

CHAPTER 17

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ARTICLE 1

General Provisions

Sec. 17-1-10. Title.

This Chapter shall be known and may be cited as the "Cripple Creek Subdivision Ordinance." (Ord. 2006-03 §1)

Sec. 17-1-20. Statement of purpose.

Pursuant to the authority conferred by Title 31, Article 23, Title 24, Article 67 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 City. 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.
- (3) Encourage subdivision design flexibility and imagination.
- (4) Provide for streets and walkways of appropriate capacity and construction with adequate measure 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 the 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 City's development plans.
- (8) Ensure conformance of land subdivision plans with the public improvement plans of the City, the County, the State and other public agencies.
- (9) Provide for adequate right-of-way for traffic and utilities.
- (10) Secure equitable handling of all subdivision plans by 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 by 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 protect against fraud and deceptive practices.

(16) Regulate such other matters as the City Council may deem necessary in order to protect the best interests of the public.

(17) Conform to and comply with state statutes authorizing municipal regulation of subdivisions. (Ord. 2006-03 §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 City.

(b) Extraterritorial limits. All land located within three (3) miles of the corporate limits of the City, 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 City Council or the Council of Commissioners of the County having jurisdiction, are considered to be approved subdivisions as such requirements for approval exist in these regulations. (Ord. 2006-03 §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; masculine includes the feminine; the word *building* includes the word *structure*; the word *shall* is mandatory; the word *may* is permissive; and *occupied* or *used* shall be considered as though followed by the words *or intended, arranged or designed to be used or occupied*. (Ord. 2006-03 §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.

City means the City of Cripple Creek, Colorado.

Commission means the Planning Commission or, if no such Planning Commission has been created, the City Council.

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.

Council means the City Council of the City.

Cul-de-sac means a short street having one (1) end open to traffic and 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 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 City, unless specifically agreed to in writing.

Drainage easement means a granting to the City 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 in 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 relatively 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 and crosswalks; street shade trees, if applicable; common open space; and such other improvements as may be designated by the City.

Improvements agreement guarantee means any security which may be accepted by the City 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.

Lot of record means a lot which is part of a recorded subdivision, which has been filed with the appropriate County Clerk and Recorder's office. For purposes of this Article, 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 City street, and where no variance from the requirements of these regulations, this Chapter and other applicable City 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 these 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 regulation. 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 City Planning Commission or, until such a planning commission is formed, the City Council.

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 City Council, or other duly constituted board or commission, for the purpose of hearing comments, testimony, recommendations and other responses from the applicant, City 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 City at least six (6) days prior to the hearing.

Public meeting means a regularly scheduled meeting or duly advertised special meeting of the City Council 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* includes 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.

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

Subdivider means any person, group, corporation or other entity who, as owner, 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 Chapter *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. (Ord. 2006-03 §1)

Sec. 17-1-60. Severability.

If for any reason any one (1) or more sections, headings, clauses or parts of this Chapter are held to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate the Chapter as a whole or any remaining part hereof, other than the part so declared to be invalid. (Ord. 2006-03 §1)

ARTICLE 2

Administration and Enforcement

Sec. 17-2-10. Administration of Article.

(a) There is hereby vested in the City 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 City Council 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 matter related to planning as is deemed desirable. All plats of proposed subdivisions shall be submitted to it for its recommendation and approval before being presented to the City Council. (Ord. 2006-03 §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 Planning Department. 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 City shall be filed and recorded by the County Clerk and Recorder only after having been approved by the City Council, 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 City 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 City Council 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 City are made for maintaining the access and keeping it in good repair on a year-round basis. (Ord. 2006-03 §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 resubdivision, planned unit development, condominiumization and time-share estates:

(1) Preapplication conference. In order to properly evaluate an area proposed for subdividing, the applicant or his or her agent shall meet with the City 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 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 City 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, legal property owner, engineer and/or owners of the subject property. It shall contain a written statement that the owners have no objection to the proposed subdivision. Such statement shall include the verified signatures of said owners.

1. Names, addresses and telephone numbers of mortgagees, if any.

2. Names and addresses of mineral owners and lessees of mineral owners.

b. 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; drainageways 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 two-hundred-foot radius of the boundaries of the subject property.

c. Proof of ownership in the form of a title insurance commitment or ownership and encumbrance report satisfactory to the City staff.

d. 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.

(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 City Council shall, by resolution, establish the required application fee schedule.

(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. 2006-03 §1)

Sec. 17-2-40. Recording procedures.

A final plat approved by the City Council and to which all required signatures have been affixed shall be recorded by the applicant at the applicant's expense in the office of the County Clerk and Recorder within ten (10) 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 City ordinances and resolutions prior to receiving authorization to record the final plat.

(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 City Clerk for use by the Building Inspector and Planning Director prior to the issuance of building permits.

(3) Upon written request from the applicant, the Planning Director 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 City Council to be withdrawn, and the final plat shall be deemed null and void. (Ord. 2006-03 §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., or applicable City ordinances. 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. 2006-03 §1)

Sec. 17-2-60. Amendments.

The Planning Commission and the City Council 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. 2006-03 §1)

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

(a) To defray a portion of the expense of subdivision review, the following schedule of fees for review and supervision shall apply:

(1) For residential subdivisions:

a. Preliminary plat: basic fee – one hundred dollars (\$100.00), plus five dollars (\$5.00) per lot.

b. Final plat: basic fee – twenty-five dollars (\$25.00), plus two dollars (\$2.00) per lot.

(2) For nonresidential and partial residential subdivisions:

a. Preliminary plat: basic fee – two hundred dollars (\$200.00), plus five dollars (\$5.00) per one thousand (1,000) square feet of nonresidential lot area, and five dollars (\$5.00) per residential lot.

b. Final plat: basic fee – twenty-five dollars (\$25.00), plus two dollars (\$2.00) per one thousand (1,000) square feet of nonresidential lot area, and two dollars (\$2.00) per residential lot.

(3) For minor subdivisions: basic fee – one hundred dollars (\$100.00), plus five dollars (\$5.00) per lot.

(b) Fees are due and must be paid at the time of preliminary plat and final plat submission.

(c) A ten-percent addition to the fee will be assessed if the submission is not complete.

(d) A condominium inspection report will be twenty-five dollars (\$25.00) and five dollars (\$5.00) per dwelling unit.

(e) Should the City's actual consultant fees incurred in reviewing and acting upon an application exceed the basic fee, the City may, in its discretion, require the subdivider to pay the difference between the basic fee and the City's costs actually incurred. (Ord. 2006-03 §1)

Sec. 17-2-80. Enforcement of Article.

There is hereby vested in the City 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 or the City Council from recommending or imposing reasonable conditions to better effectuate the public policy. (Ord. 2006-03 §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 a subdivision until such subdivision has received final approval in writing by the Planning Commission and the City Council (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 City 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. 2006-03 §1)

Sec. 17-2-100. Penalty.

(a) Any person violating any regulations of this Chapter shall be punished in accordance with the provisions of Section 1-4-20 of this Code.

(b) In case of a violation of this Chapter, the City Council may direct the City Attorney to file action for and on behalf of the City, or the owner of real estate or any resident within the City may institute an action on his or her behalf, seeking an injunction to halt such violation. (Ord. 2006-03 §1)

ARTICLE 3

Major Subdivision Procedures

*Division 1
Preliminary Plats*

Sec. 17-3-10. 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 City and state law. (Ord. 2006-03 §1)

Sec. 17-3-20. Submission.

(a) After the preapplication conference, the subdivider shall submit, at least thirty (30) days prior to the regular Planning Commission meeting, ten (10) copies of the preliminary plat, the completed application form and any required supplemental material and review fee to the Planning Director for distribution to affected agencies designated by the Planning Director, which may include:

- (1) City Clerk files.
- (2) Planning Commission (five [5] copies).
- (3) City Attorney.
- (4) Building Inspector.
- (5) City Engineer.
- (6) City Planner.
- (7) City Surveyor.
- (8) Police Department.

(b) Unless otherwise directed by the Planning Director, the subdivider shall be responsible for furnishing the following agencies with copies for their review and comments:

- (1) Electrical utility provider.
- (2) Fire Department.
- (3) Public Service Company.
- (4) Telephone service provider.
- (5) Cable television provider.

And, if applicable:

- (6) Teller County Health Department.
- (7) Ditch and irrigation companies.
- (8) U.S. Forest Service.
- (9) Colorado Land Use Commission.
- (10) Cripple Creek/Victor School Board.
- (11) Colorado Department of Transportation.
- (12) U.S. Army Corp of Engineers.
- (13) Any other agency or person as directed by the Planning Director.

(c) 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 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 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. (Ord. 2006-03 §1)

Sec. 17-3-30. 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 (a) 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 action: If the Planning Commission approves the plat with modifications, the applicant may appeal the Planning Commission's action to the City Council. Such appeal must be made in writing to the City Council within fifteen (15) calendar days of the Planning Commission's action. The City Council shall receive the appeal request and shall approve the plat as submitted or concur with the decision of the Planning Commission. The Planning Director shall notify the applicant of the time and place of said hearing within two (2) calendar days after the hearing is scheduled. (Ord. 2006-03 §1)

Sec. 17-3-40. Effective time period for approved preliminary plat.

(a) 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.

(b) Extension of effective time period. Upon written request from the applicant, the Planning Director may 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 City's Comprehensive Plan.

(c) Failure to request extension. Failure of the applicant to submit a final plat or 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.

(d) 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 portion or portions of the approved preliminary plat to be reviewed by the Planning Commission for conformance with the City'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 Division 2 below, said preliminary plat shall be subject to the same review procedures as required for original approval. (Ord. 2006-03 §1)

Sec. 17-3-50. Subdivider may proceed directly with final plat.

A subdivider may, in lieu of compliance with this Division, proceed directly with final platting pursuant to Division 2 below, provided that such final plat submission shall, in addition to the requirements of Division 2, comply with all the requirements for submission and approval of a preliminary plat. (Ord. 2006-03 §1)

*Division 2
Final Plats*

Sec. 17-3-110. 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 provisions of these regulations, the ordinances of the City and state law. (Ord. 2006-03 §1)

Sec. 17-3-120. Submission.

(a) Application form. The applicant shall submit with the final plat an official application form provided by the Planning Department.

(b) 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 Article 5, Division 2 of this Chapter.

(c) Submission deadline. The applicant shall submit the preliminary and/or final plat, all required information and fees to the City Clerk ten (10) days prior to the next regularly scheduled Planning Commission meeting. (Ord. 2006-03 §1)

Sec. 17-3-130. Planning Commission action on final plat.

(a) Review. The Planning Commission shall check the final plat for conformance with the approved preliminary plat and special provisions, if any. The Planning Commission may approve minor modifications to the approved preliminary plat when all of the following conditions exist:

(1) 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;

(2) The requested modification is in compliance with Chapter 16 of this Code, regulations of this Chapter and other applicable City ordinances; and

(3) The requested modification does not conflict with established policies of the Department of Public Works or any other agency, public and private utilities, school district or recreation and park department.

(b) Certification (approval). If the Planning Commission finds that the final plat conforms with the approved preliminary plat and special provisions, if any, and the subdivider has fulfilled all requirements of these regulations or of the ordinances of the City, then the Chairman of the Planning Commission shall certify said plat.

(c) Modification or appeal. If the Planning Commission determines that the final plat is not in compliance with the approved preliminary plat, any special 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 Section 17-3-160. (Ord. 2006-03, §1)

Sec. 17-3-140. Department of Public Works action.

(a) Review. 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 City ordinances.

(b) 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 City ordinances, then the Department of Public Works shall certify said plat.

(c) 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 and corrections. If the applicant does not desire to make the necessary changes, the applicant may appeal the decision as provided in Section 17-3-160 below. (Ord. 2006-03 §1)

Sec. 17-3-150. Approval of final plats.

If the Chairman of the Planning Commission and City staff certify that a final plat is in compliance with the approved preliminary plat, accepted engineering principles and the ordinances of the City, and the plat is approved as to form by the City Attorney, said plat shall be submitted to the City Council for final approval. (Ord. 2006-03 §1)

Sec. 17-3-160. Appeal of administrative action.

The applicant may appeal to the City Council 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 City Council within ten (10) calendar days of the administrative action. The City Council shall receive the appeal request and shall 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 Planning Director shall notify the applicant of the time and place of said hearing within two (2) calendar days after the hearing is scheduled. (Ord. 2006-03 §1)

ARTICLE 4

Minor Subdivision 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 City street.
- (3) The proposed plat shall meet the minimum requirements of this Chapter and Chapter 16 of this Code.
- (4) The subdivider shall not request any variance from the requirements of this Chapter, Chapter 16 or other applicable City ordinances and resolutions during the subdivision process.

NOTE: The preliminary and final plats may be combined on a single sheet.

(b) Any proposed subdivision which does not comply with all of the requirements as specified in Paragraph (a) above shall be considered a major subdivision and must be processed in compliance with Article 3 of this Chapter. (Ord. 2006-03 §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, and the plat shall comply with the provisions of these regulations, the ordinances of the City 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 Planning Director.

(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 and 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 City 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 Planning Commission's action. If the Planning Commission approves the plat with modifications, the applicant may appeal the Planning Commission's action to the City Council. Such appeal must be made in writing to the City Council within ten (10) calendar days of the Planning Commission's action. The City Council shall receive the appeal request and shall approve the plat as submitted or concur with the decision of the Planning Commission.

(3) City Council action: Approval of preliminary and final plat. 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 City, and the plat is approved as to form by the City Attorney, said plat shall be submitted to the City Council for final approval. (Ord. 2006-03 §1)

ARTICLE 5

Subdivision Plat Details

Division 1 Plat Specifications

Sec. 17-5-10. 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 City and state law. (Ord. 2006-03 §1)

Sec. 17-5-20. Plat size.

The size of all final plats shall be twenty-four (24) inches by thirty-six (36) inches. (Ord. 2006-03 §1)

Sec. 17-5-30. 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, legal property owner or 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. The total number of acres to be subdivided shall be shown.

(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 two hundred (200) feet 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 restriction 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.

(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 City. 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 City staff. (Ord. 2006-03 §1)

Division 2
Final Plat Submission

Sec. 17-5-110. Materials required to accompany subdivision plat.

(a) 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 Planning Director the copies of the final plat required by Article 3, Division 2 of this Chapter, to be reviewed by the Building Inspector, City Engineer, City staff, Planning Commission and other reviewing agencies.

(b) 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.

(c) Drainage.

(1) 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 and means to minimize the additional runoff and increased flow rates, and shall consider immediate and future downstream implications. Such plan shall show the existing topography by dashed lines, and the approximate proposed grading shall be indicated by solid lines within the proposed subdivision.

(2) 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.

(3) For any drainageway easement where a subdivision is traversed by a watercourse, stream or drainageway, there shall be provided a stormwater 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.

(d) 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.

(e) 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.

(f) Easements shall follow rear and side lot lines whenever practical and shall have a minimum width of twenty (20) feet. The centerline of any easement shall coincide with a property line and, 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.

(g) 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.

(h) 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 shall be buried at forty-two (42) inches for primary and thirty (30) inches for secondary lines measured from the bottom of the conduit.

(i) 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 City's building code and any other rules and regulations of the City. All sewer mains and laterals shall be installed in easement and/or dedicated rights-of-way.

(j) 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 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 Fire Department 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 City requirements.

(k) 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. (Ord. 2006-03 §1)

Sec. 17-5-120. 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, that 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 City Council 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 City conveying to the City all public lands other than streets shown on the plat.
- (7) Payment for any other fees applicable to the subdivision.
- (8) Proof 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. 2006-03 §1)

*Division 3
Improvements*

Sec. 17-5-210. Plans to accompany final plats.

(a) The applicant shall provide three (3) copies of an improvements plan which shall include, as applicable, profiles, grades, specifications, estimated construction costs, a time schedule and other necessary information for the construction and installation of all improvements, prepared by a licensed professional engineer.

(b) 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.

(c) 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 provide other required information to determine the commercial value of such deposits, in accordance with state law.

(d) The applicant shall provide one (1) copy of the computed closure sheets for the entire subdivision.

(e) The applicant shall provide development assurance for common open space as follows:

(1) 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 City 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.

(2) If development is proposed to occur in phases, assurances that common open spaces and/or facilities will be provided as shown on the approved subdivision plat shall stipulate that such open space and/or facilities will be completed in the same proportion as that particular phase is of the entire development.

The requirements of this Subsection are deemed separate and distinct from and are not met by the requirements for collateral to secure construction of public improvements as provided below. (Ord. 2006-03 §1)

Sec. 17-5-220. Required improvements.

(a) Improvements agreement. No final plat shall be approved by the Planning Commission or the City Council until the subdivider has submitted, and the Planning Commission and the City Council 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.

(b) The following improvements shall, unless otherwise approved by the City Council, be constructed as specified in the subdivision improvements agreement or contract:

(1) Road grading and surfacing.

(2) Curbs, gutters and driveways.

(3) Sidewalks.

(4) 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 City as determined by the sewer district.

(5) Separate bicycle paths.

(6) Water distribution system and fire-fighting resources, including fire hydrants where applicable, water meters and house connection; this includes payment to the City for the appropriate portion of any water lines built through the property by the City, as determined by the City staff.

(7) Storm sewers or storm drainage system, as required.

(8) Street signs at all street intersections and other places, as required, and address numbers for all buildings; such signs and address numbers shall be acceptable to the Planning Commission.

(9) Landscaping and irrigation distribution system, where applicable.

(10) Street trees.

- (11) Permanent reference monuments and monument boxes.
- (12) Street lighting.
- (13) Underground electric and communication utility lines and services and all street lighting devices.
- (14) Adequate parking facilities.
- (15) Other facilities as may be specified or required in these regulations by the Planning Commission or City Council.

No improvements shall be made until all required plans, profiles and specifications for such improvements have been submitted to and approved by the designated City official.

(c) Improvements guarantee. Collateral which is suitable and sufficient in the judgment of the Planning Department, 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 City Council shall notify the subdivider of the noncompliance and proposed schedules for correcting the noncompliance. If the City Council determines that the subdivider will not construct any or all of the improvements in accordance with all of the specifications, the City Council shall have the power to withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvements in accordance with the specifications.

(d) 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 City Council 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 City Council or its agent shall inspect the portion of the improvements which have been completed. If the City Council 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. (Ord. 2006-03 §1)

Sec. 17-5-230. Acceptance of streets, road, water and sewer improvements, streetlights and signs.

- (a) Preliminary acceptance.

(1) Upon completion of street or road construction, the subdivider shall notify the City in writing and request inspection. The designated 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.

(2) Until such time that the subdivider has written acceptance for full maintenance of streets by the City, the subdivider shall be responsible for all maintenance and repairs of street improvements.

(3) The City 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.

(4) The City may require continued surety by the subdivider for any work to be done.

(b) Final acceptance.

(1) One (1) year following the issuance of a certificate of completion, the designated Street Inspector shall inspect all street improvements for final inspection.

(2) The City 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 City Council, the City shall release the guarantee for improvements and assume full maintenance responsibility of the streets as provided herein.

(c) Certificate of completion. Except as may be provided in any subdivision improvements agreements, the City shall not accept responsibility for the operation or maintenance of improvements until completion of the improvements and final acceptance, thereof by the City. Upon written application by the subdivider for a certificate of completion, and provided that all payments and other performances herein agreed to be made and performed by the subdivider have been made and completed, the City shall issue a certificate of completion. Except for defects appearing within one (1) year after the date of certification, the City shall release the subdivider from all further liability as to the completed improvement or improvements. Upon issuance of a certificate of completion, all improvements specified in the certificate shall be deemed to be approved and accepted by the City, whereupon the specific improvements shall be owned, operated and maintained by the City. (Ord. 2006-03 §1)

Sec. 17-5-240. Certificates and statements.

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

(1) Owner Certificate:

I, _____, owner, or designated agent thereof, 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 City of Cripple Creek, Colorado.

(signature)
Signature of Owner and/or Agent

Address

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

My Commission expires _____, 20 ____.

(signature)
Notary Public

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 business entity and the secretary's signatures, with the corporation seal, shall be shown on the plat.

(2) 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.

(signature)
Name, address, L.S. No.

(3) Notary and Attorney Certificate:

a. 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)
) ss.
COUNTY OF TELLER)

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

My Commission expires _____, 20 ____.

(signature)
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, easement and/or Public Land Dedication to fulfill the provisions of the Cripple Creek Subdivision Regulations, and the title of such lands being dedicated is free and clear of all liens and encumbrances.

Dated this ____ day of _____, 20 ____.

(signature)
Attorney at Law Reg. No.

The City 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 City Attorney.

b. The City 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 City Attorney.

(4) Cripple Creek Planning Commission Certificate:

Approved this ____ day of _____, 20____, by the City of Cripple Creek Planning Commission.

(signature)
Chairman of Planning Commission

ATTEST:

(signature)
Commission Secretary

(5) Cripple Creek Department of Public Works Certificate:

Approved this ____ day of _____, 20____, by the City of Cripple Creek Department of Public Works.

(signature)
Department of Public Works

(6) Cripple Creek City Council Certificate:

This plat of _____ is approved for filing this ____ day of _____, 20____. The dedication of the public ways shown herein will not be accepted until said public ways have been satisfactorily completed to the

City's specifications by the subdivider. Upon such compliance, the City Council of the City of Cripple Creek shall adopt a resolution accepting the said dedication of public ways and duly record such acceptance.

(signature)
Mayor

ATTEST:

(signature)
City Clerk

(7) Teller County Clerk and Recorder's Certificate:

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

(signature)
County Clerk and Recorder

By: _____
(signature)
Deputy

Approved this ____ day of _____, 20____, by the City of Cripple Creek Planning Commission.

(signature)
Chairman of Planning Commission

ATTEST:

(signature)
Commission Secretary

(Ord. 2006-03 §1)

ARTICLE 6

Design Standards

Division 1 General Requirements

Sec. 17-6-10. Planning, layout and design.

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, 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 Teller 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 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.

Sec. 17-6-20. Graphic presentation.

(a) Blocks.

(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.

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. 2006-03 §1)

Division 2
Street Standards

Sec. 17-6-110. Street systems.

Street systems are to be laid out, designed and constructed in accordance with standards specified by the City staff. The standards contained in this Division are only minimums and are designed to provide general guidelines to the subdivider. (Ord. 2006-03 §1)

Sec. 17-6-120. 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 City Council. (Ord. 2006-03 §1)

Sec. 17-6-130. Street layout.

(a) Layout shall be considered in relation to existing and planned future streets, topographical conditions, soil conditions (particularly considering drainage and erosion factors), public convenience and safety and aesthetics and in their appropriate relation to the proposed use of the land to be served.

(b) When any part of a collector, arterial or limited access facility, indicated as such on the transportation plan of the City, passes through a proposed subdivision, such part shall be dedicated in the location and at the width indicated on the plan.

(c) The dedication of half streets shall not be accepted unless:

(1) The subdivider obtains for the City a dedication from the abutting landowner of the other one-half (½) of the street.

(2) The subdivider obtains from said abutting landowner an agreement, in a form satisfactory to the City Attorney, which guarantees the cost of the improvements and construction of the same on the half street within a time suitable to the City staff.

(3) The subdivider guarantees the construction of the improvements on the half street which he or she is dedicating.

(4) The subdivider makes any other similar arrangement recommended by the City staff and approved by the City Council.

(d) Right-angle intersections shall be used whenever practicable.

(e) 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.

(f) Local and collector streets shall be laid out so that their use by major through traffic will be discouraged.

(g) 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 City may require the developer to provide access thereto.

(h) 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.

(i) Alleys open at both ends may be required in commercial and industrial districts.

(j) 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.

(k) 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 structures shall be required to dispose of the stormwater satisfactorily.

(l) 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.

(m) 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.

(n) 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.

(o) Where vertical curbs with separated sidewalks are required, the planting area or that unpaved portion of the right-of-way between the curb and sidewalk shall be landscaped and maintained by the abutting property owners. Landscaping shall normally be limited to sodding or seeding, except that trees, shrubs or other plant materials may be used subject to City approval of the location and species of planting materials to be installed.

(p) Private streets. The use of private streets will be limited and is permitted only upon approval of the plan by the City Council. 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. (Ord. 2006-03 §1)

Sec. 17-6-140. Design criteria.

(a) Street design shall be in conformance with the City's street design criteria and according to the proposed vehicular demands imposed by the development.

(b) The use of a particular street classification shall be considered sufficient only when such choice is certified by the City staff.

(c) In no case shall street grades exceed four percent (4%) within one hundred (100) feet from an intersection. (Ord. 2006-03 §1)

Division 3
Utilities and Improvements

Sec. 17-6-210. 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 Paragraph (b) above. Where the historical amounts of runoff cannot be maintained by detention storage or other devices, suitable channelization with erosion protection and/or an 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 stormwater 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.

(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. Such certificate of clearance 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. 2006-03 §1)

Sec. 17-6-220. General criteria.

(a) 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 improvement plan.

(b) 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. (Ord. 2006-03 §1)

Sec. 17-6-230. 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 City. Easements are to be retained or, if nonexistent, provided for all existing utilities that are to remain. (Ord. 2006-03 §1)

Sec. 17-6-240. 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. (Ord. 2006-03 §1)

Sec. 17-6-250. Water and sewer mains.

(a) 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 City.

(b) 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. (Ord. 2006-03 §1)

Sec. 17-6-260. Survey monuments.

Permanent plat boundary monuments shall be set at locations approved by the Department of Public Works. (Ord. 2006-03 §1)

Sec. 17-6-270. Fire protection.

Fire hydrants are to be provided in all developments served by central systems and are to be separated by no more than five hundred (500) feet. (Ord. 2006-03 §1)

Division 4
Waivers and Modifications

Sec. 17-6-310. Criteria.

(a) Upon written request to the Planning Commission by a subdivider, the City Council 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 or the City; 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) Authorization.

(1) Waivers or modifications authorized hereunder shall bind the development of the specific property regardless of any change in ownership of the property.

(2) 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.

(3) No waiver or modification may be considered or granted for minor subdivisions. (Ord. 2006-03 §1)

ARTICLE 7

Development Exactions

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

The City Council does hereby affirmatively find and state that it is the policy of the City that dedications of real property to the City, and/or exactions in the form of monetary payments to the City in lieu of real property dedications, shall be required in those instances where, pursuant to the provisions of this Chapter, the City determines that a proposed project of 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 owner/developer), on the one (1) hand, and the overall public cost of the provision of such improvement or facilities, on the other hand. In interpreting and implementing the provisions of this Chapter, the City staff shall fairly balance the needs of the general public, and especially the residents of the City, 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. 2006-03 §1)

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

(a) Authority is hereby specifically granted to the City 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 City Council 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(a) 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 owner's or developer's proportional share of the cost of the City's parks 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 owner's or developer's proportional share of the cost of the City'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 owner's or developer's proportional share of the cost of the City's public open space, may be required. (Ord. 2006-03 §1)

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

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

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

(2) That the City 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 City would not currently be considering providing or expanding either the service or facility (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, is a contributing cause to the need for the new or expanded facility or service;

(5) That the City 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 City, 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. 2006-03 §1)

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

The City Council shall, from time to time, commission a study of the projected development within the City and the projected need within the City for the construction or expansion of City facilities and services. Based upon such study, the City Council shall develop and adopt by resolution a schedule of development exactions for residential, commercial and mixed-use developments. 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. 2006-03 §1)

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

(a) Any owner or developer from whom a dedication or exaction is required pursuant to this Chapter may, in writing, request from the City 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 City staff shall make an individualized determination of the extent of such dedication or exaction using whichever of the following methods is selected by the owner or developer:

(1) An owner or 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 owner's or developer's property or project, shall fairly and accurately delineate the needs for public service and facilities which will be generated by the owner's or 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 owner's or developer's proposed project or improvement;

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 City has historically required other owners or 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 dedications or exactions 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 owner or developer, a proportion shall be established between the total cost of providing or expanding such necessary public facilities or services, on the one (1) hand, and the amount or extent of such total cost which is attributable to, or is caused or generated by, the proposed development or improvement, on the other hand. The extent of dedication or amount of exaction due from the owner or 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 owner's or developer's proposed project or improvement bears to the general population's need for or use of the facility or service.

(2) Any owner or developer may prepare or cause to be prepared, at his or her sole cost and expense, the study or report described herein. Said report shall be in writing and, upon the submission of such study or report, the owner or developer shall pay a fee of two hundred fifty dollars (\$250.00) to offset the review time and costs of the City staff in reviewing said study or report. The City staff shall review said study or report, and shall comment thereon in writing to the owner or developer. Any disagreement by the City staff with any of the findings or conclusions of such study or report shall be delivered in writing to the Planning Commission and the City Council, and shall be specific to the project in question. In the event of disagreement between the City staff and the owner or 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 owner's or developer's and City staff's separate studies or reports, to the City Council which shall decide the appropriate level of such dedication or exaction. The decision of the City Council shall be final, subject only to the right of the owner or developer to appeal the same to the Teller County District Court.

(3) Upon the express request of the owner or developer, which request shall be made in writing upon a form provided by the City, the City staff shall, upon the payment of a fee of one thousand dollars (\$1,000.00), undertake the study described above. The City staff shall submit such written report to the owner or developer, as well as the Planning Commission and the City Council. The owner or 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 owner or developer disagrees with all or any part of the City staff's report, the owner or developer may, at his or her sole expense, submit a written report detailing the owner's or developer's findings with regard to the criteria set forth in this Section, and shall submit the same to the Planning Commission and the City Council. The Planning Commission shall consider such reports and shall make a recommendation to the City Council 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 City Council shall be final, subject to the owner's or developer's right to appeal to the Teller County District Court. (Ord. 2006-03 §1)

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

In deciding whether to impose a dedication or exaction requirement, the City staff, the Planning Commission and the City Council shall consider those questions and criteria identified in Sections 17-7-30 and 17-7-50 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 an owner or 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 owner or developer to provide the dedication or exaction would fail to remedy a public problem created or exacerbated by the owner's or developer's proposed project to such an extent that the City would be justified in denying approval for the project altogether. (Ord. 2006-03 §1)

Sec. 17-7-70. Compliance a condition precedent to approval.

No rezoning, subdivision approval or plat approval shall be final, and no building permit shall issue, unless and until the owner or 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 under said selected Section has been provided to the Planning Commission and acted upon by the City Council. No rezoning, subdivision approval, or other plat approval shall be deemed final, nor shall any building permit issue, unless and until the City 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, individual or entity which commences development of a property, or attempts to obtain a permit to develop property, prior to the determination required in this Chapter shall be guilty of a misdemeanor, and shall be subject to a fine not to exceed three hundred dollars (\$300.00), imprisonment for a period not to exceed one (1) year, or both such fine and imprisonment. In addition to said remedy, the City 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. 2006-03 §1)

ARTICLE 8

Subdivision Exemption

Sec. 17-8-10. Purpose.

It is the purpose and intent of this Article 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. 2006-03 §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 relations and other applicable City ordinances and resolutions.

c. All lots must abut a dedicated, accepted and constructed City 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 City 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 City.

(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. 2006-03 §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 Department at a preapplication conference. The purpose of such conference shall be the same as provided in Section 17-2-20 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 Section 17-8-20 above. (Ord. 2006-03 §1)

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

(a) The official application form, to be provided by the Planning Director, 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 name and address 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.

(2) Additional materials.

a. A written statement from the applicable agencies specified in the official application form indicating the approval, objection and/or requirements of each.

b. 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 Section that it shall be the applicant's sole responsibility to provide all required information, forms and statements at the time an application is filed. Failure to provide such information, forms and statements shall cause the application to be rejected and returned to the applicant.

(b) 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. 2006-03 §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. 2006-03 §1)

ARTICLE 9

Resubdivision

Sec. 17-9-10. Parcel resubdivision.

(a) Any resubdivision of a lot, tract or other parcel of land which has previously been subdivided is subject to all provisions of this Chapter 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 Chapter to resubdivide shall comply with the procedures in Article 3, Division 2 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 recommendations to the City Council for approval or disapproval of the plat.

(3) The final plat will then be reviewed by the City Council for final approval or disapproval. (Ord. 2006-03 §1)

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

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

(1) Identification of the 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. 2006-03 §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 Article 3, Division 2 of this Chapter (if applicable).

(b) The subdivider proposing to make a condominium conversion shall provide a condominium conversion inspection report from the Building Official 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 this 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 Article 3, Division 2 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 these requirements.

(4) A management plan which states:

a. The responsible party for managing the common area, lodging reservation, etc.

b. Provisions for selecting, appointing and securing management.

c. Responsibilities and duties of the managing entity.

d. 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. 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 those 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. 2006-03 §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 City Council finds that the interests of the City concerning good design, environmental amenity and efficiency of public services would be enhanced hereby, the City Council may waive one (1) of 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 City Council 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, that will assure that the plan will be followed and achieved. (Ord. 2006-03 §1)

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

In addition to the procedures in Article 3, Division 2 of this Chapter, the applicant shall provide the following additional information and documentation to the City 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 of the developer, the principal address of the developer and the unit or units offered in the statement.

b. A general description of the time-share units including without limitation, the developer's schedule of commencement in completion of all building, 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 not maximum; and

5. The number of proportion of time-shares the developer intends to market in blocks to investors.

(3) Time-share management shall provide a management plan which states:

a. Responsible entity of managing the common areas, lodging, reservation etc.

b. Provisions for selecting, appointing and securing management.

c. Responsibilities and duties of the management entity.

d. 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. 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. Mechanism used to fund the management 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 City an affidavit that Section 38-33-112 and Section 12-61-406(3), C.R.S. have been complied with.

(6) The Homeowners Association shall be responsible for paying for municipal services provided to the time-share development and for prorating the fees to the individual owners, for municipal services provided to the time-share development. (Ord. 2006-03 §1)