses, to a distance to be determined by the Decision-Making Body.
3. To the maximum extent practicable, the drainage shall be maintained as an open channel with landscaped banks and shall be of adequate width for maximum potential volume of flow and for maintenance.
4. Where topography or other conditions make the inclusion of drainage facilities within street rights-of-way impractical, perpetual and unobstructed easements at least fifteen (15) feet in width for such drainage facilities shall be provided across property outside the street lines and with satisfactory access. Easements shall be indicated on the plat. Drainage easements shall be carried from the street to a natural watercourse or other drainage facilities.
5. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured.

## **7.7 MONUMENTATION**

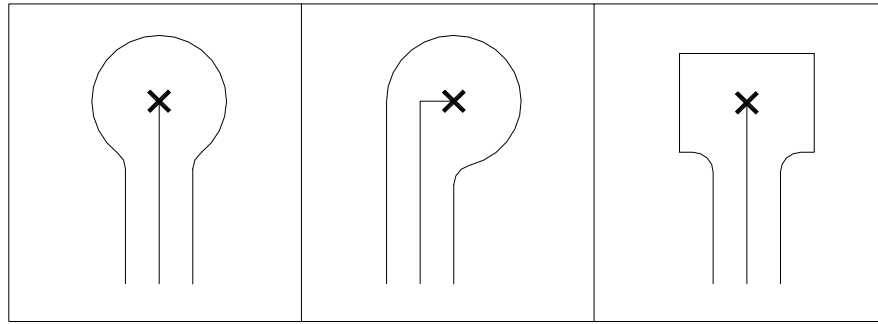
### **7.7.1 Subdivision Boundary Monuments**

All subdivision and boundary monumentation shall comply with Colorado State Statutes.

### **7.7.2 Street Centerline Control Points (Range Points)**

- A. Governing Philosophy & Rules: The purpose of range point placement is too clearly, simply, and, as permanently as practical, mark the public right of way for the citizens of Arvada, the adjoining landowners, and the public at large. Toward that end, the range points shall be placed so that two other range points are visible, via a line of sight contained entirely within the right of way, from any range point. The exception to this governing rule shall be points set at the end of a cul-de-sac or a dead end street. These points require the defined visibility with only one other range point.
1. A range point shall be set at every intersection of the centerline of any street with the centerline of another street.

2. One range point shall be set at the end of every cul-de-sac in accordance with the following sketch.



#### Range Point Positions in Cul-de-Sacs

3. If the visibility requirement cannot be met by setting the intersection and cul-de-sac end points, sufficient Points of Curvature along the centerline shall be set to meet the visibility requirement. If all Points of Curvature are set and the visibility requirement is still not met, then sufficient intermediate points shall be set along centerline to meet the visibility requirement.
4. All points to be so monumented shall be described on the plat of the subdivision.
- B. Gravel or Asphalt Streets: The monument shall be a metallic rod having a 5/8 inch minimum diameter, a minimum length of 18 inches and a 1 ½ inch minimum diameter metallic cap bearing the registration number of the professional land surveyor responsible for the establishment of the monument. The top of the monument shall be placed 6 inches below the finish grade of the road surface and inside a City-approved range box, the top of which shall be set flush with said road surface.
- C. Concrete Streets: The monument shall consist of a durable metallic disk, disk, with a minimum 3 inch stem, set above a metallic rod having a 5/8 inch minimum diameter and a minimum length of 18 inches. The top of the metallic disk shall be flush with the road surface, shall be firmly and permanently attached to that surface and shall bear the registration number of the professional land surveyor responsible for the establishment of the monument
- D. All Range Points shall be set and approved by the City prior to the issuance of any Certificate of Occupancy within the subdivision.

#### 7.7.3 General

Any monument or bench mark as required by these regulations that is disturbed before acceptance of all improvements shall be replaced by the subdivider and at the subdivider's expense.

#### **7.7.4 Location of Monuments on Final Plat**

The final plat shall indicate the exact location of monuments required by these regulations. Said location shall include the following information:

- A. Description of point(s).
- B. Distance between point(s).
- C. Bearings on all exterior boundary and street centerline control and angles between all lot lines or repairs of these lines. In the instance of a lot line intersecting the arc of a curve at an angle of other than 90 degrees, an angle shall be given from the lot line to the long chord of the arc involved on the repair of the lot line.
- D. All curve data including the following:
  - 1. Delta
  - 2. Radius
  - 3. Length of curve
  - 4. Long chord

### **7.8 REIMBURSEMENT ASSESSMENT DISTRICTS FOR PUBLIC IMPROVEMENTS**

#### **7.8.1 Purpose**

This section is intended to provide a just mechanism to allow developers who install certain public improvements to re-capture the windfall to nearby properties that may benefit from the availability of such improvements, and require such properties to share in the expense for a reasonable period of time.

#### **7.8.2 Improvements Subject to Reimbursement**

The owner of any property in Arvada who installs and dedicates street, sidewalk, water main, sewer main, bicycle trail, bridge, storm drainage facility, or other public improvements, may apply for the establishment of a reimbursement assessment district to obtain reimbursement of a portion of the cost from the owners of property specially benefited by the improvements.

#### **7.8.3 Property Eligible for Inclusion**

- A. Property is eligible for inclusion in a district if it will be specially benefited by a street, sidewalk, bicycle trail, storm drainage facility, bridge, water main, sewer main or other improvement constructed by a private party and dedicated to the City of Arvada.

- B. Property located outside the City limits may be included in a reimbursement district upon the application of the person installing the improvements. Such inclusion, however, shall be contingent and no assessment may be collected with respect to such property unless it has been annexed to the City prior to the time the assessment is due.

#### **7.8.4 Basis for Assessment**

- A. Properties within a reimbursement district shall be assessed in such a manner as to equitably apportion the cost among all properties specially benefited by it, but no property shall be assessed an amount greater than the special benefit received by it. In the absence of unusual circumstances requiring a different method, improvements, other than bridges, shall be subject to reimbursement on the basis of front footage.
- B. The cost to be apportioned within a reimbursement district shall be the reasonable cost of installing the improvement, but not including the cost of any part or portion which solely benefits the developer such as curb cuts or main connections to serve his property. Engineering costs, not to exceed five percent of construction costs, may be included for determining the cost. Reimbursable construction costs shall be based on the lowest responsible bid of three bids obtained by the developer.
- C. Except as hereinafter limited, the term "special benefit" shall mean only benefit conferred upon a property, which is greater, or different in kind from that conferred upon properties in the City as a whole by an improvement. Among the factors to be considered in determining the existence of a special benefit are:
  - 1. Increased market value;
  - 2. Improvement in safety or convenience of access;
  - 3. Improved drainage;
  - 4. Alleviation of health or sanitation hazards;
  - 5. Adaptability of the property to a superior or more profitable use;
  - 6. Improved availability of public water or sewer service to the property;
  - 7. In the case of undeveloped property, the installation of an improvement which would otherwise be required upon development of the property. When a person must extend an improvement, such as a water or sewer main, in order to make lateral connection to his property, the pre-existing portion of the improvement shall not be deemed to specially benefit that portion of his property served by the extension.

### **7.8.5 Reimbursement Terms**

- A. The owner of property included within a reimbursement district may in his discretion pay the assessment at any time after it has been imposed but shall not be required to do so unless and until a building permit is issued, the property connects to the improvement, or the property is platted, whichever occurs first.
- B. If the owner elects to defer payment of the assessment, the payment shall include interest at the rate provided by C.R.S. §5-12-102, as amended, for judgments. Such interest shall commence on the effective date of the ordinance imposing the assessment.
- C. A reimbursement district shall terminate ten years from the effective date of the ordinance establishing it and any property, which is platted or connected to the improvement thereafter, shall not be subject to reimbursement assessment.

### **7.8.6 Establishment of Districts**

- A. The owner of any property who proposes to install one or more public improvements may file with the City Manager an application for a reimbursement district on a form provided by the City upon completion of the improvements. The application shall include the nature, location, and cost of the improvements, a description of the proposed district and individual properties within it, the names and addresses of the property owners within the district, the proposed manner of assessment and the amount proposed to be assessed against each property for each improvement. The application shall be accompanied by three construction bids.
- B. A notice shall be mailed to the owners of each property within the proposed district together with a copy of the application. The notice shall state that any owner may file a written request for an administrative hearing to contest the proposal. The request for hearing shall state in general terms the grounds of objection.
- C. The City Manager shall schedule a hearing and notify the applicant and all objecting parties. The City Manager or his designee shall conduct the hearing in accordance with Arvada Code provisions pertaining to the conduct of quasi-judicial hearings.
- D. After the hearing, the presiding officer shall render an advisory decision summarizing the objections and making recommendations to the City Council.
- E. After the hearing or if no hearing is requested, the City Council shall then consider the adoption of an ordinance establishing a reimbursement district and imposing appropriate assessments which shall be liens upon the property assessed. A notice of the lien shall be filed in the office of the County Clerk and recorded.

- F. Any reimbursement assessment ordinance adopted hereunder shall be subject to judicial review pursuant to Colorado Rule of Civil Procedure Number 106.

#### **7.8.7 Developer's Responsibility**

After the adoption of a reimbursement ordinance it shall be the responsibility of the person entitled to reimbursement to keep the City informed of his current address. In the event of the recipient's death, it shall be his personal representative's responsibility to notify the City of the name and address of the person entitled to receive future reimbursements. In the case of a corporate recipient, a successor shall be designated prior to dissolution. Failure to comply with the developer's responsibilities shall constitute abandonment of all rights of reimbursement and shall be grounds for repeal of the reimbursement ordinance and refund of any assessments received by the City on behalf of the developer after the abandonment.

#### **7.8.8 Release**

Upon payment of assessment or expiration of the reimbursement term, whichever occurs first, the City will, upon request, issue a written release to the owner of assessed property.

#### **7.8.9 Contracts**

- A. In lieu of the procedure set forth herein, the developer and the owners of any property which would be subject to assessment, may contract for reimbursement in such manner and amount as they deem appropriate and the City will, at the request of the parties, collect the reimbursement at the time of connection, platting, or as otherwise agreed.
- B. In the event that a developer contracts with the owner of a portion of the property which would be subject to reimbursement assessment, such property shall be excluded from the district, but no property within the district shall be assessed in an amount proportionally greater than that provided by contract.

### **7.9 CLUSTER SUBDIVISIONS**

#### **7.9.1 Purpose**

A cluster subdivision is a residential subdivision in which the lots are allowed to be smaller or narrower than otherwise required in the zoning district ("Cluster Lots"), but in which the overall number of lots does not exceed the maximum number of lots allowed in a standard subdivision on the property by the zoning district. Cluster subdivisions are intended to create a more compact residential development in order to preserve and maintain open areas and natural lands in excess of what would otherwise be required by this Code.

### **7.9.2 Applicability**

At the subdivider's option, as an alternative to conventional or standard subdivision layout and design, cluster subdivisions shall be permitted by right in the following residential zoning districts and subdistricts:

- A. A-1 Zoning District
- B. R-CE Zoning District
- C. R-E Zoning District
- D. R-L Zoning District
- E. R-I Zoning District
- F. R-MD Zoning District
- G. R-M Zoning District
- H. NC-RA Zoning Subdistrict
- I. NC-RB Zoning Subdistrict
- J. NC-RC Zoning Subdistrict.

### **7.9.3 Minimum Development Parcel Size**

Cluster subdivisions shall be permitted only on sites containing a gross area of ten (10) acres or more.

### **7.9.4 Reduction in Minimum Lot Area Allowed**

The minimum lot area for Cluster Lots shall be the larger of:

- A. 80% of the minimum lot area required in the applicable zoning district, as set forth in §6.2.1 of this Code; or
- B. 5,000 square feet.

### **7.9.5 Reduction in Minimum Lot Frontage Allowed**

The minimum lot frontage requirements for Cluster Lots, as set forth in §6.2.1 of this Code, may be reduced by no more than ten (10) feet.

### **7.9.6 Increase in Maximum Lot Coverage Allowed**

The maximum lot coverage requirements for Cluster Lots, as set forth in §6.2.1 of this Code, may be increased by no more than ten (10) percentage points.

### **7.9.7 Reduction in Setbacks**

- A. The minimum front setback for a principal residential dwelling on a Cluster Lot may be reduced to 15 feet.
- B. The minimum front setback for a garage (attached or detached) on a Cluster Lot shall be 18.5 feet.
- C. The side and rear setbacks for a detached garage may each be reduced to zero (0) feet if the garage is accessed from an alley. If accessed from the rear, the minimum rear setback shall be three (3) feet and the side setback may be zero (0) feet.
- D. The minimum side setback for a principal residential dwelling on a Cluster Lot may be reduced to 7½ feet on a side adjacent to another principal residential dwelling on a Cluster Lot.

### **7.9.8 Preservation of Open Space**

Section 6.4.3 of this Code sets forth the required minimum amount of gross land area of the property shown on the subdivision plat that shall be permanently preserved as open space. No part of such preserved open space shall be included within any lot. Preserved open space shall be designated and designed in accordance with §6.4 of this Code.

### **7.9.9 Deed Restriction or Easement**

The open space required by this section shall be permanently preserved from development through the use of a dedication or recorded deed restriction or easement, and shall be conveyed to the City, or a Property Owners Association, or other organization with responsibility for maintenance of the open space and the ability to collect assessments or dues for such purpose. See §7.10 (Property Owners Associations) below.

### **7.9.10 Recording**

Proof that such a deed restriction or easement has been recorded shall be submitted before any building permits for construction on a Cluster Lot is issued.

## **7.10 PROPERTY OWNERS ASSOCIATIONS**

### **7.10.1 Declaration of Covenants and Restrictions Required**

If open space or other common areas within a subdivision or development are to be owned and maintained by a property owners association, the developer or subdivider shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for preliminary plan or plat approval.

### **7.10.2 Declaration Contents**

The declaration provisions shall include, but not be limited to, the following:

- A. The property owners association shall be established before the homes or lots are sold;
- B. Membership shall be mandatory for each lot or home buyer and any successive buyer;
- C. Any open space restrictions shall be permanent, not just for a period of years;
- D. The association shall be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities;
- E. Property owners shall pay their pro rata share of the cost, and the assessment levied by the association can become a lien on the property if allowed in the master deed establishing the homeowners association; and
- F. The association shall be able to adjust the assessment to meet changed needs and demands.

## **7.11 PUBLIC PARK & TRAIL DEDICATIONS & FEES**

### **7.11.1 Purposes**

These park and trail dedication and fee requirements are intended to achieve the following purposes:

- A. Provide adequate parks, trails, and associated facilities, which represent a significant part of the community character of Arvada for its residents; and
- B. Recognize that new residences generate additional demands and burdens on the City's existing parks and trails system and the need for additional such amenities; and
- C. Recognize that the necessity for, and cost of, new or expanded parks and trails facilities be properly attributed to and paid for by new residential development, in accordance with the needs and burdens generated by such development; and
- D. Institute dedication requirements sufficient to meet the need for, and cost to develop and improve, new or expanded parks and trails generated by new residential development; and
- E. Provide a dedication methodology that closely approximates the additional park and trail needs and burdens generated by new residential development, links the requirements and fees to be imposed to the additional needs and demands upon the parks and trails system

generated by new residential development; and imposes exactions of land for park and trail purposes (or payment in lieu thereof) and payment of park development fees that are roughly proportional to the demands and burdens created by a new residential development.

### **7.11.2 Applicability & Exceptions**

- A. In addition to such other dedications as may be the subject of an agreement to which the City is a party or otherwise required pursuant to the provisions of the Arvada City Code, Applicable Residential Developments shall provide public land dedications for park or trail purposes, or payments in lieu of dedications, and park development fee payments in accordance with the following provisions.
- B. All Applicable Residential Developments shall be subject to the general provisions and requirements of this Section. Specifically with respect to the land dedication, payment-in-lieu, and park development fee requirements of this Section, all Applicable Residential Developments shall be subject thereto, except that residential development specifically exempted herein (see §7.11.4 below), or concerning which cash-in-lieu payments and/or dedications, or park development fees have been previously satisfied prior to May 18, 1999, or for which different dedication or payment-in-lieu and park development fee requirements were specifically established by a currently approved and unexpired preliminary development plan, preliminary plat, or binding agreement to which the City is a party. Such exception shall be effective so long as existing residential density or that density specifically established by a currently approved plan, plat, or binding agreement is not increased.
- C. Existing residential dwelling units shall not be subject to the Public Park Land Dedication, Fee-In-Lieu, Public Trail Land Dedication, or Park Development Fee requirements of §7.11.

### **7.11.3 "Applicable Residential Development" Defined**

For purposes of this Section 7.11, "Applicable Residential Development" shall include the following:

- A. Land being annexed into the city and zoned for residential use;
- B. Rezoning which allows for residential uses;
- C. Subdivision of land into new residential lots;
- D. Development of existing undeveloped residential lots;
- E. Development of planned community, condominium, or other similar residential projects involving multi-family residential dwelling units; and
- F. Amendments to approved development plans or similar changes affecting the status of a property to the extent that such changes result in an increase in the number of dwelling units.

#### 7.11.4 Exempt Lands/Uses

The following general categories of land, or specific uses of land, shall be exempt from the land dedication, payment in-lieu, and park development fee payment requirements of this Section, notwithstanding a zoning classification which may allow for residential use:

- A. Real property which is listed as exempt from real property taxation by the county clerk and recorder for the county in which the property is located, except as used for residential purposes; and
- B. Nursing homes and similar residential accommodations primarily providing care and supervision to persons who are disabled or generally confined to the care facility for medical, physical, or mental reasons.

#### 7.11.5 Public Park and Trail Land Dedication or Fee-In-Lieu

- A. Park Land Dedication or Fee-In-Lieu. The owner/developer of land to which these provisions apply shall, at the option of the City:
  - 1. Convey to the city in fee simple not less than ten (10) acres per thousand (1000) population projected for the development of such land, as determined in accordance with the provisions of this subsection;
  - 2. Pay to the city the cash equivalent of the fair market value of the land otherwise required to be dedicated pursuant to this subsection; or
  - 3. Satisfy such combination of dedication and payment in lieu of dedication that, consistent with the provisions of this subsection, the city determines appropriate.
- B. Applicable Population Density Standards. For purposes of determining park land dedication requirements pursuant to this subsection, the projected population of the applicable residential development shall be established by utilization of the following density factors:
  - 1. 2.83 persons per single-family detached dwelling;
  - 2. 2.38 persons per multi-family dwelling or two-family dwelling;
  - 3. 1.5 persons per dwelling within a development intended for, and qualifying as, "housing for older persons" pursuant to the federal Fair Housing Act (42 U.S.C. §3607(b) (2), as amended). In the event that a development intended for "housing for older persons" fails to qualify for such status under the applicable provisions of the Fair Housing Act or pertinent regulations, or having achieved such status thereafter relinquishes or otherwise fails to maintain such status, additional land dedication or cash-in-lieu payment shall be required, based upon the appropriate density factor set forth in this subsection.

C. Payment of Fees In-Lieu of Park Land Dedication.

1. Where the payment of cash to the City is to be made in lieu of the dedication of the land as permitted by this section, the owner/developer shall provide to the City, at the owner/developer's cost and expense, a current written appraisal of the fair market value of the land to be annexed, zoned, platted, or developed, as the case may be.
2. Each appraisal shall be performed by a Colorado-licensed real estate appraiser.
3. The Community Development Director may waive the requirement of an appraisal where the owner/developer provides to the City documentation evidencing the fair market value of the land to be annexed, zoned, platted, or developed as the case may be, which in the opinion of the Community Development Director reasonably estimates the land's fair market value.
4. The appraisal or documentation of the land's fair market value along with other evidence, which, in the City's opinion, aids in the determination of fair market value, may be used in the determination of the amount of any payment in lieu of land dedication permitted by this subsection.
5. Nothing in this section shall limit or preclude the City Council from requiring a written appraisal notwithstanding a waiver of the appraisal requirement granted by the Community Development Director.

D. Public Trail Land Dedication.

1. The owner/developer of land to which these provisions apply shall, at the option of the City, dedicate in fee simple or grant easements over and across such land lying within the boundaries of the development as may be required, in the City's determination, to provide for the construction and maintenance of public trails which will traverse the development as referenced in or depicted on the City's approved Trail Master Plan, Park Master Plan, or Comprehensive Development Plan.
2. The owner/developer of land to which these provisions apply shall further be required to construct all such public trails as are referenced above.
3. Any trail dedication or construction required by the provisions of this subsection shall comply with all applicable City design and construction standards and any other rules or regulations adopted pursuant to this subsection.

E. Credit for Trail Land Dedications.

1. For purposes of satisfying the park land dedication requirements of §7.11.5.A above, in those developments where trails referenced in or depicted on the City's approved Trail Master Plan, Park Master Plan, or Comprehensive Development Plan are proposed to be located, those trail dedications or grants of easements as are accepted by the City shall be credited against the park land dedication requirements of the development.
2. With respect to dedications or grants of easements for other public trails proposed within the development, but not referenced or depicted on the City's approved Trail Master Plan, Park Master Plan, or Comprehensive Development Plan, the City may in its discretion, and upon a determination that it is in the best interests of the City, grant a credit, in whole or in part, against park land dedication requirements for such trail dedications or grants of easement.
3. Such credits as set forth herein shall not apply to proposed sidewalks or trails within street rights-of-way or on land within the development required to be dedicated for purposes other than park or trail use.

F. Form of Land Dedication/Payment of In-Lieu Fees

1. All lands or interests required to be conveyed under this Section shall be conveyed to the City by proper dedication upon a plat or by general warranty deed, without restriction, and free and clear of any and all liens, restrictions, covenants, and encumbrances.
2. Cash-in-lieu payments shall be paid to the City in an account to be used solely for the acquisition and development of parks, trails, and recreation facilities reasonably proximate to the applicable residential development.

G. Timing of Dedication or Payment-In-Lieu.

Any dedication of land, payment-in-lieu of dedication, or granting of an easement required pursuant to the provisions of this section shall be satisfied in accordance with the following:

1. As to residential development in general, all requirements with respect to land dedication, payments-in-lieu, or trail easements shall be satisfied in full prior to, or as part of, the approval of the final plat, or at such other time as may be required by the City. As to a non-PUD, but phased, development, the provisions of paragraph G.2 below shall apply.
2. As to the phased development of a PUD project:
  - a. All park land dedication requirements shall be satisfied at the time of the approval of the final plat for each phase of

- the development based upon the projected population for that phase, or at such other time as may be required by the City;
- b. Payments-in-lieu of park land dedication shall be satisfied at the time of the approval of the final plat for each phase, based upon the nature and number of dwelling units contained within such plat and application of the land dedication and payment-in-lieu provisions of this section, or at such other time as may be required by the City;
  - c. Dedications or grants of easements for trail purposes pursuant to the provisions of this section shall be satisfied prior to, or as part of, the approval of the final plat for each phase involving land which a trail or trails referenced in subsection D. above will traverse, or at such other time as may be required by the City;
  - d. No revision or amendment to an approved development plan or final plat pursuant to which the required land dedication has been previously proffered and accepted by the City shall create a credit in favor of, or reduce the land dedication requirements applicable to an owner/developer, nor shall any such revision or amendment require the City to reconvey any portion of a previously accepted dedication, notwithstanding a decrease in the planned density of the development or any portion thereof.

#### **7.11.6 Park Development Fee**

- A. Assessment of Park Development Fee. With respect to all applicable residential development, a park development fee of \$1,098.10 per single family detached unit and \$922.40 per multi-family or single family attached unit, as adjusted per subsection C. below, shall be assessed, which fee shall be due and payable at the time of the approval of the final plat, or final development plan as the case may be, containing such dwelling units.
- B. Timing of Payment for Approved Developments. Residential park development fees for developments for which applications have been filed and application fees paid prior to May 18, 1999, may, at the option of the developer, be paid prior to the issuance of each building permit for the development, if not otherwise paid earlier.
- C. Annual Adjustment of Fee. On January 2 of each year, the park development fee shall be automatically adjusted in accordance with any percentage change in the cost of park development. The park development fee shall be adjusted by the average percentage change, if any, in the Consumer Price Index, the Construction Cost Index, and the Building Cost Index, taken together and as established for the Denver metropolitan area.
- D. Use of Fee Revenues. Such park development fee shall be used solely for the development and improvement of parks, trails, and recreation facilities within or reasonably proximate to the applicable residential development.

- E. Option to Construct Neighborhood Park Improvements. Subject to the express approval of the City, the owner/developer of land involving applicable residential development may elect, in lieu of payment of park development fees, to develop and construct neighborhood park improvements on land within the development dedicated for such purposes or upon existing park land reasonably proximate to the development. Such development and construction shall comply with all applicable provisions of this Code and any rules or regulations adopted pursuant thereto.

## **7.12 SCHOOL DEDICATION OR FEE-IN-LIEU PAYMENT**

### **7.12.1 Purpose**

These school land and in-lieu fee requirements are intended to achieve the following purposes:

- A. Provide adequate new or expanded public schools for the convenience and service of Arvada's residents; and
- B. Recognize that new residences generate additional demands and burdens on the existing school system and the need for additional facilities; and
- C. Recognize that the necessity for, and cost of, new or expanded schools be properly attributed to and paid for by new residential development, in accordance with the needs and burdens generated by such development; and
- D. Institute dedication requirements sufficient to meet at least a portion of the need for, and cost to develop and improve, new or expanded schools generated by new residential development; and
- E. Provide a dedication methodology that closely approximates the additional school needs and burdens generated by new residential development, links the requirements and fees to be imposed to the additional needs and demands upon the school systems generated by new residential development; and imposes an exaction of land for school facility purposes (or payment in lieu thereof) that is roughly proportional to the demands and burdens created by a new residential development.

### **7.12.2 Applicability**

The school dedication/in-lieu fee requirements set forth in this Section shall apply to all Applicable Residential Development, as defined in §7.11.3 above, except as exempted in §7.12.3 below.

### **7.12.3 Exempt Lands/Uses**

The following general categories of land, or specific uses of land, shall be exempt from the school land dedication and in-lieu fee payment requirements of this Section, notwithstanding a zoning classification which may allow for residential use:

- A. Real property which is listed as exempt from real property taxation by the County clerk and recorder for the county in which the property is located, except as used for residential purposes.
- B. Developments intended for, and qualifying as, "housing for older persons" pursuant to the Federal Fair Housing Act (42 U.S.C. §3607(b) (2), as amended). In the event that a development intended for "housing for older persons" fails to qualify for such status under the applicable provisions of the Fair Housing Act or pertinent regulations, or having achieved such status thereafter relinquishes or otherwise fails to maintain such status, subsequent school land dedication or cash-in-lieu payment shall be required, based upon the appropriate density factor set forth in §7.12.4 below.
- C. Nursing homes and similar residential accommodations primarily providing care and supervision to persons who are disabled or generally confined to the care facility for medical, physical, or mental reasons.
- D. Existing residential dwelling units.

**7.12.4 Public School Land Dedication/In-Lieu Fee Standards**

- A. School Land Dedication or Fee-In-Lieu. The subdivider of land to which these provisions apply shall, at the option of the reviewing School District (see §7.12.5 below):
  - 1. Convey to the City in fee simple not less than four (4) acres per thousand (1000) population projected for the development of such land, as determined in accordance with the provisions of this subsection. The applicable service area shall be the currently adopted senior high school attendance area;
  - 2. Pay to the City the cash equivalent of the fair market value of the land otherwise required to be dedicated pursuant to this subsection; or
  - 3. Satisfy such combination of dedication and payment in lieu of dedication that, consistent with the provisions of this subsection, the School District determines appropriate.
- B. Applicable Population Density Standards. For purposes of determining school land dedication requirements pursuant to this subsection, the projected population of the applicable residential development shall be established by utilization of the following density factors:
  - 1. 2.83 persons per single-family detached dwelling;
  - 2. 2.38 persons per multi-family dwelling or two-family dwelling.
- C. Criteria for Acceptable Land Area. Land area eligible for consideration in the evaluation of the land dedication for public schools shall be based on the intended purposes of the land's use and shall be prioritized as follows:

1. Buildable lands that do not contain geologic hazard areas or soil conditions, such as unstable or potentially unstable slopes, faulting, landslides, rockfalls, expansive soils, or floodplains;
  2. Lands within the low hazard area of the 100-Year Floodplain;
  3. Lands within geologic or wildfire hazard areas when the subdivider takes all necessary actions, prior to the transfer of such properties, or as otherwise agreed upon, to mitigate the hazardous aspects of such sites.
- D. Payment of Fees In-Lieu of School Land Dedication. Where the payment of cash to the City is to be made in lieu of the dedication of the land as permitted by this Section, at the time of final plat approval, the owner/developer shall provide to the City, at the owner/developer's cost and expense, a current written appraisal of the fair market value of the land area based on the approved preliminary or proposed final plat.
1. Each appraisal shall be performed by a Colorado-licensed real estate appraiser.
  2. The Community Development Director may waive the requirement of an appraisal where the owner/developer provides to the City documentation evidencing the fair market value of the land, which in the opinion of the Community Development Director reasonably estimates the land's fair market value.
  3. The appraisal or documentation of the land's fair market value along with other evidence, which, in the City's opinion, aids in the determination of fair market value, may be used in the determination of the amount of any payment in lieu of land dedication permitted by this subsection.
  4. Nothing in this section shall limit or preclude the City Council from requiring a written appraisal notwithstanding a waiver of the appraisal requirement granted by the Community Development Director.

#### **7.12.5 School District Review of Outline Development Plans and Preliminary Subdivision Plats**

At the time of City review of a PUD Outline Development Plan (§3.7) or a preliminary subdivision plat (§3.8), whichever occurs earlier, the school district(s) affected by the proposed plat shall make a determination as to whether a land dedication or fee-in-lieu payment will be appropriate. It shall be the responsibility of the reviewing School District to advise Staff and the Planning Commission during the preliminary subdivision plat referral and review stages on the acceptability of the land areas proposed to fulfill the requirements of this Section.

#### **7.12.6 Method & Timing of Dedication/Payment of Fees-In-Lieu**

- A. All school sites required pursuant to this Section shall be properly labeled on the proposed final plat as a tract for school purposes, and shall be

conveyed to the City in fee simple, by dedication on the final plat or by warranty deed.

- B. Fees-in-lieu paid pursuant to this Section shall be made payable to the City at the time of the final subdivision plat approval.

## **7.13 SUBDIVIDERS AGREEMENT**

Prior to approval of the final plat, the subdivider shall enter into a Public Improvements Agreement, Development Agreement, Subdivider's Agreement, or other Agreement with the City of Arvada, which agreement shall contain, at a minimum, all of the following provisions:

### **7.13.1 Furnish/Install Improvements**

The subdivider will, at his own expense, furnish and install the streets, water lines, sidewalks, street lights, sanitary sewer mains, storm drains, storm drainage structures, bridge and irrigation ditch structures, and other improvements as may be necessary, in accordance with the procedures, plans, and specifications approved by the City of Arvada. The subdivider agrees to file with the City a copy of the as-built construction plans of said public improvements upon their completion.

### **7.13.2 Use of Licensed Contractors and Sub-Contractors**

Any contractor or sub-contractor employed by the subdivider shall be licensed by the City before the contractor or sub-contractor commences work on any of the improvements contemplated within the agreement.

### **7.13.3 Maintain Streets During Course of Work**

Every reasonable effort shall be made by the subdivider to maintain all streets located within the subdivision in which the improvements are to be installed in a reasonably safe and passable condition during the course of work contemplated. If for any reason, the construction of the streets provided for in the agreement is delayed until the structures or dwelling units are occupied, then the subdivider agrees to maintain sufficient streets in said subdivision used by the occupants of any such structures or dwelling units in a reasonable, suitable and proper condition to provide for travel, ingress and egress, and to continue said maintenance until such time as the hard surface shall be completed and accepted for maintenance by the City.

### **7.13.4 City Acceptance of Improvements/Warranty**

All improvements constructed by the subdivider in public rights-of-way, easements, streets, or alleys shall become the property of the City immediately upon acceptance of said improvements by the City, and the subdivider warrants said improvements for two years from the date of acceptance by the City.

### **7.13.5 Other Conditions**

Any other conditions which may be required by the Decision-Making Body for the health, safety, and welfare of the community.

### **7.13.6 All Conditions Binding**

All provisions and conditions contained in such Agreement shall constitute a covenant running with the land and shall be binding upon the heirs, successors and assigns of the parties hereto.

## **7.14 IMPROVEMENTS INSTALLATION & WARRANTIES**

### **7.14.1 Public Improvements-Generally**

#### **A. Compliance with City Specifications and Standards**

1. All public improvements, including but not limited to streets, curb and gutter, sidewalk, sewer and water lines, irrigation ditch improvements, storm sewers, storm drainage structures, bridges, and any other public improvements, shall be constructed in compliance with this Article and Code, and with the current City of Arvada Code of Standards and Specifications for The Design and Construction of Public Improvements.
2. All construction plans for public improvements shall be approved prior to the final plat approval. No public improvements shall be made until all plans, profiles, and specifications pertaining to such improvements have been reviewed and approved by the City Engineer as required by this Code, and all improvements shall be constructed as per the approved construction plans.

### **7.14.2 Building Permit Contingent on Dedication of Easements and Installation of Certain Improvements**

- A. Where required by the City, a developer shall dedicate an emergency access easement prior to the issuance of a building permit for the project or any phase of the project.
- B. Prior to issuance of a building permit for above-ground construction, the developer shall install all streets and all-weather access.

### **7.14.3 Certificate of Occupancy Contingent on Construction/Installation of Improvements**

Prior to the City's issuance of a Certificate of Occupancy, the following events, as applicable, shall occur: The City Engineer may waive the schedule of improvements if he finds that it cannot be reasonably met due to extenuating circumstances, and if the City is provided with acceptable security to guarantee completion of the improvements.

- A. Construction of any required emergency access lane;
- B. Dedication of all required utility, drainage, and construction easements;

- C. Construction of sidewalks, widening of existing streets, and ramps for the handicapped, noise fencing or other improvements required by this Code, but not directly related to emergency vehicle access, for any building(s) which would be served or affected by such improvements.
- D. Installation, at the developer's sole expense, of all required landscaping and recreational amenities (collectively referred to as "landscaping").
  - 1. If the developer has not completed its landscaping obligations, but is otherwise in compliance with any subdivision agreement or other terms of development approval, the developer may escrow funds with or provide an irrevocable letter of credit to the City, in which case the City may, in its sole discretion, issue Certificates of Occupancy subject to the provisions set forth in this subsection.
  - 2. The letter of credit or the terms of any agreement for the escrow of funds shall be subject to the approval of the City Attorney, in an amount equal to 150% of the estimated cost of providing the required landscaping. The estimates for landscaping costs shall be made by a landscape contractor acceptable to the City. If the City rejects any estimate provided by the developer, the City, in its sole discretion, may obtain an estimate of the costs of landscaping, which shall be binding on the developer in determining the amount of funds to be escrowed.
  - 3. The City shall release any escrowed funds only upon the completion of all landscaping obligations by the developer. In the event of default by the developer, the City may, in its sole discretion, withhold Certificates of Occupancy for the subject development or, if the City elects to issue Certificates of Occupancy, the City may retain all escrowed funds and apply all funds toward the completion of the required landscaping. The manner and method in which the City elects to undertake and complete the landscaping obligations of a defaulting developer shall be within the sole discretion of the City; provided, however, that nothing herein shall obligate the City to install or complete the landscaping improvements and nothing herein shall prevent, prohibit, or limit the remedies available to the City to enforce the developer's obligations.
- E. Installation of all fencing shown on an approved final subdivision plat, development plan, or site plan.
- F. Installation, signing, and striping of all parking and hard-surface access areas.
- G. Screening from view all roof-mounted and wall-mounted mechanical equipment.

#### **7.14.4 Required Escrow for Establishment of Seeded or Plugged Grass Areas.**

The Owner/Developer shall escrow funds for any landscaped area to be seeded or plugged for establishment of drought tolerant grass. Such escrow shall be

submitted per Section 7.14.3 D.2 above and will be released upon the City determining that such grasses are successfully established.

#### **7.14.5 Maintenance of Landscaping and Fencing**

The Owner/Developer, or their heirs, successors, assigns or transferees, including any property owners association created by the Owner/Developer, shall maintain into perpetuity all installed landscaping and fencing that is required by a final approved subdivision plat, development plan, or site plan. This obligation to maintain shall arise regardless whether the landscaping and fencing, as actually installed, fails to specifically conform to the requirements of the final approved plat or plan and regardless whether the Owner/Developer or the City installs the landscaping and fencing.