

**CHAPTER 7**

**SECTION 4**

**Subdivision Regulations**

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**7-4-1 GENERAL PROVISIONS.**

(A) These Regulations shall be known and may be cited as the Town's "Subdivision Regulations".

(B) These Regulations shall apply within the corporate limits of the Town.

(C) The purposes of these Regulations are to:

- (1) Promote and protect the public health, safety and welfare.
- (2) To insure that new development bears its fair share of the cost of providing improvements and services resulting from the development of subdivisions.
- (3) To set forth uniform procedures and standards for the handling of subdivisions.
- (4) To insure adequate and safe public services such as water, sewer, fire protection, streets and storm drainage.
- (5) To implement the Town's Master Plan and Development Regulations.
- (6) To encourage development which limits hazards due to erosion, flood, soil conditions, and excessive slopes.
- (7) To obtain land for parks, schools, and other public purposes.
- (8) To protect the quality of the water, air and environment.

(9) To encourage energy conservation, use of solar energy, clustered development, and infilling.

(10) To encourage development which will not adversely affect adjacent property, or historical or recreational values.

(11) To discourage development inconsistent with existing services and infrastructures.

(12) To provide for safe and efficient flow of vehicles.

(D) These Regulations shall not create any liability on the part of the Town or any officer or employee thereof arising from reliance upon these regulations or any administrative act or failure to act pursuant to these regulations.

(E) These Regulations also apply to Planned Unit Development Plans as provided in Subsection 7-3-11 of the Town's Zoning Regulations.

(F) The Town Manager is authorized to accept electronic documents in lieu of paper copies if the Manager determines that the documents in question can be appropriately and adequately distributed and reviewed electronically. Electronic copies shall be in an electronic format (.pdf, etc.) compatible with Town equipment. As-builts shall be in the form of editable, auto cad 2000 drawings.

(Ord 6-2009)

#### **7-4-2 INTERPRETATION.**

(A) In interpreting and applying provisions of these Subdivision Regulations they shall be regarded as a minimum required for the protection of the public health, safety and welfare. They shall be liberally construed to further the purposes specified in Subsection 7-4-1 above.

(B) Whenever a provision of these Regulations and any other provision found in another Town ordinance or applicable law contains any restrictions or regulations covering the same subject matter, the restriction or regulation which is more restrictive or imposes a higher standard or requirement shall govern.

#### **7-4-3 ENFORCEMENT.**

(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 Ouray County Clerk and Recorder, shall pay a penalty of \$100 to the Town of Ridgway 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 Subsection. The Town 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.

(B) It shall be unlawful to erect, construct, reconstruct, use, or alter any building or structure, or to use any land in violation of any of these Subdivision Regulations or to otherwise violate any provision of these Subdivision Regulations or any provision of a Subdivision Improvements Agreement

approved pursuant to these Regulations. Any person convicted of such a violation may be sentenced to a term of imprisonment not to exceed 90 days, or fined an amount not to exceed \$300, or be sentenced to both such fine and imprisonment; provided, however, no person under the age of 18 years shall be subject to any term of imprisonment, except for contempt of court. A separate offense shall be deemed committed during each day during which any violation continues.

(C) No septic tank permit, building permit or occupancy permit shall be issued for the development of property with respect to which a violation of these Subdivision Regulations or a Subdivision Improvements Agreement approved pursuant to these Regulations has occurred until the violation has been remedied satisfactorily to the Town.

(D) The Town may bring an action in a court of competent jurisdiction to enjoin or abate any violation of these Subdivision Regulations or of a Subdivision Improvements Agreement entered into pursuant to these Subdivision Regulations.

**7-4-4 DEFINITIONS.**

For the purpose of these Regulations the following definitions shall apply:

"SUBDIVISION" means a parcel of land which is divided into two or more parcels, lots, tracts or other interests including condominiums; townhouses, other common interest ownership properties; and apartment complexes or other development involving more than one primary building; and any act creating such results. Provided, however, the following shall not be considered to be a subdivision for the purpose or application of these regulations:

- (1) A division of land which creates cemetery lots;
- (2) The creation of separate but undivided interests in a tract of land such as joint tenancy, tenancy in common, tenancy in entirety, trust, lien, mortgage, deed of trust or other security interest, unless such separate interests apply to less than all of the tract;
- (3) An interest severing the oil, gas, minerals or water from the surface estate;
- (4) Creation of a utility easement or an easement unrelated to the use of the surface;
- (5) Any division of property created by acts of a Town;
- (6) Boundary adjustments which resolve a disputed boundary or boundary survey problem such as overlaps or gaps, so long as the boundary adjustment or transaction does not result in the transfer from one parcel to another of an area in excess of 10,000 square feet.

(Full definition amended by Ord 8-1998)

"SUBDIVIDE" means any act which is intended to or does result in the creation of a subdivision, and "SUBDIVIDER" means any person performing such act or processing a subdivision pursuant to this Section 7-4.

(Ord 6-2009)

"LOT" means a unit into which land is divided on a subdivision plat, including a condominium unit.

"TOWN" means Town of Ridgway, Colorado, and any authorized officer, employee or agent thereof.

"PERSON" means any individual, firm, partnership, corporation, association, LLC, or other entity, including to the extent allowed by law, the United States and the State of Colorado, and any agency or political subdivision thereof. (Ord 6-2009)

#### **7-4-5 SUBDIVISION PROCEDURE.**

The subdivision of land shall be accomplished in accordance with the following procedures, unless an alternate procedure is authorized by these regulations.

(A) Informal Review and Sketch Plan:

(1) The subdivider is encouraged to consult informally prior to submitting a sketch plan with the Planning & Zoning Commission. No fee shall be required for such review or discussions of any plans or data concerning the proposed subdivision. The Town shall not be bound by virtue of any discussions during the informal review stage. The proposal shall be consistent with the town standards and will be reviewed on the following basis:

- (a) Conformance with the master plan and zoning regulations;
- (b) Relationship of development to topography, soils, drainage, flooding, potential natural hazard areas and other physical characteristics;
- (c) Availability of water, means of sewage collection and treatment, access and other utilities and services;
- (d) Compatibility with the natural environment, wildlife, vegetation and unique natural features; and
- (e) Public costs, inefficiencies and tax hardships.

(2) Following informal review a sketch plan shall be submitted which contains at a minimum the following:

- (a) The sketch plan shall be submitted to the Planning Commission at least 21 days before the regular meeting of the Planning Commission at which the subdivider desires it to be considered.
- (b) Four copies of the sketch plan shall be filed along with one copy of supporting plans and data, accompanied by a filing fee in the amount set by Subsection 7-4-12. In addition, the subdivider shall reimburse the Town for costs as provided in Subsection 7-4-12.
- (c) A vicinity/topographical map, drawn at an appropriate scale, showing the project location, zoning and land use of all lands within three hundred feet of any property boundary owned by or under option to the subdivider.

(d) A letter from the subdivider requesting sketch plan review, which shall include brief summary statements or attachments as follows:

(1) Disclosure of ownership, a certificate from a title insurance company or attorney licensed in the state of Colorado must be submitted, which shall set forth a legal description of the property, the names of all owners of property included in the sketch map and shall include a list of all mortgages, judgments, liens, contracts or agreements of record in Ouray County which affect the property covered by such plan. If the certificate of the title discloses any of the above, then, at the option of the commission, the owners or holders of such mortgages, judgments, liens, contracts, easements or agreements shall be required to consent to and approve the application before the plan is acted upon by the commission.

(2) Total number of proposed dwelling units, and maximum occupancy.

(3) Estimated total number of gallons per day of water system requirements, source of waters to supply subdivision requirements, and proposed dedication of water rights in accordance with existing town ordinances.

(4) Estimated total number of gallons per day of sewage to be treated and means for sewage disposal.

(5) Availability of electricity, natural gas and other utilities necessary or proposed to serve the subdivision.

(6) Estimated construction cost and proposed method for financing of the streets and related facilities, water distribution system, sewage collection system, drainage facilitates and such other utilities and improvements as may be necessary.

(7) Evidence of legal access to the property.

(e) The sketch plan shall contain the following:

(1) The property boundaries of the subdivision, north arrow and date. The scale of the sketch map shall not be less than one inch equals two hundred feet. The map shall include the name of the subdivision, name of the county, township, range, section and quarter section. In the case of large subdivisions requiring more than one sheet at such a scale, and index map showing the total area on a single sheet at an appropriate scale shall also be submitted.

(2) A conceptual drawing of the lot and street layout indicating the approximate area and number of individual lots and access to the property.

(3) Provisions for sufficient off-street parking, school bus stops to be approved by the school district, and mail box locations to be approved by the US Postal Service. (Ord 12-2008)

(4) Site problems, poor drainage, flood plain, wetlands or natural and geologic hazards.

(5) Significant natural and manmade features on the site, such as streams, lakes, natural drainageways; vegetation types including locations of wooded areas; wildlife habitats; scenic corridors; visual impacts; solar access; existing buildings; utility lines and easements; irrigation ditches; bridges and similar physical features; and existing development on adjacent property.

(6) Demonstrate compatibility with natural features.

(7) Total acreage of the tract.

(8) Existing and proposed zoning district boundary lines.

(9) General land use divisions including residential types, commercial, industrial, parks, open space and community facilities, including the proposals' relevance to underlining zoning.

(10) Type and layout of all proposed infrastructure including streets, utilities, water and sewer systems, and impact on existing systems.

(11) Public use areas proposed to be dedicated to the public, and the purpose of the dedication, and their relationship to existing public use areas.

(12) Existing and proposed land use patterns, including street system, of both the tract proposed for development and immediately adjacent land.

(13) Documents required by Section 7-6 of the Ridgway Municipal Code. (Ord 12-2008)

(f) The Planning Commission shall approve, conditionally approve or disapprove the sketch plan after the plan has been submitted in full compliance with all submittal requirements to the Commission. If the sketch plan is disapproved, the reason for disapproval shall be included in the minutes of the Planning Commission's proceedings and provided to the subdivider in writing upon request. The sketch plan shall be disapproved if it or the proposed improvements and required submittals are inadequate or do not comply with the requirements of these Regulations. Approval of a sketch plan shall lapse automatically in six months from the date of submittal, unless a preliminary plat is submitted.

(8) The subdivider shall send a notice, at least 30 days prior to the Planning Commission's hearing or consideration, to mineral estate owners, by certified mail, return receipt requested, or a nationally recognized overnight courier, in accordance with the requirements of CRS 24-65.5-103(1). A copy of the notice shall be given to the Town along with the subdividers certification of compliance with said notification requirements. Provided this notice is not required if notice was previously sent and such certification previously provided with respect to the same surface development, or the application is only platting an additional single lot, unless a mineral estate owner has requested notice pursuant to CRS 24-6-402(7). (Ord 4-2009)

(B) Preliminary Plat:

(1) The preliminary plat shall be submitted, together with all other documents required by this Subsection (B), to the Town at least 30 days before the regular meeting of the Planning Commission at which the subdivider desires it to be considered. The Town staff will review the submittals and advise the subdivider of any material deficiencies. The Town staff will schedule it for a Planning Commission agenda once it determines that the submittals, as submitted and as supplemented pursuant to staff request for deficient material, have been submitted in substantial conformity with the requirements of this subsection (B). In order to be scheduled for an upcoming Planning Commission meeting, substantially conforming submittals, including information noted by staff as deficient, must have been received at least seven days prior to the day on which the agenda for that meeting is to be distributed. (Ord 12-2008)

(2) Three 22x34 copies and one electronic copy of the preliminary plat shall be filed, along with one 22x34 copy and one electronic copy of the engineering plans, and one paper copy and one electronic copy of all other supporting documents, accompanied by a filing fee in the amount set by Subsection 7-4-12. In addition, the subdivider shall reimburse the Town for costs as provided in Subsection 7-4-12. Electronic copies may be a pdf or other form compatible with Town equipment. (Ord 12-2008)

- (3) The Town may send copies of the plat to entities as appropriate including:
- (a) School District
  - (b) Power Company
  - (c) Telephone Company
  - (d) CATV Company
  - (e) Fire District
  - (f) Ouray County
  - (g) Colorado Department of Highways
  - (h) District 10
  - (i) Division Engineer
  - (j) affected Ditch Companies
  - (k) Natural Gas Company (Ord 12-2008)
  - (l) Emergency Response Coordinator (Ord 12-2008)
  - (m) US Postal Service (Ord 12-2008)

(4) The preliminary plat, plans, submittals, and proposed improvements shall comply with all of the requirements of these Subdivision Regulations and other applicable Town Design and Construction Specifications and Standards. The plat shall be drawn to a scale of not less than 1" equals 100 ft.

- (5) The preliminary plat shall contain at a minimum the following:
- (a) The name of the subdivision, date of the preparation of the map, name and address of the engineer or surveyor preparing the plat, and total area of the subdivision.
  - (b) The scale used and direction of true north.
  - (c) The location and dimensions of all existing and proposed streets, alleys and easements, street lights, street signs and other improvements.
  - (d) The location of water courses, including lakes, swamps, ditches, flood

prone areas; the location of existing utility lines, pipes, poles, towers, culverts, drains, and drainage ways.

(e) The location, size and dimension of all lots and blocks, and the location of properties and easements to be reserved for particular uses or to be dedicated to the Town.

(f) Five foot elevation contours at a minimum.

(g) Any building setback lines, height restrictions, or other building or use restrictions.

(h) A vicinity sketch map.

(i) An indication of the total area of streets and alleys, area of lots and area of any property dedicated to public or other uses.

(6) Accompanying the preliminary plat or included upon it shall be plans, drawings or information for the following:

(a) Plans for any proposed sanitary sewer system showing location, grade, pipe sizes and invert elevations.

(b) Plans for the water system and fire protection system showing locations, pipe sizes, valves, storage tanks and fire hydrants.

(c) Plans for the storm drainage system showing location, pipe sizes, drains, surface drainage ways and discharge points.

(d) Plans for proposed streets, alleys, sidewalks, curbs and gutters, lighting, bikepaths and walkways showing the grade and cross section, and plans for any other proposed public improvements. (Ord 12-2008)

(e) The subdivider shall send a notice, at least 30 days prior to the Planning Commission's hearing or consideration, to mineral estate owners, by certified mail, return receipt requested, or a nationally recognized overnight courier, in accordance with the requirements of CRS 24-65.5-103(1). A copy of the notice shall be given to the Town along with the subdividers certification of compliance with said notification requirements. Provided this notice is not required if notice was previously sent and such certification previously provided with respect to the same surface development, or the application is only for platting an additional single lot, unless a mineral estate owner has requested notice pursuant to CRS 24-6-402(7). (Ord 4-2009)

(f) Any proposed covenants, condominium declaration or articles of incorporation and by-laws for any homeowners' association, or contracts for maintenance of improvements.

(g) A soils report prepared by a geologist or licensed qualified engineer which addresses building foundation design requirements shall be submitted where geologic hazards and considerations dictate the need for such analysis.



(h) Written approval or access permit from the State Department of Highways for any access to highways under its jurisdiction, directly from any lot and for any new street serving the subdivision which intersects with a State highway.

(i) Estimated water consumption and sewage generation.

(j) Description of any geologic hazards.

(k) Landscape plans and, as appropriate, irrigation plans. (Ord 12-2008)

(l) A list of proposed uses for each lot consistent with Town Zoning Regulations. (Ord 12-2008)

(m) For all parcels located in the Uncompahgre River Overlay District, excluding subdivisions of existing structures that do not include any additional site development, an Ecological Characterization Study completed by a professional qualified in the areas of ecology, wildlife biology or other relevant discipline. The ecological characterization study shall describe, without limitation, the following:

(i) The boundary of wetlands and riparian areas and a description of the ecological functions and characteristics provided by those wetlands and riparian areas;

(ii) The pattern, species and location of any significant native trees and other native site vegetation;

(iii) The pattern, species and location of any significant non-native trees and non-native site vegetation that contribute to the site's ecological, shade, canopy, aesthetic and cooling value;

(iv) The top of bank and High-Water Mark of any perennial stream or body of water on the site;

(v) The wildlife use of the area showing the species of wildlife using the area, the times or seasons that the area is used by those species and the "value" (meaning feeding, watering, cover, nesting, roosting, perching) that the area provides for such wildlife species;

(vi) Special habitat features;

(vii) Wildlife movement corridors;

(viii) The general ecological functions provided by the site and its features;

(ix) Any issues regarding the timing of development-related activities stemming from the ecological character of the area;

(x) Any measures needed to mitigate the projected adverse impacts of the development project on natural habitats and features along the Uncompahgre River corridor; and

(xi) 25 foot and 75 foot development setback area from the High-Water Mark.

(Ord 1-2018)

(7) Repealed by Ord 4-2009

(8) The Planning Commission may approve, conditionally approve or disapprove the preliminary plat. It may continue its consideration of the plat to another meeting when additional time is needed, or to allow the subdivider time to revise or supplement the plan to bring it into compliance with these regulations or proposed conditions of approval. The reason for continuance, disapproval, or any conditions of approval, shall be included in the minutes of the Planning Commission's proceedings and provided to the subdivider in writing upon request. Consideration of the matter may also be continued upon the subdividers request. The plat may be disapproved if it or the proposed improvements and required submittals are inadequate or do not comply with the requirements of these Regulations.

(Ord 12-2008)

(9) The Planning Commission's decision shall be submitted to the Town Council as a recommendation along with the plat for review at its next regular meeting. The Town Council shall issue its decision approving, conditionally approving or disapproving the plat, based upon compliance with the provisions of these regulations. The Town Council may continue its consideration of the preliminary plat until such time as proposed conditions for approval, are met by the subdivider.

(Ord 12-2008)

(10) Except as otherwise expressly provided by the Town Council, all conditions of approval shall be met within 90 days of such approval or the plat shall be deemed disapproved.

(C) Final Plat:

(1) (a) No land shall be subdivided, no proposed lot may be sold or conveyed, and no occupancy permit for any building or unit on a pending subdivision or PUD shall be issued, until the final plat has been approved in accordance with this Subsection and recorded.

(Ord 6-2010)

(b) No building permit shall be issued for a building which is intended to be on a lot to be created by a pending subdivision, until such subdivision is approved and recorded.

(Ord 6-2010)

(c) No final plat may be scheduled for a Planning Commission hearing more than two years after approval of the preliminary plat, without resubmitting the preliminary plat for review pursuant to 7-4-5(B) unless;

(i) within two years of approval of a final plat of a previous filing, or

(ii) the Town Council authorizes an extension for good cause shown, such as adverse market conditions, in conjunction with substantial progress on infrastructure and approval of a final plat of previous filings in accordance with an approved phasing plan.

(Ord 6-2010)

(d) The final plat shall be substantially consistent with the preliminary plat as approved. Alterations to lot lines, easements and rights of way which do not have consequential impact and which do not change the number of lots or density within the plat will be deemed substantially consistent.

(Ord 6-2010)

(2) The following shall be submitted at least 30 days prior to the Planning Commission meeting at which the subdivider wishes to have the plat considered:

- (a) Application for hearing and fee as set by 7-4-12,
- (b) Three 22x34 copies and one electronic copy of the final plat,
- (c) One paper copy and one electronic copy of all supporting documents.

(Ord 6-2009)

(3) The final plat shall comply with the requirements for the preliminary plat, except as modified by this Subsection, and shall include the following additional information:

- (a) A legal description of the subdivision and sufficient data to determine easily and reproduce on the ground the location, bearing and length of every street line, boundary line, block line, lot line, and building line, whether curved or straight, including the radius, central angle and tangent distance for the center line of curved streets. Other curved lines shall show arc or chord distance and radius. All dimensions shall be to the nearest 100th of a foot and all angles to the nearest minute. The plat shall meet all statutory requirements.
- (b) Total acreage of public streets and alleys, designation of easements, streets, alleys and other property dedicated for public use.
- (c) Lot and block numbers and lot areas.
- (d) Plat Certificates in a format approved by the Town including:
  - (i) Certificates of approval for the Planning Commission and Town Council, and Town Attorney;
  - (ii) A certificate of ownership and dedication notarized and executed by all surface owners, and lien holders' certificates joining in the dedications, subdivision improvements agreement and subdivision;
  - (iii) The location of all monuments and a certificate of a registered land surveyor attesting to the accuracy of the survey, plat and placement of monuments in compliance with state law and these regulations;
  - (iv) A certificate of an attorney that the title to the property is in the name of those parties executing the certificate of ownership and dedication and that the property dedicated is free and clear of all liens and encumbrances;

- (v) A certificate of a licensed professional engineer that the water, sewer, fire protection, drainage systems, and streets have been designed in accordance with all applicable requirements of Town specifications and standards, and constructed in accordance with plans approved by the Town;
  - (vi) A certificate of recording to be executed by the County Clerk and Recorder;
  - (vii) A certificate of completed improvements;
  - (viii) Other appropriate certificates.
- (e) A vicinity sketch map;
- (f) Plat notes requiring all outdoor lighting fixtures to comply with Town regulations;
- (g) A plat note indicating the maximum number of residential units within the subdivision pursuant to subsection 3-4-1(D);
- (h) Other required plat notes in a format provided by or approved by the Town.  
(Ord 6-2009)
- (4) The final plat and accompanying plans shall be drawn to a scale of not less than 1" equals 100 ft.  
(Ord 6-2009)
- (5) The following, updated in accordance with requirements and conditions of preliminary plat approval, shall be submitted with the plat:
- (a) As-built plans containing information as required by the Town specifications and regulations, for water, sewer, electricity, gas, telephone and drainage systems, along with any other available as built plans. "As-built" plans for any other required improvements not complete at the time the final plat is submitted shall be submitted, reviewed and approved by the Town prior to final acceptance of the improvements by the Town.
  - (b) A draft subdivision improvements agreement on a form provided by the Town including all improvements required for the subdivision whether completed or not.
  - (c) A copy of any restrictive covenants, condominium declarations, and articles of incorporation and by-laws of any owners' association applicable to the subdivision or lots therein.
  - (d) The subdivider shall send a notice, at least 30 days prior to the Planning Commission's hearing or consideration, to mineral estate owners, by certified mail, return receipt requested, or a nationally recognized overnight courier, in

accordance with the requirements of CRS 24-65.5-103(1). A copy of the notice shall be given to the Town along with the subdividers certification of compliance with said notification requirements. Provided, this notice is not required if notice was previously sent and such certification previously provided with respect to the same surface development, or the application is only for platting an additional single lot, unless a mineral estate owner has requested notice pursuant to CRS 24-6-402(7).

(e) Payments of all amounts billed by the Town and due to date pursuant to Section 7-4-12(B).

(f) A list of proposed uses for each lot consistent with Town zoning regulations.

(g) Applications for water and sewer taps adequate to serve the proposed use for each lot on the final plat, provided however, this shall not apply to subdivisions for which tap prepayment agreements have been approved prior to September 15, 1992.

(Ord 6-2009)

process: (6) The Town staff shall apply the following procedures in the final plat submittal

(a) Once all amounts due pursuant to 7-4-12(B) have been received, the Town staff will review the plat and submittals and advise the subdivider of any material deficiencies.

(b) The Town staff will schedule it for a Planning Commission agenda once it is able to determine, at least 10 days in advance of a meeting, that the submittals, as supplemented pursuant to staff request for correction of deficiencies, are in substantial conformity with the requirements of this Subsection (C), all applicable conditions of preliminary plat approval have been met, and the street base, lights and traffic control devices, and water, sewer, electricity, gas, telephone and drainage systems, have been completed, inspected, approved and accepted by the Town, and final approved as-builts for the water, sewer, electricity, gas and drainage systems, have been received and approved by the Town.

(Ord 6-2009)

(7) The Planning Commission may approve, conditionally approve or disapprove the final plat. It may continue its consideration of the plat to another meeting when additional time is needed, or to allow the subdivider time to revise or supplement the plat and related documents to bring it into compliance with these regulations or proposed conditions of approval. The reason for continuance, disapproval, or any conditions of approval, shall be included in the minutes of the Planning Commission's proceedings and provided to the subdivider in writing upon request. Consideration of the matter may also be continued upon the subdividers request. The plat may be disapproved if it or the proposed improvements and required submittals are inadequate or do not comply with the requirements of these regulations or proposed conditions of approval.

(Ord 6-2009)

- (8) The following Planning Commission outcomes shall apply:
- (a) A Planning Commission recommendation of disapproval shall be submitted to the Town Council along with the plat for review at the next regular meeting.
  - (b) A Planning Commission recommendation of approval, with or without conditions, shall be submitted to the Town Council once the following are met:
    - (i) The Town has received a reproducible mylar properly executed by all parties except Town officials, the original subdivision improvements agreement properly executed by the Subdivider accompanied by required security, and copies of properly executed corporate documents and covenants;
    - (ii) Compliance with all Planning Commission conditions of approval except those subject to a good faith dispute;
    - (iii) Payment of all costs due to date pursuant to 7-4-12(B), recording fees, development excise taxes, tap fees and other amounts due the Town.

(Ord 6-2009)

(9) The Town Council shall issue its decision approving, conditionally approving or disapproving the plat, based upon compliance with the provisions of these regulations. The Town Council may continue its consideration of the plat until such time as any proposed requirements for approval, are met by the subdivider. Consideration of the matter may also be continued upon the subdividers request. Except as otherwise expressly provided by the Town Council, all other conditions of approval shall be met within 90 days of such approval or the plat shall be deemed disapproved. Unless expressly authorized by the Town Council, the final plat shall not be recorded until all conditions of approval have been met. Following approval by the Town Council and compliance with any conditions of approval, the final plat shall be executed by Town Officials and recorded with the County Clerk and Recorder by the Town Clerk the cost of which shall be advanced by the subdivider.

(Ord 6-2009)

#### **7-4-6 REQUIRED IMPROVEMENTS.**

(A) The following improvements shall be constructed at the expense of the subdivider in accordance with the design standards provided by these Regulations.

- (1) Survey monuments.
- (2) A sewer collection system connected to the Town's sewage system shall be required and dedicated to the Town.
- (3) A domestic water distribution system connected to the Town's system and dedicated to the Town.
- (4) A fire prevention system.

(5) Electricity, telephone and CATV.

(6) Streets within and adjacent to the subdivision as necessary to provide access to each lot. Existing streets maintained by the Town for public use shall be improved by the subdivider to the extent necessary to provide access to abutting lots and to provide proper drainage, grade and sidewalk grade. Streets shall be paved in circumstances where required by Town street specifications. Streets shall be dedicated to the Town.

(7) Street signs, stop signs or similar traffic control devices.

(8) A storm drainage system.

(9) Street lights.

(10) Curb and gutter shall be provided along paved streets and where required by Town specifications. Concrete sidewalk shall be provided along all abutting streets except when the Planning Commission and Town Council determine that sidewalk is necessary on only one side of a local street because of the shortness of the street, unusual topographical factors or other circumstances which alleviate the need for such sidewalk. In those cases where the proper grade of the sidewalk cannot be determined, the Planning Commission and Town Council may authorize the execution and recording of an agreement on forms provided by the Town to join in an improvement district to install the sidewalk at such time as sidewalk construction becomes feasible instead of immediate construction.

(11) Public trail easements shall be provided and constructed as described in the Town's Land Use Plan or Parks and Trails Map, as amended from time to time, and including the Uncompahgre RiverWay Trail. The Town may waive this requirement if the property at issue has existing trail easements dedicated to the Town of Ridgway. (Ord 1-2018)

(B) Subdivision Improvements Agreement.

(1) No final plat shall be approved or recorded until the subdivider has properly completed, and the Town has approved, the street base, lights and traffic control devices, and water, sewer, electricity, gas, telephone, and drainage system as adequate to serve each lot, and has submitted, and the Town Council has approved, a Subdivision Improvements Agreement guaranteeing construction of all other required improvements and as-builts therefore, which have not previously been completed and approved by the Town. The Subdivision Improvements Agreement shall list the improvements to be made and as built required, estimated costs, and completion dates. (Ord 12-2008)

(2) All improvements shall be completed and accepted within 2 years following approval of the final plat by the Town, unless a longer interval is provided for in the Subdivision Improvements Agreement.

(3) The Subdivision Improvements Agreement shall contain or be accompanied by a security arrangement approved by the Town, which reasonably guarantees that all required improvements shall be completed, such as escrowed funds, clean irrevocable letter of credit, or lien agreement. Such security and agreement shall provide that the Town may cause the improvement to be completed if not completed pursuant to the Subdivision Improvements Agreement. The cost of completion may then be collected pursuant to the security and the agreement or in any lawful manner. The amount of the security shall be adequate taking inflation into account. (Ord 13-2006)

(4) The security shall not be released until the Town has inspected the improvements

and approved them as completed in accordance with the final plat, other plans and applicable Town specifications.

(5) The subdivider shall be responsible for the costs to correct and repair any defect in any improvements due to materials or workmanship which appears for a period of 1 year from the date of approval of completion of any improvement, or such later date as provided in any Subdivision Improvements Agreement. As-built plans shall be submitted upon completion with the request for inspection and approval.

(6) No lot may be sold in any subdivision nor may any building, occupancy or other permit be issued if a breach of the improvements agreement occurs until such breach is remedied.

(C) (1) Prior to or at the time of submitting any final plat for any subdivision or planned unit development (or an amendment or replat thereof), the subdivider or subdivider shall submit, for review and approval by Town of Ridgway Planning and Zoning Commission, a written statement from a recognized weed control expert certifying that the subject real property is then free of all "noxious plants" (as such term is defined by C.R.S. 35-5.5-103(16). Alternately, if any such noxious plants are then determined to be present upon the subject property, the subdivider or subdivider shall submit for such review and approval a written plan for the abatement of such noxious plants. The approved plan shall be incorporated into an overall subdivision improvements agreement and the subdivider or subdivider shall remain individually responsible for the implementation thereof for a period of not less than two years unless a shorter period is expressly provided for in the subdivision improvements agreement.

(2) The foregoing requirements shall be in addition to ordinary weed control requirements imposed upon all landowners by the provisions of Chapter 12 of the Ridgway Town Code.

#### **7-4-7 DESIGN STANDARDS.**

(A) All subdivisions shall conform to the minimum design standards of, this Section. The Town Council may allow deviation from these standards if it determines that unusual topography or a hardship exists, or that alternative standards will more effectively protect the quality of the subdivision and the public welfare, or more effectively achieve the purposes of these Subdivision Regulations.

(B) All subdivisions shall be developed in accordance with the Town's Master Plans, Zoning Regulations, Flood Plain Regulations, and other applicable Town ordinances, regulations and specifications.

(C) Streets, Alleys, Lots and Blocks:

(1) All streets and alleys shall be constructed and designed in accordance with Town Street and Road Specifications.

(2) All lots shall have access to a street connected to the public street system. In order to ensure access by emergency service responders, any new subdivision street system must be connected by at least two separate routes to the state highway system. (Ord 07-2007)

(3) Access to any public highway under the jurisdiction of the State Department of Highways shall be subject to the provisions of the State Highway Access Code.

(4) Driveways and street access shall be subject to Subsection 14-5-15(B) of the



Ridgway Municipal Code.

(Ord 3-2010)

(5) Streets shall be aligned to join with planned or existing streets and shall be designed to bear a logical relationship to the topography.

(6) Intersections shall approximate right angles as closely as possible.

(7) Cul-de-sacs shall be permitted, provided they are not more than five hundred (500') feet in length and have a turn-around diameter of at least one hundred (100') feet. Surface drainage shall be toward the intersecting street, or if this is not possible, a drainage easement shall be required through the cul-de-sac.

(8) 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 cases a temporary turn-around easement of eighty (80') feet shall be required.

(9) Restriction of access shall be required when a subdivision or portion thereof adjoins an arterial highway. Marginal access streets, reverse frontage with screen planting contained in a non-access reservation, deep lots or similar treatment shall be required to reduce the impact of the traffic on residential properties and to avoid interference with the movement of the traffic on thoroughfares.

(10) Half streets shall be prohibited.

(11) Reverse curves on major arterials shall be joined by a tangent at least two hundred (200') feet in length.

(12) Reserve strips controlling access to streets, are permitted only if control of such strips is given to the Town.

(13) Street, alley and easement right-of-way widths and grades shall not be less than the following:

	Width	Minimum Grade	Maximum Grade
Arterial Highways	120'	0.5	5%
Major Streets	100'	0.5	5%
Collector Streets	80'	0.5	7%
Local Streets	60'	0.5	7%
Marginal Access Streets	40'	0.5	7%
Alleys (where permitted)	20'		
Easements	20'		

(14) Alleys shall be provided in commercial and industrial areas, except that this requirement may be waived where other provisions are made and approved for service access.

(15) Block lengths and widths shall be suitable for the uses contemplated and shall be adequate for requirements pertaining to minimum lot sizes and dimensions.

(16) Lots with double frontage shall be avoided, except where essential to separation from major arterials or from incompatible land uses.

(17) Side lot lines shall be substantially at right angles or radial to street lines.

(18) The Town may require any street, sidewalk and related infrastructure, on a steep slope, or where there is any evidence to suspect problems due to instability, or other adverse soil conditions, to be owned and maintained by the lot owners or an owners' association, or may require an extended warranty of maintenance and repair from the subdivider. A slope easement shall be dedicated to the Town to accommodate the area of any cut or fill off of the right-of-way and an additional ten feet beyond the cut or fill. Such easement shall allow the Town to maintain the slope, cut and fill, and street improvements. Additionally, such easements may be accompanied by a plat not holding the Town harmless on account of any sloughing or disturbance due to maintenance, the cut or the fill.

(Ord 5-2005)

(D) Public Utilities and Utility Easements:

(1) Utility easements shall be a minimum of 20 ft. centered on the rear or side lot lines, or where appropriate, 10 ft. on either side of a street.

(2) All utilities shall be installed underground unless existing utilities are overhead and the existing poles can be used.

(E) Water and Sewer Systems:

Water, fire prevention and sewer systems shall be designed by a professional engineer, and constructed in accordance with good engineering practices to Town design and construction standards and specifications.

(F) Curb, Gutter and Sidewalks:

Curb, gutter and sidewalks shall be designed and constructed in accordance with Town design and construction standards and specifications and good engineering practices.

(G) Monuments:

Monuments shall be placed at the corners of all street intersections, at the intersections of the boundary of the subdivision with street right-of-way lines, at angle points and points of curve in each street, and at points of change and direction of the exterior of the subdivision and at other locations required by statute. The top of the monument shall have a metal cap set flush to identify the location. Lot corners shall be marked as required by law. Monuments shall be constructed as provided in Town street and road specifications.

(H) Drainage Systems:

Drainage systems shall be provided in accordance with the final plat as approved. Drainage easements shall generally direct the flow to the front of the lots or to natural drainage ways as such exist, utilizing a minimum 20 foot easement. Where water courses or ditches traverse the subdivision, lots and improvements shall be designed and provided to protect against flooding in accordance with the Town's Flood Plain Regulations. The drainage system shall be designed to avoid increasing the discharge to property outside the subdivision unless agreed to by the owner of any property affected.

(I) Other Improvements:

Any other improvements provided shall comply with any applicable Town standards and specifications and shall be designed and constructed in accordance with good engineering practices.

(J) Plat Notes:

(1) Plat notes and covenants may be required by the Town as appropriate to implement the provisions of these regulations, and to hold the Town harmless from risks associated with natural hazards and conditions or other risks, which should be borne by the subdivider. Plat notes shall be on Town approved forms, run with the land and bind all successors in interest thereto.

(Ord 5-2005)

(2) Any plat notes on prior County Subdivision or PUD plats, or plats of survey which created new parcels, including those notes requiring release by the County Commissioners, shall not be enforceable by the Town, and are superseded unless reiterated on the plat. Plat notes which are intended to benefit lot owners within the subdivision will be reiterated unless such owners sign a document to indicate their concurrence with the proposed plat notes.

(Ord 5-2005)

(3) Plat notes on prior Town plats are superseded unless reiterated or incorporated by reference on the plat.

(Ord 5-2005)

(4) Plat notes may be required in the following circumstances.

(a) To set out maintenance requirements of the lot owners, enforceable by the Town, for various improvements such as drainage, detention and retention facilities, commonly owned areas, private streets and other private improvements.

(Ord 5-2005)

(b) To require engineered foundations in areas of steep slopes or other questionable soil conditions together with provisions giving notice of, and holding the Town harmless from, potential problems due to slopes, cut and fill areas, adverse soil conditions or other natural hazards.

(Ord 5-2005)

**7-4-8 MINOR SUBDIVISIONS.**

(A) Subdivisions which meet all of the following criteria may be processed in accordance with the procedures outlined in this Subsection.

(1) The subdivision results in no more than 2 tracts, lots or interests.

(2) All lots or tracts are adjacent to a dedicated, maintained and accepted public street.

(3) The improvements required by Subsection 7-4-6 of these regulations are already in existence and available to serve each lot.

(4) Each lot will meet requirements of the Town Zoning Regulations without the necessity for any variance and no variance has been granted within the 3 previous years.

(5) No part of the subdivision has been approved as part of a minor subdivision within 3 years prior to the date of submission of the minor subdivision plat.

(6) A State Highway Access Permit has been obtained for any access to a State highway and Town driveway and access requirements will be met.

(7) The subdivision meets the Design Standards of these regulations.

(B) The subdivider shall submit the plat, fees, and supporting documents as applicable, in substantial conformity with Subsection 7-4-5(C), with the exception that a certificate of improvements completed or security for completion are not required; and instead, there must be a certification that all required improvements are already installed, available and adequate to serve each lot of the subdivision to be signed by the Town. (Ord 12-2008)

(C) The plat shall be reviewed in accordance with the procedures and requirements of Subsection 7-4-5(C). (Ord 12-2008)

(D) Repealed per Ordinance 12-2008.

(E) Repealed per Ordinance 12-2008.

(F) Repealed per Ordinance 12-2008.

#### **7-4-9 LOT SPLITS.**

(A) A lot previously created by a subdivision plat which has been approved and accepted by the Town and recorded in the Ouray County records, may be subdivided or split by deed or other instrument, if the criteria of this Subsection are met, the split has been approved by the Town, and an indication of Town approval is included upon the deed or other instrument prior to recording.

(B) The following criteria shall apply for an allowable split:

(1) Any parcels created by the split whether consisting of separately described lots or parts of lots, shall comply with the minimum design standards of these regulations and with the applicable dimensional requirements of the Town Zoning Regulations, and shall be served by all required improvements, including a dedicated, maintained public street.

(2) The deed or other instrument creating the split shall reserve and be subject to existing easements.

(3) A State Highway Access Permit shall be obtained for any highway access and Town driveway and access requirements shall be met; and the other Design Standards of these regulations must be met.

(4) The lot being split may not be larger than 20,000 square feet in area, unless the split is consistent with, and in furtherance of an approved PUD plan, and is implemented by a subdivision plat consistent with the requirements of the PUD Plan, and other requirements of this section except as modified by the PUD plan. (Ord 5-2002)

(C) Any person desiring to split a lot by deed or other instrument, shall submit the deed or other instrument to the Town for review for compliance with this Subsection. If the Town determines that the split will be in compliance with the criteria of this Subsection, the deed or other instrument shall be appropriately marked by the Town.

(D) The Town may require an improvements survey to be submitted if necessary to determine if the criteria of this Subsection have been met.

(E) It shall be unlawful to sell any tract of land, including an entire platted lot or separately described tract, if a violation of the applicable dimensional requirements of the Town's Zoning Regulations will result from such sale by virtue of a change in dimensions of any building site.

**7-4-10 REPLATS AND AMENDED PLATS.**

(A) Replats which reduce the number of separately described contiguous parcels of property may be approved and recorded pursuant to this Subsection in lieu of other procedures for subdivisions provided in these Regulations, if all required improvements are in and available to serve the lot, and the Design Standards of these regulations are met.

(B) Amended plats of subdivision plats previously approved by the Town, or parts of such plats, which do not make or require a material change in the extent, location, or type of public improvements and easements provided, and are consistent with the Design Standards of these Regulations may be submitted, approved and recorded in accordance with the provisions of this Subsection in lieu of other procedures provided for subdivision by these regulations, if all required improvements are in and available to serve each lot.

(C) Requirements:

(1) "Replats" or "amended plats" must also meet applicable dimensional requirements of Town zoning regulations. (Ord 12-2008)

(2) The subdivider shall submit the plat, fees, and supporting documents, as applicable, in substantial conformity with Subsection 7-4-5(C), with the exception that a certificate of improvements completed or security for completion are not required; and instead, there must be a certification that all required improvements are already installed, available and adequate to serve each lot of the subdivision to be signed by the Town. (Ord 12-2008)

(3) The plat shall be reviewed in accordance with the procedures and requirements of Subsection 7-4-5(C). (Ord 12-2008)

(D) Repealed by Ordinance 12-2008.

(E) Repealed by Ordinance 12-2008.

**7-4-11 MULTI SITE DEVELOPMENT.**

(Section enacted by Ord. 5-2000)

(A) Any development, regardless of the form of ownership, which involves any of the following, shall be subject to the provisions of this Subsection:

(1) Development with more than one building (other than accessory buildings limited to only accessory uses clearly accessory to the principal use or building) including, but not limited to, apartment and shopping center complexes, condominiums or other common interest ownership complexes involving more than one building.

(2) Development providing for or creating separate lots, tracts, sites or units, regardless of how denominated.

(B) All development subject to this Subsection 7-4-11, must either comply with these subdivisions regulations or be approved as a planned unit development pursuant to Subsection 7-3-11 of the Ridgway Municipal Code.

(C) Regardless of the form of ownership, each development subject to the provisions of this Subsection shall provide, at the cost of the subdivider, public streets and all other improvements required by Section 7-4-6 adequate to directly serve each building, lot, site, tract, unit or parcel.

(D) Principal buildings must be setback from one another similar to what zoning dimensional requirements would mandate if separate lots were assumed to be created.

**7-4-12 FEES.**

(subsection repealed and replaced by Ord 2-2019)

(A) The following submittal fees shall apply to these regulations:

- |     |                                  |  |
|-----|----------------------------------|--|
| (1) | Sketch Plan:                     | \$300 plus \$10 per lot or unit          |
| (2) | Preliminary Plat:                | \$1,500 plus \$25 per lot or unit        |
| (3) | Resubmittal of Preliminary Plat: | \$750 plus \$25 per lot or unit          |
| (4) | Final Plat:                      | \$600                                    |
| (5) | Minor Subdivision:               | \$450 plus \$25 per lot or unit          |
| (6) | Lot Split:                       | \$450                                    |
| (7) | (a) Replats:                     | \$150 plus \$25 per lot or unit          |
|     | (b) Plat Amendments:             | \$250                                    |
| (8) | Statutory Vested Rights:         | \$1,500                                  |
| (9) | Planned Unit Developments:       | Same as paragraph (A)(2) and (4), above. |

(B) In addition to the above fees, the subdivider shall reimburse the Town for all out-of-pocket costs incurred during review of the subdivision, including legal fees, postage, notice and publishing costs, map costs, engineering fees, etc., together with wages and associated costs for contract employees, plus 10% to cover overhead and administration. The Town shall bill the subdivider periodically as such costs are incurred. Each bill shall be due 30 days after its date. Bills not paid by the due date shall accrue interest at the rate of 1-1/2% per month or part thereof. No plat shall be recorded, improvements accepted, lien released, building permit issued, tap approved, or other approval action taken until all fees then due are paid to the Town. The Town may suspend review of submittals, inspection of improvements, and processing of the subdivision, as it deems appropriate, unless all amounts are paid as due. Such fees may be certified to the County Treasurer for collection as delinquent charges.

The Town Council, in its sole discretion, may defer, reduce and/or waive certain land use fees within this Chapter 7 for projects demonstrating significant public benefit such as perpetual, deed-

restricted affordable or workforce housing projects.

**7-4-13 POSTED NOTICE.**

Notice of any pending subdivision or PUD shall be given by the subdivider maintaining a notice legible and visible from each street frontage abutting the property in a Town approved format, from at least 10 days prior to the date of first consideration of it by either the Town Council or Planning Commission, until a final plat has been approved for the entire subdivision or PUD.

Said notice shall describe the type of proposal and indicate that detailed information concerning it and any scheduled hearings can be obtained from the Town's planning department.

(Ord 3-2008)