

CHAPTER 17 Subdivisions

ARTICLE 1 - General Provisions

ARTICLE 2 - Administration and Enforcement

ARTICLE 3 - Major Subdivisions

ARTICLE 4 - Minor Subdivisions

ARTICLE 5 - Subdivision Plat Details

ARTICLE 6 - Design Standards

ARTICLE 7 - Development Exactions

ARTICLE 8 - Subdivision Exemption

ARTICLE 9 - Resubdivision

ARTICLE 1 General Provisions

[Sec. 17-1-10. Short title.](#)

[Sec. 17-1-20. Purpose.](#)

[Sec. 17-1-30. Jurisdiction.](#)

[Sec. 17-1-40. Interpretation.](#)

[Sec. 17-1-50. Definitions.](#)

Sec. 17-1-10. Short title.

This Chapter shall be known as and may be cited as the Alma Subdivision Regulations.

(Ord. 1996-1 §1; Ord. 2011-18 §1)

Sec. 17-1-20. Purpose.

Pursuant to the authority conferred by Title 31, Article 23, C.R.S.; Title 24, Article 67, C.R.S.; and Title 29, Article 20, C.R.S., this Chapter is enacted for the purpose of promoting the health, safety, convenience and general welfare of the citizens of the Town. In promoting the general purpose of this Chapter, the specific intent of this Section is to:

- (1) Establish standards of subdivision design which will encourage the development of sound, economical and stable neighborhoods, to ensure a healthy living environment and to protect the natural environment.
- (2) Provide for lots of adequate size, configuration and appropriate design for the intended uses.

CHAPTER 17 Subdivisions

- (3) Encourage subdivision design flexibility and imagination.
- (4) Provide for streets and walkways of appropriate capacity and construction with adequate measures to ensure safe movement of pedestrian and vehicular traffic.
- (5) Ensure the provision of efficient, adequate and economical utilities, services and improvements.
- (6) Provide for the coordination of subdivision development with requirements of schools, parks, recreation areas and other community facilities, and to ensure the provision of such facilities.
- (7) Ensure the desirable development of the community through the adherence to accepted principles of land use, intensity of development, distribution of growth, preservation of natural amenities and other elements of the Town's development plans.
- (8) Ensure conformance of land subdivision plans with the public improvement plans of the Town, Park County and the State and other public agencies.
- (9) Provide for adequate rights-of-way for traffic and utilities.
- (10) Secure equitable handling of all subdivision plans providing due process and uniform procedures and standards.
- (11) Prevent flood damage to persons and properties and minimize expenditures for flood control.
- (12) Restrict building on flood lands, shorelands, wetlands, areas covered by poor soils or in areas otherwise poorly suited for building or construction.
- (13) Prevent loss or injury from landslides, expansive soils and other geological hazards.
- (14) Improve land survey monuments and records by establishing standards for surveys and plats.
- (15) Safeguard the interest of the public and to protect against fraud and deceptive practices.
- (16) Regulate such other matters as the Board of Trustees may deem necessary in order to protect the best interests of the public.
- (17) Conform and comply with state statutes authorizing municipal regulation of subdivisions.

(Ord. 1996-1 §1; Ord. 2011-18 §1)

Sec. 17-1-30. Jurisdiction.

- (a) Territorial limits. The territorial jurisdiction under the provisions of these regulations shall include all land located within the corporate limits of the Town.
- (b) Extraterritorial limits. All land located within three (3) miles of the corporate limits of the Town, not located in any other municipality, shall be subject to these regulations with reference to the three-mile annexation plan and for major streets.
- (c) Existing plats approved. All plats of property which upon the effective date of these regulations have been previously submitted to and approved by the Board of Trustees or the Board of Commissioners of the county having jurisdiction are considered to be approved subdivisions as such requirements for approval exist in these regulations.

(Ord. 1996-1 §1; Ord. 2011-18 §1)

Sec. 17-1-40. Interpretation.

All words used in this Chapter, except where specifically defined herein, shall carry their customary meanings when not inconsistent with the context. Words used in the present tense include the future tense; words used in the future tense include the present tense; the plural includes the singular; and masculine

CHAPTER 17 Subdivisions

includes the feminine. The word building includes the word structure. The word shall is mandatory, and the word may is permissive. Occupied or used shall be considered as though followed by the words, or intended, arranged or designed to be used or occupied.

(Ord. 1996-1 §1; Ord. 2011-18 §1)

Sec. 17-1-50. Definitions.

For the purpose of this Chapter, certain words and terms are defined as follows:

Alley means 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.

Bicycle way means a public pathway or land designed to be used exclusively by bicycle traffic and clearly separated from roadways and pedestrian ways.

Block means a parcel of land within a subdivision, generally bounded by public or private rights-of-way (other than alleys) or the exterior boundary or boundaries of a subdivision.

Board of Trustees means the Alma Board of Trustees.

Condominiumization means the development or use of the land and existing structures as a condominium project regardless of the present or prior use of such lands and structures, and regardless of whether substantial improvements have been made to structures.

Cul-de-sac means a short street having one (1) end open to traffic and being terminated at the other end by a vehicular turnaround.

Dead-end street means a street having only one (1) outlet for vehicular traffic which does not meet the standards or definition of a cul-de-sac.

Dedication means the appropriation of land or monies in lieu of land by the owner for some public use. Acceptance of dedication does not necessarily constitute the acceptance of maintenance by the Town, unless specifically agreed to in writing.

Drainage easement means a granting to the Town of the right to control development of a drainage right-of-way or an area subject to periodic flooding. Development on such easement shall be restricted to uses which would not interfere with the flow of the water or act as a barrier for debris.

Easement means a right of the public or any person to use the land of another for a special purpose not inconsistent with the general property rights retained by the owner.

Floodplain means the relative flat or lowland area adjoining a river, stream, watercourse, lake or other body of surface water which has been or may be covered temporarily by floodwater. For administrative purposes, the floodplain may be defined as the area that would be inundated by the base flood as delineated by the Federal Insurance and Hazard Mitigation Agency, or other recognized source.

Improvements means street grading, paving and curbing; fire hydrants; public and private utilities; storm sewers and drains; pedestrian and bicycle ways; crosswalks; street shade trees; if applicable, common open space; and such other improvements as may be designated by the Town.

Improvements agreement guarantee means any security which may be accepted by the Town in lieu of a requirement that certain improvements be made by the subdivider before the plat is approved, including performance bonds, escrow agreements or other similar collateral or surety agreements.

Lot means the basic land development unit, which has fixed boundaries, is not divided by any public street or alley and, except as may be otherwise provided in Chapter 16 of this Code, is used or intended to be used by one (1) principal permitted use.

CHAPTER 17 Subdivisions

Lot of record means a lot which is part of a recorded subdivision, which has been filed with the County Clerk and Recorder's office. For purposes of this Chapter, the term legally described lot shall be deemed synonymous with the term lot of record.

Major subdivision means all those subdivisions which do not meet the requirements of a minor subdivision as herein defined.

Minor subdivision means the subdivision of land into five (5) or fewer lots, all which abut an existing dedicated and accepted Town street; and where no variance from the requirements of these regulations, Chapter 16 of this Code or other applicable Town ordinances and resolutions is requested by the applicant.

Pedestrian way means all public or private pathways or sidewalks designed to be used exclusively by pedestrian traffic.

Permanent monument means any structure of masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference.

Planned Unit Development means an area of land, controlled by one (1) or more landowners, to be developed under unified dwelling units, commercial, educational, recreational or contractor trade uses or any combination of the above, the plan for which does not correspond in lot size, dimensional requirements, type of use, density, lot coverage, open space or restrictions to the existing land use regulations. A Planned Unit Development is an overlay zoning district allowable under Section 24-67-101, C.R.S., in all zoning districts. Any Planned Unit Development must comply with the requirements as set forth in Chapter 16 of this Code.

Planning Commission means the Alma Planning Commission, as established in Chapter 2, Article 6 of this Code.

Plat means a document showing the surveyed dimensions and legal description of a parcel of land; the reassemblage of parcels; or the subdivision or resubdivision of land into lots, blocks, tracts, easements and rights-of-way.

- a. Final plat means a map and supporting materials prepared in accordance with these regulations as an instrument for recording real estate interests with the County Clerk and Recorder.
- b. Preliminary plat means the maps and specified supporting materials of a proposed subdivision prepared in accordance with these regulations to permit evaluation of the proposal prior to the detailed engineering, design and preparation of the final plat.

Public hearing means a meeting of the Board of Trustees, or other duly constituted board or commission, for the purpose of hearing comments, testimony, recommendations and other responses from the applicant, Town staff, other interested parties and the general public regarding an application made pursuant to this Chapter. Notice of the time and place of such hearing shall be published at least once in a paper of general circulation in the Town at least six (6) days prior to the hearing.

Public meeting means a regularly scheduled meeting or duly advertised special meeting of the Board of Trustees or other duly constituted board or commission, held for the purpose of conducting business.

Resubdivision means the changing of any existing lot or lots of any plat previously recorded with the County Clerk and Recorder. For the purposes of this Chapter, resubdivision shall include the condominiumization into private ownership units of property or the conversion to time-share units or time-share estates.

Roadway means that portion of a street designated for vehicular and pedestrian access to adjacent properties. This definition shall include the terms road, lane, place, avenue, drive and other similar designations.

Street means a dedicated public right-of-way which provides vehicular and pedestrian access to adjacent properties. This definition shall include the terms road, lane, place, avenue, drive and other similar designations.

CHAPTER 17 Subdivisions

- a. Arterial (Four [4] or six [6] moving lanes) means a street which permits rapid and relatively unimpeded movements, connecting communities, as well as major land use elements, with one another.
- b. Collector (two [2] moving lanes) means a street which collects and distributes traffic between local streets and major arterial streets.
- c. Limited access facility means a highway which provides rapid and unimpeded traffic movement between urban centers. Access is partially or completely controlled with primary grade separated interchanges. Connection only to major arterial streets is permitted.
- d. Local (multi-family residential, business and industrial area) means a street which provides direct access to adjacent property, designed in a manner to discourage through traffic movements and should not intersect major arterial streets.
- e. Local (single-family residential areas) means a street which provides direct access to adjacent property, designed in a manner to prevent through traffic movements and does not intersect major arterial streets.

Subdivider means any person, group, corporation or other entity who, as owner or purchaser, or agent of such owner or purchaser, divides or proposes to divide land into lots or other tracts for the purposes of resale or development. For purposes of this Chapter, the term applicant shall be deemed synonymous with the term subdivider.

Subdivision means, except as may be permitted under the subdivision exemption procedure provided in this Chapter, the division of a parcel of land into two (2) or more lots or tracts for the purpose of sale, resale and/or development. This term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land being subdivided.

Time share means a time share estate, as defined in Section 38-33-110(5), C.R.S., or a time-share use, but the term does not include group reservations made for convention purposes as a single transaction with a hotel, motel or condominium owner or association. For the purpose of this Section, time-share use means a contractual or membership right of occupancy which cannot be terminated at the will of the owner or for a term of years, to the recurrent, exclusive use or occupancy of a lot, parcel, unit or segment of real property, annually or on some other periodic basis, for a period of time that has been or will be allotted from the use of occupancy periods into which the property has been divided.

Town means the Town of Alma, Colorado.

(Ord. 1996-1 §1; Ord. 2011-18 §1)

ARTICLE 2 Administration and Enforcement

[Sec. 17-2-10. Administration.](#)

[Sec. 17-2-20. Application for subdivisions.](#)

[Sec. 17-2-30. General procedures.](#)

[Sec. 17-2-40. Recording procedures.](#)

[Sec. 17-2-50. Variance.](#)

[Sec. 17-2-60. Amendments.](#)

[Sec. 17-2-70. Schedule of fees.](#)

[Sec. 17-2-80. Enforcement.](#)

[Sec. 17-2-90. Violations.](#)

[Sec. 17-2-100. Penalty.](#)

Sec. 17-2-10. Administration.

- (a) There is hereby vested in the Town staff the duty of administering this Chapter and the power necessary for such administration, incidental to which duty and power it shall:
 - (1) Propose and recommend to the Board of Trustees the enactment of amendments to this Chapter for the purpose of improving administration and enforcement of this Chapter.
 - (2) Receive all applications for subdivisions proposed under this Chapter, and forward such applications to the proper agencies for examination.
- (b) The Planning Commission shall review all proposed subdivisions and other such matters related to planning as is deemed desirable. All plats of proposed subdivisions shall be submitted to the Planning Commission for its recommendation and approval before being presented to the Board of Trustees.

(Ord. 1996-1 §1; Ord. 2011-18 §1)

Sec. 17-2-20. Application for subdivisions.

For purposes of this Chapter, an applicant filing an official subdivision application form shall be the owner of the subject parcel; a purchaser of said parcel under written contract, duly executed; or an authorized agent of the owner or purchaser.

- (1) Without limiting an applicant's right to file additional material, the applicant shall submit an official subdivision application form provided by the Town Clerk. An application shall not be considered officially filed until the official application form is complete, the appropriate application fee is paid and record of such payment is affixed to the application form.
- (2) All final plats of subdivision or land within the Town shall be filed and recorded by the County Clerk and Recorder only after having been approved by the Board of Trustees, with such approval entered in writing on the plat and signed by the Chairman of the Planning Commission and the Mayor, and attested to by the Town Clerk.
- (3) No building shall be erected on any lot, nor shall a building permit be issued for a building, unless the street giving access to the lot upon which said building is proposed to be placed has been dedicated and approved by the Board of Trustees as part of a legal subdivision. However, a building permit may be issued for a residential lot not abutting a publicly dedicated street when private access is approved by the Planning Commission and is provided by plat, reservation, deed, covenant or contract, and provisions satisfactory to the Town are made for maintaining the access and keeping it in good repair on a year-round basis.

(Ord. 1996-1 §1; Ord. 2011-18 §1)

Sec. 17-2-30. General procedures.

Except as hereinafter provided, the following procedures shall apply to all applications filed under the provisions of this Chapter (additional subdivision requirements are found in Article 9 of this Chapter):

- (1) Preapplication conference: In order to properly evaluate an area proposed for subdividing, the applicant or his or her agent shall meet with the Town staff at a preapplication conference. Such conference shall be held for the purpose of discussing concepts, feasibility, regulations and procedures regarding the proposed subdivision. Potential applicants who desire to proceed with

CHAPTER 17 Subdivisions

the filing of an official application form shall have said form explained at the preapplication conference.

- (2) Official application form: The official application form, to be provided by the Town staff, shall be a detailed comprehensive form which includes, but is not limited to, the following:
 - a. The name, address and telephone number of the applicant, engineer and legal property owner of the subject property.
 - b. A written statement that the owner has no objection to the proposed subdivision. Such statement shall include:
 1. The verified signature of the owner.
 2. The name, address and telephone number of mortgagees, if any, including the signature of a corporate officer and the corporation seal.
 3. The names and addresses of all mineral owners and lessees of mineral owners.
 - c. A subdivision plat showing the legal boundary of the subject property and all abutting properties; adjacent and included public rights-of-way and easements of record; drainage ways and one-hundred-year floodplains affecting the subject property; a boundary survey certified by a registered land surveyor; and a location map showing all streets, schools, parks and other public facilities lying within a one-half-mile radius of the boundaries of the subject property.
 - d. Proof of ownership in the form of a title insurance commitment or ownership and encumbrance report satisfactory to the Town staff.
 - e. Other materials as specified in the official application form to provide the necessary information relative to the subject property to enable a thorough and accurate analysis of the request.
- (3) Responsibility to provide all required information, forms and statements at the time the application is filed: Failure to provide such information, forms and statements shall cause the application to be rejected and returned to the applicant.
- (4) Application fee: The Board of Trustees shall establish the required application fee schedule in the Annual Fee Resolution adopted by the Board of Trustees.
- (5) Required copies of application: Upon submission and acceptance of the official application form, the applicant shall, within three (3) calendar days of such acceptance, provide ten (10) copies of the completed application, including all required information, forms and statements.
- (6) Application deadline: The applicant shall submit the completed and accepted application at least thirty (30) calendar days prior to the regularly scheduled meeting of the Planning Commission at which the applicant wishes the proposed subdivision request to be considered.

(Ord. 1996-1 §1; Ord. 2011-18 §1)

Sec. 17-2-40. Recording procedures.

A final plat approved by the Board of Trustees, and to which all required signatures have been affixed, shall be recorded by the applicant at his or her expense in the office of the County Clerk and Recorder within five (5) calendar days after receiving authorization. Authorization to record shall be indicated by the signature of the Mayor.

- (1) The applicant shall submit any land dedication fees, and shall have obtained prior approval of the improvements, plans, letter of credit, subdivider improvements agreement and other applicable information specified by this Chapter and other applicable Town ordinances and resolutions prior to receiving authorization to record the final plat.

CHAPTER 17 Subdivisions

- (2) The applicant shall provide a reproducible Mylar copy of the recorded original final plat, including the County Clerk and Recorder's seal and recording information, to the Town Clerk for use by the Building Inspector and Planning Commission prior to the issuance of building permits.
- (3) Upon written request from the applicant, the Chairman of the Planning Commission may approve a one-time extension, not to exceed five (5) calendar days, in which to record the final plat in the office of the County Clerk and Recorder.
- (4) Failure of the applicant to record the final plat, or request an extension within the allocated period, shall cause the approving action of the Board of Trustees to be withdrawn, and the final plat shall be deemed null and void.

(Ord. 1996-1 §1; Ord. 2011-18 §1)

Sec. 17-2-50. Variance.

- (a) All applications for variances from the requirements of this Chapter shall be handled by the Board of Adjustment in accordance with Section 31-23-307, C.R.S. Upon application by the subdivider therefor, and where it can be shown, in the case of a particular proposed subdivision, that strict compliance with the requirements of these regulations would result in extraordinary hardship to the subdivider because of unusual topography or other such conditions, thus retarding the achievement of the objective of these regulations, then the Board of Adjustment may vary, modify or waive requirements so that substantial justice may be done and the public interest secured, provided that such variance, modification or waiver will not have the effect of nullifying the purpose and intent of these regulations.
- (b) In granting variances, modifications or waivers, the Board of Adjustment may require such conditions as will, in its judgment, secure substantially the objectives of the standards and regulations so affected.
- (c) In no case shall any variance, modification or waiver be more than a minimum easing of the requirements; and in no case shall it be in conflict with Chapter 16 of this Code.

(Ord. 1996-1 §1; Ord. 2011-18 §1)

Sec. 17-2-60. Amendments.

The Planning Commission and the Board of Trustees may amend requirements of this Chapter after giving public notice of any such proposed amendment and after holding a public hearing in accordance with Section 31-23-214, C.R.S.

(Ord. 1996-1 §1; Ord. 2011-18 §1)

Sec. 17-2-70. Schedule of fees.

- (a) To defray a portion of the expense of subdivision review, the schedule of fees as set forth in the Annual Fee Resolution adopted by the Board of Trustees for review and supervision shall apply:
- (b) Should the Town's actual consultant fees incurred in reviewing and acting upon an application exceed the basic fee, the subdivider shall pay the difference between the basic fee and the Town's costs actually incurred.

(Ord. 1996-1 §1; Ord. 2011-18 §1)

Sec. 17-2-80. Enforcement.

There is hereby vested in the Town staff the duty of enforcing this Chapter and the power necessary for such enforcement, incidental to which duty and power it shall:

- (1) Conduct investigations and surveys to determine compliance or noncompliance with the provisions of this Chapter. Incidental to such investigations and surveys, the Building Inspector may enter into and upon any land or structure to be inspected and examined. A failure or refusal to permit such entry and inspection, after issuance of an order therefor, shall constitute a violation of this Chapter. Additionally, the right of entry and inspection may be enforced by application to and proper orders from the Municipal Court upon a showing of probable cause to believe that a violation of this Chapter may have occurred or may be occurring.
- (2) Make written orders requiring compliance with the provisions of this Chapter. Such orders shall be served personally or by certified mail upon the person deemed to be violating the provisions of this Chapter; provided, however, that, if such person is not the owner of the land or structure in which the violation is deemed to exist or have occurred, a copy of such order shall be sent by certified mail to the owner of such land or structure. The date of mailing shall be deemed the date of service of any order served by the certified mail.
- (3) Nothing contained in this Chapter shall be construed so as to prohibit either the Planning Commission, Board of Adjustment, Architectural Review Committee or Board of Trustees from recommending or imposing reasonable conditions to better effectuate the public policy.

(Ord. 1996-1 §1; Ord. 2011-18 §1)

Sec. 17-2-90. Violations.

- (a) It shall be unlawful for any person, owner or agent of the owner of any land located within a subdivision to sell, agree to sell or offer to sell any land by reference to or by use of a plan, legal description or plat of subdivision until such subdivision has received final approval in writing by the Planning Commission and the Board of Trustees (if applicable) and a plat is filed in the office of the County Clerk and Recorder; provided, however, that a written agreement to sell or lease, which is expressly conditioned upon full compliance by the seller with the subdivision regulations of the Town within a specified period of time, and which expressly recites that the seller's failure to comply with such condition shall terminate the agreement and entitle the buyer to prompt return of all consideration under said agreement, shall not constitute a violation of this Chapter.
- (b) The prohibition of any act in this Chapter, in any amendment thereof and in any rule or regulation adopted hereunder shall include the causing, securing, aiding or abetting of another person to do said act.

(Ord. 1996-1 §1; Ord. 2011-18 §1)

Sec. 17-2-100. Penalty.

- (a) Any person violating any regulations of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than three hundred dollars (\$300.00).
- (b) Each and every day which the violation continues shall be deemed a separate offense. In case of a violation of this Chapter, the Board of Trustees may direct the Town Attorney to file action for and on behalf of the Town, or the owner of real estate or any resident within the Town may institute an action on his or her behalf, seeking an injunction to halt such violation.

(Ord. 1996 §1; Ord. 2011-18 §1)

ARTICLE 3 Major Subdivisions

[Sec. 17-3-10. Preliminary platting procedures.](#)

[Sec. 17-3-20. Final platting procedures.](#)

Sec. 17-3-10. Preliminary platting procedures.

- (a) Preparation: The subdivider shall cause the preparation of a preliminary plat of the proposed subdivision by a registered land surveyor. The plat shall comply with the provisions of these regulations, ordinances of the Town and state law.
- (b) Submission:
- (1) After the preapplication conference, the subdivider shall submit, at least thirty (30) days prior to the regular Planning Commission meeting, twelve (12) copies of the preliminary plat, the completed application form and any required supplemental material and any review fee to the Town Clerk for distribution to the following agencies:
 - a. Town Clerk files.
 - b. Planning Commission (five [5] copies).
 - c. Town Attorney.
 - d. Building Inspector.
 - e. Town Engineer.
 - f. Town Planner.
 - g. Town Surveyor.
 - h. Police Department.
 - (2) The subdivider shall be responsible for furnishing the following agencies with copies for their review and comments:
 - a. Electrical utility provider.
 - b. Fire Department.
 - c. Public service company.
 - d. Telephone service provider.
- and, if applicable:
- e. Park County Health Department.
 - f. Ditch and irrigation companies.
 - g. U.S. Forest Service.
 - h. Colorado Land Use Commission.
 - i. Park County School Board.
 - j. Colorado Department of Transportation.
 - k. U.S. Army Corp of Engineers.
- (3) The above agencies and any additional agencies deemed appropriate by the Planning Commission shall have thirty (30) days from the date they receive the plat to review and return

CHAPTER 17 Subdivisions

comments to the Planning Commission. The developer shall provide documentation that the applicable agencies have been notified. This can be done by submitting a copy of the letter sent to the agency explaining that a response must be received in a predetermined amount of time or lack of response will imply approval. A return receipt must accompany the copy of the letter which shall be sent by certified mail.

- (c) Action on preliminary plat. The Planning Commission shall review the preliminary plat, the application form and all required material and information. The Planning Commission shall consider the comments of the other agencies before reaching its decision to approve, conditionally approve or disapprove the plat.
 - (1) Within thirty (30) days after receiving the preliminary plat, the Planning Commission shall hold a public hearing and notify the subdivider of its approval, conditional approval or disapproval. When circumstances require an additional period of time for review, the Planning Commission shall notify the subdivider, in writing, of the extended time period required. If the plat is conditionally approved or disapproved, the reasons shall be noted in writing and, if possible, recommendations made whereby the plat might gain approval. Approval of the preliminary plat shall be valid for not longer than six (6) months. A six-month extension of time may be applied for on the basis of unforeseen circumstances at the sole discretion of the Planning Commission.
 - (2) Within fifteen (15) calendar days after a preliminary plat is approved, conditionally approved or disapproved, the subdivider or an interested agency, as stated in Paragraph (b)(1) above, may request, in writing, a review and rehearing before the Planning Commission. The Planning Commission must hold said review within thirty (30) days of receipt of the request.
 - (3) Appeal of Planning Commission's action. If the Planning Commission approves the plat with modifications, the applicant may appeal the Planning Commission's action to the Board of Trustees. Such appeal must be made in writing to the Board of Trustees within fifteen (15) calendar days of the Planning Commission's action. The Board of Trustees shall receive the appeal request and shall approve the plat as submitted or concur with the decision of the Planning Commission. The Town Clerk shall notify the applicant of the time and place of said hearing within two (2) calendar days after the hearing is scheduled.
- (d) Effective time period for approved preliminary plat:
 - (1) Effective time period. The applicant shall submit for administrative approval a final plat on all or a portion of the approved preliminary plat within six (6) months from the date of the Planning Commission's approval of said preliminary plat.
 - (2) Extension of effective time period. Upon written request from the applicant, the Chairman of the Planning Commission shall grant an extension to the effective time period of an approved preliminary plat. Said extension shall not exceed six (6) months, provided that the character of the area has not changed and said plat is still in conformance with the Town's Comprehensive Plan.
 - (3) Failure to request extension. Failure of the applicant to submit a written request for an extension of an approved preliminary plat prior to the end of the six-month time limit shall cause said plat to become null and void.
 - (4) Continuation. The applicant shall submit a final plat on the remaining portions of the approved preliminary plat every twelve (12) consecutive months from the date of the last approved final plat until the entire area included in the approved preliminary plat has been completed and recorded. Failure of the applicant to submit a final plat within the twelve-month time limit shall cause the remaining portions of the approved preliminary plat to be reviewed by the Planning Commission for conformance with the Town's Comprehensive Plan, changing conditions within the neighborhood and/or amendments to the provisions of this Chapter. If amendments to the preliminary plat are deemed necessary and such amendments cannot be approved by the Planning Commission under the provisions of Paragraph 17-3-20(c)(1) below, said preliminary plat shall be subject to the same review procedures as required for original approval.

CHAPTER 17 Subdivisions

- (e) Subdivider may proceed directly with final plat. A subdivider may, in lieu of compliance with this Section, proceed directly with final platting pursuant to Section 17-3-20 below, provided that such final plat submission shall, in addition to the requirements of Section 17-3-20, comply with all the requirements for submission and approval of a preliminary plat.

(Ord. 1996-1 §1; Ord. 2011-18 §1)

Sec. 17-3-20. Final platting procedures.

- (a) Preparation. The subdivider shall cause the preparation of the final plat of the proposed subdivision by a registered land surveyor. The plat shall comply with the provision of these regulations, the ordinances of the Town and state law.
- (b) Submission.
 - (1) Application form. The applicant shall submit with the final plat an official application form provided by the Town Clerk.
 - (2) Required number of plats. The applicant shall submit with the application form one (1) original of the final plat on reproducible Mylar, one (1) reproducible Mylar copy of the final plat and eleven (11) copies of said plat and each supplemental map or other information as required. The final plat and accompanying material shall conform to the requirements of Section 17-5-20 below.
 - (3) Submission deadline. The applicant shall submit the preliminary and final plat, all required information and fees to the Town Clerk at least ten (10) days prior to the next regularly scheduled Planning Commission meeting.
- (c) Action on final plat:
 - (1) Planning Commission action. The Planning Commission shall check the final plat for conformance with the approved preliminary plat and, if any, special provisions. The Planning Commission may approve minor modifications to the approved preliminary plat when all of the following conditions exist:
 - a. Any rearrangement of lot lines does not substantially alter the general lot and street layout of the approved preliminary plat and remains compatible with surrounding development.
 - b. The requested modification is in compliance with Chapter 16 of this Code and regulations of this Chapter and other applicable Town ordinances.
 - c. The requested modification does not conflict with established policies of the Department of Public Works or other agency, public and private utilities, school district or recreation and park district.
 - (2) Certification (approval). If the Planning Commission finds that the final plat conforms with the approved preliminary plat and, if any, special provision, and the subdivider has fulfilled all requirements of these regulations or of the ordinances of the Town, then the Chairman of the Planning Commission shall certify said plat.
 - (3) Modification or appeal. If the Planning Commission determines that the final plat is not in compliance with the approved preliminary plat and any provisions and/or these regulations, then the Planning Commission shall give written notification of this determination to the applicant, who may make all necessary changes, additions or corrections. If the applicant does not desire to make the necessary changes, the applicant may appeal the decision as provided in Subsection (f) below.
 - (4) Department of Public Works action. The Department of Public Works shall check the final plat to ensure compliance with these regulations, established policies of the Department of Public Works and other applicable Town ordinances.

CHAPTER 17 Subdivisions

- a. Certification (approval). If the Department of Public Works finds that the final plat and accompanying material are in compliance with accepted engineering principles, these regulations and other applicable Town ordinances, then the Department of Public Works shall certify said plat.
 - b. Modification or appeal. If the Department of Public Works determines that the affidavits, offers of dedication, survey data or other requirements necessary to ensure compliance with these regulations and accepted engineering principles are inadequate, the Department of Public Works shall give written notice of this determination to the applicant, who may make all necessary changes, additions or corrections. If the applicant does not desire to make the necessary changes, the applicant may appeal the decision as provided in Subsection (f) below.
- (d) Approval of final plats. If the Chairman of the Planning Commission and Town staff certify that a final plat is in compliance with the approved preliminary plat, accepted engineering principles and the ordinances of the Town, and the plat is approved as to form by the Town Attorney, said plat shall be submitted to the Board of Trustees for final approval.
- (e) Expiration of approval. Failure by the applicant to make a substantial step toward the completion of the approved final plat within three (3) years of the date of final approval of the final plat by the Board of Trustees shall render the approval of the final plat null and void and result in the necessity of resubmittal of a preliminary plat and final plat along with all required fees and documentation.
- (1) The determination of whether an applicant has failed to make a substantial step toward the completion of an approved final plat shall be made by the Planning Commission after gathering the necessary information to make an informed decision on the matter. In reaching its decision on the matter, the Planning Commission may visit the site, contact the applicant to find out what progress has been made or make such other inquiries as the Planning Commission, in its sole discretion, deems appropriate.
 - (2) Upon a determination by the Planning Commission that the applicant has failed to make a substantial step toward the completion of an approved final plat within three (3) years of the date of final approval of the final plat, the Planning Commission shall give written notification of this determination to the applicant, who may appeal the decision to the Board of Trustees as provided in Subsection (f) below.
- (f) Appeal of administrative action. The applicant may appeal to the Board of Trustees the action of the Planning Commission and/or the Department of Public Works on the final plat. Such appeal must be made in writing to the Board of Trustees within ten (10) calendar days of the administrative action. The Board of Trustees shall receive the appeal request and schedule a public hearing to review the decision of the Planning Commission and/or Department of Public Works, approve the final plat as submitted or concur with the decision of the Planning Commission and/or the Department of Public Works. The Town Clerk shall notify the applicant of the time and place of said hearing within two (2) calendar days after the hearing is scheduled.

(Ord. 1996-1 §1; Ord. 2005-1 §§1—3; Ord. 2011-18 §1)

ARTICLE 4 Minor Subdivisions

[Sec. 17-4-10. Eligibility.](#)

[Sec. 17-4-20. Platting procedures.](#)

Sec. 17-4-10. Eligibility.

- (a) Any subdivision of land which complies with all of the following requirements as herein defined shall be processed within the provisions of this Section:
 - (1) The proposed plat shall contain five (5) or fewer lots;
 - (2) All lots must abut a dedicated, constructed and accepted Town street;
 - (3) The proposed plat shall meet the minimum requirements of this Chapter and Chapter 16 of this Code; and
 - (4) The subdivider shall not request any variance from the requirements of this Chapter, Chapter 16 of this Code or other applicable Town ordinances and resolutions during the subdivision process.

The preliminary and final plat may be combined on a single sheet.

- (b) Any proposed subdivision which does not comply with all of the requirements as specified in Subsection (a) above shall be considered a major subdivision and must be processed in compliance with Article 3 of this Chapter.

(Ord. 1996-1 §1; Ord. 2011-18 §1)

Sec. 17-4-20. Platting procedures.

- (a) Preparation. The subdivider shall cause the preparation of a preliminary and final plat of the proposed subdivision by a registered land surveyor. The plat shall comply with the provisions of these regulations, the ordinances of the Town and state law.
- (b) Submission.
 - (1) Application form. The subdivider shall submit with the preliminary and final plat a completed subdivision application form provided by the Town Clerk.
 - (2) Required number of plats. The applicant shall submit with the application form and required fees one (1) original of the preliminary and final plat on reproducible Mylar, one (1) reproducible Mylar sepia of the preliminary and final plat, three (3) blue or black line prints of the plats and each supplemental map or document as required.
 - (3) Submission deadline. The applicant shall submit the preliminary and final plat, all required information and fees to the Town Clerk ten (10) calendar days prior to the next regularly scheduled Planning Commission meeting.
- (c) Action on preliminary and final plat.
 - (1) Planning Commission. The Planning Commission shall review the preliminary plat, the application form and all required material and information. The Planning Commission shall recommend at a regularly scheduled public meeting, after reviewing the preliminary plat, to approve said plat or approve said plat with modifications.
 - (2) Appeal of Commission's action. If the Planning Commission approves the plat with modifications, the applicant may appeal the Planning Commission's action to the Board of Trustees. Such appeal must be made in writing to the Board of Trustees within ten (10) calendar days of the Planning Commission's action. The Board of Trustees shall receive the appeal request and shall approve the plat as submitted or concur with the decision of the Planning Commission.
 - (3) Board of Trustees action; approval of preliminary and final plats. If the Chairman of the Planning Commission and the Department of Public Works certify that a preliminary and final plat is in compliance with the decision of the Planning Commission, accepted engineering principles and the ordinances of the Town, and the plat is approved as to form by the Town Attorney, said plat shall be submitted to the Board of Trustees for final approval.

(Ord. 1996-1 §1; Ord. 2011-18 §1)

ARTICLE 5 Subdivision Plat Details

[Sec. 17-5-10. Plat specifications.](#)

[Sec. 17-5-20. Final plat submission.](#)

[Sec. 17-5-30. Improvements.](#)

[Sec. 17-5-40. Certificates and statements.](#)

Sec. 17-5-10. Plat specifications.

- (a) Plat preparation. The applicant shall cause the preparation of a subdivision plat on the subject property by a registered land surveyor. The subdivision plat shall comply with the detailed application form, the provisions of these regulations, the ordinances of the Town and state law.
- (b) Plat size. The size of all final plats shall be twenty-four (24) inches by thirty-six (36) inches.
- (c) Plat requirements. Without limiting an applicant's right to file additional materials, the following subdivision plat details shall apply to all applications for subdivisions:
 - (1) The name of the proposed subdivision.
 - (2) The name, address and telephone number of the applicant and legal property owners of subsurface mineral estates, including mineral lessees, if any.
 - (3) Evidence of a title and any related supporting materials, as needed.
 - (4) Metes and bounds legal description, including monumentation certified by a registered land surveyor, and the total number of acres to be subdivided.
 - (5) Survey notes of subdivision perimeter survey and copies of all monuments required pursuant to Section 38-53-103, C.R.S.
 - (6) North point with written and graphic indication of the scale (not to exceed one [1] inch equals fifty [50] feet horizontal scale and one [1] inch equals five [5] feet vertical scale).
 - (7) Location map showing the subject site, streets, street names, schools, parks, railroads and public transit facilities within one-half (½) mile from the proposed subdivision.
 - (8) Geologic investigation reports regarding area suitability for the proposed development.
 - (9) Existing and proposed contours at two-foot intervals, width and direction of flow of all watercourses and any area inundated by the one-hundred-year-frequency flood.
 - (10) The plat shall show all adjacent and included right-of-way locations, dimensions of proposed streets, with delineation of proposed right-of-way dedication, names of existing and proposed streets; the proposed lot layouts, lot dimensions, lot areas and lot and block numbers; adjacent and included pedestrian ways; and all approximate locations of all building setback lines within and immediately adjacent to the subdivision.
 - (11) The location, size, type and, where applicable, grades of all existing utilities and easements, and all new utilities and easements proposed for subject property.
 - (12) The substance of all covenants, grants of easements or restrictions to be imposed upon the use of the land, buildings and structures.
 - (13) The location of bridges, culverts, catch basins and all other provisions for collecting and discharging surface and subsurface drainage.

CHAPTER 17 Subdivisions

- (14) The location, area and dimensions of all parcels to be reserved for the common use of all property owners in the proposed subdivision and/or land to be dedicated for public parks, open space, schools or other public uses.
- (15) The function, ownership and manner of maintenance of common open space not otherwise reserved or dedicated for public use.
- (16) The estimated construction cost, proposed method of financing and construction schedule of the streets and related facilities, water distribution system, sewage collection system, storm drainage facilities and such other utilities as may be required of the developer by the Town. This information shall be contained in a separate document from the plat and shall be prepared and submitted by a licensed professional engineer unless otherwise agreed by the Town staff.

(Ord. 1996-1 §1; Ord. 2011-18 §1)

Sec. 17-5-20. Final plat submission.

- (a) Materials required to accompany subdivision plat. Following the approval of the preliminary plat, but not more than six (6) months after such approval, (unless an extension of time is granted), the subdivider shall submit to the Town Clerk the copies of the final plat required by Paragraph 17-3-20(b)(2) of this Chapter to be reviewed by the Building Inspector, Town Engineer, Town staff, Planning Commission and other reviewing agencies.
 - (1) In the event a preliminary plat covers only a portion of the applicant's entire holding, a sketch of the prospective street system for the entire tract shall accompany said plan. Filing fees will not be paid on the additional area until such time that a subdivision plat is submitted for such area.
 - (2) Drainage.
 - a. If any drainageway exists within the proposed subdivision or adjacent to said subdivision that would be affected by any additional runoff caused by the development of the proposed subdivision, the applicant shall provide a drainage plan. Such plan shall incorporate existing and future upstream development and drainageway modifications, the impact of the proposed subdivision with respect to increased runoff contribution and drainageway modification, means to minimize the additional runoff and increased flow rates, and consider immediate and future downstream implications. Such plat shall show the existing topography by dashed lines, and the approximate proposed grading shall be indicated by solid lines within the proposed subdivision.
 - b. Should it be determined that a preliminary drainage plan is not required, the applicant shall provide a grading plan of the proposed subdivision which shall show the existing topography by dashed lines, and the approximate proposed grading shall be indicated by solid lines.
 - c. Drainageway easement. Where a subdivision is traversed by a watercourse, stream or drainageway, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction of both will be adequate for drainage purposes and maintenance. Parallel streets, parkways, walkways, culverts, bridges or storm sewers may be required in connection with such drainage easement.
- (3) All subdivision plans shall provide dedication of easements sufficient to allow the efficient installation and placement of all utilities as needed by the development now and in the foreseeable future.
- (4) Public utility installations shall be solely located as to permit multiple installations within the easements to avoid cross-connections, minimize trenching and adequately separate incompatible systems.
- (5) Easements shall follow rear and side lot lines whenever practical and shall have a minimum width of twenty (20) feet. The center line of any easement shall coincide with a property line, and

CHAPTER 17 Subdivisions

whenever possible the easement shall lie entirely on one (1) side of the property line. Where front line easements are required, a minimum of fifteen (15) feet shall be allocated as a utility easement and shall not be less than fifteen (15) feet in width extending throughout the peripheral area of the development.

- (6) The location and width of all utility easements shall be subject to the approval of the Planning Commission and of the utilities using the easement. The subdivider shall be responsible for complying with the requirements, including any construction or installation charges, of the servicing utilities for the installation of such facilities.
 - (7) Underground placement of utilities shall be required in all subdivisions. Water and sewer lines must be buried at nine and one-half (9½) feet with cover to prevent freezing. Electrical lines are buried at forty-two (42) inches for primary and thirty (30) inches for secondary lines measured from the bottom of the conduit.
 - (8) All residential, commercial and industrial uses which have human occupancy shall have sanitary sewer. The design and installation of all sewer mains, laterals and house connections must be in conformance with the building code adopted in Chapter 18 of this Code and any rules and regulations of the Town. All sewer mains and laterals shall be installed in easements and/or dedicated rights-of-way.
 - (9) All residential, commercial and industrial uses which have human occupancy shall have water. The water distribution system of the subdivision shall contain mains of sufficient size and have a sufficient number of outlets to furnish an adequate water supply for each lot or parcel in the subdivision, and to provide adequate fire protection. The Northwest Fire Protection District will review plans to ensure adequate fire protection. Design of water distribution systems shall be done by a licensed engineer and be in conformance with the Town requirements.
 - (10) Any new building construction or other site alteration shall minimize the removal from the lot of trees with a trunk diameter of four (4) inches or more.
- (b) Required accompanying data. The final plat shall be accompanied by the following data:
- (1) A certified statement by the subdivider to the effect that all supplemental information furnished with the preliminary plat is embodied in the final plat, or, if this is not the case, revised supplemental data of the same scope and format as required for the preliminary plat is being furnished with the final plat. In the event that substantial changes have been made on the final plat, the Board of Trustees may require an additional filing fee not to exceed the amount specified for the preliminary plat.
 - (2) Utility location plan.
 - (3) Three (3) copies of all the protective covenants or restrictions placed on the subdivision, one (1) copy of which shall be filed with the plat.
 - (4) Engineering plans, descriptions and cost estimates, prepared by a licensed professional engineer, for streets, drainage facilities, utility systems, bridges and other improvements proposed to be installed by the subdivider.
 - (5) A check for the total amount of the subdivision filing.
 - (6) General warranty deed to the Town, conveying to the Town all public lands other than streets shown on the plat.
 - (7) Payment for any other fees applicable to the subdivision.
 - (8) Proof shall be provided that the subdivider has a right to subdivide certain real property. Evidence shall include ownership and encumbrance reports and written approval by mortgagors, or other persons or corporations having interest in said property, agreeing with the proposed subdivision.

(Ord. 1996-1 §1; Ord. 2011-18 §1)

Sec. 17-5-30. Improvements.

- (a) Plans to accompany final plats.
 - (1) Three (3) copies of an improvements plan, which shall include, as applicable, profiles, grades, specifications, estimated construction costs, time schedule and other necessary information for the construction and installation of all improvements prepared by a licensed professional engineer.
 - (2) If there is evidence of unsuitable surface and/or subsurface soil conditions, the applicant shall provide a report, prepared by a licensed engineering geologist, which examines slope, stability and erosion characteristics, water table elevations, swelling pressure potential, bedrock depth or other geological characteristics necessary to ensure that all hazards and special precautions have been identified.
 - (3) If the proposed subdivision is five (5) acres or larger and there is evidence of sand, gravel, quarry aggregate or other mineral deposits underlying the subject property, the applicant shall provide a report, prepared by a licensed engineering geologist, which shall show the thickness and quality of such deposits, map the limits of the deposits and other required information to determine the commercial value of such deposit, in accordance with state law.
 - (4) One (1) copy of the computed closure sheets for the entire subdivision.
 - (5) Development assurance for common open space.
 - a. Adequate assurance may be required to ensure that any common open space and/or facilities will be provided as shown on the approved subdivision plat. Such assurance may be in the form of a bond, corporate surety or other financial guarantee approved as to form by the Town Attorney. The financial assurance, if required, shall be in the amount of one hundred twenty-five percent (125%) of the estimated engineering, materials and construction costs at the projected time of installation. If the required improvements are not complete by the projected time of completion, the Chairman of the Planning Commission shall review the amount of the financial assurance covering the incomplete improvements and may require that the amount of the assurance be revised in accordance with the then-current costs of engineering, materials and construction.
 - b. If development is proposed to occur in phases, assurances shall be made that common open spaces and/or facilities will be provided as shown on the approved subdivision plat, stipulating that such open space and/or facilities will be completed in the same proportion as that particular phase is of the entire development.
 - c. The requirements of this Subsection are deemed separate, distinct from and are not met by the requirements for collateral to secure construction of public improvements as provided below.
- (b) Required improvements.
 - (1) Improvements agreement. No final plat shall be approved by the Planning Commission or the Board of Trustees until the subdivider has submitted, and the Planning Commission and the Board of Trustees have approved, a subdivision improvements agreement or a contract agreeing to construct the required improvements as shown in the plans, plats and supporting documents. Through such agreement or contract, the subdivider and his or her successors, heirs and assigns guarantee to make the required improvements in accordance with design and time specifications.
 - (2) The following improvements shall, unless otherwise approved by the Board of Trustees, be constructed as specified in the subdivision improvements agreement or contract.
 - a. Road grading and surfacing.
 - b. Curbs, gutters and driveways.
 - c. Sidewalks.

CHAPTER 17 Subdivisions

- d. Sanitary sewer mains, as applicable, and sanitary sewer laterals and house connections; this includes payment to the Sewer District for the appropriate portion of any sewer lines built through the property by the Town as determined by the Sewer District.
 - e. Separate bicycle paths.
 - f. Water distribution system and firefighting resources, including fire hydrants, where applicable, water meters and house connection; this includes payment to the Town for the appropriate portion of any water lines built through the property by the Town, as determined by the staff.
 - g. Storm sewers or storm drainage system, as required.
 - h. Street signs at all street intersections and other places, as required, and address numbers for all buildings; such signs and address numbers to be acceptable to the Planning Commission.
 - i. Landscaping and irrigation distribution system, where applicable.
 - j. Street trees.
 - k. Permanent reference monuments and monument boxes.
 - 1. Street lighting.
 - m. Underground electric and communication utility lines and services, and all street lighting devices.
 - n. Adequate parking facilities.
 - o. Other facilities as may be specified or required in these regulations by the Planning Commission or Board of Trustees.
 - p. No improvements shall be made until all required plans, profiles and specifications for such improvements have been submitted and approved by the designated Town official.
- (3) Improvements guarantee. Collateral, which is suitable and sufficient in the judgment of the Board of Trustees, in an amount stipulated in the subdivision improvements agreement or contract, shall accompany the final plat submission to ensure the completion of improvements according to design and time specifications. Such collateral may include, but is not limited to, letters of credit, performance bonds or property bonds, private or public escrow agreements, loan commitments, assignments of receivables, liens on property, deposits of certified funds or other similar surety agreements. The collateral shall be accompanied by an engineer's estimate of the cost of providing the required improvements in accordance with the density and time specification. If the improvements are not constructed in accordance with all the specifications, the Board of Trustees shall notify the subdivider of the noncompliance and proposed schedules for correcting the noncompliance. If the Board of Trustees determines that the subdivider will not construct any or all of the improvements in accordance with all of the specifications, the Board of Trustees shall have the power to withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvement or improvements in accordance with the specifications.
- (4) Release of guarantee. With the exception of streets and roads, as the required improvements in a subdivision are completed, the subdivider may apply in writing to the Board of Trustees for a partial or full release of the bond, credit deposit letter, certified check or other collateral. Upon receipt of such application in writing, the Board of Trustees shall inspect the portion of the improvement which has been completed. If the Board of Trustees determines from such inspection that the improvements thus far completed have been made in accordance with the final plat and the requirements of these regulations, in accordance with time and design specifications, a portion of the bond, letter of credit, certified check or other collateral sufficient to cover the cost of improvements thus far completed shall be released.
- (c) Acceptance of streets, roads, water and sewer improvements, streetlights and signs.
- (1) Preliminary acceptance.

CHAPTER 17 Subdivisions

- a. Upon completion of street or road construction, the subdivider shall notify the Town in writing and request inspection. The Street Inspector shall inspect all street improvements and shall notify the subdivider by mail of nonacceptance or preliminary acceptance. If street improvements are not acceptable, the reasons for nonacceptance shall be stated, and corrective measures shall be outlined in the letter of notification.
- b. Until such time that the subdivider has written acceptance for full maintenance of streets by the Town, the subdivider shall be responsible for all maintenance and repairs of street improvements.
- c. The Town shall not accept street improvements for maintenance from November through May since deficiencies noted on inspections cannot usually be determined or corrected during this period.
- d. The Town may require continued surety by the subdivider for any work to be done.

(2) Final acceptance.

- a. One (1) year following the issuance of a certificate of completion, the Street Inspector shall inspect all street improvements for final inspection.
- b. The Town shall notify the subdivider by mail of nonacceptance or final acceptance. If the street improvements are not acceptable, the reasons for nonacceptance shall be outlined in the letter of notification. If the street improvements are found to be acceptable following a resolution of acceptance by the Board of Trustees, the Town shall release the guarantee for improvements and assume full maintenance responsibility of the streets as provided in Paragraph (3) below.

(3) Certificate of completion. Except as may be provided in any subdivision improvements agreements, the Town shall not accept responsibility for the operation or maintenance of improvements until completion of the improvements and final acceptance thereof by the Town. Upon written application by the subdivider for a certificate of completion, and provided that all payment and other performance herein agreed to be made and performed by the subdivider have been made and completed, the Town shall issue a certificate of completion. Except for defects appearing within one (1) year after the date of certification, the Town will release the subdivider from all further liability as to the completed improvements. Upon issuance of a certificate of completion, all improvements specified in the certificate shall be deemed to be approved and accepted by the Town, whereupon the specific improvements shall be owned, operated and maintained by the Town.

(Ord. 1996-1 §1; Ord. 2011-18 §1)

Sec. 17-5-40. Certificates and statements.

All subdivision plats shall have the following certificates and statements unless otherwise noted:

OWNER CERTIFICATE

I, _____, owner, or designated agent thereto, do hereby agree to develop the above-described property in accordance with the use restrictions and conditions contained herein and current ordinances, resolutions and standards of the Town of Alma, Colorado.

~~Signature~~ of Owner and/or Agent

Subscribed to and sworn to before me this ____ day of _____, 20____.

My Commission expires _____, 20____.

Notary Public

CHAPTER 17 Subdivisions

NOTE: In circumstances where a corporation, financial institution or other business entity is initiating or has a financial interest in the proposed subdivision, an officer of the lending institution and the secretary's signatures, with the corporation seal, shall be shown on the plat.

LAND SURVEYOR CERTIFICATE

I, _____, a registered Professional Land Surveyor in the State of Colorado, do hereby certify that the survey represented herein was made under my supervision and the monuments shown thereon actually exist and the plat accurately represents said survey.

Name, address, L.S. No.

NOTARY AND ATTORNEY CERTIFICATE

If there is to be a dedication of land for public rights-of-way, easements, parks, open space, schools, or other public use, then the following notary's certificate and attorney's certificate shall be placed on the plat.

NOTARY CERTIFICATE

STATE OF COLORADO)
))
COUNTY OF PARK)) ss.

The foregoing dedication was acknowledged before me this _____ day of _____, 20____, by _____ for _____.

My commission expires _____, 20____.

Notary Public

ATTORNEY CERTIFICATE

I, _____, an attorney at law duly licensed to practice before Courts of Record of the State of Colorado, do hereby certify that I have examined the title of all lands herein dedicated and shown upon the within plat as public ways, easements and/or public land dedication to fulfill the provisions of the Alma Subdivision Regulations, and the title of such lands being dedicated is free and clear of all liens and encumbrances.

Dated this ___ day of _____, 20____.

Attorney at Law Reg. No.

Note: The Town may allow substitution of a Title Insurance Company's Certificate in lieu of the Attorney Certificate. Any such Title Insurance Company's Certificate shall be in a form acceptable to the Town Attorney.

ALMA PLANNING COMMISSION
CERTIFICATE

CHAPTER 17 Subdivisions

Approved this ____ day of _____, 20____, by the Town of Alma Planning Commission.

Chairman of Planning Commission

ATTEST:

Commission Secretary

ALMA DEPARTMENT OF PUBLIC WORKS CERTIFICATE

Approved this ____ day of _____, 20____, by the Town of Alma Department of Public Works.

Department of Public Works

ALMA BOARD OF TRUSTEES CERTIFICATE

This plat of _____ is approved for filing this ____ day of _____, 20____. The dedication of the public ways shown hereon will not be accepted until said public ways have been satisfactorily completed to the Town's specifications by the subdivider. Upon such compliance, the Board of Trustees of the Town of Alma shall adopt a resolution accepting the said dedication of public ways and duly record such acceptance.

Mayor

ATTEST:

Town Clerk

PARK COUNTY CLERK AND RECORDER'S CERTIFICATE

This document was filed for records in the office of the County Clerk and Recorder of Park County at ____ m. on the ____ day of _____, 20____ A.D., in Book _____, Page _____, Reception No. _____.

County Clerk and Recorder

By:

Deputy

Approved this ____ day of _____, 20____, by the Town of Alma Planning Commission.

Chairman of Planning Commission

ATTEST:

Commission Secretary

(Ord. 1996-1 §1; Ord. 2011-18 §1)

ARTICLE 6 Design Standards

[Sec. 17-6-10. General requirements.](#)

[Sec. 17-6-20. Graphic presentation.](#)

[Sec. 17-6-30. Street standards.](#)

[Sec. 17-6-40. Storm drainage.](#)

[Sec. 17-6-50. Utilities.](#)

[Sec. 17-6-60. Waivers and modifications.](#)

Sec. 17-6-10. General requirements.

Planning, layout and design of subdivisions are of the utmost concern. The residents must have available to them within the area safe and convenient movement to points of destination or collection. Modes of travel to achieve this objective should not conflict with each other or abutting land uses. Lots and blocks provide desirable settings for the buildings that are to be constructed, make use of natural contours and protect the view, and afford privacy for the residents and protection from adverse noise and vehicular traffic. Natural features and vegetation of the area must be preserved if at all possible. Schools, parks, churches and other community facilities should be planned for as an integral part of the area.

- (1) Names of subdivisions. The name of a subdivision shall not duplicate or closely duplicate that of any existing subdivision within the Park County area.
- (2) Uninhabitable land. The land which is deemed to be uninhabitable because of flooding, inadequate drainage or excessive grades shall not be subdivided for any use which may increase danger to health, life or property or aggravate flood or other hazards. Such lands within a subdivision may be set aside for approved uses which will remedy the condition or conditions.
- (3) Regulatory considerations. When designing a subdivision, full compliance with Chapter 16 of this Code shall be required with particular attention to the zoning district in which the proposed subdivision is located.
- (4) The minimum lot size for any single-family dwelling shall be seven thousand five hundred (7,500) square feet. The minimum lot size for any multi-family dwelling shall be ten thousand (10,000) square feet, with side yard setbacks of no less than fifteen (15) feet and front and rear yard setbacks of no less than twenty-five (25) feet.

(Ord. 1996-1 §1; Ord. 1997-9 §1; Ord. 2011-18 §1)

Sec. 17-6-20. Graphic presentation.

- (a) Blocks.

CHAPTER 17 Subdivisions

- (1) The lengths, widths and shapes of blocks shall be determined with due regard to:
 - a. Provision of adequate building sites suitable to the special needs of the type of use contemplated;
 - b. Zoning requirements as to lot sizes and dimensions;
 - c. Needs for convenient and emergency access, circulation and traffic safety; and
 - d. Limitations and opportunities of topography.
 - (2) Pedestrian access shall be required to provide links to neighborhood schools, playgrounds, shopping centers and other community facilities where such facilities exist within reasonable walking distance of the subdivision.
- (b) Lots.
- (1) The lot size, width, depth, shape and orientation shall be appropriate for the type of development and use contemplated.
 - (2) Residential lot dimensions shall conform to at least the minimum requirements of Chapter 16 of this Code.
 - (3) Depth and width of properties shall be adequate to provide for the necessary private service and parking facilities required by the type of use and development contemplated.
 - (4) Normally, the average lot depth shall not exceed twice the lot width at the building line.
 - (5) Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both roads.
 - (6) All lot lines shall be at right angles to the centerline of an abutting street, or to a tangent of the arc of the centerline of a curved street. If, after subdividing, the existing remnants of land do not comply with this requirement, the remaining land shall be included in proposed or existing lot areas.
 - (7) Each lot shall be provided with a minimum frontage on an approved public or private street. The feasibility of a suitable driveway from the adjacent street to a usable building area on each site must be demonstrated for each lot.
 - (8) Double-frontage and reverse-frontage lots shall be avoided, except where essential to provide separation of residential development from arterials and limited access facilities or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet in width, and across which there shall be no vehicular right of access, may be required along the rear property line of lots abutting such traffic artery or other disadvantageous use.

(Ord. 1996-1 §1; Ord. 2011-18 §1)

Sec. 17-6-30. Street standards.

- (a) Street systems. Street systems are to be laid out, designed and constructed in accordance with standards specified by the Town staff. The following standards are only minimums and are designed to provide general guidelines to the subdivider.
- (b) Street names. Streets that are extensions of, or obviously in alignment with, existing named streets shall bear the names of the existing streets. Street names shall be subject to the approval of the Board of Trustees.
- (c) Street layout.
 - (1) Layout shall be considered in relation to existing and planned future streets, topographical conditions, soil conditions, particularly considering drainage and erosion factors, public

CHAPTER 17 Subdivisions

convenience and safety and aesthetics and in their appropriate relation to the proposed use of the land to be served.

- (2) When any part of a collector, arterial or limited-access facility, indicated as such on the transportation plan of the Town, passes through a proposed subdivision, such part shall be dedicated in the location and at the width indicated on the plan.
- (3) The dedication of half streets shall not be accepted unless:
 - a. The subdivider obtains for the Town a dedication from the abutting landowner of the other one-half ($\frac{1}{2}$) of the street; and
 - b. The subdivider obtains from the abutting landowner an agreement in a form satisfactory to the Town Attorney which guarantees the cost of the improvements and construction of the same on the half street within a time suitable to the Town staff.
 - c. The subdivider guarantees the construction of the improvements on the half street which he or she is dedicating; or
 - d. Any other similar arrangement recommended by the Town staff and approved by the Board of Trustees.
- (4) Right angle intersection shall be used whenever practicable.
- (5) Intersecting collector and local streets shall not empty into the same side of an arterial street at intervals of less than eight hundred (800) feet.
- (6) Local and collector streets shall be laid out so that their use by major through traffic will be discouraged.
- (7) When a subdivision abuts and controls access to public lands or existing streets, access shall be provided in the form required by the public agency involved. When a subdivision abuts private lands, the Town may require the developer to provide access thereto.
- (8) Reserve strips controlling access to public streets shall be prohibited except where their ownership is given to the public agency having jurisdiction and where agreed to by that public agency.
- (9) Alleys open at both ends may be required in commercial and industrial districts.
- (10) Streets which are stub streets designated to provide future connection with adjacent unplatted land shall be provided with a temporary turnaround at the stub end.
- (11) Cul-de-sacs shall not exceed four hundred (400) feet in length and shall have a turnaround with a minimum radius of fifty (50) feet at the closed end. In the event the cul-de-sac drains into the closed end, storm sewers or other drainage structure shall be required to dispose of storm water satisfactorily.
- (12) Street curb intersections shall be rounded by a tangential arc with a minimum radius of twenty (20) feet for single-family local residential streets and cul-de-sacs and thirty (30) feet for intersections including multi-family residential, business, industrial, collector and arterial streets. Corresponding radii for property lines shall be rounded by a tangential arc having the same center as the arc of the curb intersections.
- (13) All changes in street bearing shall be connected with curves tangent to the bearings at both ends. There shall be a tangent of at least one hundred (100) feet in length measured at the centerline at both ends.
- (14) When a subdivision abuts or contains an existing or proposed freeway or major arterial, restriction of access may require the platting of a frontage road and/or visual screen planting easement.
- (15) Where vertical curbs with separated sidewalks are required, the planting area or that unpaved portion of the right-of-way between the curb and the sidewalk shall be landscaped and maintained by the abutting property owners. Landscaping shall normally be limited to sodding or seeding,

CHAPTER 17 Subdivisions

except that trees, shrubs or other plant materials may be used subject to the Town approval of the location and species of planting materials to be installed.

- (16) Private streets. The use of private streets will be limited and is permitted only upon approval of the plan by the Board of Trustees. Private streets shall be confined to closed loops and dead-end streets not to be used for the convenience or safety of the general public.

(d) Design criteria.

- (1) Street design shall be in conformance with the following tables of street design criteria and according to the proposed vehicular demands imposed by the development.
- (2) The use of a particular street classification shall be considered sufficient only when such choice is certified by the Town staff.
- (3) In no case shall street grades exceed four percent (4%) within one hundred (100) feet from an intersection.

Table 17-1
Street Standards
(Single-Family Residential Areas)

Street Type	Function	Right-of-Way Width	Number of Moving Lanes	Access Conditions	Traffic Characteristics	Planning Characteristics
Local Streets						
Single-family residential areas	(a) Local streets provide direct access to adjacent property (b) All traffic carried by local streets should have an origin or a destination within the neighborhood	50 feet	2	Intersections area at grade with direct access to abutting property	(a) Direct access to residential properties is by way of curb cuts or drive-over curbs (b) Parking is normally allowed on both sides of the street	(a) Local streets should be designed to prevent through traffic from moving through the neighborhood (b) Local streets should not intersect arterial streets
Cul-de-sacs	(a) Cul-de-sacs provide direct access to adjacent property	50 feet	2	Intersections are at grade with direct access to	(a) Direct access to residential properties is by way of curb	Cul-de-sacs shall not intersect arterial streets

CHAPTER 17 Subdivisions

	(b) All traffic carried by cul-de-sacs shall have an origin or a destination within the neighborhood			abutting property	cuts or drive-over curbs (b) Parking is normally allowed on both sides of the street although may be prohibited within the circular portion if minimum turning radius is not provided	
Multiple-family, residential, business and industrial areas	(a) Local streets provide direct access to adjacent property (b) All traffic carried by local streets should have an origin or a destination within the immediate area	60 feet	2	Intersections are at grade with direct access to abutting property permitted	(a) Traffic and access requirements in these areas may require special design considerations for wider sidewalks and special curb cut designs (b) Parking is normally allowed on both sides of the street	(a) Local streets should be designed to prevent through traffic from moving through these areas (b) Local streets should not intersect arterial streets
Collector Streets						
	(a) Collector streets collect and distribute traffic between major arterial and local streets	70 feet	2	Intersections are at grade with direct access to abutting	Regulation of traffic between collector streets and other types of streets is accomplished	(a) Collector streets should have continuity throughout a neighborhood or industrial district but need

CHAPTER 17 Subdivisions

<p>(b) Collector streets serve as main connectors within communities, linking one neighborhood with another or one industrial district with another (c) All traffic carried by collector streets should have an origin or a destination within the community</p>			<p>property permitted</p>	<p>by traffic control devices</p>	<p>not extend beyond the neighborhood or industrial district. Maximum length should not exceed 3 miles (b) Intersections with arterial streets should be at least ¼ mile apart (c) Sidewalks should be set back from the street</p>
<p>Arterial Streets</p>					
<p>Arterial streets permit rapid and relatively unimpeded traffic movement throughout the Town, connecting major land use elements as well as communities with one another</p>	<p>(a) Primary arterials: 120 feet (b) Secondary arterials: 100 feet</p>	<p>(a) Primary arterials: 6 (b) Secondary arterials: 4</p>	<p>(a) Intersections will generally be at grade (b) Intersections will normally not be permitted at intervals less than ¼ mile (c) Normally, abutting properties and local streets will not be</p>	<p>(a) Regulation of traffic shall be accomplished by traffic control devices and channelization (b) Parking shall be prohibited (c) Roadways shall have a median strip between them</p>	<p>(a) Secondary arterial streets should traverse the entire Town while primary arterials should, additionally, have continuity through the County (b) Arterial streets should not bisect neighborhoods but should act as boundaries</p>

CHAPTER 17 Subdivisions

				<p>allowed indiscriminate direct access to the street</p>		<p>between them (c) Sidewalks should be set back from the street (d) Abutting properties should not face on the roadway unless separated from it by a frontage road (e) Bikeways, adjacent to sidewalks and set back from the street, may be required on both sides of arterial streets</p>
--	--	--	--	---	--	---

(Ord. 1996-1 §1; Ord. 2011-18 §1)

Sec. 17-6-40. Storm drainage.

- (a) Land within an adopted one-hundred-year floodplain zone or land which is subject to inundation by a one-hundred-year flood shall not be platted for occupancy.
- (b) Historical flow patterns and runoff amounts are to be maintained in such a manner that would preserve the natural character of the area and prevent property damage of the type generally attributed to runoff rate and velocity increases, diversions, concentrations and/or unplanned ponding of storm runoff.
- (c) The runoff rate from a one-hundred-year-frequency storm before and after anticipated development of the drainage basin involved shall be used in determining the provisions that must be made to satisfy the requirements of Subsection (b) above. Where the historical amounts of runoff cannot be maintained by detention storage or other devices, suitable channelization with erosion protection and/or outfall storm sewer leading to a suitable discharge point must be provided.
- (d) Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a storm water easement for maintenance purposes and for the purpose of excluding improvements of the type that would interfere with runoff. The minimum requirements for such easements shall be based on a one-hundred-year-frequency flood but shall not be less than twenty (20) feet in width.

CHAPTER 17 Subdivisions

- (e) When a subdivision is traversed by water supply ditches or canals, the engineering requirements of the ditch owner may be specified with a certificate of clearance from the appropriate official of the ditch company to the effect that all work required by the Department of Public Works as a condition of plat approval has been satisfactorily performed may be required prior to acceptance of any public improvements or the issuing of building permits within the subdivision.
- (f) All storm sewers and drainage facilities, such as gutters, catch basins, bridges and culverts, shall be installed and the land graded for adequate drainage as shown on plans submitted and approved, and shall be inspected and checked for adequacy by the Department of Public Works.
- (g) Erosion and sediment control. In addition to permanent provisions, temporary erosion- and sediment-control measures are also required during construction operations.

(Ord. 1996-1 §1; Ord. 2011-18 §1)

Sec. 17-6-50. Utilities.

- (a) General criteria.
 - (1) Telephone, electric, gas and other similar utility lines and services shall be placed underground, except where this requirement is in conflict with the requirements of public and private utility companies or other regulatory agencies. Transformers, switching boxes, terminal boxes, metering, roadway lighting, signal devices, gas regulators, compressor stations or other similar facilities necessary appurtenant to underground facilities may be placed above ground. Utility lines may be placed either within public road rights-of-way within the subdivision in accordance with adopted encroachment requirements or within easements or rights-of-way provided for the particular facilities in accordance with the approved improvements plan.
 - (2) The subdivider shall be responsible for all construction or installation charges including those required by the agency serving utilities except those installed at the expense of the utility company involved.
- (b) Easements. New easements shall be planned so as to be free from conflicting legal encumbrances, to avoid unnecessary removal of trees or excessive excavations and to be free from obstructions. The developer is encouraged, in lieu of mechanically providing easements on each and every lot line, to propose a layout based upon a plan for providing the necessary utilities in order to reduce the number and complexity of easements. Such a proposal is subject to approval by the utility agencies involved and by the Town. Easements are to be retained or, if nonexistent, provided for all existing utilities that are to remain.
- (c) Availability of service. The subdivider must present assurances from authorized representatives of all major suppliers of utilities to the proposed subdivision that said utilities are available and will be supplied to the project.
- (d) Water and sewer mains.
 - (1) In order to provide for the orderly construction of public improvements as areas are built and developed to avoid intermittent sections so improved or unimproved, and to promote the public health, safety and welfare, all water and sewer mains shall be installed and improved in accordance with the specifications of the Town and appropriate water or sewer district.
 - (2) All water and sewer mains shall be laid to the grades shown on the water and sewer profile and cross-section plans submitted and approved, and shall be inspected and checked for accuracy by the Department of Public Works.
- (e) Survey monuments. Permanent plat boundary monuments shall be set at locations approved by the Department of Public Works.

CHAPTER 17 Subdivisions

- (f) Fire protection. Fire hydrants are to be provided in all developments served by a central system and are to be separated by no more than five (500) hundred feet.
- (g) A permit shall be obtained from the Building Inspector prior to any grading, excavating, berming or similar earthwork being performed in the Town that disturbs or removes more than ten (10) cubic yards of earth. Approval shall be based on conformity with the general principles of the Comprehensive Plan, Chapter 16 of this Code and this Chapter. The fees for said permit shall be based on a schedule adopted by resolution of the Board of Trustees.

(Ord. 1996-1 §1; Ord. 2005-3 §1; Ord. 2011-18 §1)

Sec. 17-6-60. Waivers and modifications.

- (a) Upon written request to the Planning Commission by a subdivider, the Board of Trustees may waive or modify the requirements of these regulations upon a finding that the requested waiver or modification meets the following criteria:
 - (1) The granting of the waiver or change will not be detrimental to the health, safety, convenience and general welfare of the citizens of the Town; and
 - (2) The waiver or change shall not, in any manner, vary the provisions of Chapter 16 of this Code; and
 - (3) The waiver or change shall not be injurious to the permitted usage of adjacent property; or
 - (4) The waiver or change will allow conformance with existing improvements; or
 - (5) The waiver or change will improve the design, character and quality of the new development by facilitating more efficient and economic provision of streets and utilities, and by preserving natural and scenic features of the particular site.
- (b) Waivers or modifications authorized hereunder shall bind the development of the specific property regardless of any change in ownership of the property.
- (c) Waivers or modifications authorized hereunder shall be indicated in written or graphic form on the final plat prior to recording the approved final plat in the office of the County Clerk and Recorder.
- (d) No waiver or modification may be considered or granted for minor subdivisions.

(Ord. 1996-1 §1; Ord. 2011-18 §1)

ARTICLE 7 Development Exactions

[Sec. 17-7-10. Findings of fact; statement of purpose.](#)

[Sec. 17-7-20. Authority to impose dedication or exaction requirements.](#)

[Sec. 17-7-30. Rationale for requiring dedications or exactions.](#)

[Sec. 17-7-40. Development exaction fee schedule.](#)

[Sec. 17-7-50. Alternative means of determination of extent of dedication or exaction requirement.](#)

[Sec. 17-7-60. Criteria for determination.](#)

[Sec. 17-7-70. Compliance with this Article a condition precedent to building permit, rezoning or plat approval.](#)

Sec. 17-7-10. Findings of fact; statement of purpose.

The Board of Trustees does hereby affirmatively find and state that it is the policy of the Town that dedications of real property to the Town, and/or exactions in the form of monetary payments to the Town in lieu of real property dedications, shall be required in those instances where, pursuant to the provisions of this Chapter, the Town determines that a proposed project or development will create the need for new facilities or services, or will result in increased use of existing services or facilities, such as to require the expansion or eventual replacement thereof. In those instances where such a cause-and-effect relationship, or essential nexus, may be identified between the project or improvement proposed and the resultant need for additional or expanded public service or facilities, it is the purpose and intent of this Chapter to provide a mechanism whereby such dedication or exaction shall be quantified in such a manner as to assure that a fair and equitable proportionality is established between the cost of the improvements or facilities which are attributable to the proposed project or improvement (and which are, therefore, the responsibility of the developer) and the overall public cost of the provision of such improvement or facilities. In interpreting and implementing the provisions of this Chapter, the Town staff shall fairly balance the needs of the general public, and especially the residents of the Town, against the need for the service or facility which is created by the development or improvement contemplated, so as not to burden disproportionately the general public with costs or expenses to provide services or facilities, the need for which is generated by the development or improvement proposed.

(Ord. 1996-1 §1; Ord. 2011-18 §1)

Sec. 17-7-20. Authority to impose dedication or exaction requirements.

- (a) Authority is hereby specifically granted to the Town staff, in conjunction with any requested rezoning, subdivision approval, plat approval or building permit request, to impose dedication requirements or monetary exactions in lieu of such dedication requirements. The Board of Trustees shall, as a part of its legislative function, establish fee schedules for monetary exactions in those instances where real property dedications are not required or appropriate, as is more fully described in Section 17-7-40 below. Such fee schedules shall be adopted pursuant to the criteria set forth in Paragraph 17-7-50(1) below.
- (b) Strictly by means of illustration, and not by means of limitation, dedications or exactions are expressly authorized under the following circumstances:
 - (1) Parks. Dedication of fee title to property sufficient to enable the construction of a park within a development or payment of an exaction in lieu of such dedication to defray the developer's proportional share of the cost of the Town's park system, may be required.
 - (2) Trails. Dedication of fee title to property for the construction, extension or maintenance of recreational trails, or payment of an exaction in lieu of such dedication to defray the developer's proportional share of the cost of the Town's trail system, may be required.
 - (3) Public open space. Dedication of fee title to property to be used for public open space, or payment of an exaction in lieu of such dedication to defray the developer's proportional share of the cost of the Town's public open space, may be required.

(Ord. 1996-1 §1; Ord. 2011-18 §1)

Sec. 17-7-30. Rationale for requiring dedications or exactions.

A dedication or exaction shall be required of the developer upon a finding by the Town staff of the following:

- (1) That a legitimate, identifiable public purpose is served by the required dedication or exaction;

CHAPTER 17 Subdivisions

- (2) That the Town is acting within its power to provide the facility or service for which the exaction or dedication is required, either directly or through such dedication or exaction process, for the benefit of the residents of the community;
- (3) That, but for the proposed project in question, the Town would not currently be considering providing or expanding either the service or facility in question (i.e., that existing facilities and services are adequate to serve the existing population); or
- (4) That the project or improvement, and the projected use of facilities and services generated by that project, are a contributing cause to the need for the new or expanded facility or service;
- (5) That the Town would be legally justified in declining to approve the project or improvement unless the dedication or exaction was imposed because of the negative effect of the proposed project or improvement on either existing private property or governmental facilities or services;
- (6) That the Town, acting within its lawful authority, requires all owners or developers similarly situated to provide similar, in both quantity and quality, or roughly similar dedications or to pay the same or roughly the same exactions; and
- (7) That the dedication or exaction will serve the proposed project or improvement directly, provided that the fact that the service or facility will also serve as a general benefit to all residents of the community shall not constitute a valid ground for failing to impose the dedication or exaction.

(Ord. 1996-1 §1; Ord. 2011-18 §1)

Sec. 17-7-40. Development exaction fee schedule.

The Board of Trustees shall, from time to time, commission a study of the projected development within the Town and the projected need within the Town for the construction or expansion of Town facilities and services. Based upon such study, the Board of Trustees shall develop and adopt a schedule of development exactions for residential, commercial and mixed-use developments as set forth in the Annual Fee Resolution adopted by the Board of Trustees. The adopted schedule shall create a rebuttable presumption as to the amount of the exaction required from each type of development pursuant to this Chapter.

(Ord. 1996-1 §1; Ord. 2011-18 §1)

Sec. 17-7-50. Alternative means of determination of extent of dedication or exaction requirement.

Any developer from whom a dedication or exaction is required pursuant to this Article may, in writing, request from the Town staff an individualized determination as to the extent or amount of the dedication or exaction required. Within a reasonable time after such written request, the Town staff shall make an individualized determination of the extent of such dedication or exaction using whichever of the following methods is selected by the developer:

- (1) The developer may request that an individualized study or report be made relating solely to his or her property or project in order to determine whether or not dedications or exactions shall be required and, if so, to determine the extent or amount thereof. Such study or report shall be individualized to the developer's property or project, shall fairly and accurately delineate the needs for public services and facilities which will be generated by the developer's proposed project or improvement and shall include consideration of the following criteria:
 - a. Whether the proposed public improvement or facility would be required but for the developer's proposed project or improvement;

CHAPTER 17 Subdivisions

- b. Whether, and to what extent, it is reasonably likely that other developments or residents thereof will utilize the public facility or improvement in question;
- c. Whether existing public facilities or services can adequately serve the proposed project without the additional expense to construct, expand or improve the required facility or service; and
- d. Whether the Town has historically required other developers to dedicate similar property or pay an exaction of a similar type or in a similar amount.

The conclusion of such study or report shall contain a recommendation as to the nature of the dedication or exaction to be required and the extent or amount thereof. In determining any such extent or amount of dedication or exaction to be required of the developer, a proportion shall be established between the total cost of providing or expanding such necessary public facilities or services the amount or extent of such total cost which is attributable to, or is caused or generated by, the proposed development or improvement. The extent of dedication or amount of exaction due from the developer must bear roughly the same proportion to the total cost of providing the public services or facilities in question as the need for the public facility or service generated by the developer's proposed project or improvement bears to the general population's need for or use of the facility or service.

- (2) Any developer may prepare or cause to be prepared, at his or her sole cost and expense, the study or report described in Paragraph (1) above. Said report shall be in writing and, upon the submission of such study or report, the developer shall pay a fee of two hundred fifty dollars (\$250.00) to offset the review time and costs of the Town staff in reviewing such study or report. The Town staff shall review such study or report and shall comment thereon in writing to the developer. Any disagreement by the Town staff with any of the findings or conclusions of such study or report shall be delivered in writing to the Planning Commission and the Board of Trustees and shall be specific to the project in question. In the event of disagreement between the Town staff and the developer as to what dedications or exactions are required, the Planning Commission shall recommend, after public hearing, an appropriate level of exaction or dedication based upon the developer's and Town staff's separate studies or reports, to the Board of Trustees, which shall decide the appropriate level of such dedication or exaction. The decision of the Board of Trustees shall be final, subject only to the right of the developer to appeal the same to the Park County District Court.
- (3) Upon the express request of the developer, which request shall be made in writing upon a form provided by the Town, the Town staff shall, upon the payment of a fee of one thousand dollars (\$1,000.00), undertake the study described in Paragraph (1) above. The Town staff shall submit such written report to the developer, as well as the Planning Commission and the Board of Trustees. The developer may agree with the provisions thereof, in which case the same shall establish the extent or amount of the required exaction or dedication. However, if the developer disagrees with all or any part of the Town staff's report, the developer may, at his or her sole expense, submit a written report detailing the developer's findings with regard to the criteria set forth in Paragraph (1), and shall submit the same to the Planning Commission and the Board of Trustees. The Planning Commission shall consider such reports and shall make a recommendation to the Board of Trustees which shall, within a reasonable time, decide whether an exaction or dedication is required and, if so, the extent or amount of such exaction or dedication. The decision of the Board of Trustees shall be final, subject to the developer's right to appeal to the Park County District Court.

(Ord. 1996-1 §1; Ord. 2011-18 §1)

Sec. 17-7-60. Criteria for determination.

In deciding whether to impose a dedication or exaction requirement, the Town staff, the Planning Commission and the Board of Trustees shall consider those questions and criteria identified in Section 17-7-30 and Paragraph 17-7-50(1) above, and shall be guided by the overriding principle that an exaction or

dedication requirement is unfair, disproportionate and unconstitutional if it imposes a burden on a developer which in equity and fairness should be borne by the public in general. However, any exaction or dedication requirement will be in compliance with all existing constitutional tests if the failure of the developer to provide the dedication or exaction would fail to remedy a public problem created or exacerbated by the developer's proposed project to such an extent that the Town would be justified in denying approval for the project altogether.

(Ord. 1996-1 §1; Ord. 2011-18 §1)

Sec. 17-7-70. Compliance with this Article a condition precedent to building permit, rezoning or plat approval.

No rezoning, subdivision approval or plat approval shall be final, and no building permit shall issue unless and until the developer has either paid the development exaction required pursuant to Section 17-7-40 above or selected one (1) of the procedures outlined in Section 17-7-50 above, and the report required has been provided to the Planning Commission and acted upon by the Board of Trustees. No rezoning, subdivision approval or other plat approval shall be deemed final, nor shall any building permit issue, unless and until the Town has made a determination as to whether or not a dedication or exaction requirement shall be imposed and, if so, the extent or amount thereof. Any person who commences development of a property or attempts to obtain a permit to develop property, prior to the determination required in this Article, shall be guilty of a misdemeanor and shall be subject to punishment in accordance with the provisions set forth in Section 1-4-20 of this Code. In addition to such remedy, the Town may seek and obtain either a stop work order or an injunction against the continuation or completion of any construction or preconstruction activity on a project or improvement until the determinations required herein have been made and completed. Each day that a violation of this Chapter continues shall be deemed a separate offense.

(Ord. 1996-1 §1; Ord. 2011-18 §1)

ARTICLE 8 Subdivision Exemption

[Sec. 17-8-10. Purpose.](#)

[Sec. 17-8-20. Eligibility for subdivision exemptions.](#)

[Sec. 17-8-30. Preapplication conference.](#)

[Sec. 17-8-40. Application for exemption.](#)

[Sec. 17-8-50. Administrative procedure.](#)

Sec. 17-8-10. Purpose.

It is the purpose and intent of this Section to allow the owner or purchaser of land, or agent thereof, to divide such land into not more than two (2) parcels, which meet the requirements of the governing zoning district classification, without requiring submission of a subdivision plat. Approval of a subdivision exemption shall not exempt the applicant from securing and/or providing the necessary improvements, including but not limited to sidewalks, curbs, gutters, street paving, storm drainage and utilities. Such land, or parcel which results from the approval of a subdivision exemption as hereinafter provided, shall not be eligible for any subsequent division under the provisions of this Article.

(Ord. 1996-1 §1; Ord. 2011-18 §1)

Sec. 17-8-20. Eligibility for subdivision exemptions.

The following procedures shall apply to all applications for subdivision exemptions:

- (1) Eligibility for subdivision exemptions. The owner, purchaser or agent thereof must verify all of the following requirements prior to the submittal of a subdivision exemption application to the Planning Commission:
 - a. A division of land must not exceed two (2) lots.
 - b. Such division will not violate the minimum requirements of the governing zoning district classifications, the subdivision regulations and other applicable Town ordinances and resolutions.
 - c. All lots must abut a dedicated, accepted and constructed Town street.
 - d. The applicant must show evidence that adequate sanitary sewer facilities exist to serve the subject lots.
 - e. The applicant must show evidence that adequate water facilities exist to serve the subject lots.
 - f. No variance will be requested by the applicant from the requirements of this Chapter, Chapter 16 of this Code and other applicable Town ordinances and resolutions.
 - g. The dedication of land to meet the requirements of Article 7 of this Chapter shall not be proposed by the applicant or required by the Town.
- (2) Any proposed subdivision exemption which does not comply with all of the requirements as defined hereinabove shall be considered as a minor or major subdivision as applicable.

(Ord. 1996-1 §1; Ord. 2011-18 §1)

Sec. 17-8-30. Preapplication conference.

Any landowner, purchaser or agent thereof wishing to file an application for a subdivision exemption shall meet with the Planning Commission at a preapplication conference. The purpose of such conference shall be the same as provided in Paragraph 17-2-20(1) of this Chapter. In addition, it shall be the purpose of such conference to establish the eligibility of said owner, purchaser or agent to file an application for a subdivision exemption under the requirements set forth in Paragraph 17-8-20(1) above.

(Ord. 1996-1 §1; Ord. 2011-18 §1)

Sec. 17-8-40. Application for exemption.

The official application form, to be provided by the Town Clerk, shall include, but not be limited to, the following:

- (1) Identification and description.
 - a. The name, address and telephone number of the applicant and/or legal property owners and the names and addresses of the owners of subsurface mineral estates, including mineral lessees, if any.
 - b. The name, address, telephone number and registration number of the land surveyor.
 - c. A map showing the subject property, including lot lines, existing zoning classification of the subject property and all abutting properties, adjacent and included public rights-of-way and easements, drainageways and one-hundred-year floodplains affecting the subject property and a boundary survey certified by a registered land surveyor.

CHAPTER 17 Subdivisions

- d. A written statement from the applicable agencies specified in the official application form indicating the approval, objection and/or requirements of each.
- e. Other materials as specified in the official application form to provide the necessary information relative to the subject property to enable thorough and accurate analysis of the request.

It is the specific intent of this Paragraph that it shall be the applicant's sole responsibility to provide all required information, forms and statements at the time application is filed. Failure to provide such information, forms and statements shall cause the application to be rejected and returned to the applicant.

- (2) Required copies of application. Upon submittal and acceptance of an official application form, the applicant shall provide three (3) copies of the completed application, including all required information, forms and statements to the Planning Commission.

(Ord. 1996-1 §1; Ord. 2011-18 §1)

Sec. 17-8-50. Administrative procedure.

The applicant shall submit an official application form for a subdivision exemption at least ten (10) calendar days prior to the regularly scheduled Planning Commission meeting. The Planning Commission may approve the application, approve the application subject to modification or recommend that the application be processed under the major or minor subdivision procedure.

(Ord. 1996-1 §1; Ord. 2011-18 §1)

ARTICLE 9 Resubdivision

[Sec. 17-9-10. Parcel resubdivision.](#)

[Sec. 17-9-20. Resubdivision resulting in party wall.](#)

[Sec. 17-9-30. Condominiumization.](#)

[Sec. 17-9-40. Planned Unit Development.](#)

[Sec. 17-9-50. Time share development.](#)

Sec. 17-9-10. Parcel resubdivision.

- (a) Any resubdivision of a lot, tract or other parcel of land which has previously been subdivided is subjected to all provisions of this Article and all other rules and regulations which may apply to the original subdivision of land, except where such resubdivision is specifically exempted therefrom, upon application to, and approval of, the Planning Commission.
- (b) Any subdivision approved under this Article to resubdivide shall comply with the procedures in Section 17-3-20 of this Chapter, if applicable.
- (c) Final plat.
 - (1) A final plat of the resubdivision will be reviewed by the Planning Commission at the preliminary conference.
 - (2) The final plat will then be reviewed by the Planning Commission with its recommendation to the Board of Trustees for approval or disapproval of the plat.

- (3) The final plat will then be reviewed by the Board of Trustees for final approval or disapproval.

(Ord. 1996-1 §1; Ord. 2011-18 §1)

Sec. 17-9-20. Resubdivision resulting in party wall.

In addition to the general procedures required in this Article, a party wall agreement shall contain, but not be limited to, the following:

- (1) Identification of parties.
- (2) Identification of the party wall.
- (3) Provisions for repair and maintenance.
- (4) Restrictions, if any, pertaining to structural changes to the party wall.
- (5) Easements for repairs to the party wall.
- (6) Restrictive liens.
- (7) Utility easements (if needed).
- (8) Any other documentation as may be reasonably required.

(Ord. 1996-1 §1; Ord. 2011-18 §1)

Sec. 17-9-30. Condominiumization.

- (a) All proposed condominium projects and condominiumization of existing property shall be accomplished pursuant to the general procedures in Section 17-3-20 of this Chapter (if applicable).
- (b) The subdivider proposing to make a condominium conversion shall provide a condominium conversion inspection report from the Building Inspector on the condition of the building, listing all building and fire code violations which are detrimental to the health, safety and welfare of the public, the owners and the occupants of the building. The subdivider shall have available and shall provide copies of such report to all prospective purchasers of the condominium units or interests in the condominium project. A fee will be required to cover the cost of the inspection.
- (c) Final plat. In addition to the provisions in Section 17-3-20 of this Chapter, for final condominiumization approval the following is needed:
 - (1) A map showing all common areas and usages of the building and grounds and plans for the interior division of the building showing horizontal and vertical boundaries of all units.
 - (2) A copy of the declaration applicable to the condominium project, as defined in Section 38-33-105, C.R.S.
 - (3) A copy of the condominium corporation bylaws. The bylaws shall contain the information required by the Condominium Ownership Act of the State. All condominium projects shall comply with such requirements.
 - (4) A management plan which states:
 - a. The name of the responsible party for managing the common area, lodging, reservations, etc.
 - b. Provisions for selecting, appointing and securing management.
 - c. The responsibilities and duties of the managing entity.

CHAPTER 17 Subdivisions

- d. The responsible party for coordinating the use and rental unit occupancy of those units that are used for short-term lodging.
- (5) A maintenance plan which states:
 - a. The responsible entity for repair and maintenance of common areas.
 - b. What will be included in the maintenance program, including but not limited to provisions for snow removal, trash removal, maintenance of pools, hot tubs, common areas and other amenities.
 - c. The mechanism used to fund the management and maintenance activities of the development.
- (6) The final map for the condominium project shall contain all the information required by Section 17-9-20 above. In addition, if there are any restrictive covenants, conditions or restrictions other than specified in the declaration, they shall be filed concurrently with the map.
- (d) Approval. No partial or final map shall be approved until all applicable requirements have been met.

(Ord. 1996-1 §1; Ord. 2011-18 §1)

Sec. 17-9-40. Planned Unit Development.

In addition to the procedures in Article 3 of this Chapter, the following additional procedures apply to Planned Unit Development:

- (1) If a Planned Unit Development is proposed, detailed site plans showing the location of access, streets, buildings, parking facilities, recreational facilities and landscaping areas shall be submitted to the Planning Commission for review, together with detailed information as to proposed use and occupancy.
- (2) If, following detailed review of the proposed plans as they relate to Chapter 16 of this Code, the Board of Trustees finds that the interests of the Town concerning good design, environmental amenity and efficiency of public services would be enhanced thereby, the Board of Trustees may waive one (1) or more of the subdivision regulations (excepting the requirements for installation of improvements) or may establish additional conditions to be met by the development plan.
- (3) In approving such a development plan, the Board of Trustees shall be assured that the development provides and dedicates adequate open spaces and improvements for circulation, parking, recreation, education and service needs of the tract when fully developed and that such covenants, financial and legal guarantees are provided, such approval will assure that the plan will be followed and achieved.

(Ord. 1996-1 §1; Ord. 2011-18 §1)

Sec. 17-9-50. Time share development.

In addition to the procedures in Section 17-3-20 of this Chapter, the applicant shall provide the following additional information and documentation to the Town at the time of application for time share development or conversion.

- (1) Final plat. A plat showing all common areas and usages of the building and grounds and plans for the interior division of the building, showing horizontal and vertical boundaries of all units. This is not required if there has not been a change or addition to the original plat.
- (2) A public offering statement fully and accurately disclosing:
 - a. The name and principal address of the developer and the units offered in the statement.

CHAPTER 17 Subdivisions

- b. A general description of the timeshare units, including, without limitation, the developer's schedule of commencement in completion of all buildings, units and amenities.
- c. As to all units offered by the developer in the same project:
 - 1. The types and number of units;
 - 2. Identification of units that are time share units;
 - 3. The maximum number of the developer's units that may become time share units;
 - 4. A statement of the maximum number of time shares that may be created, or that there is no maximum; and
 - 5. The number of time shares the developer intends to market in blocks to investors.
- (3) Time share management shall provide a management plan which states:
 - a. The name of the responsible entity of managing the common areas, lodging, reservations, etc.
 - b. Provisions for selecting, appointing and securing management.
 - c. The responsibilities and duties of the management entity.
 - d. The responsible party for coordinating the use and rental unit occupancy of those units that are used for short-term lodging.
- (4) A maintenance plan which states:
 - a. The name of the responsible entity for repair and maintenance of common areas.
 - b. What will be included in the maintenance program, including but not limited to provisions for snow removal, trash removal, maintenance of pools, hot tubs, common areas and other amenities.
 - c. The mechanism used to fund the management and maintenance activities of the development.
- (5) Prior to the approval of a conditional use permit for a time share development proposal, the applicant shall submit to the Town an affidavit that Sections 38-33-112 and 12-61-406(3), C.R.S., have been complied with.
- (6) The homeowners' association shall be responsible for paying and for prorating the fees to the individual owners, for municipal services provided to the time share development.

(Ord. 1996-1 §1; Ord. 2011-18 §1)