

SUBDIVISION OF LAND

Chapter 157

SUBDIVISION OF LAND

ARTICLE I

General Provisions

- § 157-1. Title.
- § 157-2. Statutory Authority.
- § 157-3. Applicability.
- § 157-4. Purpose.
- § 157-5. Conveyance of Property.
- § 157-6. Severability.
- § 157-7. Filing of Plats; Building Permits Subject to Street Dedication;
General Administration of Chapter.
- § 157-8. Definitions.

ARTICLE II

Subdivision Procedures

- § 157-9. Applicability of Procedures.
- § 157-10. Preapplication Conference.
- § 157-11. Preliminary Plat.
- § 157-12. Final Plat.
- § 157-13. (Reserved)

ARTICLE III

**Resubdivision Procedures (Parcel, Duplex,
Condominiumization, Townhouse, Commercial Pad);
Time-Share Development**

- § 157-14. Resubdivision.
- § 157-15. Time-Share Developments.

ARTICLE IV

Design Standards

- § 157-16. Planning Considerations.
- § 157-17. Site Construction.
- § 157-18. Lots.
- § 157-19. Blocks.
- § 157-20. Streets.
- § 157-21. Parks; Public Sites; Open Space.
- § 157-22. Easements.
- § 157-23. Utilities.
- § 157-24. Sanitary Sewers.

SUBDIVISION OF LAND

§ 157-25. Water.

ARTICLE V Improvements

§ 157-26. Improvements Agreement.

§ 157-27. Improvements Agreements Guaranty.

§ 157-28. Release of Guaranty.

§ 157-29. Letter of Completion.

ARTICLE VI Administration

§ 157-30. Modifications and Waivers.

§ 157-31. Appeals.

§ 157-32. Schedule of Fees.

§ 157-33. Violations and Penalties.

§ 157-34. Word usage and Mathematical Calculations.

§ 157-35. Certificates of Occupancy.

§ 157-36. Public Notice.

§ 157-37. Vested Property Rights.

[HISTORY: Adopted by the Town Council of the Town of Frisco 11-15-82, Ord. 83-10;¹ Amended in its entirety 12-07-93, Ord. 93-16. Replaced in its entirety 09-15-98, Ord. 98-16. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Board of Appeals—See Ch. 4.

Housing Authority—See Ch. 23.

Planning Commission—See Ch. 41.

Zoning—See Ch. 180

ARTICLE I General Provisions

§ 157-1. Title.

This chapter shall be known as the "Subdivision Regulations of the Town of Frisco, Colorado."

§ 157-2. Statutory Authority.

This chapter is adopted pursuant to the Town's Home Rule Authority and Charter.

¹Editor's Note: This ordinance also repealed former Ch. 157, Subdivision of Land, adopted 5-10-1973 as Section 7-2-10 of Ord. No. 73-5, as amended.

SUBDIVISION OF LAND

§ 157-3. Applicability.

The territory within which these regulations apply shall include all land located within the legal boundaries of the Town of Frisco (hereinafter referred to as the "town"); in addition, for the purposes of street planning, all land located within three (3) miles of the corporate limits of the town not located in any other municipality. Exception: These regulations shall not apply to the conveyance of property to the town for public purposes.

§ 157-4. Purpose. [Amended 12-17-96, Ord. 96-28]

The purpose of this chapter is to:

- A. Assist orderly, efficient and integrated development.
- B. Promote the health, safety and general welfare of the present and future residents of the town.
- C. Ensure conformance of land subdivision plans with the public improvement plans of the town, Summit County and the State of Colorado and other public agencies.
- D. Ensure coordination of all plans and programs of the town.
- E. Encourage the proper arrangement of streets in relation to existing or planned streets and to policies in the Frisco Master Plan.
- F. Provide for adequate right-of-way for traffic and utilities.
- G. Encourage well-planned subdivisions by establishing adequate standards for design improvements.
- H. Secure equitable handling of all subdivision plans, providing due process and uniform procedures and standards.
- I. Protect natural vegetation, wetlands and scenic areas.
- J. Prevent and control erosion, sedimentation and other pollution of surface and subsurface water.
- K. Prevent flood damage to persons and properties and minimize expenditures for flood control.
- L. Restrict building on floodlands, shorelands, steep slopes, areas covered by poor soils or in areas otherwise poorly suited for building or construction.

SUBDIVISION OF LAND

- M. Prevent loss or injury from landslides, expansive soils and other geological hazards.
- N. Provide adequate and convenient open spaces, recreation sites and educational facilities.
- O. Improve land survey monuments and records by establishing standards for surveys and plats.
- P. Safeguard the interest of the public and protect against fraud and dishonest practices.
- Q. Implement the Charter for the Town of Frisco, Frisco Master Plan, Three-Mile Plan, and the Frisco Zoning Code.²
- R. Regulate such other matters as the Town Council (hereinafter known as "Council") or the Planning Commission (hereinafter known as "Commission") may deem necessary in order to protect the best interests of the public.
- S. Conform to and comply with state statutes authorizing the municipal regulation of subdivisions.

§ 157-5. Conveyance of Property. [Amended 12-17-96, Ord. 96-28]

A. General Prohibitions.

It shall be unlawful for any person, firm or corporation to violate any of the provisions of this chapter or to transfer, sell, lease or agree to sell or lease any lot, tract, parcel, site, separate interest, any condominium interest, time-sharing estate or any other multiple-dwelling unit within the Town of Frisco until such subdivision has been approved, in writing, by the Planning Commission and the Town Council and a plat is filed in the office of the Summit County Clerk and Recorder; provided, however, that a written agreement to sell or lease, which is expressly conditional upon full compliance by the seller with the subdivision regulations of the Town of Frisco within a specified period of time and which expressly recites that the seller's failure to satisfy such condition within said period of time shall terminate the agreement and entitle the buyer to prompt return of all consideration under said agreement, shall not constitute a violation of the subsection. For the purposes of Section 157, the term "lease" shall not include a lease of an existing apartment unit for residential purposes.

B. Nonconforming Use.

No lot or parcel of land, nor any interest therein, shall be transferred, conveyed, sold, subdivided or acquired, either in whole or in part, so as to create a new

²Editor's Note: See Ch. 180, Zoning.

SUBDIVISION OF LAND

nonconforming use or to avoid, circumvent or subvert any provisions of this chapter.

C. Developer Responsibility.

The owner, developer, buyer or seller shall be fully responsible for all acts of their agents or employees that are committed in violation of the terms of this chapter.

D. Conformance with Existing Regulations and Statutes.

Land shall be subdivided in conformance with Chapter 180 of the Town of Frisco Code³ and other regulations in effect unless exempted by state law.

§ 157-6. Severability.

It is hereby declared to be the legislative intent that the provisions of these regulations shall be severable in accordance with the following provisions:

- A. If any provisions of these regulations is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:
 - 1. The effect of such decision shall be limited to that provision or those provisions which is (are) expressly stated in the decision to be invalid; and
 - 2. Such decision shall not affect, impair or nullify these regulations as a whole or any other part, and the rest of these regulations shall continue in full force and effect.
- B. If the application of any provision of these regulations to any tract of land is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that such decision shall not affect, impair or nullify either these regulations as a whole or the application of such provision to any other tract of land.

§ 157-7. Filing of Plats; Building Permits Subject to Street Dedication; General Administration of Chapter.

- A. All plats of a subdivision of land within the Town of Frisco shall be filed and recorded only after having been approved by the Town Council, with such approval entered in writing on the plat and signed by the Chair of the Planning Commission and the Mayor and attested to by the Town Clerk.
- B. 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

³Editor's Note: See Ch. 180, Zoning.

SUBDIVISION OF LAND

building is proposed to be placed shall have been dedicated and approved by the Town 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 town are made for maintaining the access and keeping it in good repair on a year-round basis.

- C. The Director of the Community Development Department of the Town of Frisco, his authorized representative or such other official as may be appointed by the Council is hereby appointed to administer and implement this chapter.

§ 157-8. Definitions. [Amended 12-17-96, Ord. 96-28; 12-21-99, Ord. 99-23; 05-21-02, Ord. 02-13]

For purposes of this chapter, certain terms and words are hereby defined and shall have the following meanings:

APPEAL - The request by an applicant, by an interested agency or by an owner or lessee of property within the town limits of Frisco for review of an ordinance, resolution, motion or action taken pursuant to the provisions of this chapter, including modifications and waivers.

COMMERCIAL PAD - A previously town-approved commercial or mixed-use building footprint that is intended for individual ownership and which includes in such ownership an undivided interest in the common elements of a project, including land and infrastructure. Commercial Pad ownership includes the building, from foundation to roof in an unbroken vertical plane, and the land on which the foundation is constructed. A commercial pad may be defined by the building foundation line delineated on an approved site plan/preliminary plat, and may be resubdivided per this town-approved site plan/preliminary plat prior to the actual pouring of the foundation at the risk of the subdivider. Likewise, the commercial pad may be defined, by resubdivision, once the foundation has been poured. Nothing herein shall be construed to prohibit the ownership of common areas by an owners association holding title to such areas for and on behalf of the individual owners of a commercial pad.

COMMON AREA or COMMON ELEMENTS - Land or buildings or parts thereof within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the owners, residents or occupants of the development. It may include complementary structures and improvements. Nothing herein shall be construed to prohibit the ownership of common areas by a homeowners association holding title to such areas for and on behalf of the individual owners of property within the project.

SUBDIVISION OF LAND

CONDOMINIUM - A building or buildings consisting of separately owned air space units of a multi-unit property. Generally, the units or portions of the units are stacked one above another. In addition to the interest acquired in a particular unit, each unit owner has an undivided interest in the land or buildings as parts thereof used in common by all the unit owners (common elements). Nothing herein shall be construed to prohibit the ownership of common areas by a homeowners association holding title to such areas for and on behalf of the owner of a condominium unit.

CONDOMINIUMIZATION - 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.

DEDICATION - The appropriation of land, or moneys in lieu of land, or a cash amount to be set aside and used for a specifically approved town project. Acceptance of dedication does not necessarily constitute acceptance of maintenance by the town, unless specifically agreed to in writing.

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

DUPLEX - A single building containing two (2) dwelling units each of which shares a common, unpierced wall that extends from ground to roof and that totally separates the enclosed living areas within the dwelling units or the enclosed area within attached accessory garages (party wall). Each of the dwelling units shall be located on a parcel, which meets the minimum lot size requirement of the zoning district in which it is located.

EASEMENT - A right granted by the property owner, generally created by a real estate deed, a recorded plat or by a written agreement, to permit the use of land by the public, a public agency, a utility, a corporation or a particular person for a specified purpose or use.

EXEMPTION - A release from specified procedural requirements of this chapter.

FINAL SUBDIVISION PLAT - The final plat of a subdivision prepared for filing and recording in conformance with these regulations.

IMPROVEMENT - Street grading and surfacing, with or without curbs, sidewalks, crosswalks, water mains, sanitary and storm sewers, culverts, bridges, landscaping, drainage features, recreational trails, or other such improvements as may be designated by the Planning Commission or the Town Council as being required for the development of the land to be subdivided.

SUBDIVISION OF LAND

IMPROVEMENTS AGREEMENT GUARANTY - Any security which may be accepted by the town, at the town's sole discretion, in lieu of a requirement that certain improvements be made by the subdivider before the final plat is executed, including performance bonds, escrow agreements, irrevocable letters of credit, or other similar collateral or surety agreements as may be approved by the town.

LIMITED COMMON ELEMENT - Land or buildings or parts thereof within or related to a development, not individually owned or dedicated for public use, which is designed and intended for use by designated residents or occupants or owners of the development. The designation of use is generally identified on a plat or in a declaration of covenants. It may include complementary structures and improvements.

LOT - A measured portion of a subdivision or other parcel of land intended as a unit for transfer of ownership or for development.

LOT COVERAGE - The percentage of total lot area used for parking, roads, drives or covered by structures. The following elements are excluded from the maximum allowable lot coverage calculation: roof eaves up to two (2) feet in width as measured perpendicular from the building; all non-vehicular pathways.

MASTER PLAN, Frisco - The currently adopted Town of Frisco Master Plan for guiding and controlling the future growth, protection and development of the town, as may be amended from time to time.

MINOR SUBDIVISION - A minor subdivision shall include a resubdivision of a structure of two or fewer units, a minor relocation of a property line, a correction of a survey or engineering error, and the conversion of an existing structure into townhomes or condominiums as described in Section 157-12.D.

MODIFICATION - A departure from the requirements set forth in this chapter.

PARCEL RESUBDIVISION - Any subdivision of a lot, tract or other parcel of land, which previously has been subdivided.

PERMANENT MONUMENT - Any structure of masonry and/or metal (pins and caps) permanently placed on or in the ground, including those expressly placed for surveying reference.

PLAT - A map of certain described land prepared by a land surveyor, registered in the State of Colorado, as an instrument for recording real estate interest with the County Clerk and Recorder.

PLAT CORRECTION - A minor change made to a previously recorded plat for the purpose of correcting unintentional errors made by the owner or owners of the parcel or parcels to be changed. Such changes shall not violate the applicable zoning or subdivision requirements for the said plat to be corrected.

SUBDIVISION OF LAND

PRELIMINARY SUBDIVISION PLAT -The preliminary plat of a subdivision prepared in accordance with the requirements of this chapter.

PRIVATE STREET - A street which exists exclusively on private property that has been approved by the town but not been dedicated to nor accepted by the town.

PUBLIC STREET - A street dedicated to and accepted by the town which is platted or otherwise created as a nonexclusive vehicular right-of-way for ingress and egress.

RESUBDIVISION - The changing of any existing lot or lots of any subdivision plat previously recorded with the County Clerk and Recorder. For the purposes of this chapter, "resubdivision" shall include the condominiumization into private ownership units of property previously occupied on a rental basis. "Resubdivision" shall include lots, parcels, units and real property converted to time-share units or time-share estates.

SITE SPECIFIC DEVELOPMENT PLAN – An approved plan/plat that creates a vested property right.

STREET - Any street, avenue, road, lane, parkway, viaduct, alley or other way for the movement of vehicular traffic which is on an existing state, county or municipal roadway, or a street or a way shown upon a plat, heretofore approved, pursuant to law or approved by official action; and includes the land between street right-of-way, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and other areas within the right-of-way. Definitions and specifications for street classifications are designated in the Town of Frisco Street Design Criteria in the Frisco Town Code.

STREET RIGHT-OF-WAY - That portion of land dedicated to public use for street and utility purposes.

SUBDIVIDER - Any person, group, corporation or other entity or any agency thereof dividing or proposing to divide land so as to constitute a subdivision.

SUBDIVISION - The process by which a metes and bounds tract of land is divided into two or more parcels, lots, units, or building sites for the purpose, whether immediate or future, of sale or building development. It includes resubdivision and, when appropriate, may refer to a relatively large development of similar uses.

TIME-SHARE - A time-share estate, as defined in Section 38-33-110(5), C.R.S. 1973, 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. In addition, for the purposes of this chapter, a time-share estate 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

SUBDIVISION OF LAND

basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the property has been divided.

TOWNHOUSE - An individually owned residential unit that has an undivided interest in common with other unit owners in the common elements of a project including land and infrastructure. Townhouse ownership includes the structure, from foundation to roof in an unbroken vertical plane, and the land on which the foundation of the townhouse is constructed. In order for footings to be considered a foundation in any location, that area must have an unbroken vertical plane to the roof and must be physically attached to the building. Townhouse units or portions thereof cannot be stacked one above another. Nothing herein shall be construed to prohibit the ownership of common areas by a homeowners association holding title to such areas for and on behalf of the individual owners of a townhouse unit.

VESTED PROPERTY RIGHT – The right to undertake and complete the specific development and use of property under the terms and conditions of a “site specific development plan.”

WAIVER - A relinquishment or abandonment of the requirements set forth in this chapter relating to development and/or improvement standards.

ARTICLE II Subdivision Procedures

§ 157-9. Applicability of Procedures.

The following general procedures shall apply to all subdivisions within the Town of Frisco.

§ 157-10. Preapplication Conference.

- A. The subdivider shall attend a preapplication conference with the planning staff for information about subdividing. At the time of the informal consultation, should an issue arise which directly concerns another agency; it shall be the responsibility of the subdivider to obtain the agency's opinion.
- B. The purpose of the preapplication conference is to define the scope of the project, to alert the subdivider and the town to any particular circumstance concerning the subdivision property and, in general, to settle on the suitability of the proposed subdivision prior to extensive planning.
- C. An informal sketch plan shall be submitted at the preapplication conference. The sketch plan should show total acreage, adjacent landowners, adjacent land uses, existing and proposed streets, highways and utilities that will service the proposed development, major physical features, including drainages, and the location of natural features including but not limited to slopes, percent grades and wetlands. The sketch plan should also include a brief description of the

SUBDIVISION OF LAND

existing land uses as well as the proposed land uses, including the number of dwelling units.

§ 157-11. Preliminary Plat. [Amended 08-06-96, Ord. 96-14; 10-12-04, Ord. 04-16; 03-25-08, Ord. 08-06]

A. Review Procedures.

After the preapplication conference, the subdivider shall submit fifteen (15) copies of the preliminary plat, required supplemental material and a fee to cover the cost of review (the fee schedule is available from the Community Development Department) to the Community Development Department for Planning Commission review. The preliminary plat shall be furnished to the Community Development Department not less than fifty-two (52) days prior to an upcoming Planning Commission meeting. Within this time frame, the Community Development Department shall have two working days to determine if the application contains all items necessary for review, based upon checklist(s) available from the Community Development Department. The applicant shall, within two working days, supply the Community Development Department with any items noted as missing from the submittal. If the necessary information has been provided within this period, the application shall be tentatively scheduled for review at a Planning Commission meeting.

Applications will be placed on a Planning Commission meeting agenda on a first come, first served basis. Such scheduling of an application is subject to change if a deficiency is identified as described below. Planning Commission agendas shall be determined by the Community Development Director, in his/her sole discretion, based on a meeting length of approximately four hours.

Applications tentatively scheduled for an upcoming Planning Commission meeting shall be referred to the representatives of various departments and review agencies, as determined by the Community Development Department. Within fifteen (15) working days following the determination that an application is ready for review, the Community Development Department shall compile written comments into a preliminary staff report.

If, as noted in the preliminary staff report, any deficiencies in the application warrant additional work by the applicant or require further discussion by staff and the developer, or if additional information from the developer is received too late to be adequately processed and reviewed, the Community Development Director may defer sending the matter to the Planning Commission until the applicant has adequately addressed all issues, and staff and the review agencies have adequate new information and an opportunity to review and comment on the new information. Once all necessary information has been received and reviewed and the Community Development Department is satisfied that sufficient information has been submitted to demonstrate whether the applicable standards of the Frisco Town Code have been met, the application will be placed on the agenda for the

SUBDIVISION OF LAND

next available Planning Commission meeting in which time is available to review the application.

1. The town may solicit comments from the following review agencies, or any others as determined appropriate by the Community Development Department, and may incorporate any comments received in a staff report.
 - a. The Lake Dillon Fire Authority
 - b. The Frisco Sanitation District
 - c. The Public Service Company of Colorado
 - d. The Frisco Public Works Department
 - e. The Frisco Water Department
 - f. The Frisco Town Engineer
 - g. The Frisco Town Attorney
 - h. Summit County Environmental Health Department
 - i. The Frisco Building Department
 - j. The United States Forest Service
 - k. Summit County Government
 - l. The Colorado Department of Transportation
 - m. Cable television agencies
 - n. The United States Army Corps of Engineers
 - o. The Colorado Division of Wildlife
 - p. Summit Water Quality Committee
 - q. Denver Water
 - r. Summit County School Board
 - s. The Frisco Historical Preservation Board
2. Once the application is placed on a Planning Commission agenda, the Planning Commission shall hold a publicly noticed hearing. The Planning Commission shall consider the comments of the other agencies and the public before

SUBDIVISION OF LAND

reaching its decision to approve, conditionally approve, or disapprove the preliminary plat. The Town Manager or his designee shall subsequently notify the subdivider of the Planning Commission's approval, conditional approval or disapproval. If the plat is disapproved, the reason or reasons shall be noted and recommendations may be made whereby the plat might gain approval. An approved preliminary plat shall expire if [i] construction of the project within the area of the preliminary plat has not begun within three (3) years after the date of preliminary plat approval, or [ii] construction of the project within the area of the preliminary plat has not been completed within four (4) years after the date of preliminary plat approval, or [iii] an application for final plat approval is not presented to the Community Development Department within four (4) years after the date of the preliminary plat approval. If a final plat application is not presented to the Community Development Department prior to the preliminary plat expiration date, an extension to the preliminary plat may be granted by the Planning Commission upon good cause shown by the owner. Such extension shall be at the discretion of the Planning Commission.

2. Within ten (10) calendar days after a preliminary plat is approved, conditionally approved or disapproved, the applicant, an interested agency or an owner or lessee of property within the Town limits of Frisco may request, in writing, that an appeal be heard before the Town Council.
3. The following subdivision applications are exempt from the procedures of this preliminary plat section:
 - a. Duplex resubdivisions.
 - b. Townhome and condominium conversions.
 - c. Minor subdivisions and/or resubdivisions.

B. Form.

1. The layout and design shall be in accordance with the subdivider's plans for actual development and, therefore, shall be a true representation of the subdivision, which may eventually be recorded.
2. The drawing shall be made at a scale of not less than one (1) inch equals sixty (60) feet, on a sheet with outer dimensions of twenty-four by thirty-six (24 x 36) inches.

C. Content.

The preliminary plat shall contain the following information:

1. The proposed name of the subdivision.
2. A vicinity map.

SUBDIVISION OF LAND

3. The names and addresses of the owner, subdivider and designer of the subdivision and the engineers and surveyors, who shall be licensed by the Colorado State Board of Examiners for Engineers and Land Surveyors, who prepared the plat.
4. The subdivider shall provide evidence that he has the right to subdivide the real property proposed for subdivision. Such evidence shall include but not be limited to an up to date title insurance commitment, an Attorney's title opinion or written approvals by mortgagees or other persons or corporations having interest in said property, agreeing with the proposed subdivision also may be submitted.
5. The date of preparation, scale and North arrow (designating true North).
6. The total acreage and legal description of the subdivision.
7. The location and principal dimensions for all existing streets (including their names), alleys, easements, watercourses (top of bank), floodplains, wetlands and other important features within and adjacent to the tract to be subdivided.
8. The location and principal dimensions for all proposed streets (including their names), alleys, easements, lot lines and areas to be reserved or dedicated for parks, schools, snow storage or other public uses.
9. The topography at two-foot intervals that has been prepared by and sealed by a land surveyor or engineer, registered in the State of Colorado, within the last five (5) years. Topography shall extend outside the property to the full dimension of any public property bordering the proposed subdivision such as streets and drainage easements. The survey should also include twenty (20) feet beyond the property on all other sides.
10. Exact elevations (to the nearest tenth) related to the United States Geological Survey (USGS) at each property corner.
11. The location of trees (six inches in diameter or greater) or wooded areas which are to remain.
12. Proposed locations, if any, for residential uses, commercial areas, industrial areas, churches and other nonpublic uses.
13. Zoning on and adjacent to the tract.
14. The names of abutting subdivisions or abutting unplatted property.
15. The location and size of existing utilities within or adjacent to the tract.
16. The location of all existing buildings that are to be retained on the site.

SUBDIVISION OF LAND

17. Areas subject to inundation of floodwaters with an intensity to occur, or a return frequency of once every one hundred (100) years.
 18. A land use information chart which includes (where applicable) the following:
 - a. Total square footage of the subdivision.
 - b. Square footage and percentage of total lot area of the Subdivision comprised of Lot Coverage.
 - c. Square footage and percentage of total lot area of the Subdivision comprised of paved surface coverage.
 - d. Square footage and percentage of open space in relation to total land area of the Subdivision.
 - e. Square footage and percentage of landscaping in relation to total land area of the Subdivision.
 - f. Total number of units (including number of bedrooms per unit).
 - g. Total number and size of all lots proposed.
 - h. Height of all structures based on existing grade elevations.
 - i. Floor area ratio (when applicable).
 - j. Density (units per acre).
 - k. Number of parking spaces provided.
 - l. For commercial development, total square footage of proposed nonresidential floor space.
 - m. Total square footage of snow storage provided.
 19. The subdivider shall provide evidence that provision has been made for facility sites, easements, and rights of access for electrical and natural gas utility service sufficient to ensure reliable and adequate service for the proposed subdivision.
- D. The preliminary plat shall be accompanied by the following text materials:
1. Such additional preliminary information as may be requested by the Planning Commission and/or the Community Development Department in order to adequately evaluate proposed drainage systems, surface improvements,

SUBDIVISION OF LAND

economic feasibility or other construction projects contemplated within the area to be subdivided.

2. Completed and signed application form for rezoning, if required for the development of the subdivision.
3. The function, ownership and manner of maintenance of common open space not otherwise reserved or dedicated for public use.
4. The substance of all covenants, grants of easements or restrictions to be imposed upon the use of the land, buildings and structures.
5. The following materials as requested by the Community Development Department shall be provided:
 - a. The location of water source and a preliminary plan of the distribution system.
 - b. Adequate evidence that a water supply is sufficient in terms of quality, quantity and dependability will be available to ensure an adequate supply of water for the type of subdivision proposed.
 - c. If water is to be supplied by an existing public purveyor, a statement from the purveyor stating:
 - i. Willingness to extend service.
 - ii. The quantity of water to be furnished.
 - iii. Existing commitments to be served.
 - iv. The quantity of water available to the purveyor.
 - v. The feasibility of extending the service into the subdivision.
 - d. If a wastewater treatment is to be accomplished by an existing public facility:
 - i. The contract for service.
 - ii. An engineer's report showing:
 - a) The existing capacity over and above commitments or ability to expand so as to create capacity.
 - b) A study showing the feasibility of extending services into the subdivision.

SUBDIVISION OF LAND

- c) It shall be the responsibility of the subdivider to provide the appropriate utility companies with preliminary and final plats and any such plat revisions that in any way affect the type and design of the systems to be installed.
- E. The Community Development Department may request, and if requested, the applicant shall provide, the following additional text materials:
1. Geologic investigation reports regarding area suitability for the proposed development.
 2. Tables of soil-type interpretations, as prepared for the sketch plan submission based on the National Cooperative Soils Survey, United States Department of Agriculture, Soil Conservation Service, and provided by the Soil Conservation District.
 3. A comprehensive traffic study performed by a traffic engineer.

§ 157-12. Final Plat. [Amended 10-07-97, Ord. 97-18; 04-04-00, Ord. 00-06; 10-12-04, Ord. 04-16; 03-22-05, Ord. 05-06; 03-25-08, Ord. 08-06; 01-27-09, Ord. 09-02]

A. Review Procedures.

1. Following approval of the preliminary plat, but not more than four (4) years after such approval [unless an extension of time is granted pursuant to §157-11.A.2], the subdivider shall submit to the Community Development Department fifteen (15) copies of the final plat as described in this Article.
2. Following approval of the preliminary plat by the Planning Commission (if applicable) and within the time period established by Section 157-11.A.2, the subdivider shall submit fifteen (15) copies of the final plat application, required supplemental materials and a fee to cover the cost of review (the fee schedule is available from the Community Development Department) to the Community Development Department for review. The Community Development Department shall have two working days to determine if the application has the items necessary for review, based upon checklist(s) available from the Community Development Department. The applicant shall, within two working days, supply the Department with any items noted as missing from the submittal. If the necessary information has been provided within this period, the application shall continue to be reviewed by the Community Development Department.

Applications will be referred to the representatives of various departments and review agencies, as determined by the Community Development Department. Within thirty (30) working days following the determination that an application is complete, the Community Development Department shall compile written comments into a staff report.

SUBDIVISION OF LAND

If, as noted in the staff report, any deficiencies in the application warrant additional work by the applicant or require further discussion by staff and the developer, or if additional information from the developer is received too late to be adequately processed and reviewed, the Community Development Department may defer a decision on the application until the applicant has adequately addressed all issues, and staff and the review agencies have adequate new information. Once all necessary information has been received and reviewed and the Community Development Department is satisfied that sufficient information has been submitted to demonstrate whether the applicable standards of the Frisco Town Code have been met, the application will be approved if the Town Manager or his designee finds that all applicable standards of the Frisco Town Code and all conditions of the preliminary plat approval have been met; conditionally approved if the Town Manager or his designee finds that all applicable standards of the Frisco Town Code and all conditions of the preliminary plat approval could be met upon compliance with certain conditions; or denied if any of the standards of the Frisco Town Code or conditions of the preliminary plat approval have not been met.

The Town may solicit comments from the following review agencies, or any others to be determined to be appropriate by the Community Development Department and may incorporate any comments received in a staff report.

- a. The Lake Dillon Fire Authority
- b. The Frisco Sanitation District
- c. The Public Service Company of Colorado
- d. The Frisco Public Works Department
- e. The Frisco Water Department
- f. The Frisco Town Engineer
- g. The Frisco Town Attorney
- h. Summit County Environmental Health Department
- i. The Frisco Building Department
- j. The United States Forest Service
- k. Summit County Government
- l. The Colorado Department of Transportation
- m. Cable television agencies

SUBDIVISION OF LAND

- n. The United States Army Corps of Engineers
 - o. The Colorado Division of Wildlife
 - p. Colorado Water Quality Committee
 - q. The Denver Water Board
 - r. Summit County School Board
 - s. The Frisco Historical Preservation Board
3. A final plat of the subdivision will be reviewed by the Community Development Department. All information furnished with the preliminary plat shall be embodied in the final plat. In the event that substantial changes have been made on the final plat, as determined by the Community Development Department, the Community Development Department may require an additional preliminary plat review and filing fee not to exceed the amount specified for the preliminary plat.
 4. Following approval of the final plat by the Town Manager or his designee, but no more than thirty (30) days after such approval, the applicant shall submit to the Community Development Department two copies of the final plat on mylar film and all associated documents with all appropriate signatures, or such final plat shall be null and void. The Community Development Department shall then record the final plat and all associated documents within the next fifteen (15) working days. The applicant shall reimburse the town for the cost of said recording. The Town Manager or his designee may grant one or more thirty (30) day extensions, at the time of the plat review or at a later date, of the final plat submission deadline upon a showing by a party requesting such an extension of extraordinary or exceptional circumstances that do not generally exist for subdividers.
- B. Final Plat Submission; Content.
1. The exact name of the subdivision (including the number of the filing, when applicable).
 2. Scale (written and graphic).
 3. North arrow (designating true North).
 4. All utilities (including service lines), utility easements, water shutoff valves and sewer cleanouts, including bearings and distance. This utility plan must be shown on a separate sheet.

SUBDIVISION OF LAND

5. All required parking spaces (including a notation for garage spaces) as well as driveways and access easements.
6. Location of the subdivision as a part of some larger subdivision or tract of land and by reference to permanent survey monuments with a tie to a section corner or a quarter-section corner. Condominiumizations shall be exempt from this requirement.
7. All lots and blocks and/or units shall be numbered in consecutive order for easy identification.
8. The total number of proposed dwelling units shall be indicated.
9. All streets shall be named.
10. The final plat shall be drawn at a scale of not less than one (1) inch equals sixty (60) feet.
11. Sheet size shall be twenty-four by thirty-six (24 x 36) inches. As many sheets as necessary may be submitted for a single plat or filing.
12. The names of abutting subdivisions or, in the case of abutting unplatted property, the notation "Unplatted" shall appear.
13. All easements shown in dashed lines with appropriate line weights to differentiate easement uses on the plat.
14. All public or quasi-public areas, common elements, and limited common elements shall be identified.
15. The plat shall be drawn in ink on Mylar film for final signatures. For purposes of review by the Community Development Department, Planning Commission and Town Council, the plat shall be submitted on blue line paper.
16. All section, range and township lines shall be shown and must close within the limits of one (1) in five thousand (5,000).
17. All boundary lines and lot lines shall have exact lengths and bearings which must close within the limits of one (1) in five thousand (5,000).
18. All curve data [radii, internal angles, points of curvature and lengths of all arcs] shall be shown in chart form on the face of the plat.
19. A reference to any protective covenants that shall be filed with the plat.
20. Wording of the following required statements on the final plat shall be as follows:

SUBDIVISION OF LAND

a. Heading.

The heading of the final plat shall include the complete name of the subdivision, the land sections, township, range, principal meridian, Summit County, Colorado. Also, where applicable, the United States mineral claim name, number and mining district shall be shown.

b. Dedication.

Know all men by these presents: That (printed name of owner), being the owner(s) of the land described as follows: [insert legal description of land being subdivided and include area in acres to two (2) decimal places] in Summit County, Colorado, under the name and style of (complete name of subdivision in capital letters), have laid out, platted and subdivided same as shown on this plat, and by these presents do (does) hereby dedicate to the perpetual use of the Town of Frisco, State of Colorado, the streets, alleys, roads and other public areas as shown hereon and hereby dedicate those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon.

In witness whereof, the said owner (printed name of owner) has caused his name to hereunto be subscribed this day of _____,AD _____.
_____ Owner

c. Notarial.

State of Colorado.

The foregoing instrument was acknowledged before me this day of _____, AD _____, by (printed name of owner). (If by natural persons, here insert name; if by person acting in a representative official capacity, then insert the names of said person and his capacity; if by officers or a corporation, then insert the names of said officers as the president or other officers of such corporation, naming it).

My commission expires on (to be filled in by Notary).

Witness my hand and official seal.

(Signature)_____ (Seal)
(Printed name of Notary)
Notary Public

d. Land Surveyor's Certificate.

SUBDIVISION OF LAND

I (printed name of land surveyor), being a registered land surveyor in the State of Colorado, do hereby certify that this plat and survey of (name of subdivision in capital letters) was made by me and under my supervision and that both are accurate to the best of my knowledge. Steel pins and/or brass cap monuments were set at all boundary corners.

Dated this _____ day of _____, AD _____

(Seal) Colorado Registration Number (number of registration)

e. Frisco Planning Commission Approval.

The Planning Commission of Frisco, Colorado, represented by the Commission Chairman, does hereby authorize and approve this plat of the above subdivision on this _____ day of _____ AD _____.

By: _____
Chairman

f. Frisco Town Council Approval.

The within plat of _____ is approved by the Town Council of Frisco, Colorado, represented by the Mayor, for filing this _____ day of _____. The dedication of the public ways shown hereon will not be accepted until said public ways have been satisfactorily completed to the town's specifications by the subdivider. Upon such satisfactory compliance, the Town Council of the Town of Frisco may adopt a resolution accepting the said dedication of public ways and duly record such acceptance.

By: _____
Mayor

Attest: _____
Town Clerk

g. County Clerk and Recorder. (To be placed in the lower right-hand corner of the cover sheet).

Summit County Clerk and Recorder's acceptance. This plat was accepted for filing in the office of the Clerk and Recorder of the County of Summit, Colorado, on this _____ day of _____, _____.

Reception Number _____

Recordation of Protective Covenants (if applicable)
Protective covenants recorded under Reception Number _____

SUBDIVISION OF LAND

h. Previous recording of information for platted area under Reception Number _____

i. Title Company Certificate.

_____ Title Company does hereby certify that it has examined the title to all lands as shown on this plat, and title to such lands is in the dedication free and clear of all liens, taxes and encumbrances, except as follows:

Agent

j. Summit County Treasurer's Certificate

"I, the undersigned, do hereby certify that the entire amount of taxes and assessments due and payable as of _____, _____, upon all parcels of real estate described on this plat are paid in full.

Dated this _____ day of _____, 2____.

Signature _____."
Summit County Treasurer

C. Required Accompanying Data.

The final plat shall be accompanied with the following data:

1. Two (2) copies of all the protective covenants or restrictions placed on the subdivision. A copy of the approved protective covenants and restrictions placed on the subdivision shall be filed with the plat.
2. Engineering plans, descriptions, and cost estimates for streets, drainage facilities, utility systems, paved parking and drives, landscaping, bridges and for other improvements proposed to be installed by the subdivider.
3. A check for the total amount of the subdivision application fee and all other applicable fees.
4. A general warranty deed to the Town of Frisco, conveying to the Town all public lands other than streets shown on the plat.
5. Proof shall be provided that the subdivider has a right to subdivide certain real property. Evidence shall include an up-to-date title insurance commitment or

SUBDIVISION OF LAND

attorney's title opinion. Signature blocks must be provided on the plat for all mortgagees or other persons or corporations having interest in said property.

6. Three (3) copies of the drainage plan stamped by an engineer certified in the State of Colorado.
7. A proposed improvements agreement and Improvements Agreement Guaranty for all required improvements not completed at the time of final plat submittal. Cost estimates for all uncompleted improvements must be submitted for review.

D. Minor Subdivisions.

1. A Minor Subdivision is any one of the following activities:
 - a. Subdivision of a structure into two (2) units or less.
 - b. Minor relocation or adjustments of a lot line, property line or easement, provided that written consent is furnished from all affected property owners.
 - c. Correction of an engineering or survey error or other minor change to a recorded plat which has no effect on the conditions applied to the approval of the plat and does not violate any requirement of the Frisco Town Code.
 - d. Conversion of an existing structure in existence at least five (5) years from the date of Certificate of Occupancy to a condominium or townhome units regardless of the number of units.
2. Minor subdivisions shall be reviewed by the Community Development Department for conformity with all applicable requirements of the Town Code. All minor subdivisions are subject to the Town's public noticing requirements. Upon a finding of conformity, the Community Development Director shall approve the final plat, which will be signed by the Chair of the Planning Commission and the Mayor.
3. Any minor subdivision may be taken to the Planning Commission and the Town Council at staff's discretion for final plat review.

ARTICLE III

Resubdivision Procedures (Parcel, Duplex, Condominiumization, Townhouse, Commercial Pad); Time-Share Development [Amended 05-21-02, Ord. 02-13]

§ 157-14. Resubdivision. [Added 05-21-02, Ord. 02-13; 03-25-08, Ord. 08-06]

- A. Parcel Resubdivision.

SUBDIVISION OF LAND

1. 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.
 2. Any subdivision approved under this chapter to resubdivide shall comply with the procedures in §157-16, Time-share developments, if applicable.
 3. Any subdivision approved under this chapter to resubdivide shall comply with the general procedures in Article II, Subdivision Procedures.
- B. Duplex resubdivision resulting in a party wall. In addition to the general procedures required in this section, a party wall agreement must be filed with the final plat. The 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. Easements for repairs to the party wall.
 5. Restrictions, if any, pertaining to structural changes to the party wall.
 6. Restrictive liens for enforcement purposes.
 7. Utility easements (if needed).
 8. Any other documentation as may be reasonably required.
- C. Condominiumization.
1. All proposed condominium projects shall be accomplished pursuant to the general procedures in Article II, Subdivision Procedures.
 2. Condominiumization of existing structures shall be accomplished pursuant to the general procedures and submission requirements in § 157-12, Final plat.
 3. The subdivider proposing to make a condominium conversion shall provide a condominium conversion inspection report from the Town of Frisco Building Department and the Lake Dillon Fire Authority on the condition of the building, listing all building and fire code⁴ 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

⁴Editor's Note: See Ch 65, Building Construction and Housing Standards, and Ch. 94, Fire Prevention.

SUBDIVISION OF LAND

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.

4. Final plat. In addition to the provisions in §157-12, for final condominiumization approval the following is needed:
 - a. A map showing all common areas (general and limited common elements) and usages of the building and grounds, for the interior division of the building showing horizontal and vertical boundaries of all units, including a distance from a building corner to a property corner or other survey reference.
 - b. A copy of the declaration applicable to the condominium project, as defined in Section 38-33-105, C.R.S. 1973, as amended and/or as may be required pursuant to the Colorado Common Interest Ownership Act, C.R.S. 38-33.3-101 et.seq., as amended.
 - c. A copy of the condominium association Articles of Incorporation, bylaws and covenants. The bylaws and declaration of covenants shall contain the information required by the Condominium Ownership Act of the State of Colorado and the Colorado Common Interest Ownership Act, if applicable. All condominium projects shall comply with this requirement.
 - d. A management plan which states:
 - i. The responsible party for managing the common area, lodging reservations, etc.
 - ii. Provisions for selecting, appointing and securing management.
 - iii. Responsibilities and duties of the management entity.
 - iv. The responsible party for coordinating the use and rental unit occupancy of those units that are used for short-term lodging.
 - e. A maintenance plan which states:
 - i. The responsible entity for repair and maintenance of common areas.
 - ii. 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.
 - iii. The mechanism used to fund the management and maintenance activities of the development.

SUBDIVISION OF LAND

- f. The final plat for the condominium project shall contain all the information required by Article II of this chapter. In addition, if there are any restrictive covenants, condition or restrictions other than specified in the declaration, they shall be filed concurrently with the filing of the final plat.

D. Townhouses.

1. All proposed townhouse projects shall be accomplished pursuant to the general procedures in Article II, Subdivision Procedures.
2. Townhouse resubdivision of existing structures shall be accomplished pursuant to the general procedures and submission requirements in §157-12, Final plat.
3. The subdivider proposing to make a townhouse conversion shall provide a townhouse conversion inspection report from the Town of Frisco Building Department and the Lake Dillon Fire Authority on the condition of the building, listing all building and fire code⁵ 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 townhouse units or interests in the townhouse project. A fee will be required to cover the cost of the inspection.
4. In addition to the provisions in §157-12, for final townhouse subdivision approval the following is needed:
 - a. A map showing all common areas (general, limited common area), usages of the building and grounds, and the building showing horizontal boundaries for the interior division of all units.
 - b. A copy of the townhouse association Articles of Incorporation, bylaws and covenants.
 - c. A management plan which states;
 - i. The responsible party for managing the common area lodging reservations, etc.
 - ii. Provisions for selecting, appointing and securing management.
 - iii. Responsibilities and duties of the management entity.
 - iv. The responsible party for coordinating the use and rental unit occupancy of those units that are used for short-term lodging.

⁵Editor's Note: See Ch. 65, Building Construction and Housing Standards, and Ch. 94, Fire Prevention.

SUBDIVISION OF LAND

- d. A maintenance plan which states:
 - i. The responsible entity for repair and maintenance of common areas.
 - ii. 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.
 - iii. The mechanism used to fund the management and maintenance activities of the development.
- e. The final plat for the townhouse project shall contain all the information required by Article II of this chapter. In addition, if there are any restrictive covenants, conditions or restrictions other than specified in the declaration, they shall be filed concurrently to filing of the final plat.
- f. A copy of the declaration applicable to the townhouse project, as defined in Section 38-33-105, C.R.S. 1973, as amended and/or as may be required pursuant to the Colorado Common Interest Ownership Act, C.R.S. 38-33.3-101 et. seq., as amended.

E. Commercial Pad.

- 1. All proposed commercial pads shall be accomplished pursuant to the general procedures in Article II, Subdivision Procedures of this chapter. A commercial pad may be resubdivided per the town-approved foundation line shown on the site plan/preliminary plat at the risk of the subdivider, or it may be resubdivided once the foundation has been poured.
- 2. In addition to the requirements of §157-12, for final commercial pad subdivision approval, the following submittals are required:
 - a. A map showing all common areas (both general and limited common elements of a project), and uses of the building and grounds.
 - b. A plat note that restricts the use and design of the commercial pad and the building that will be constructed on that commercial pad, to that indicated on the previously town-approved development plan/preliminary plat.
 - c. A copy of the articles of incorporation and bylaws of the owners association for the project and of the declaration of covenants applicable to the commercial pad.
 - d. A management plan, which may take the form of the articles of incorporation, bylaws, and declaration of covenants referenced above, which states;
 - i. The responsible party for managing the common area.

SUBDIVISION OF LAND

- ii. Provisions for selecting, appointing and securing management.
 - iii. Responsibilities and duties of the management entity.
- e. A maintenance plan, which may take the form of the articles of incorporation, bylaws and declaration of covenants referenced above, which states:
 - i. The responsible entity for repair and maintenance of common areas.
 - ii. What will be included in the maintenance program, including but not limited to provisions for snow removal, trash removal, maintenance of common areas and other amenities.
 - iii. The mechanism used to fund the management and maintenance activities of the development.
- f. The final plat for the commercial pad shall contain all the information required by Article II of this chapter. In addition, if there are any restrictive covenants, conditions or restrictions other than specified in the declaration; they shall be filed by the Town together with the filing of the final plat, if not previously filed.

SUBDIVISION OF LAND

§ 157-15. Time-Share Developments.

In addition to the general procedures in Article II, the applicant shall provide the following additional information and documentation to the Town at the time of application for time-share development or conversion:

A. Final Plat.

1. 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.
2. A public offering statement fully and accurately disclosing:
 - a. The name of the developer and 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 buildings, units and amenities.
 - c. As to all units offered by the developer in the same project:
 - i. The types and number of units.
 - ii. Identification of units that are time-share units.
 - iii. The maximum number of the developer's units that may become time-share units.
 - iv. A statement of the maximum number of time-shares that may be created, or that there is no maximum.
 - v. The number of proportion of time shares the developer intends to market in blocks to investors.
3. Time-share development shall provide a management plan which states:
 - a. The responsible entity of managing the common areas, lodging reservations, etc.
 - b. Provisions for selecting, appointing and securing management.
 - c. Responsibilities and duties of the management entity.

SUBDIVISION OF LAND

- d. The responsible party for coordinating the use, rental and unit occupancy of those units that are used for short-term lodging.
4. A maintenance plan shall be provided which states:
 - a. The responsible entity for repair and maintenance of common areas.
 - b. What will be included in the maintenance program, including but not limited to provisions for snow removal, trash removal, maintenance of pools, hot tubs, common areas and other amenities.
 - c. The mechanism used to fund the management and maintenance activities of the development.
 5. Prior to the approval of a conditional use permit for a time-share development proposal, the applicant shall submit to the town an affidavit that Section 38-33-112, C.R.S. 1973, as amended, and Section 12-61-406(3), C.R.S. 1973, as amended, have been complied with.
 6. A copy of the declaration applicable to the time-share project, as defined in Section 38-33-105, C.R.S. 1973, as amended and/or as may be required pursuant to the Colorado Common Interest Ownership Act, C.R.S. 38-33.3-101 et. seq., as amended. A homeowners' association shall be formed and shall be responsible for paying for municipal services provided to the time-share development and for prorating the fees to individual owners for municipal services provided to the time-share development.

ARTICLE IV Design Standards

§ 157-16. Planning Considerations. [Amended 12-17-96, Ord. 96-28]

- A. In designing and planning subdivisions, consideration shall be given to the Frisco Master Plan, the Frisco Town Code⁶, and any other relevant regulations. The Planning Commission shall study and review all subdivisions in relation to the general character of the area, the general requirements of the community and the particular requirements of the neighborhood.
- B. Particular consideration will be given to geologic hazards and topography in relation to the suitability of the land for development, flooding, storm drainage and preservation of natural areas for open space.

⁶Editor's Note: See Ch. 180, Zoning.

SUBDIVISION OF LAND

§ 157-17. Site Construction.

- A. The design and development of subdivisions shall preserve, insofar as it is possible, the natural terrain, natural drainage, existing topsoil and trees.
- B. Land subject to hazardous conditions such as landslides, mudflow, rockfalls, snowdrifts, possible mine subsidence, shallow water table, floods and polluted or nonpotable water supply shall be identified and shall not be subdivided until hazards have been or will be eliminated by the subdivider in accordance with the plans developed by a Colorado licensed engineer specializing in such matters, and as approved by the Council.
- C. Provisions shall be made to preserve groves of trees, streams and other desirable natural landscape features.
- D. A proposed subdivision shall be designed in such a 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 space.
- E. 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/or expansion of community facilities are necessary, the subdivider shall make provisions to incur costs of such extension or expansion of public utilities.

§ 157-18. Lots.

- A. 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 consistent with the development standards as set forth in the Frisco Town Code.⁷
- B. No single lot shall be divided by a district (i.e., zoning, sanitation, fire, etc.), municipal or county boundary line.
- C. Side lot lines shall be substantially at right angles or radial to street lines.
- D. Lots with double frontage shall be avoided, except where essential to provide separation from major arterials or from incompatible land uses.
- E. In the case of wedge-shaped lots, no lot shall be less than thirty (30) feet in width at the front property lines.

⁷Editor's Note: See Ch. 180, Zoning.

SUBDIVISION OF LAND

- F. Each lot shall be provided with satisfactory access to an existing public street, except as where provided in § 157-7B.

§ 157-19. Blocks.

The lengths, widths and shapes of blocks shall be determined with due regard to the following:

- A. Provisions of adequate building sites suitable to the special needs of the type of use contemplated.
- B. Requirements of the Zoning Code⁸ as to lot sizes and dimensions.
- C. Needs for convenient access control, safety of vehicular and pedestrian traffic circulation and emergency vehicles.
- D. Limitations and opportunities of topography.

§ 157-20. Streets. [Amended 03-25-08, Ord. 08-06]

All streets shall conform to the town's Street Design Criteria, adopted October 1981, and revised February, 2003.

- A. Acceptance of Streets and Roads.
 - 1. Preliminary acceptance.
 - a. Upon completion of street or road construction, the subdivider shall notify the town, in writing, and request inspection. The Director of Public Works shall inspect all street improvements and shall notify the subdivider by mail of nonacceptance or preliminary acceptance. If street improvements are not acceptable, the reasons for nonacceptance shall be stated, and corrective measures shall be outlined in the letter of notification.
 - b. Until such time that the developer has written acceptance for full maintenance of the streets by the town, the developer shall be responsible for all maintenance and repairs of street improvements.
 - c. The town shall not accept street improvements for maintenance from November through March since deficiencies noted on inspections cannot usually be determined or corrected during this period.
 - 2. Final acceptance.
 - a. One (1) year following the issuance of certificate of completion, the Director of Public Works shall inspect all street improvements for final acceptance.

⁸Editor's Note: See Ch. 180, Zoning.

SUBDIVISION OF LAND

- b. The town shall notify the subdivider by mail of nonacceptance or final acceptance. If the street improvements are not acceptable, the reasons for nonacceptance shall be stated and corrective measures shall be outlined in the letter of notification. If the street improvements are found to be acceptable following a resolution of acceptance by the Town Council, the town shall release the guaranty for improvements and assume full maintenance responsibility of the streets as provided in Section 157-31, Letter of completion.

§ 157-21. Parks; Public Sites; Open Space. [Amended 03-25-08, 08-06]

- A. Dedication of land, free of all liens and encumbrances, for park and recreation, school sites, public building sites and for other public uses shall be required in each new subdivision in the town. The subdivider shall allocate and convey no less than ten percent (10%) of the gross land area, exclusive of streets, alleys, bicycle paths and easements, of the proposed subdivision for public purposes, except in cases where satisfactory dedication arrangements were made and approved by the Town Council at the time of annexation or subdivision.
- B. Specific sites to be dedicated for parks and other public uses shall be subject to approval by the Planning Commission and Town Council.
- C. At the time of presentation of a final plat approval application to the Community Development Department, a warranty deed shall be presented for all land to be conveyed to the town, school district or other governmental entity. The deed shall be accompanied by a title insurance policy or other evidence that the land is free and clear from all encumbrances.
- D. At the option of the town, the subdivider shall, in lieu of dedication of land, pay to the town a cash amount equal to the fair market value of the area of land to be dedicated under Subsection A above or invest the same cash amount toward a specifically approved town project.

§ 157-22. Easements. [Amended 03-25-08, Ord. 08-06]

- A. All subdivision plans shall provide dedication of easements sufficient, as determined by the applicable service provider(s) to allow the efficient installation and placement of all utilities as needed by the development now and in the foreseeable future.
- B. Public utility installations shall be located as to permit multiple installations within the easements to avoid cross-connections, to minimize trenching and to adequately separate incompatible systems.
- C. Easements shall follow front, rear and side lot lines whenever practical.

SUBDIVISION OF LAND

- D. The location and width of all utility easements shall be subject to the approval of the Public Works Department 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 serving utilities for the installation of such facilities.
- E. Drainageway easements. 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 to the lines of such watercourse, and such further width or construction of both shall be adequate for drainage purposes.

§ 157-23. Utilities.

Underground placement of utilities shall be required in all subdivisions.

§ 157-24. Sanitary Sewers. [Amended 03-25-08, Ord. 08-06]

All residential, commercial and industrial uses which have human occupancy shall have sanitary sewers. The design and installation of all sewer mains, laterals and house connections must be in conformance with the International Building Code as adopted by the town, and the rules and regulations of the Frisco Sanitation District and the Frisco Public Works Department. All sewer mains and laterals shall be installed in easements and/or dedicated rights-of-way.

§ 157-25. Water.

All residential, commercial and industrial uses which have human occupancy shall have a water supply. The water distribution system of the subdivision shall contain mains of sufficient size and have a sufficient number of outlets to furnish an adequate water supply for each lot or parcel in the subdivision and to provide adequate fire protection. Design of water distribution systems shall be done by a licensed engineer and shall be in conformance with the Town Code. The design and construction of the water system and its appurtenances are subject to approval by the town's Public Works Director.

ARTICLE V Improvements

§ 157-26. Improvements Agreement. [Amended 03-25-08, Ord. 08-06]

No final plat shall be approved by the Town Manager or his designee until the subdivider has submitted and the Town Manager or his designee has approved a subdivision improvements agreement and Improvements Agreements Guaranty for all required improvements not completed at the time of final plat submittal. Through such agreement, the subdivider, his successors, heirs and assigns shall guarantee to make the required improvements in accordance with design and time specifications. The town shall issue a certificate of completion or certificate of occupancy for any

SUBDIVISION OF LAND

improvements within the subdivision only if the conditions of §157-35 of this chapter have been met.

A. The following improvements shall be constructed or, if incomplete at the proposed time of final plat filing, specified in the subdivision improvements agreement (if applicable):

1. Road grading and surfacing.
2. Curbs, gutters and driveways.
3. 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 line built through the property by the town as determined by the sewer district.
4. Separate bicycle paths.
5. A water distribution system and fire-fighting equipment, including fire hydrants, where applicable, water meters and house connections. This includes payment to the town for the appropriate portion of any waterlines built through the property by the town, as determined by the staff.
6. Storm sewers or storm drainage system, as required.
7. Street signs and traffic control signage 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.
8. A landscaping and irrigation distribution system.
9. Permanent reference monuments and monument boxes.
10. Street, facility, and parking lot lighting.
11. Underground electric and communication utility lines and services, and all street lighting circuits.
12. Traffic control devices.
13. Adequate paved and striped parking facilities.
14. Dumpster enclosures.
15. Other facilities as may be specified or required in these regulations by the Planning Commission or Council.

SUBDIVISION OF LAND

- B. No improvements shall be made until all required plans, profiles and specifications for such improvements have been submitted and approved by the Building Official, Director of Public Works and/or Town Engineer.

§ 157-27. Improvements Agreements Guaranty.

Collateral which is suitable and sufficient in the judgment of the Finance Director or Treasurer, in an amount stipulated in the subdivision improvements agreement, 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 performance bonds or property bonds, escrow agreements, letters of credit, and deposits of certified funds. The collateral shall be accompanied by an engineer's estimate or other bid costs to provide the required improvements in accordance with the design and time specifications. If the improvements are not constructed in accordance with all of the specifications, the Community Development Department shall notify the subdivider of the noncompliance and propose schedules for correcting the noncompliance. If the Community Development Department determines that the subdivider will not construct any or all of the improvements in accordance with all of the specifications, the Community Development Department shall have the power to withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvement or improvements in accordance with the specifications.

§ 157-28. Release of Guaranty.

With the exception of streets and roads, as the required improvements in a subdivision are completed, the subdivider may apply in writing to the Community Development Department for a partial or full release of the bond, escrow agreements letter of credit, certified check or other collateral. Upon receipt of such application in writing, the town staff or its agent shall inspect the portion of the improvement which has been completed. If the staff determines from such inspection that the improvements thus far completed have been made 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.

§ 157-29. Letter of Completion.

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

SUBDIVISION OF LAND

or a year extension may be granted with updated security for the improvements agreement.

ARTICLE VI Administration

§ 157-30. Modifications and Waivers. [Amended 12-17-96, Ord. 96-28]

- A. All requests for modifications or waivers shall be filed with the Community Development Department and referred to the Planning Commission for determination. Upon application by the subdivider 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 the regulations, then the Planning Commission may modify or waive requirements so that substantial justice may be done and the public interest secured, provided that such modification or waiver will not have the effect of nullifying the intent and purpose of these regulations or of the Frisco Master Plan.
- B. In granting modifications or waivers, the Planning Commission 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 modification or waiver be more than a minimum easing of the requirements, and in no case shall it be in conflict with the existing Zoning Code.⁹
- D. Requests for modifications and waivers shall be processed concurrently with the preliminary plat and shall be publicly noticed in accordance with § 157-39.

§ 157-31. Appeals. [Amended 03-25-08, Ord. 08-06]

- A. Appeals from the decisions under this Chapter of the Community Development Department and of the Town Manager or his designee shall be to the Planning Commission. For purposes of this Chapter, "Community Development Department" shall mean the Community Development Director or his/her designee. Appeals from the decisions of the Community Development Department and of the Town Manager or his designee shall be filed with the Community Development Department not later than ten (10) calendar days from the date of the decision. All appeals to the Planning Commission shall be considered de novo public hearings. Appeals shall be filed on forms prepared by the Community Development Department along with the required information and application fee. Hearings on appeals shall be scheduled no sooner than 14 days and no later than 60 days from receipt of the appeal request. An appeal stays all proceedings and authorizations in conjunction with the action being appealed, unless, in the opinion of the Community Development Director or of the Town Manager or his designee, a stay

⁹Editor's Note: See Ch. 180, Zoning.

SUBDIVISION OF LAND

would cause imminent peril to life or property. Public noticing of an appeal hearing shall be conducted in accordance with §157-36. The Planning Commission may reverse or affirm, wholly or partly, or may modify or condition the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination, along with findings, as in its opinion ought to be made, so that the spirit of this Chapter is observed, public safety and welfare are secured and substantial justice done.

- B. Appeals from the decisions of the Planning Commission shall be to the Council. Appeals from the decisions of the Planning Commission shall be filed with the Community Development Department not later than ten (10) calendar days from the date of the decision. Appeal hearings shall be considered de novo public hearings. Appeals shall be filed on forms prepared by the Community Development Department. Hearings on appeals shall be scheduled no sooner than fourteen (14) days and no later than sixty (60) days from receipt of the appeal request. An appeal stays all proceedings and authorizations in conjunction with the action being appealed, unless, in the opinion of the Community Development Director, a stay would cause imminent peril to life or property. Public noticing of an appeal hearing shall be made in accordance with §157-36. The Council may reverse or affirm, wholly or partly, or may modify or condition the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination, along with findings as, in its opinion, ought to be made so that the spirit of this Chapter is observed, public safety and welfare secured and substantial justice done.
- C. Any other provision of this section notwithstanding, not later than ten (10) calendar days from the date of the decision and with the concurrence of any two (2) Council members, a decision of the Community Development Department or the Town Manager or his designee or the Planning Commission may be called up for an appeal hearing before the Council. Such called-up appeal shall be subject to the procedural requirements set forth in subsection B of this section.

§ 157-32. Schedule of Fees. [Amended 03-22-05, Ord. 05-06; 03-25-08, Ord. 08-06]

- A. The Town Manager or his designee shall charge a fee for all administrative reviews of development proposals, subdivision applications and for all inspections of proposed development sites. The Town Manager or his designee may charge a fee for other, similar administrative services performed by the Community Development Department under this Chapter.
- B. The Town Manager or his designee shall, from time to time, determine the cost of performing various types of administrative services under this chapter, including but not limited to reviews of development proposals, subdivision applications, and inspections of proposed development sites, based upon all factors included in the current cost of performing those services, and, on the basis of such historic costs and estimations, shall promulgate a schedule of fees for the performance of administrative services.

SUBDIVISION OF LAND

- C. Any schedule of fees promulgated by the Director of the Community Development Department shall be effective immediately upon filing with the Town Clerk and shall be available for public inspection in the office of the Director of the Community Development Department.
- D. Publication, legal and engineering fees. The subdivider must pay to the town certain town costs associated with the subdivision of the property, including, without limitation, publication costs and legal and engineering fees for review and consultation incurred by the town.
 - 1. Procedure for payment. At the time that the application is submitted to the town, the subdivider shall pay to the town the fee necessary to cover the costs of publication and legal and engineering review incurred by the town as set forth in the schedule of fees on file with the Town Clerk. The subdivider must then maintain a minimum balance above the costs the town has incurred associated with the subdivision, as set forth in the fee schedule. The town will keep record of the costs it has incurred, and when the subdivider's balance is below that amount, it will notify the subdivider, and the subdivider must pay an amount equal to the required minimum balance. No submittal will be scheduled on an agenda or reviewed until the initial payment has been made.
 - 2. Return of funds to subdivider. Within ninety (90) days after final plat approval or within ninety (90) days after the date on which the subdivider has given written notice that he will not proceed with the subdivision application, the town will determine the balance owing to the subdivider, that amount being the amount deposited over the costs incurred, and return that amount to the subdivider's last known address. For the purposes of this provision, final plat approval means the recording of the plat with the Summit County Clerk and Recorder's Office, or the final, non-appealable approval of other applications made under Chapters 157 or 180.
 - 3. Lien on the property. If the town incurs costs beyond the amount deposited with the town and the subdivider does not pay those costs within sixty (60) days after written notice from the town, then the town shall be entitled to certification of the assessment for sale or a lien for those costs on the land being subdivided, which lien may be perfected and foreclosed in the same manner as provided in Section 38-22-101 et. seq., C.R.S.

§ 157-33. Violations and Penalties.

- A. Any subdivider or agent of a subdivider who transfers or sells or agrees to sell or offers to sell any subdivided land before a final plat for such subdivided land has been finally approved in the office of the County Clerk and Recorder shall be guilty of a misdemeanor, under Section 31-23-216, C.R.S., and shall be subject to a fine not to exceed one thousand dollars (\$1,000.) and/or a jail term of not more than

SUBDIVISION OF LAND

one (1) year for each parcel or interest in subdivided land which is sold or offered for sale, under Section 31-16-101, C.R.S.

- B. The Council shall have the power to bring an action to enjoin any subdivider from selling, agreeing to sell or offering to sell subdivided land before a final plat for such subdivided land has been approved by the Council.
- C. No permits shall be issued by the Building Official or any other administrative officer of the town for the construction of any building or other improvements requiring a permit upon any land for which a plat is required by this chapter, unless and until the requirements thereof have been complied with.

§ 157-34. Word Usage. [Amended 01-11-04, Ord. 04-23]

When used in this chapter, certain words shall be interpreted as follows: the masculine includes the feminine and neuter genders; words in the present tense include future tense; words in a singular number include the plural number; the word "shall" is mandatory, and the word "may" is permissive. Except as may be otherwise expressly provided in this chapter, whenever it is necessary to perform a mathematical calculation to determine any standard or requirement set forth in this chapter as such standard or requirement may apply to a particular property or situation, the following rule of construction shall apply:

When the mathematical calculation results in a number that is not a whole number, the result shall be rounded up to the next greater whole number when the result is a whole number plus .50 or greater, and shall be rounded down to the next lesser whole number when the result is a whole number plus less than .50; provided, however, that when the mathematical calculation results in a number that is less than 1, the result shall be rounded up to the number 1.

§ 157-35. Certificates of Occupancy.

No certificate of occupancy shall be issued for any improvements within the subdivision if the improvements agreement is in default or until the remaining subdivision improvements have been installed to serve the properties for which a certificate of occupancy is sought, unless funds or performance bonds sufficient to guarantee completion and satisfaction to the town have been provided by the subdivider.

§ 157-36. Public Notice. [Amended 10-12-04, Ord. 04-16; 03-25-08, Ord. 08-06]

Preliminary plat and final plat applications, including associated modifications and waivers, and appeals requiring action by the Town Council or the Planning Commission shall be noticed to the public at least once during the review or hearing process in the following manner:

- A. For applications and appeals that require a public hearing or meeting:

SUBDIVISION OF LAND

1. By publication in one (1) newspaper of general circulation at least four (4) calendar days prior to the public hearing or meeting-;
2. By posting in at least one (1) place of public assembly at least fourteen (14) calendar days prior to the public hearing or meeting-; and
3. By mailing, at least fourteen (14) calendar days prior to the public hearing or meeting, to the owner(s) of the subject property and to all property owners within three hundred (300) linear feet of the subject property lines, at the address shown for such owners by the records of the Summit County Tax Assessor's Office. For purposes of this subsection, it shall be the responsibility of the applicant to provide, at least twenty-one (21) calendar days prior to the hearing or meeting, address labels to the Community Development Department that are based upon a list of all owners entitled to notice pursuant to this subsection, which list has been obtained by the applicant from the Summit County Tax Assessor's Office and date-stamped by that office with a date that is not more than thirty (30) nor less than fourteen (14) calendar days prior to the hearing or meeting.

Each property owner within the Town shall be solely responsible for ensuring that its current physical and mailing address is set forth completely and accurately in the records of the Summit County Tax Assessor's Office. Neither the town, nor the applicant shall be required to ensure that the addresses provided by said office are complete or accurate. The failure of a person to receive the notice described in this section shall not impair the validity of the hearing, or any action taken on the application by the Planning Commission or Town Council following such a hearing.

B. For applications that do not require a public hearing or meeting:

1. Mailed Notice of Application. By mailing, at least ten (10) calendar days prior to the decision of the Town Manager or his designee, to the owner(s) of the subject property and to all property owners within three hundred (300) linear feet of the subject property lines, at the address shown for such owners by the records of the Summit County Tax Assessor's Office. For purposes of this subsection, it shall be the responsibility of the applicant to provide, at least twenty-one (21) calendar days prior to the date of decision of the Town Manager or his designee, address labels to the Community Development Department that are based upon a list of all owners entitled to notice pursuant to this subsection, which list has been obtained by the applicant from the Summit County Tax Assessor's Office and date-stamped by that office with a date that is not more than thirty (30) nor less than fourteen (14) calendar days prior to the date of the decision; and
2. Posted Notice of the Application. By posting, at least ten (10) calendar days prior to the decision of the Town Manager or his designee, of notice of the application in a prominent location on the subject property facing each public right-of-way, except and alley, abutting the subject property; such notice shall

SUBDIVISION OF LAND

be in a form approved by the Town Manager or his designee and enclosed in weather resistant ticket holder with a minimum size of eleven by seventeen inches (11" x 17"), Such notice shall be deemed adequate at the time of posting regardless of any subsequent tampering, damage, covering by snow or other matter, or anything else interfering with the posting.

3. Notice of Decision. All administrative decisions issued by the Town Manager or his designee shall be noticed by posting notice of the same in at least one (1) place of public assembly for at least ten (10) calendar days starting with the date of the decision.

§ 157-37 Vested Property Rights. [Added 12-21-99, Ord. 99-23]

- A. Purpose. It is the purpose of this section to provide procedures necessary to implement Article 68 of Title 24, Colorado Revised Statutes, titled "Vested Property Rights."
- B. The following plans/plats and only the following plans/plats provided for in this Chapter may be recognized as a "site specific development plan":
 1. Final plats, including minor subdivisions (as defined by Section 157-12).
- C. In addition to any other plans/plats or other land use approvals that may be provided for by this Chapter 157, the following may not be recognized as a "site specific development plan":
 1. Preliminary plats (as defined by Section 157-11).
- D. No "site specific development plan" shall be approved by the Town Council until after a public hearing, which hearing shall be requested by the landowner and which hearing follows the successful approval of the subdivision at all other required stages of the review process as required by Chapter 157, Subdivision of Land. The request for such a hearing must be made in writing by the landowner to the Community Development Director prior to the issuance of any building permit for construction within the subdivision. Unless the landowner requests such a hearing, the approval of the subdivision shall not be considered a "site specific development plan, "and no vested property right shall be deemed to have been created.
- E. The public hearing shall be preceded by written notice of such hearing. Such notice may, at the town's option, be combined with any other required notice. At such hearing interested persons shall have an opportunity to be heard.
- F. A "site specific development plan" shall be deemed approved upon the effective date of the Town Council approval action relating thereto as set forth in paragraph D above. In the event amendments to a "site specific development plan" are proposed and approved, the effective date of such amendments, for purposes of

SUBDIVISION OF LAND

duration of a vested property right, shall relate back to the date of the approval of the original "site specific development plan," unless the Town Council specifically finds to the contrary and incorporates such finding in its approval of the amendment.

- G. Each map, plat, site plan or other document constituting a "site specific development plan" shall contain the following language: "Approval of this plan/plat may create a vested property right pursuant to Section 102, Article 68 of Title 24, C.R.S., as amended." Failure of the document to contain this statement shall invalidate the creation of the vested property right. In addition, a notice describing generally the type and intensity of use approved, the specific lot(s) or tract(s) of property affected and stating that a "vesting property right" has been created shall be published once, not more than fourteen (14) days after approval of the "site specific development plan," in a newspaper of general circulation in the town.
- H. A vested property right shall be valid for a period of four (4) years from its effective date of approval, unless a longer period is agreed to in writing between the Town Council and the owner.
- I. The approval of a "site specific development plan" by the Town Council shall contain such terms and conditions as are reasonably necessary to protect the public health, safety and welfare. The failure of the developer to abide by such terms and conditions shall result in a forfeiture of the vested property right.
- J. In addition to any and all other fees and charges imposed by Section 157-32, Schedule of fees, the applicant seeking approval of a "site specific development plan" shall pay all costs incurred by the town as a result of the owner's request for approval of a "site specific development plan," including administrative reviews, publication costs and legal fees.
- K. The approval of a "site specific development plan" shall not constitute an exemption from or waiver of any other provisions of this chapter, or any other ordinances, codes and regulations of the town pertaining to the development and use of property.
- L. Nothing in this section is intended to create any vested property right, but only to implement the provisions of Section 102, Article 68 of Title 24, C.R.S., as amended. In the event of the repeal of said article or a judicial determination that said article is invalid or unconstitutional, this section shall be deemed to be repealed and the provisions hereof no longer effective.