

**ORDINANCE NO. 09-06**

**AN ORDINANCE OF THE TOWN OF RIDGWAY, COLORADO, REFINING RECENT AMENDMENTS OF TOWN SUBDIVISION REGULATION PROCEDURES**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF RIDGWAY, COLORADO, as follows:

**SECTION 1:**

The definitions of "Subdivide" and "Person" in Subsection 7-4-4, and Subsections 7-4-5(C) and 7-4-12(B), of the Ridgway Municipal Code are amended, and a new Subsection 7-4-1(F) is added, to read as follows:

7-4-1 (F) The Town Manager is authorized to accept electronic documents in lieu of paper copies if the Manager determines that the documents in question can be appropriately and adequately distributed and reviewed electronically. Electronic copies shall be an electronic format (.pdf, etc) compatible with Town equipment. As-builts shall submitted be in the form of editable, auto cad 2000 drawings.

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

\* \* \*

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

\* \* \*

7-4-5 (C) Final Plat:

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

scheduled for a planning commission hearing more than two years after approval of the preliminary plat, unless within two years of approval of a final plat of a previous filing, without resubmitting the preliminary plat for review pursuant to 7-4-5(B). The final plat shall be substantially consistent with the preliminary plat as approved. Alterations to lot lines, easements and rights of way which do not have consequential impact and which do not change the number of lots or density within the plat will be deemed substantially consistent.

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

- (a) Application for hearing and fee as set by 7-4-12,
- (b) Thirteen 11x17 copies, three 22x34 copies and one electronic copy of the final plat,
- (c) One paper copy and one electronic copy of all supporting documents.

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

- (a) A legal description of the subdivision and sufficient data to determine easily and reproduce on the ground the location, bearing and length of every street line, boundary line, block line, lot line, and building line, whether curved or straight, including the radius, central angle and tangent distance for the center line of curved streets. Other curved lines shall show arc or chord distance and radius. All dimensions shall be to the nearest 100th of a foot and all angles to the nearest minute. The plat shall meet all statutory requirements.
- (b) Total acreage of public streets and alleys, designation of easements, streets, alleys and other property dedicated for public use.
- (c) Lot and block numbers and lot areas.
- (d) Plat Certificates in a format approved by the Town including:
  - (i) Certificates of approval for the Planning Commission and Town Council, and Town Attorney;
  - (ii) A certificate of ownership and dedication notarized and executed by all surface owners, and lien holders' certificates joining in the dedications, subdivision improvements agreement and subdivision;

- (iii) The location of all monuments and a certificate of a registered land surveyor attesting to the accuracy of the survey, plat and placement of monuments in compliance with state law and these regulations;
  - (iv) A certificate of an attorney that the title to the property is in the name of those parties executing the certificate of ownership and dedication and that the property dedicated is free and clear of all liens and encumbrances;
  - (v) A certificate of a licensed professional engineer that the water, sewer, fire protection, drainage systems, and streets have been designed in accordance with all applicable requirements of Town specifications and standards, and constructed in accordance with plans approved by the Town;
  - (vi) A certificate of recording to be executed by the County Clerk and Recorder;
  - (vii) A certificate of completed improvements;
  - (viii) Other appropriate certificates.
- (e) A vicinity sketch map;
  - (f) Plat notes requiring all outdoor lighting fixtures to comply with Town regulations;
  - (g) A plat note indicating the maximum number of residential units within the subdivision pursuant to subsection 3-4-1(D);
  - (h) Other required plat notes in a format provided by or approved by the Town.
- (4) The final plat and accompanying plans shall be drawn to a scale of not less than 1" equals 100 ft.
- (5) The following, updated in accordance with requirements and conditions of preliminary plat approval, shall be submitted with the plat:
- (a) As-built plans containing information as required by the Town specifications and regulations, for water, sewer, electricity, gas, telephone and drainage systems, along with any other available as built plans. "As-

built" plans for any other required improvements not complete at the time the final plat is submitted shall be submitted, reviewed and approved by the Town prior to final acceptance of the improvements by the Town.

(b) A draft subdivision improvements agreement on a form provided by the Town including all improvements required for the subdivision whether completed or not.

(c) A copy of any restrictive covenants, condominium declarations, and articles of incorporation and by-laws of any owners' association applicable to the subdivision or lots therein.

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

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

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

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

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

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

(b) The Town staff will schedule it for a Planning Commission agenda once it is able to determine, at least 10 days in advance of a meeting, that

the submittals, as supplemented pursuant to staff request for correction of deficiencies, are in substantial conformity with the requirements of this Subsection (C), all applicable conditions of preliminary plat approval have been met, and the street base, lights and traffic control devices, and water, sewer, electricity, gas, telephone and drainage systems, have been completed, inspected, approved and accepted by the Town, and final approved as-builts for the water, sewer, electricity, gas and drainage systems, have been received and approved by the Town.

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

(8) The following Planning Commission outcomes shall apply:

(a) A Planning Commission recommendation of disapproval shall be submitted to the Town Council along with the plat for review at the next regular meeting.

(b) A Planning Commission recommendation of approval, with or without conditions, shall be submitted to the Town Council once the following are met:

(i) The Town has received a reproducible mylar properly executed by all parties except Town officials, the original subdivision improvements agreement properly executed by the Subdivider accompanied by required security, and copies of properly executed corporate documents and covenants;

(ii) Compliance with all Planning Commission conditions of approval except those subject to a good faith dispute;

(iii) Payment of all costs due to date pursuant to 7-4-12(B), recording fees, development excise taxes, tap fees and other amounts due the Town.

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

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**7-4-12 FEES.**

\* \* \*

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

**SECTION 2.**

The definition of "Person" in Subsection 1-1-2(E), is amended, and any other definitions of "Person" in the Ridgway Municipal code or in any Code adopted by reference are hereby amended, to read as follows:

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

**SECTION 3.**

Subsection 1-1-7 is amended, and a new Subsection 6-1-3(I) is added, to the Ridgway Municipal Code, to read as follows:

**1-1-7 JURISDICTION.**

- (A) The provisions of the Ridgway Municipal Code shall apply within the Town limits and to areas outside of the Town limits over which the Town has authority or jurisdiction.
- (B) The provisions of the Ridgway Municipal code shall apply, to the extent allowed by law, to the United States and the State of Colorado, and any agency or political subdivision thereof.

\* \* \*

**6-1-3 CHANGES, DELETIONS AND EXCEPTIONS TO THE CODES ADOPTED BY REFERENCE.**

\* \* \*

(I) The definition of "Person" in any of the codes adopted by reference herein is amended to read – "PERSON" means any individual, firm, partnership, corporation, association, LLC, or other entity, including to the extent allowed by law, the United States and the State of Colorado, and any agency or political subdivision thereof.

**SECTION 4.**

The words "applicant" or "developer" found anywhere in Section 7-4 of the Ridgway Municipal Code, are hereby amended to read "subdivider".

**SECTION 5.**

The Town Council hereby finds that this ordinance is necessary for the immediate preservation of public health and safety and shall apply to all pending subdivisions upon adoption in accordance with its terms.

ADOPTED by the Ridgway Town Council on July 8, 2009.

TOWN OF RIDGWAY, COLORADO

By \_\_\_\_\_  
Pat Willits, Mayor

ATTEST:

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Pam Kraft, MMC  
Town Clerk

**CERTIFICATE OF TOWN CLERK**

The foregoing Ordinance was introduced at a meeting of the Ridgway Town Council on July 8, 2009, published by title and posted thereafter and adopted by the Town Council on August 12, 2009.

(SEAL)

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Pam Kraft, MMC, Town Clerk