

CHAPTER 17 VIOLATIONS AND PENALTIES

SECTION:

- 8-17- 1: Complaints of Violations
8-17- 2: Injunctive Relief
8-17- 3: Penalties

8-17-1: **COMPLAINTS OF VIOLATIONS:** Any person having knowledge of a violation of this Title may file a sworn complaint with the Municipal Judge or lodge an informal complaint with the Director of Planning. The Director of Planning shall cause all complaints lodged with his office to be investigated, and, if in his opinion, a violation exists, to file a formal complaint with the Municipal Judge. The Attorney shall be informed of all complaints so filed in sufficient time to represent the City in the Police Court.

8-17-2: **INJUNCTIVE RELIEF:** In the event that the Director of Planning determines that irreparable harm or injury may result to person or property by the continued violation of this Title, he may request the Attorney to seek injunctive relief in a court of proper jurisdiction. (Ord. 70-38; 4-20-70)

8-17-3: **PENALTIES:** Wherever by the provisions of this Title the performance of any act is required or the performance of any act is prohibited or wherever any regulation, dimension or limitation is imposed on the use or change of use of or upon any land or on the erection or alteration of any structure or the use or change of use of such structure or the uses within such structure, a failure to comply with the provisions of this Title shall constitute a violation of this Title. Every day on which a violation exists shall constitute a separate violation and a separate offense.

Any person found guilty of violating any of the provisions of this Title shall, upon conviction, be fined in a sum not to exceed three hundred dollars (\$300.00) or imprisoned not to exceed ninety (90) days, or both such fine and imprisonment, and such fine shall be in addition to any other remedies provided for herein for the violation of any of the provisions of this Title. (Ord. 74-72; 4-22-74)

CHAPTER 18 SUBDIVISIONS

SECTION:

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8-18-1: DEFINITIONS:

"Subdivision" as used in this Chapter is hereby defined as the division of a tract, laid out or to be laid out in building lots, including streets, highways,

alleys or other portions of the same intended to be dedicated to public use. This definition of a "subdivision" shall not include bona fide division or portion of agricultural land for other than development purposes. Nor shall these regulations apply to the sale or conveyance of any parcel of land which may be shown as one of the lots of a subdivision of which a plat has heretofore been recorded in the land records of the County in which the subdivision is situated. (Ord. 69-16, 3-24-69)

- (A) "Public Improvements" as used in this Chapter shall mean and include, but not by way of limitation, the following: neighborhood streets, avenues, minor arterials, parkways, alleys, culverts, bridges, overpasses and underpasses, curbs, gutters and sidewalks, monuments and range boxes; sanitary sewer mains, including laterals to each lot line; storm drainage, including necessary structures, channels and facilities; water mains, hydrants and valves, tree plantings. (Ord. 72-114, 6-5-72)
- (B) Whenever any major arterial lying within, or abutting upon any subdivision requires extending, improving or widening, the City may establish a street improvement district and the property lying within said subdivision shall be assessed for the cost of such improvement of the major arterial and said assessment shall be calculated so as to reflect the share of cost to be borne by each parcel of land within the subdivision as that parcel benefits by said improvement.
- (C) "Subdivider" as used in this Chapter, shall mean any person who shall divide land into smaller parcels or sites for the purpose of selling or building or developing upon any such parcel or site. The term "subdivider" shall also include any person, who acquires unimproved, platted land from the original subdivider and shall also include any person, who obtains a building permit for the purpose of constructing any structure on property situated in the City of Aurora. (Ord. 69-16, 3-24-69)

8-18-2: POLICY: The Council hereby determines that it is essential to the public health, safety and welfare that public improvements, as hereinafter defined, be constructed and installed in all subdivisions of the City. The Subdivider shall bear the entire cost of the construction and installation of all public improvements required for a particular subdivision; provided, in the event that the Council shall determine that any public improvements to be constructed within a particular subdivision shall directly benefit areas outside the subdivision and within the City, the responsibility for

the construction of such public improvements, and the division of costs thereof, shall be negotiated by the City and the subdivider. The basis for division of costs of such public improvements shall be the proportion of benefits derived by the subdivision and the City as a whole. Each and every site within the subdivision, whether residential, commercial or industrial, shall be provided with the applicable regulations and specifications of the office of the Engineer. (Ord. 64-52, 6-8-64)

8-18-3: COMPLIANCE WITH CHAPTER AND APPLICABLE REGULATIONS REQUIRED: All subdividing, platting and improvement of lands within the City shall be performed in compliance with the regulations herein set forth in this Chapter, and all applicable City laws, regulations and specifications. (Ord. 68-5, 1-22-68)

8-18-4: APPROVAL OF PLATS REQUIRED: No plats shall be recorded, or offered for record, nor shall any land be offered for sale with reference to such plat, until the plat has been approved in writing by the Planning Commission, and the Council. The Planning Commission shall ascertain, before approving it, that the plat has satisfied all of the requirements of these regulations. If any land shown on a plat is intended for dedication to public use, acceptance of such land by the Council shall be endorsed on such plat.

A good and sufficient plat shall be submitted to, and accepted by the Council for any unplatted tract of land prior to the granting of any building permit for any improvement or construction on the unplatted area. (Ord. 64-52, 6-8-64)

.1 Exception: No plat shall be required as a condition precedent to the issuance of a building permit for the following structures:

1. Flag pole
2. Security fence
3. Retaining walls on public right of way or easements. (Ord. 77-42, 4-11-77)

8-18-5: AREA AND WIDTH OF LOTS: Area and width of lots shall be sufficient to allow for setback, side yards and rear yards required by the Zoning Regulations.

8-18-6: PROPERTY LINES:

- (A) Blocks shall not be longer than twelve hundred feet (1,200') between street intersections, unless, because of some peculiar conditions a longer block shall be approved by the Planning Commission.
- (B) Side lines of lots shall be at right angles or radial to the street lines, unless a variation from the rule will give a better street and lot plan.

- B) Such variation must be approved by the Planning Commission. (Ord. 64-52, 6-8-64)
- (C) Lots with double frontage and reverse corner lots shall be avoided where practicable. (Ord. 64-52, 6-8-64; amd. by Ord. 76-40, 2-23-76)
- (D) Building setback lines, if shown, shall show a building setback not less than that required by the Zoning Regulations. (Ord. 64-52, 6-8-64)
- (E) Monuments shall be set at points of curve, points of tangency, street intersections and at such other points as may be required by the Engineering Department to make the retracing of the lines as shown on the Final Plat reasonably convenient.

Monuments shall be solid steel rods, not less than twenty four inches long nor less than five-eighths (5/8) inches in diameter. Affixed securely to the top of each such monument shall be the Colorado registration number of the land surveyor responsible for the establishment of such monument. These monuments shall be placed inside a monument box with the top of the monument being six (6) inches below the existing ground line. Monument boxes shall conform to the specifications of the City Engineer and shall be installed during paving operations, or as soon as practicable to conform to the finished grade of the street.

Monuments, as required by the Statutes of the State of Colorado, on the perimeter of the subdivision that lies outside of the street right-of-way shall be solid steel rods not less than twenty four (24) inches long nor less than five-eighths (5/8) inches in diameter.

The monuments must be set in a position as delineated on the Final Plat and have an accuracy of one part in 10,000 parts prior to adjustment. (Ord. 72-114, 6-5-72)

8-18-7: STREETS AND ALLEYS:

- (A) All subdivision streets shall conform to the street plan for the City, both as to location and width. (Ord. 64-52, 6-8-64)
- (B) (Rep. by Ord. 76-17, 1-5-76)
- (C) The arrangement of streets in new subdivisions shall make provision for the continuation of the principal existing streets in adjoining

subdivisions, or their proper projections when adjoining property is not subdivided. Insofar as they may be necessary for public requirements, provision shall be made for new streets of a width deemed necessary by the Planning Commission. In general, such streets shall be at least as wide as the existing streets, except that in no case shall the width be less than the minimum specified in the above subsection.

The street and alley arrangement must also be such as to cause no hardship to owners of adjoining property when they play their land and seek to provide for convenient access thereto. This arrangement must also provide a continuing reasonable number of through-utility lines.

Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way, stream or major street, provisions shall be made for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between such railroad, stream or streets. Such distance shall be determined with due consideration of the minimum distance required for approach grades to future grade separation. (Ord. 64-52, 6-8-64)

- (D) Dead-end streets shall have a turn-around at the end with a minimum property line radius of fifty five feet (55') and a minimum flow line radius of forty five feet (45'), unless two (2) or more curb cuts with surfaced driveways are provided, in which event the minimum property line radius shall be forty five feet (45') and the minimum flow line radius shall be thirty five feet (35'). (Ord. 73-23, 2-5-73)
- (E) Reserve strips on outer boundaries of a subdivision may be established to control access to a partial width street, upon approval of the Planning Commission and provided that such subdivision be accompanied by agreement to dedicate such strips when sufficient ground is made available for public use to permit widening of the strip to its normal width. No other reserve strips controlling access to public ways shall be permitted, except when the control and disposition of land comprising such strips are placed within the jurisdiction of the City under conditions specified by the Planning Commission and attached to the plat.
- (F) Streets shall intersect each other as near as practicable to right angles.

- (G) Street names shall be provided by the Planning Commission to conform with the uniform plan for street names hereafter or heretofore adopted by the City. (Ord. 64-52, 6-8-64)
- (H) Alley shall be deemed as any public space or thoroughfare twenty feet (20'), or less, in width which has been deeded or dedicated to the public for public use and affording, generally, a secondary means of access to abutting properties. Any structure built on any property abutting an alley shall be located so as to allow for a full twenty foot (20') wide dedicated alley. (Ord. 71-82, 6-28-71)
- (I) Where necessary easements shall be provided, side lot line easements shall be five feet (5'), rear lot line easements shall be eight feet (8'), front lot line easements shall be in six feet (6'). Easements may be increased or reduced in width if, in the opinion of the City Engineer, such increase or reduction is necessary. (Ord. 68-76, 12-2-68)
- (J) No irrigation ditches shall be permitted on public roads except where acquired by vested rights or where crossing public roads.
- (K) The Engineer shall determine the number of fire hydrants to be provided and installed by the subdivider, and shall specify their location.
- (L) No land subdivision will be approved unless it is possible, without undue delay, to supply water, drainage and sewerage facilities.

8-18-8: DEDICATION OF LAND FOR PURPOSES OTHER THAN STREETS: Land required for public purposes other than for streets, alleys, or utilities may be dedicated to the City if approved and accepted by the Council and if meeting the following requirements:

1164;169;871;373

- (A) Areas for playgrounds, parks and public places shall be required and shall be of a reasonable size for neighborhood playground, park and public uses, and the City shall be granted an option to purchase such areas or the subdivider may dedicate such areas. Such areas may be in lieu of all or part of the annexation fees which shall be payable before final passage by the Council of the final plat.
- (B) Whenever any stream or important drainage course is located in an area that is being subdivided, the subdivider shall dedicate an adequate easement along each side of the stream and shall widen, deepen, slope, improve, or protect the stream for drainage, parkway or recreational use.
- (C) Land subject to flooding, or land, if developed or improved, would cause improved areas within the City to be subject to flooding, and such land as may be determined by the Planning Commission, after full investigation and a public hearing, at which the owner of such property shall be given notice and may be heard if he desires, to be uninhabitable, shall not be platted for residential occupancy nor for any other use that may increase danger to health, life or property, or aggravate the flood hazard to surrounding properties. Such areas of land need not be subdivided and platted but shall be set aside for such uses as shall not be endangered by periodic or frequent inundation and flooding.

8-18-9: ACREAGE SUBDIVISION: When a parcel of land is subdivided into larger tracts than required for individual building lots, such parcel shall be divided so as to allow for the opening of major streets and the ultimate extension of minor streets. (Ord. 64-52, 6-8-64)

8-18-10: PRELIMINARY PLATS; REQUIREMENTS: In seeking to subdivide land into building lots and to dedicate streets, alleys or other land for public use, the owner shall submit twenty (20) prints of a preliminary plat to the Planning Department for review and approval by the City Administration and the respective departments of the City. (Ord. 76-99, 7-12-76)

The preliminary plat shall be drawn to a scale not smaller than one inch (1") to two hundred feet (200') and shall show:

- (A) Existing property lines, streets and alleys with their names, buildings, water-courses, and other features.
- (B) The title under which the proposed subdivision is to be recorded where possible, and the name of the owner or subdivider.
- (C) The location of existing and proposed sewer and water lines and other utilities, or the method of sewage disposal and water distribution in lieu of existing sewer and water lines as approved by the State health authorities.
- (D) Date, north arrow, scale and name, signature and seal of the registered land surveyor, licensed to practice in the State, who is platting the tract.
- (E) The names of all adjoining subdivisions with lines of abutting lots, the owners and departing property lines of adjoining properties subdivided and not subdivided, and the locations, names and widths of existing streets and alleys and similar facts regarding property which is immediately adjacent. (Ord. 76-99, 7-12-76)

1164;1267;368;871;574;976