

ORDINANCE NO. 3.02

AN ORDINANCE REGULATING  
THE SUBDIVISION OF LAND WITHIN  
THE TOWN OF LARKSPUR, COLORADO

BE IT ORDAINED by the Board of Trustees of the Town  
of Larkspur, Colorado as follows:

ARTICLE I

GENERAL PROVISIONS

SECTION 1 - AUTHORITY:

A. This ordinance is adopted pursuant to the provisions  
of C.R.S 1973 31-23-214 as amended.

SECTION 2 - PURPOSE:

A. To establish accurate records of land subdivision.

B. To logically relate the development of newly  
developed or annexed land to existing development  
within the Town of Larkspur.

C. To facilitate the development of adjoining  
tracts.

D. To provide for adequate, safe and efficient  
public utilities, improvements, community  
facilities, public places, and parks.

E. To provide for protection from fire, flood and  
other natural dangers.

F. To provide that the cost of public improvements  
necessitated by any tract of land being developed  
be borne by the owners or developers of that tract.

SECTION 3 - JURISDICTION:

A. This ordinance shall apply to all land located  
within the Town of Larkspur, Colorado, or lands in the process  
of being annexed to the Town of Larkspur. In addition thereto,  
this ordinance shall apply, where applicable, to such areas  
outside the Town of Larkspur, as are authorized by state statute.

SECTION 4 - SEPARABILITY:

A. Should any portion hereof be declared invalid by  
a final judgment of a court of competent jurisdiction,  
the effect of such judgment shall be limited to that

provision declared invalid and the remainder of this ordinance shall continue in full force and effect.

SECTION 5 - ENFORCEMENT AND PENALTIES:

A. Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells, agrees to sell, or negotiates to sell any land by reference to or exhibition of or by use of a plat of a subdivision before such plat has been approved by the planning commission and recorded or filed in the office of the Douglas County Clerk and Recorder, shall pay a penalty of \$100.00 to the Town of Larkspur for each lot or parcel so transferred, or sold, or agreed or negotiated to be sold. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies provided in this section. The Town of Larkspur may enjoin such transfer or sale or agreement by action for injunction brought in any court of competent jurisdiction and may recover the penalty by civil action in any court of competent jurisdiction.

ARTICLE II

DEFINITIONS

A. For the purpose of this ordinance, the following definitions shall apply:

1. Alley - a strip of land dedicated to public use, located at the side or rear of lots and providing a secondary means of vehicular access to the property.
2. Cul-de-sac - a short street having only one end open to traffic and being terminated at the other by a vehicular turn-around.
3. Flood-Plain (100 year) - that ground covered by water in the case of a flood of 100 year frequency.
4. Public Improvements - street grading, base material paving and curbing; street and traffic control signs,

fire hydrants, water mains, sanitary sewers and storm sewers and drains, pedestrian ways, bicycle trails, cross-walks and such other construction as may be designated by the Board of Trustees.

5. Lot - A measured parcel of land intended as a unit for the transfer of ownership or for development, with direct access to a public street.

6. Lot-Double Frontage - a lot which runs through a block from street to street and which abuts two or more streets.

7. Lot-Reverse Corner - a corner lot the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.

8. Resubdivision - the changing of any existing lot or lots of any subdivision plat previously recorded with the county clerk and recorder.

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

10. Street - a dedicated public right-of-way which provides vehicular and pedestrian access to adjacent property.

11. Subdivider - Any person, firm, partnership, joint venture, association or corporation who shall participate as owner, promoter, developer, or sales agent in the planning, platting, development promotion, or sale, of a subdivision who either owns the land or has written authorization from the owner of the land to proceed with a subdivision.

12. Subdivision - shall mean the division of a lot, tract, or parcel of land into two or more lots, sites, or other division of land for the purpose of sale.

### ARTICLE III

#### PROCEDURES

#### SECTION 1 -PRE-APPLICATION REVIEW:

A. Prior to the preparation and presentation of a preliminary plat, the subdivider shall request a pre-application review of his proposed subdivision by the Planning Commission. The purpose of this review is to eliminate potential problems, familiarize the subdivider with Town procedures and regulations, make known any additional or peculiar requirements that may effect the proposed development. The subdivider should present such maps or documents as will enable the planning commision to efficiently and adequately evaluate the proposed subdivision.

SECTION 2 - PRELIMINARY PLAT:

A. The preliminary plat shall be prepared by a Colorado Registered Land Surveyor, and shall be made on reproducible material at a scale of one inch equals 100 feet, or such other scale as authorized by the town engineer. The preliminary plat shall contain the following:

1. The proposed named of the subdivision.
2. A vicinity map showing the relationship of the preliminary plat to the surrounding area .
3. The names and complete addresses of the subdivider and surveyor who prepared the plat.
4. Total acreage of the subdivision.
5. Location of the subdivision as a part of some larger subdivision or tract of land, and by reference to permanent survey monuments.
6. Location and principal dimensions for all existing streets, alleys, easements, and water courses within and adjacent to the tract to be subdivided.
7. Location and principal dimensions for all purposed streets, alleys, easements, lot lines and areas to be dedicated or deeded for public uses.
8. Date of preparation; scale, and north sign.
9. Topography at five foot intervals or as permitted by the town engineer.

10. A drainage report delineating the 100 year flood plain showing quantities, methods of computation, and the proposed storm drainage solution. Said drainage report shall be prepared by a competent registered professional engineer.

11. Total number of gallons per day of sewerage to be treated.

12. Total number of gallons per day of water system requirements.

13. Site-data, including number of lots and net lot area of each lot, expressed in square feet.

14. Total number of dwelling units.

15. Total number of square feet of non-residential floor space.

16. Total number of off-street parking spaces, excluding those associated with single family detached residential development.

17. Present and proposed zoning on the subject tract. Present zoning on lands adjacent to the subject tract.

18. Names of owners of abutting property.

19. The location and size of existing municipal utilities.

20. A typical street profile showing proposed street, gutter, curb, and sidewalk construction.

B. Subdivider shall submit, in addition to the preliminary plat the following accompanying documents:

1. Data which estimates and documents the influence of the proposed subdivision upon the population of the community, the school system, road system, the park system, and the water and sewer system.

2. The letter addressing the land dedication requirement of Article IV outlining how he proposes to satisfy this requirement.

3. Any other pertinent material requested by the planning commission.

C. Twenty prints of the preliminary plat must be

furnished together with three copies of all other materials.

D. The preliminary plat, required fees, and all accompanying documents must be submitted to the Town Clerk before the preliminary plat will be scheduled for public hearings.

E. Referrals. Copies of the preliminary plat shall be transmitted to Larkspur Fire Protection District, Douglas County Planning Commission, Douglas County Building Department, any railroad abutting the proposed subdivision, electric company, gas company, telephone company, school district, (residential plats only), state highway department (where lands abut the state highway), appropriate health department, town engineer, town attorney, other agencies as required by town or by state law. Failure of a reviewing agency to forward its comments to the Town within 24 calendar days after mailing of such plats may be interrupted to indicate there are no objections to said plat.

F. Public Notice. After the scheduling of public hearings on the preliminary plat, notice of such hearings shall be given by the subdivider not less than five (5) days prior to the hearing date, upon such forms as are prescribed by the Town for that purpose, to the owners of all property immediately adjoining the platted land as their names appear upon records in the county assessor's office and as their addresses appear in the tax records of the county. Such notice shall be sent by registered mail, return receipt requested.

G. The planning commission shall review the preliminary plat at a public hearing and shall respond to the subdivider and make a recommendation to the board of trustees within 15 days of the date of the hearing.

H. The board of trustees shall then review the preliminary plat at a public hearing. The board may approve, conditionally approve, or disapprove the preliminary plat.

I. Approval of the preliminary plat shall be effective for a period of 12 consecutive months after approval. Approval may be extended for an additional 12-month period upon application on or before the expiration of the original 12-month period.

SECTION 3: - FINAL PLAT:

A. After the approval of the preliminary plat, the

subdivider shall submit to the town clerk the final plat of the proposed subdivision prepared by a Colorado Registered Land Surveyor, which final plat shall contain the following:

1. Title, scale, north arrow, and date.
2. Legal description of the property.
3. 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.
4. Tract boundary lines, right-of-way lines of streets, easements, and other rights of way, and property lines of residential lots and other sites with accurate dimensions, bearings or deflection angles, and radii, arcs, and central angles of all curves.
5. Names and right-of-way width of each street or other right-of-way.
6. Location, dimensions, and purposes of any easements.
7. Number to identify each lot or site.
8. Location and description of monuments.
9. Attorneys opinion on title showing that the subdivider is the land owner, in a form acceptable to the town attorney.
10. Statement by the owner dedicating streets, rights-of-way, public land and water rights in a form prescribed by the town attorney.
11. Certification for approval by the town planning commission.
12. Certification for approval by the town board of trustees.
13. Certification by surveyor certifying to the accuracy of the survey and plat in the form prescribed by the town.
14. Individual lot area expressed in square feet.

15. The delineation of 100 year flood plain, by metes and bounds.

B. In addition to the final plat the subdivider shall submit the following:

1. A warranty deed for public land dedication.
2. An agreement and sureties or escrow for public improvements as discussed more specifically in Article V hereof.
3. Street profiles in accordance with Article VI hereof.
4. Subdivider shall submit one original of the final plat on milar, one reproducible milar copy of the final plat and ten prints of the final plat.

C. Final Plat Procedure: The copies of the final plat required above together with the documents required above shall be presented to the town clerk together with the applicable fees. When the above has been received, the town clerk shall schedule reviews of the final plat by the town planning commission and town board of trustees.

D. The town planning commission shall review the final plat to insure its substantial conformity with the approved preliminary plat and forward the same to the board of trustees with its recommendation. If approval of the final plat is recommended by the planning commission, its chairman shall sign the certification provided thereon for his signature.

E. The board of trustees shall then review the final plat and if the same is approved, the plat shall be signed by the mayor and attested by the town clerk. The town clerk shall record the final plat in the office of the Douglas County Clerk and Recorder, within 90 days of the date of approval.

#### SECTION 4 - MINOR PLAT:

A. If the proposed subdivision of land contains four or fewer lots and all such lots abut a dedicated and accepted town street, and when all minimum requirements of these regulations are met and no variance is required, the subdivider may, in the discretion of the planning commission, be granted the opportunity to follow the minor plat procedure.

1. The subdivider shall prepare a final plat in



accordance with the requirements of Article III,  
Section 3 above.

2. The subdivider shall submit the final plat together with those documents which accompany a final plat pursuant to the requirements of Article III, Section 3 above to the town clerk, and after payment of the appropriate fee, the town clerk shall schedule a public hearing before the town planning commission and the town board of trustees.

3. The notification requirements shall be the same as those for preliminary plats set forth in Article III, Section 2 above.

4. Such referrals as are deemed necessary by the planning commission shall be made in accordance with Article III, Section 2, above.

5. Town planning commission shall, at a public hearing consider the final plat and either recommend its approval, approval with conditions or denial to the board of trustees. If approval is recommended, the chairman shall sign the final plat.

6. The board of trustees at a public hearing shall either approve, or deny approval of the final plat. If the plat is approved, the plat shall be signed by the mayor and attested by the town clerk. The town clerk shall then record the final plat at the office of the Douglas County Clerk and Recorder, within 90 days of its approval.

#### ARTICLE IV

##### LAND DEDICATION

A. In addition to the provision for roads and easements for drainage and utilities, every subdivider shall convey to the Town of Larkspur a minimum of 10% of the total land area of the tract being subdivided. Land located within the 100 year flood plain may not be used to satisfy more than 50% of this dedication requirement. All land dedicated shall be free from all liens and encumbrances.

B. In the event the board of trustees, in its discretion determines that it does not desire land as provided in Article IV, paragraph A above, the subdivider shall be required to pay an amount equal to the fair market value of 10% of the total acreage of the subdivision as determined by the contract price paid by the subdivider if purchased within 12 months immediately preceding the acceptance of the final plat by the town, or if purchased or obtained prior to that date by the subdivider as determined by one appraisal by a person acceptable to both the town and the subdivider with the effective date of the appraisal to be as of the time of the acceptance of the final plat by the town, said appraisal to be paid for by the subdivider.

C. Nothing contained herein shall prevent the board of trustees from electing to satisfy part of the land dedication requirement by the acceptance of land and the remaining portion by the acceptance of cash in lieu of land as set forth in Article IV, Section 3, paragraph B, above.

#### ARTICLE V

##### PUBLIC IMPROVEMENTS

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

B. Said agreements shall be submitted to the town engineer for review and verification of the cost figures contained therein.

C. Upon receiving the town engineer's verification, the board of trustees shall determine how performance of the obligations contained in the agreement is to be

assured. Said assurance, at the sole discretion of the board of trustees, shall be in one of the following forms. Completion of all necessary public improvements to town's specifications with dedication to and acceptance by the town. An irrevocable letter of credit in an amount equal to one and one-half times the estimated cost of constructing public improvements. A cash escrow in an amount equal to one and one-half times the estimated cost of the public improvements.

D. As improvements are completed, the subdivider may apply to the board of trustees for release of part or all of such letter of credit or cash escrow. Upon inspection and approval, the board of trustees may authorize said release. If the board of trustees determines that any of the such improvements are not constructed in substantial compliance with specifications, it shall furnish the subdivider a list a specific deficiencies and shall be entitled to withhold amounts equal to one and one half times the amount necessary to insure compliance. If the board of trustees determines that the subdivider has not constructed any or all of the improvements in accordance with the approved time schedule for such completion and in accordance with all of the specifications, the town may withdraw and employ from the letter of credit or cash escrow, such funds as may be necessary to construct the improvement or improvements in accordance with the specifications.

E. All public improvements dedicated to the Town of Larkspur shall be fully warranted by the subdivider for a period of one year following their acceptance by the Town of Larkspur. Such acceptance shall be in writing signed by the mayor or other designated representative of the town.

#### ARTICLE VI

#### DESIGN STANDARDS

#### SECTION - 1 GENERAL

A. Minimum standards for development are contained

in the zoning ordinance, the building code, and this ordinance. Whenever a conflict shall occur between the above sources, the most stringent standards shall apply.

B. Lay out of lots and blocks shall provide desirable settings for structures by making use of natural contours, maintaining existing views, affording privacy for residents and protection from adverse noise and vehicular traffic. Natural features and vegetation of the area should be preserved if at all possible.

C. No dwellings or structures requiring the issuance of a building permit for their erection shall be permitted within the designated 100 year flood plain, and a statement to that effect shall appear on the plat.

#### SECTION 2 - STREETS AND TRAFFIC PATTERNS

A. Streets shall be located with appropriate regard for topography, and other natural features.

B. Local streets shall be laid out so that their use as major thoroughfares shall be discouraged.

C. Streets shall intersect as nearly at right angles as possible.

D. Street jogs with center line off sets of less than 125 feet shall be prohibited, except by specific approval of the planning commission.

E. Acul-de-sac shall not exceed 400 feet in length except by specific approval of the planning commission, shall have a minimum radius of 65 feet at the closed end, and a flowline to flowline radius of 50 feet.

F. Major streets within the Town of Larkspur shall have a minimum right-of-way width of 60 feet, a minimum flowline to flowline width of 44 feet and maximum grade of 6%. Local streets within the Town of Larkspur shall have the minimum right-of-way width of 60 feet with a flowline to flowline width of 36 feet and a maximum grade of 8%. Upon a showing of practical difficulties casued by terrain and the

impracticability of alternate routes, the board of trustees may, by specific exception, allow grades not to exceed 8% on major streets. Grades not to exceed 10% on local streets may be permitted for a minimum distance of 100 feet in duration. No such exception shall be granted until after the question of such exception has been submitted to the Larkspur Fire Protection District. All streets within the Town of Larkspur shall have a minimum grade of .006 (hard surface) and 1% (gravel surface).

G. Where a street will eventually be extended beyond the plat, but is temporarily dead-ended, an interim turn-around will be required.

H. Dedication of half streets shall be prohibited.

I. Street name signs and traffic control signs must be in accordance with town's specifications and shall be furnished and installed at the cost of the subdivider.

J. When a subdivision abuts other lands, the town shall require the subdivider to provide access to such lands.

K. Reserve strips controlling access to public streets or adjoining properties are prohibited, except where their ownership is given to the Town of Larkspur.

L. Where railroad crossings are proposed, provisions for grade separations, or safety protection devices shall be provided by the subdivider and/or railroad as required. Obtaining approval from the affected railroad company and the Colorado Public Utilities Commission, where applicable, shall be the subdivider's responsibility.

M. Reverse curves on major and local streets shall be joined by a tangent at least 100 feet in length.

### SECTION 3 - DRAINAGE:

The rainfall frequency rate used in determining the flow of storm waters shall be based on the following principles.

A. Any land located within a designated 100 year flood plain shall be subject to all applicable provisions of

the Town of Larkspur Flood Plain Ordinance and all applicable Flood Insurance Administration Regulations.

B. Any land which is not within a mapped and designated 100 year flood plain, but which is nevertheless subject to flooding or in a natural drain channel shall not be platted for occupancy until adequate provisions to eliminate hazards are made and approved. A competent independent professional engineer may be engaged by the Town of Larkspur at the expense of the subdivider for the purpose of verifying the technical requirements.

#### SECTION 4 -- LOTS:

A. Lot dimensions and sizes shall conform to all applicable zoning requirements.

B. Each lot shall have access to a public street.

C. Lots with double frontage shall be avoided, except where essential. Side lot lines shall be substantially at right angles or radial to street right-of-way lines.

D. The building area of lots should not face directly into the oncoming traffic of an intersecting T intersection.

#### SECTION 5 - UTILITIES:

Utilities, telephone, electric services, and gas lines shall be installed underground in all residential areas, and shall be in place prior to street surfacing. Utility easements at least 8 feet in width shall be provided as necessary and such utility easements shall extend to the boundary of the property subdivided.

### ARTICLE VII

#### SAFETY CLAUSE

This Ordinance, inasmuch as the Town of Larkspur, Colorado, is a newly organized municipality without a subdivision ordinance at the time of the passage of this

Ordinance, is deemed necessary to the immediate preservation of the public health and safety and shall become effective upon adoption and compliance with C.R.S. 1973-31-16-104, as amended.

Passed and adopted this 13th day of February, 1980, and ordered published in pamphlet form pursuant to C.R.S. 1973, 31-23-214 as amended.

Ernest Bryant  
Chairman, Planning Commission

Introduced, read, passed, approved, and ordered published this 13th day of February, 1980.

Don [Signature]  
Mayor

ATTEST:

Marsha Bryant  
Town Clerk