

## Chapter 3

### SUBDIVISION REGULATIONS

SECTIONS:	PAGE
<b>10-3-1: Purpose and Intent</b>	<b>1</b>
<b>10-3-2: Control</b>	<b>1</b>
<b>10-3-3: Jurisdiction</b>	<b>1</b>
<b>10-3-4: Minor Subdivision Procedure</b>	<b>2</b>
<b>10-3-5: Major Subdivision Procedure</b>	<b>3</b>
<b>10-3-6: Plats and Data</b>	<b>5</b>
<b>10-3-7: Design Standards</b>	<b>10</b>
<b>10-3-8: Required Improvements</b>	<b>14</b>

#### **10-3-1: Purpose and Intent.**

- A. Purpose. These regulations are enacted pursuant to C.R.S. § 31-23-101, et seq., for the purpose of promoting the health, safety and general welfare of the present and future inhabitants of the Town of Westcliffe. (Ord. 2-2007, eff. 9/6/2007)
- B. Intent. These regulations are intended to establish minimum requirements for assuring efficient circulation, adequate improvements, sufficient open space and good subdivision design by providing for the proper arrangement of streets in relation to other existing or planned streets, for adequate and convenient open spaces, for traffic circulation, utilities, emergency access, recreation, light and air and for the avoidance of population congestion and the establishment of standards for the design and construction of improvements. (Ord. 2-2007, eff. 9/6/2007)

#### **10-3-2: Control.**

It shall be unlawful for any person to subdivide any land, whether by sale, conveyance, gift, delivery or recording of a plat, deed or other legal instrument or by any other means except in accordance with the provisions of this Title. No building or occupancy permit shall issue with respect to any lot or tract of land which has been subdivided in violation of this Title. All new subdivisions shall be submitted to the Town for review. No final plat for a subdivision shall be approved and accepted by the Board of Trustees unless it conforms with this Title. (Ord. 2-2007, eff. 9/6/2007)

#### **10-3-3: Jurisdiction.**

This Chapter shall apply to all land located within the legal boundaries of the Town, and all land located within three miles of the corporate limits and not located in any other municipality for purposes of control with reference to the plan for major streets only, pursuant to C.R.S. § 31-23-212. (Ord. 2-2007, eff. 9/6/2007)

### 10-3-4: Minor Subdivision Procedure<sup>1</sup>

- A.<sup>2</sup> Imposing a condominium form of ownership upon existing built structures, and subdivisions which meet all of the following criteria, may be processed in accordance with the procedures outlined in this paragraph: (Ord. 2-2007, eff. 9/6/2007)
1. The subdivision results in no more than four (4) lots or interests in land all structures must have the same use and zoning. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)
  2. All lots are adjacent to a dedicated and accepted public street. (Ord. 2-2007, eff. 9/6/2007)
  3. All required improvements, including drainage requirements determined by the Zoning Enforcement Officer, as set forth in Section 10-3-8 are already in existence and available to serve each Lot. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)
  4. Each lot will meet requirements of this Title. (Ord. 2-2007, eff. 9/6/2007)
- B. Upon receipt of an application for approval of a minor subdivision, the Zoning Enforcement Officer shall review the application to determine whether the conditions of ¶ A have been met and that the application is properly one for a minor subdivision. (Ord. 2- 2007, eff. 9/6/2007)
- C.<sup>3</sup> Upon a determination by the Zoning Enforcement Officer that the above conditions have been met, the applicant shall submit two reproducible originals and five copies of a subdivision plat in accordance with Section 10-3-6.C. The applicant shall submit a certificate by a registered engineer that all required improvements are already installed, available and adequate to serve each lot of the subdivision. The applicant shall submit a fee of four hundred fifty dollars (\$450.00) as provided in Section 10-1-15. Unless the plat is called up for review by the Planning Commission or Board of Trustees pursuant to ¶ D below, the plat shall be recorded following the Zoning Enforcement Officer's approval. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016, Ord. 2-2021, eff. 6/1/2021)
- D. The Zoning Enforcement Officer shall notify the Planning Commission and Board of Trustees, in writing, of the approval of a minor subdivision. Within five (5) business days of the date of such notice, the Planning Commission or Board of Trustees may call the application up for review or the Zoning Enforcement Officer may do so. In such event, the applicant shall be notified and the Planning Commission and/or Board of Trustees shall review the application and render the final decision. (Ord. 2-2007, eff. 9/6/2007)

---

<sup>1</sup> Title 10, Chapter 3, Section 4 is amended by the repeal and reenactment of subparagraph "A", subsection "3". (Ord. 2-2007, eff. 9/6/2007)

<sup>2</sup> Title 10, Chapter 3 "Subdivision Regulations", Section 4 "Minor Subdivision Procedure" Subsection A Paragraph 1 and 3 are repealed and reenacted. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

<sup>3</sup> Title 10, Chapter 3 "Subdivision Regulations" Subsection C is repealed and reenacted. (Ord. 13-2016, eff. 10/6/2016, Ord 2-2021, eff. 6/2/2021)

## 10-3-5: Major Subdivision Procedure.<sup>4</sup>

### A. Staff Review.

1. Prior to filing an application for approval of a Subdivision other than a Minor Subdivision qualifying under Section 10-3-4, the Subdivider shall submit to the Zoning Enforcement Officer an outline development plan and data as specified in Section 10-3-6.A. This procedure shall not require a formal application, fee or filing of a plat. (Ord. 2-2007, eff. 9/6/2007)
2. The Zoning Enforcement Officer shall review the outline development plan to determine its general acceptability and compliance with the objectives and standards of this Title, and may hold conferences with the Subdivider to discuss desirable modifications of the plan. (Ord. 2-2007, eff. 9/6/2007)

### B. Preliminary plat.

- 1.<sup>5</sup> The Subdivider may make application to the Town for Subdivision. No application for preliminary plat approval for the Subdivision shall be accepted for filing unless accompanied by: (Ord. 2-2007, eff. 9/6/2007)
  - a. The fee of Five Hundred Dollars (\$550.00) as provided in Section 10-1-15; (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016, Ord. 2-2021, eff. 6/1/2021)
  - b. Three (3) copies of the preliminary plat, together with all information specified in Section 10-3-6.B; (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)
  - c. An ownership and encumbrance report or title insurance commitment issued within thirty (30) days of submission of the application showing all owners of the property to be subdivided. (Ord. 2-2007, eff. 9/6/2007)
  - d. A list of all property owners, within 300 feet of the property proposed for rezoning, prepared by a title company issued within thirty (30) days of submission of the application, mineral interest owners of record, mineral and oil and gas lessees for the property. (Ord. 2-2007, eff. 9/6/2007)
  - e. The signatures of all record owners of the property or a representative of the record owners holding a power of attorney to act for the record owners. (Ord. 2-2007, eff. 9/6/2007)
2. The preliminary plat shall be scheduled for Public Hearing by the Planning

<sup>4</sup> Title 10, Chapter 3, Section 5 is amended by the repeal and reenactment of subparagraph "A", "B" and "C". Ord. 2-2007, eff. 9/6/2007

<sup>5</sup> Title 10, Chapter 3 "Subdivision Regulations", Section 5 "Major Subdivision Procedure" Subsections B Paragraphs 1a and 1b are repealed and reenacted. (Ord. 13-2016, eff. 10/6/2016, Ord. 2-2021, eff. 6/1/2021)

Commission at its next regular meeting, provided the application is filed at least twenty (20) days prior to the meeting. (Ord. 2-2007, eff. 9/6/2007)

3. The Planning Commission shall review the preliminary plat for compliance with this Title and negotiate with the sub divider on the type and extent of improvements to be installed and on modifications deemed advisable. (Ord. 2-2007, eff. 9/6/2007)
4. Within thirty (30) days following submittal, the Planning Commission shall inform the sub divider of its approval or disapproval stating the conditions of approval, if any, or if disapproved, stating the reasons for disapproval. Any conditions must be met before submittal of a final plat. (Ord. 2-2007, eff. 9/6/2007)
5. Conditional approval of the preliminary plat shall be deemed a tentative expression or approval of the general layout as submitted or modified, pending approval of the final plat. (Ord. 2-2007, eff. 9/6/2007)

C. Final plat.

- 1.<sup>6</sup> A final plat shall not be accepted for filing unless accompanied by: (Ord. 2-2007, eff. 9/6/2007)
  - a. The fee of Two Hundred Fifty Dollars (\$250.00) as provided in Section 10-1-15; (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016, Ord. 2-2021, eff. 6/1/2021)
  - b. Three (3) copies of the final plat, together with all information specified in Section 10-3-6.C; (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)
  - c. An updated ownership and encumbrance report issued within thirty (30) days of submission of the application for final plat by a title insurance company showing the current record owners of the property; and (Ord. 2-2007, eff. 9/6/2007)
  - d. Evidence that the property covered by the final plat will have access to the state highway system in conformance with the state highway access code. (Ord. 2-2007, eff. 9/6/2007)
2. The final plat shall be filed with the Town within one year after approval of the preliminary plat as set forth in Section 10-1-13. The final plat shall be submitted at least twenty days prior to the meeting of the Planning Commission at which it is to be considered. (Ord. 2-2007, eff. 9/6/2007)
3. Following review, the Planning Commission shall act to approve or

---

<sup>6</sup> Title 10, Chapter 3 "Subdivision Regulations", Section 5 "Major Subdivision Procedure" Subsection C Paragraph 1a and 1b are repealed and reenacted, 1a is repealed and reenacted. (Ord. 13-2016, eff. 10/6/2016, Ord. 2-2021, eff. 6/1/2021)

disapprove the final plat, and send its recommendations to the Board of Trustees for its approval or disapproval of the final plat. If the plat is disapproved, the Planning Commission shall state the reasons in writing and furnish a copy to the subdivider. Only upon approval and recording of the final plat with the County Clerk and Recorder, shall the Town issue building permits for structures within the subdivision. (Ord. 2-2007, eff. 9/6/2007)

4. No sale of any lot within the subdivision, including an attempted sale by metes and bounds in an attempt to avoid the requirements of this Title, shall be made prior to recordation of the final plat. Any sale made or attempted in violation of this section shall be void and both the seller and buyer shall be chargeable in the Municipal Court. (Ord. 2-2007, eff. 9/6/2007)

### **10-3-6: Plats and Data**

- A. Outline development plan and data. The Outline Development Plan and data shall contain the following information presented in generalized and schematic form: (Ord. 2-2007, eff. 9/6/2007)

1. Location sketch: The location sketch shall show the current zone of the proposed subdivision and the relationship of the proposed subdivision to the surrounding area within one-quarter mile of the subdivision's boundaries. The sketch plan may be a free-hand drawing at suitable scale not smaller than 1" = 200' in a legible medium, and shall clearly show the following: the proposed layout of streets and lots in relation to topographic conditions and natural landscape features on the site; the proposed location and extent of major open spaces and public sites; general locations of utilities, easements and installations; proposed land uses; and indication of building types, with approximate location of major buildings and/or building envelopes. (Ord. 2-2007, eff. 9/6/2007)
2. General development information: The outline development plan shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawings required in Subsections I and 2, above, and shall include information on existing covenants, land characteristics and information describing the development proposal, such as number of residential lots or dwelling units, typical lot width and depth, price ranges of lots and dwelling units, proposed protective covenants, proposed utilities and street improvements. (Ord. 2-2007, eff. 9/6/2007)

- B. Preliminary plat and data.

1. The Preliminary plat may be drawn with scaled dimensions and need not be an engineering drawing with calculations or dimensions and survey closures. The Preliminary plat shall be prepared at a scale of not smaller than 1" = 100', shall show all existing conditions required in the Outline Development Plan and shall contain all information including at least the following: (Ord. 2-2007, eff. 9/6/2007)

- a. Outer boundary lines of the tract. (Ord. 2-2007, eff. 9/6/2007)
  - b. Location and dimensions of all existing streets, alleys, utility easements, drainage areas and all other significant features. (Ord. 2-2007, eff. 9/6/2007)
  - c. Proposed streets on and adjacent to the tract; name, right-of-way width and location; type, width and elevation of surfacing; curbs; gutters; sidewalks and culverts. (Ord. 2-2007, eff. 9/6/2007)
  - d. Lot lines, lot numbers and block numbers. (Ord. 2-2007, eff. 9/6/2007)
  - e. Location, dimensions and purpose of all other proposed easements and rights-of-way to be reserved or dedicated for public use, such as schools, parks, playgrounds, etc. (Ord. 2-2007, eff. 9/6/2007)
  - f. Location and acreage of sites, if any, for multi-family dwellings shopping centers, community facilities, industry or other use exclusive of single family dwellings. (Ord. 2-2007, eff. 9/6/2007)
  - g. Site data, including number of residential lots and typical lot size. (Ord. 2-2007, eff. 9/6/2007)
  - h. Name of proposed subdivision; names and addresses of owners and subdividers; designers and engineers; date; scale; north arrow; and legal description of tract. (Ord. 2-2007, eff. 9/6/2007)
2. A drainage plan shall be submitted along with the Preliminary plat and shall show all information including at least the following: (Ord. 2-2007, eff. 9/6/2007)
- a. A topographic map of ground elevation on the tract based on the United States Geologic Survey datum plane or a datum plane approved by the Planning Commission showing contours at two foot intervals. (Ord. 2-2007, eff. 9/6/2007)
  - b. A drainage report prepared by a licensed engineer certified to practice in the State of Colorado, showing the proposed drainage plan for the subdivision, including location, design and capacity of proposed retention and detention facilities. (Ord. 2-2007, eff. 9/6/2007)
- 3.<sup>7</sup> A utilities plan shall be submitted showing at least the following: (Ord. 2-2007, eff. 9/6/2007)
- a. Location and size of existing utilities within and adjacent to the subdivision, including water, sewer, electricity, gas and telephone. (Ord. 2-2007, eff. 9/6/2007)

---

<sup>7</sup> Title 10, Chapter 6, Subsection B, 3 is amended by the addition of item “d”. Ord. 2-2014, eff. 12/13/2014

- b. Proposed utility system including water mains, fire hydrants, sewers, other utility mains (electricity, gas, telephone) and any other services that shall supply the subdivision. All utilities must be constructed within approved easements or rights-of-way. (Ord. 2-2007, eff. 9/6/2007)
  - c. Utility clearance record showing approval by utility companies that service can be supplied. (Ord. 2-2007, eff. 9/6/2007)
  - d. Include street light plan. (Ord. 8-2014, eff. 12/13/2014)
4. Supplemental data shall be submitted as follows: (Ord. 2-2007, eff. 9/6/2007)
- a. Subsurface conditions on the tract; location and results of tests made to ascertain subsurface soil, rock and ground water conditions. (Ord. 2-2007, eff. 9/6/2007)
  - b. Draft of proposed covenants, if any, whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development. (Ord. 2-2007, eff. 9/6/2007)
  - c. Such additional information as may be required by the Planning Commission to determine that the subdivision can be constructed without an adverse effect on the surrounding area, and by reason of its location or design, will not place an undue burden on public utilities and community facilities. (Ord. 2-2007, eff. 9/6/2007)
  - d. Application for rezoning if required for the development of the subdivision. (Ord. 2-2007, eff. 9/6/2007)

C. Final plat and data.

- 1. The Final plat shall be an engineering drawing prepared to normal engineering tolerances of accuracy with calculated rather than scale dimension. The exterior lines of the Final plat shall join or close. The plat shall be drawn in permanent ink on reproducible linen or Mylar with outer dimensions of twenty-four (24) inches by thirty-six (36) inches and shall be at a scale of 1" = 100'. The Final plat may constitute the entire approved Preliminary plat or any logical portion of the approved Preliminary plat proposed for immediate recording. The Final plat shall conform to the approved Preliminary plat and shall include all changes and additions as required by the Planning Commission and shall show the following: (Ord. 2-2007, eff. 9/6/2007)
  - a. Primary control point, description and "ties" to such control points to which all dimensions, angles, bearings and similar data on the plat shall be referred. (Ord. 2-2007, eff. 9/6/2007)

- b. Tract boundary lines; right-of-way lines of streets, easements and other rights-of-way; property lines of residential lots and other sites; with accurate dimensions, bearings or deflection angles and radii, arcs and central angles of all curves. All dimensions, both linear and angular, shall be determined by an accurate control survey in the field which must balance and close within a limit of one (1) in ten thousand (10,000). No final plat showing plus or minus dimensions will be approved. (Ord. 2-2007, eff. 9/6/2007)
- c. Total acreage and surveyed legal description of the subdivision. (Ord. 2-2007, eff. 9/6/2007)
- d. Name and right-of-way width of each street or other right-of-way. (Ord. 2-2007, eff. 9/6/2007)
- e. Location, dimensions and purpose of any easements. (Ord. 2-2007, eff. 9/6/2007)
- f. Numbers to identify each block, lot and/or site. (Ord. 2-2007, eff. 9/6/2007)
- g. Purpose for which sites, other than residential lots, are dedicated or reserved. (Ord. 2-2007, eff. 9/6/2007)
- h. Location and description of all monuments, both found and set. (Ord. 2-2007, eff. 9/6/2007)
- i. Names of record owners of adjoining unplatted land. (Ord. 2-2007, eff. 9/6/2007)
- j. Reference to recorded subdivision plats of adjoining platted land by record name, date and number. (Ord. 2-2007, eff. 9/6/2007)
- k. Signature and seal of land surveyor registered in Colorado certifying to the accuracy of the survey and plat including a statement explaining how bearings, if used, were determined. (Ord. 2-2007, eff. 9/6/2007)
- l. Signature block for certification of approval by the Planning Commission and Board of Trustees, with signatures by the Chairman of the Planning Commission and the Mayor. (Ord. 2-2007, eff. 9/6/2007)
- m. Certification of title showing that the applicant is the land owner. (Ord. 2-2007, eff. 9/6/2007)
- n. Statement by the subdivider dedicating streets, alleys, rights-of-way, easements and public sites. (Ord. 2-2007, eff. 9/6/2007)





Commission or Board of Trustees in the enforcement of this Title. (Ord. 2-2007, eff. 9/6/2007)

### **10-3-7: Design Standards.**

#### **A. General site considerations.**

1. A proposed subdivision shall be in general compliance with respect to adequate dedication or reservation of street rights-of-way, utility easements and open spaces for schools and recreation areas. (Ord. 2-2007, eff. 9/6/2007)
2. A proposed subdivision shall not, by reason of its location or design, cast an undue burden on public utility systems and community facilities on or adjacent to the tract. Where extension and enlargement of public utility systems and community facilities is necessary, the subdivider shall make provision to offset higher net public cost or earlier incursion of public cost necessitated by the subdivision. Due consideration shall be given to the difference between anticipated public costs of installation, operation and maintenance and anticipated public revenue derived from the fully developed subdivision in determining added net public cost. (Ord. 2-2007, eff. 9/6/2007)
3. No land shall be subdivided in areas where soil, subsoil or flooding conditions are a potential danger to health and safety. (Ord. 2-2007, eff. 9/6/2007)
4. Drainage areas wherever possible shall be left in a natural state, and no encroachment shall be made on the natural channel. Multiple use of drainage and park facilities as, for example, through use of retention ponds is encouraged. A plan to prevent water pollution shall be submitted and adhered to wherever any modification of topography is required during construction within one hundred feet of any stream, ditch or drainage channel. (Ord. 2-2007, eff. 9/6/2007)
5. Provision shall be made to preserve groves of trees, streams, unusually attractive topography and other desirable natural landscape features. Provision shall be made for the perpetual maintenance of such features through private covenants or other means acceptable to the Planning Commission and Board of Trustees. (Ord. 2-2007, eff. 9/6/2007)
6. A proposed subdivision shall be designed in such manner as to be coordinated with adjoining subdivisions with respect to the alignment of street rights-of-way and utility and drainage easements and open spaces. (Ord. 2-2007, eff. 9/6/2007)
7. Where a subdivision borders an arterial street, a landscaped buffer area shall be provided for adequate reduction of noise. (Ord. 2-2007, eff. 9/6/2007)
8. Lot lines shall be laid out so as not to cross municipal boundary lines. (Ord. 2-2007, eff. 9/6/2007)

9. The subdivider shall demonstrate to the Planning Commission that the street, lot and block pattern for nonresidential subdivisions takes into account other uses in the vicinity and the view from arterial streets and highways. The following standards shall be observed in reviewing nonresidential subdivisions: (Ord. 2-2007, eff. 9/6/2007)

B. Blocks.

1. Lot size, width, depth, shape, orientation and minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and shall facilitate the placement of buildings with sufficient access, outdoor space, privacy and view. (Ord. 2-2007, eff. 9/6/2007)
2. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking, landscaping and loading areas required by the type of use and development contemplated. (Ord. 2-2007, eff. 9/6/2007)
3. Corner lots for residential use shall have extra width to accommodate the required building setback line on both street frontages. (Ord. 2-2007, eff. 9/6/2007) Each lot shall be provided with satisfactory access to an existing public street. (Ord. 2-2007, eff. 9/6/2007)
4. A planting screen easement, across which there shall be no right of access, shall be provided along the property line of lots abutting an arterial street. A statement dissolving right of access from individual lots to the arterial street shall be included with the Final plat. (Ord. 2-2007, eff. 9/6/2007)

C. Streets.

1. Arrangement of streets:
  - a. The arrangement, extent, width, type and location of all streets shall be designed in relation to existing or planned streets, to topographic conditions, to public convenience and safety, and to the proposed use of land to be served. (Ord. 2-2007, eff. 9/6/2007)
  - b. Collector streets shall not intersect arterial streets at intervals of less than one thousand three hundred twenty feet (1,320'). (Ord. 2-2007, eff. 9/6/2007)
  - c. Streets shall be extended to the boundaries of the property, except where such extension is prevented by topography or other physical conditions, or where the connection of streets with existing or probable future streets is deemed unnecessary for the advantageous development of adjacent properties. Where future extension of a street is anticipated, a temporary turnaround having a minimum outside diameter of eighty feet shall be provided. (Ord. 2-2007, eff. 9/6/2007)

- d. Streets, rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated on them. (Ord. 2-2007, eff. 9/6/2007)
  - e. Streets carrying nonresidential traffic, particularly truck traffic, shall not normally be extended to the boundaries of existing or potential residential areas. (Ord. 2-2007, eff. 9/6/2007)
2. Closed-end streets.
    - a. The maximum allowable length of closed-end streets in single-family residential and multi-family residential development shall be six hundred feet. (Ord. 2-2007, eff. 9/6/2007)
    - b. Closed-end streets shall be provided with circular turnarounds having a minimum outside right-of-way diameter of one hundred twenty feet and a minimum pavement diameter of ninety feet. (Ord. 2-2007, eff. 9/6/2007)
  3. Intersections. Streets shall intersect at right angles, except as provided in C.7.a. hereof. (Ord. 2-2007, eff. 9/6/2007)
  4. Half streets, the dedication of a half street shall not be accepted unless: (Ord. 2-2007, eff. 9/6/2007)
    - a. The subdivider obtains for the Town a dedication from the abutting landowner of the other one-half of the street; and (Ord. 2-2007, eff. 9/6/2007)
    - b. The subdivider obtains from the abutting landowner an agreement in a form satisfactory to the Town which guarantees the cost of the improvements and construction of the same on the half street within a time suitable to the Town; and (Ord. 2-2007, eff. 9/6/2007)
    - c. The subdivider guarantees the construction of the improvements on the half street which he or she is dedicating. (Ord. 2-2007, eff. 9/6/2007)
  5. Perimeter streets. When the plan dedicates a street, which ends on the plat or is on the perimeter of the plat the subdivider shall convey the last foot of the streets on the terminal end or outside border of the plat to the Town in fee simple and such shall be designated as outlets. The Town shall put the same to public use for public road and access purposes when, within its sole and absolute discretion, it deems advisable. (Ord. 2-2007, eff. 9/6/2007)
  6. Right-of-way pavement and sidewalk widths shall be as follows: (Ord. 2-2007, eff. 9/6/2007)

Minimum widths in feet by street type:			
Type	Right-of-Way	Pavement	Sidewalk
Arterial	100	48 (divided)	5
Collector	80	40*	5
Local	60	30*	4
Alley	20	15	NA
*measured from flow line of gutter to flow line of gutter			

7. Horizontal alignment:

- a. Where street centerlines deflect from each other at any point by more than fifteen degrees (15°) they shall be connected by horizontal curves having minimum radii as follows:

Local streets	100 feet
Collector streets	200 feet
Arterial streets	400 feet (Ord. 2-2007, eff. 9/6/2007)

- b. A tangent not less than one hundred feet (100') long shall be provided between reverse curves on collector and arterial streets. (Ord. 2-2007, eff. 9/6/2007)
- c. Cross streets which cannot be directly aligned at intersections shall be separated by a horizontal offset of not less than one hundred twenty-five feet (125') between centerlines, provided that this requirement shall not apply to the alignment of short, opposite closed-end streets. (Ord. 2- 2007, eff. 9/6/2007)

8. Vertical alignment:

- a. No vertical grade shall be less than two-tenths percent (0.2%) in order to facilitate adequate drainage. (Ord. 2-2007, eff. 9/6/2007)
- b. Maximum percent of street grade, except as provided below\*: (Ord. 2-2007, eff. 9/6/2007)

Local streets	7%
Collector streets	6%
Arterial streets	5%

\*Where a horizontal curve occurs on a grade of over five percent (5%), the maximum allowable percent of grade on the curve shall be reduced by five-tenths percent (0.5%) of each

fifty feet (50') that the curve radius is less than four hundred feet (400').

\*\*street grades shall not exceed four percent (4%) for a distance extending at least forty feet (40) in each direction from a street intersection. (Ord. 2-2007, eff. 9/6/2007)

- c. Street names. Names of new streets shall not duplicate names of existing streets, provided that new streets which are extensions of, or which are in alignment with, existing streets shall bear the names of such streets. (Ord. 2-2007, eff. 9/6/2007)

#### D. Utilities.

1. Where necessary for installations and maintenance of utility systems, easements of at least ten feet (10') in width shall be reserved along rear lot lines, or at other locations which will not interfere with the sitting of buildings. (Ord. 2-2007, eff. 9/6/2007)
2. Where a subdivision is traversed by a water course, drainage way or stream, there shall be provided a perpetual drainage easement conforming substantially with the lines of such water course, and of such width as necessary and adequate to carry off the predictable volume of storm water drainage from a twenty-five (25) year frequency storm. (Ord. 2-2007, eff. 9/6/2007)
3. In general, utility systems shall be arranged and located in such manner as to avoid cross connections, minimize trenching and adequately separate incompatible systems. (Ord. 2-2007, eff. 9/6/2007)

- E. Subdivision Access. Whenever access to the subdivision is required across land outside the Town limits, the subdivider shall demonstrate the access to the subdivision is legally established. (Ord. 2-2007, eff. 9/6/2007)

### **10-3-8: Required Improvements.<sup>8</sup>**

#### A. General regulations.

1. The subdivider shall enter into an agreement with the Town to guarantee construction of all required improvements, including streets, curbs and gutters, driveways, sidewalks, storm drainage systems, street lights and street trees. (Ord. 2-2007, eff. 9/6/2007)
2. Under such agreement the subdivider shall post a performance bond, certified check, letter of credit, or other security acceptable to the Town in an

---

<sup>8</sup> Title 10, Chapter 3, Section 8 is amended by the repeal and reenactment of subparagraph "B", subsection "7", and the addition of subparagraph "D". (Ord. 2-2007, eff. 9/6/2007)

amount equal to the estimated cost of construction of improvements. (Ord. 2-2007, eff. 9/6/2007)

3. The performance bond or certified check posted by the subdivider shall not be released until final construction of improvements has been completed and inspected at the subdivider's expense and approved and accepted by the Town. (Ord. 2-2007, eff. 9/6/2007)
4. The improvements required by the following subsections shall be provided in each subdivision proposed, and to the extent determined by the Planning Commission and Board of Trustees. Required improvements shall be designed in accordance with the detailed design standards and specifications deemed necessary by the Town and shall be constructed in accordance with the approved plans and the construction requirements and specifications. (Ord. 2-2007, eff. 9/6/2007)
5. No improvements shall be made until all plans and specifications have been reviewed and approved by the Town. (Ord. 2-2007, eff. 9/6/2007)
6. Maintenance of required improvements. Adequate provisions for the satisfactory maintenance of streets and utilities improvements, including easements, shall be made by dedication of such improvements to the Town. Those improvements which will not be maintained by the Town (sanitary sewer; potable water; fire hydrants and underground utilities) shall be dedicated to the appropriate provider. Prior to acceptance by the Town, the improvements to be dedicated shall be inspected and approved by the Board of Trustees or its authorized representatives. (Ord. 2-2007, eff. 9/6/2007)
7. Water and sewer. The subdivider shall present written documentation from the relevant providers that they are ready, willing and able to serve the subdivision. (Ord. 2-2007, eff. 9/6/2007)

**B. Street improvements.**

1. Grading: Street rights-of-way shall be graded as necessary to provide adequate surface drainage and convenient access to lots or sites. (Ord. 2-2007, eff. 9/6/2007)
2. Pavement base: The pavement base shall be properly drained and constructed of suitable materials so as to support the contemplated traffic load. (Ord. 2-2007, eff. 9/6/2007)
3. Pavement: Pavement shall be constructed of asphalt or concrete of sufficient thickness to support the contemplated traffic load. Streets shall be paved to the widths required under Section 10-3-7.C.6. (Ord. 2-2007, eff. 9/6/2007)
4. Alleys: If alleys are provided, they shall be in a graded gravel condition. (Ord. 2-2007, eff. 9/6/2007)

5. Curbs and gutters: All streets shall be provided with concrete curbs and gutters for the pavement edging. Such curbs and gutters shall be designed as an integral part of the pavement. (Ord. 2-2007, eff. 9/6/2007)
6. Driveways and access ways. Where appropriate to the type of development proposed, driveways or access ways shall be provided for vehicular access to each structure or parking or loading area. Driveways and access ways provided shall be of adequate width and constructed with suitable sub grade base, drainage and surfacing to be durable under the use contemplated. Driveways shall provide for parking off-street of at least two (2) passenger vehicles per residential lot. (Ord. 2-2007, eff. 9/6/2007)
7. Sidewalks and walkways: Sidewalks and walkways shall be provided where necessary or appropriate for the safety and convenience of pedestrians. Width of sidewalks shall be as specified in Section 10-3-7.C.6. Sidewalks and walkways shall be durably constructed with all-weather surfacing and shall be adequately lighted and maintained for the use contemplated. (Ord. 2- 2007, eff. 9/6/2007)
8. Street name signs: Easily legible street name signs shall be installed at street intersections or as necessary for convenient identification of streets. (Ord. 2-2007, eff. 9/6/2007)

C. Public improvements required.<sup>9</sup>

1. Storm drainage system:
  - a. The improvements and facilities shown on the report submitted pursuant to Section 10-3-6-B.2.b (as amended, modified or supplemented if required by the terms of preliminary or final approval). (Ord. 2-2007, eff. 9/6/2007)
  - b. Storms drainage shall not be permitted to empty into any sanitary sewerage system. (Ord. 2-2007, eff. 9/6/2007)
2. Sanitary sewerage system. The sanitary sewerage system shall be connected to an existing public sanitary sewer system and shall consist of a closed system of sanitary sewer mains and lateral branch connections to each structure or lot -upon which a structure is to be built. The sanitary sewerage system shall be of sufficient size and design to collect all sewage from all proposed or probable structures within the subdivision or development. (Ord. 2-2007, eff. 9/6/2007)
3. Potable water system. The potable water system provided shall connect to an existing public water system and shall consist of water mains directly

---

<sup>9</sup> Title 10, Chapter 3, Section 8, Subsection C, is amended by the repeal and reenactment of item 6. (Ord. 8-2014, eff. 12/13/2014)



connected to using structures by means of lateral branches. The water system shall be of sufficient size and design to supply potable water to each structure or lot upon which a structure is to be built. (Ord. 2-2007, eff. 9/6/2007)

4. Fire hydrants. Fire hydrants shall be installed at street intersections and at other points as necessary to assure that no building is located more than five hundred feet (500') from the nearest fire hydrant. (Ord. 2-2007, eff. 9/6/2007)
5. Underground utilities. Underground electric power and, telephone distribution CATV systems. Electric power, telephone connections and wire and CAN systems shall be placed below the surface of the ground in raceways and conduits or other acceptable means. Transformers, switching bases, terminal boxes, meters, cabinets, pedestals, ducts and other facilities necessarily appurtenant to such underground connections shall not be located on power poles but shall be placed on or under the surface of the ground, and where placed on the surface shall be adequately screened and fenced as necessary for safety and concealment. (Ord. 2-2007, eff. 9/6/2007)
6. Street lights. Street lighting and associated underground street lighting supply circuits shall be installed. The minimum requirement shall be .4 foot candles on the street. All street lights shall be fully shielded such that they produce no light higher than the horizontal plane of the light source. The street lighting plan specifying the number and approximate location of street lights must be included on the final plat. The style of fixture shall be the standard, Town-approved style for street and parking lot lights within the Town. (Ord. 2-2007, eff. 9/6/2007, Ord. 2-2014, eff. 12/13/2014)
7. Reference monuments. Permanent reference monuments shall be installed in accordance with C.R.S. § 38-51-105. (Ord. 2-2007, eff. 9/6/2007)

D. Warranty.

All workmanship and materials for all required improvements shall be warranted by the subdivider for a period of two (2) years from the date of the Town's acceptance of the required improvement; provided that any defects which are the result of public abuse, misuse or acts of God are not the responsibility of the subdivider. For perimeter fences that abut collector and arterial streets, the warranty period shall be two (2) years. In the event that any other provision of this Code or specifications adopted pursuant thereto requires a warranty of workmanship or materials for a different period of time, that provision requiring the longer period shall govern. The inspection or acceptance of any required improvement by the Town shall not relieve the subdivider of his or her warranty of workmanship and materials. (Ord. 2-2007, eff. 9/6/2007)