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ARTICLE III

General Regulations and Restrictions

§ 180-19. Development Application Regulations. [Amended 04-16-85, Ord. 85-03; 01-07-86, Ord. 86-01; 08-18-87, Ord. 87-12; 04-07-92, Ord. 92-07; 03-16-93, Ord. 93-05; 09-05-95, Ord. 95-09; 05-17-96, Ord. 96-09; 08-06-96, Ord. 96-15; 12-17-96, Ord. 96-26; 03-04-97, Ord. 97-06; 04-14-98, Ord. 98-09; 12-01-98, Ord. 98-22; 12-15-98, Ord. 98-23; 05-02-00, Ord. 00-08; 03-20-01, Ord. 01-02; 03-05-02, Ord. 02-06; 04-01-03, Ord. 03-08; 05-06-03, Ord. 03-11; 10-28-03, Ord. 03-18; 10-12-04, Ord. 04-16; 01-11-05, Ord. 04-24; 01-11-05, Ord. 04-25; 09-09-08, Ord. 08-12; 01-26-10, Ord. 10-03]

A. Applicability. This section describes the various types of development applications and the procedures that will be used to review development applications for compliance with the Town of Frisco's Zoning Code. The provisions of this section shall apply to all proposed development within the Town of Frisco.

B. Purpose. The purpose of this section is to:

1. Guide future growth and development in accordance with the Frisco Master Plan and related municipal ordinances.
2. Provide for an efficient process to review development proposals.
3. Provide a framework by which development proposals are reviewed to ensure safe and functional developments which are compatible with the natural and man-made environment.
4. Assist orderly, efficient and integrated development.
5. Promote the health, safety and general welfare of the present and future residents of the town.
6. Ensure conformance of development applications with public improvement plans of the Town of Frisco, Summit County, the State of Colorado, and other public agencies.
7. Ensure coordination of all plans and programs of the town.
8. Secure equitable handling of all development applications, providing due process and uniform procedures and standards.
9. Protect natural vegetation, wetlands and scenic areas.
10. Prevent and control erosion, sedimentation and other pollution of surface and subsurface water.
11. Prevent flood damage to persons and properties and minimize expenditures for flood control.
12. Restrict building on flood lands, steep slopes, areas covered by poor soils or in areas otherwise poorly suited for construction.
13. Prevent loss or injury from landslides, expansive soils and other geological hazards.

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- C. Development Application Review and Approval. The Community Development Department shall use the information outlined in each applicable section to determine if the proposal complies with all of the requirements of the Town Code. Additional information may be required based on staff's initial review of the submittal. All development of land within the Town of Frisco shall require the owner, developer or lessee of such land to prepare and submit the following applications:
1. Tenant Finish/Remodel (Interior Only). All tenant finishes or interior remodels shall submit the following information. The Community Development Department staff may approve these applications and shall use the information to determine if the proposal complies with all requirements of the Town Code. Additional information may be required based on staff's initial review of the submittal.
 - a. Present use of the building.
 - b. Proposed use of the building, including complete architectural floor plans.
 - c. If additional bedrooms are being proposed, a site plan showing existing parking must be submitted for review.
 - d. Applications for the installation of solid fuel burning devices must submit evidence that the device has been certified by the Colorado Department of Health.
 2. Exterior Finish. Minor changes to the appearance of the outside of a building, including but not limited to window and door replacements, roofing or siding, or painting or repainting may be permitted with Community Development Department approval if the following are not changed: the building footprint, floor area, height, or any substantial change to the building's appearance. Planning Commission review may be required at staff's discretion. The following information must be submitted:
 - a. Present architecture (elevations), colors, material and floor plans of the building.
 - b. Proposed architecture (elevations), colors, materials, and floor plans of the building.
 - c. Written permission from the homeowners association is required for any improvements proposed on common area.
 3. Small Project Applications. All commercial and residential small projects may be approved by the Community Development Department, but Planning Commission review and approval may be required at staff's discretion. A small project is any development which disturbs 350 square feet of buildable area or land area or less. Small projects include, but are not limited to: building additions, paving for driveways and parking, flatwork or flagstone for sidewalks or patios, hot tub installations, decks sheds and other similar structures, and changes to the outside of a building that substantially change the building appearance or require structural modifications. The following information must be submitted for any small project:
 - a. Completed small project application form and payment of all applicable fees.
 - b. Written permission from the homeowners association is required for any improvements proposed on common area.

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- c. Three (3) full sets of architectural plans, including elevation drawings and floor plans, if applicable.
 - d. A color and material board with proposed material and color samples, if applicable.
 - e. One (1) site plan. Site plans shall be at a scale of no smaller than one (1) inch equals thirty (30) feet and consist of the following information:
 - i. Property boundaries and dimensions.
 - ii. Setbacks from property boundaries with dimensions.
 - iii. Existing and proposed topography of the property shown at 2 foot contour intervals, with reference to mean sea level, prepared by a surveyor or engineer licensed in the State of Colorado, if applicable.
 - iv. Building perimeter, including all eaves and decks, if applicable.
 - v. Location of the driveway and parking area, if applicable.
 - vi. Location of utilities (including sewer cleanouts and water shutoff valves), if applicable.
 - vii. Location of top of stream bank, if applicable.
 - viii. One-hundred-year floodplain boundary, if applicable.
 - ix. Location of wetlands, if applicable.
4. Detached Single-Family. Development applications for detached single-family structures, additions to detached single-family structures, and/or construction of any associated accessory structures require Community Development Department staff approval after review of the following information:
- a. A signed application with a completed owner's information section.
 - b. Three (3) full sets of architectural plans, including elevation drawings and floor plans.
 - c. Three (3) site plans. Site plans shall be at a scale of no smaller than one (1) inch equals thirty (30) feet and consist of the following information:
 - i. Property boundaries with dimensions.
 - ii. Setbacks from property boundaries with dimensions.
 - iii. Existing and proposed topography of the property shown at 2 foot contour intervals with reference to mean sea level, prepared by a surveyor or engineer licensed in the State of Colorado.
 - iv. Building perimeter, including all eaves and decks.

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- v. Location of the driveway and parking area.
 - vi. Location of utilities (including sewer cleanouts and water shutoff valves).
 - vii. Location of top of stream bank (if applicable).
 - viii. One-hundred-year floodplain boundary (if applicable).
 - ix. Location of wetlands (if applicable).
 - x. Construction trailers (if applicable): the number, use, and placement of construction trailers to be used on-site.
 - xi. Location of on-site snow storage areas.
5. Duplexes. Development applications for duplex structures, additions to duplex structures, and/or construction of any associated accessory structures require Community Development Department staff approval after review of the following information:
- a. A Frisco building permit sign-off card with a completed owner's information section.
 - b. Three (3) full sets of architectural plans, including elevation drawings and floor plans.
 - c. Three (3) site plans. Site plans shall be at a scale of no smaller than one (1) inch equals thirty (30) feet and consist of the following information:
 - i. Property boundaries with dimensions.
 - ii. Setbacks from property boundaries with dimensions.
 - iii. Existing and proposed topography of the property shown at 2 foot contour intervals with reference to mean sea level, prepared by a surveyor or engineer licensed in the State of Colorado.
 - iv. Building perimeter, including all eaves and decks.
 - v. Location of the driveway and parking area.
 - vi. Location of on-site snow storage areas.
 - vii. Location of utilities (including sewer cleanouts and water shutoff valves).
 - viii. Location of top of stream bank (if applicable).
 - ix. One-hundred-year floodplain boundary (if applicable).
 - x. Location of wetlands (if applicable).
 - xi. Construction trailers (if applicable): the number, use, and placement of construction trailers to be used on-site.

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6. Multifamily Residential and Commercial Projects. Development applications for multifamily residential projects, commercial projects and any associated accessory structures, and modifications to multifamily residential projects and commercial projects which do not meet the small project criteria require Planning Commission approval after review of the following information:

a. Preapplication Conference.

- i. The applicant shall attend a preapplication conference with the planning staff for information about development application procedures and regulations. At the time of the informal consultation, should a problem arise which directly concerns another agency; it shall be the responsibility of the applicant to obtain that agency's opinion.
- ii. The purpose of the preapplication conference is to define the scope of the project, alert the applicant and the town to any particular circumstances concerning the proposed development and in general to provide a preliminary review of the proposed development prior to detailed project design.
- iii. An informal sketch shall be submitted at the preapplication conference, with a brief nonlegal description of the existing land use of the site and of the proposed land use change, including number of living units. The sketch should show total acreage, land owners, land uses, streets, highways, utilities, major physical features (including drainages) and the location of natural hazards.

b. Sketch Plans. All applications for commercial development projects, and residential development projects consisting of three or more units, shall be required to present an informal sketch plan of the development before a regularly scheduled meeting of the Planning Commission. The applicant shall notify Community Development Department staff in writing at least 14 calendar days prior to the Planning Commission meeting at which the sketch plan is desired to be presented. At that time, 10 copies of the presentation materials must be submitted. The Planning Department has two (2) business days after the sketch plan submittal to review the application to insure that the minimum submittal requirements have been met. If the Planning Department determines that the minimum submittal requirements have not been met, then all of the materials will be returned to the applicant and the sketch plan will not be scheduled for the desired meeting.

Materials to be presented in support of the development must be of sufficient nature to allow the Planning Commission and Community Development Department staff to provide informed feedback on the project. At a minimum, the applicant must submit the following information:

- i. A written project description; this description shall include a clear, concise written synopsis of the proposal and how the project will meet the principles of the Master Plan, see application form;
- ii. A site plan showing the location of the building(s); north arrow, streets and rights-of-way, designations of areas as public or private spaces, existing structures, easements and utility lines, wetlands, lot dimensions, and trails;
- iii. Existing and proposed topography;

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- iv. Parking and traffic circulation; including non-vehicular (e.g. bike and pedestrian) access;
- v. Proposed landscaping and snow storage;
- vi. Scaled and labeled drawings of all building elevations;
- vii. Samples of all colors and materials proposed; and
- viii. An overview of sustainability components anticipated for the project, including but not limited to day lighting, energy efficiency and east/west axis of the structure or structures.

An existing conditions plan and artist renderings, conceptual plans and sketches are strongly encouraged to be presented to help staff and the Planning Commission envision the project clearly. If necessary, the Planning Commission may require an applicant to return for additional sketch plan presentations if sufficient information is not received or if substantial changes to a proposal are recommended. The consideration of, and comment on the sketch plan by the Planning Commission does not bind the Planning Commission or Town Council to approve a preliminary plan or plat, nor does it confer on the applicant any vested rights.

Notwithstanding the foregoing requirements, if an applicant has alternative conceptual site plans for the same general project that they would like to review with the Planning Commission, then the submission of the items set forth in subparts i through viii above are not required with respect to such alternative plans. At the time that the applicant makes a choice from among its alternative plans, the applicant shall make a submission for a sketch plan review by the Planning Commission that contains each of the items set forth in subparts i through viii above. At no time shall the applicant proceed to the development application process with only having had alternative conceptual site plans reviewed by the Planning Commission.

- c. Development Application Process and Content. The applicant must furnish the Community Development Department with the information listed in this subsection 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 has the items necessary for review, based upon checklist(s) available. 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 is considered complete. If the information and materials requested are not received within sixty (60) days, the Town will consider the application withdrawn and will return all submitted materials. In order to proceed, the applicant will be required to submit a new application, including all applicable fees and materials.

All complete applications will be placed on a Planning Commission agenda on a first come, first served basis. The scheduling of applications is subject to change if an application is determined to be deficient on the basis of the review contained in the preliminary staff report. Planning Commission agendas will be determined by the Community Development Director, based on a roughly four hour meeting length.

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Complete applications processed for an upcoming Planning Commission agenda will be referred to the representatives of various departments and review agencies, as appropriate. Within fifteen (15) working days, following the determination that an application is complete, 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 the staff and the review agencies have adequately reviewed new information. If the information and materials requested in the preliminary staff report are not received within sixty (60) days of the date of the preliminary staff report, the Town will consider the application withdrawn and will return all submitted materials. In order to proceed, the applicant will be required to submit a new application, including all applicable fees and materials. Once all necessary information has been received and reviewed and the 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 next available Planning Commission meeting.

At a minimum the following information shall be submitted and reviewed:

- i. A development application form, available from the Town Hall, showing: the name and addresses of owners, street name or general location of the property, area in square feet of the property, legal description, present zoning, existing use of the property, proposed use for the property, date of submission and nature of request.
- ii. All application fees including payment of noticing costs and the establishment of a development review account (please see Section 180-46D.(4), Schedule of fees for publication, legal and engineering fees).
- iii. A vicinity sketch map showing location of the site to be developed in relation to surrounding properties.
- iv. Fifteen (15) copies of the site plan and other documentation with the following information displayed at a scale no less than one (1) inch equals thirty (30) feet:
 - 1) A boundary survey, prepared by a surveyor or engineer licensed in the State of Colorado.
 - 2) Topography at two-foot contour intervals with reference to mean sea level, prepared by a surveyor or engineer licensed in the State of Colorado.
 - 3) Location and dimensions of all existing streets, alleys, easements, drainage areas, floodplains, floodways, wetlands, steep slopes and other significant features within or adjacent to the site.
 - 4) Location of all existing trees with a diameter of six (6) inches or more measured one (1) foot above grade. If the site is heavily wooded, a photograph or graphic

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indication on the site plan illustrating the density of the trees will suffice. Please refer to §180-20.1 (Landscaping and Revegetation Requirements).

- 5) Location and size of all existing and proposed utilities within or adjacent to the site.
- 6) Location, dimensions and setbacks to the exterior wall of the foundation and to the outermost edge of the structure, including roof eaves, decks and other projections.
- 7) Traffic circulation and parking plan, including points of entrance and exit and delivery areas.
- 8) Non-vehicular circulation including size and type (including surface material) of pathway and points of connection. Refer to §180-20 for Access Requirements.
- 9) Location, type, size and height of fencing, retaining walls and screen planting where required under provisions of the Town Code. Please refer to § 180-24 (Fences, Hedges and Walls) and §180-25 (Outdoor Storage Areas).
- 10) All other site improvements, including but not limited to the following:
 - a) Snow storage area. Refer to Section 180-23, Parking and Loading Regulations for specific requirements.
 - b) Location of dumpster enclosures.
 - c) Location of streetlights, parking lot lighting and/or outside lighting. Refer to Section 180-20.2, Outdoor Lighting, for specific requirements.
 - d) Location of all signs.
 - e) Proposed open spaces with an indication as to use and ultimate ownership.
- v. Architectural plans. Fifteen (15) complete sets that include the following information:
 - 1) Floor plans with gross square footage, including a breakdown of gross floor area by use, if applicable.
 - 2) All building elevations.
 - 3) Building materials: type and color.
 - 4) Dumpster enclosure plans.
 - 5) Location, type and intensity of building illumination.
 - 6) Roof materials: type and color.
- vi. Construction trailers: The number, use and location of construction trailers to be used on site must be indicated.

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- vii. Drainage plans [three (3) complete sets], prepared by an engineer registered in the State of Colorado, that meet the requirements set forth in §180-20E (Drainage Plans). Drainage plans shall address conditions both during and after construction.
- viii. Landscaping and revegetation plans [fifteen (15) complete sets] which meet the requirements set forth in §180-20.1 (Landscaping and Revegetation Requirements).
- ix. Three-dimensional representation. The Community Development Department, the Planning Commission or, in the case of an appeal, the Town Council, may require the applicant to prepare an accurate three-dimensional scale model, three-dimensional computer simulation or other similar graphical representation of the project. Conditions that may cause the requirement for a three-dimensional scale model, computer simulation or other similar graphical representation of the project include, but are not limited to: the project's location within the Central Core zoning district; the project's location in a highly visible place; the project's location in a transition area where two different zoning districts meet; or a project's location on a site that has unique topography such as steep slopes or wetlands.

If required to prepare a three-dimensional scale model, three-dimensional computer simulation or other similar graphical representation of the project, the applicant shall:

- 1) Prior to preparing the model, simulation or representation, confer with the Community Development Department to determine whether and the degree to which the model, simulation or representation will also show topography and existing buildings or properties adjacent to the subject property to provide neighborhood context for the proposed development.
 - 2) Provide the model, simulation or representation to the Community Development Department a minimum of two weeks prior to the meeting at which the application will be reviewed.
- x. The Community Development Department, the Planning Commission, or the Town Council may request additional information if they feel it is necessary or desirable to make a complete and thorough evaluation of a development application. The information shall be prepared by a professional in the applicable field and includes the following:
 - 1) Geological stability data.
 - 2) Detailed soils information.
 - 3) Fiscal impact analysis.
 - 4) Any other special studies or information necessary or desirable for the Community Development Department, Planning Commission, or Town Council to make an informed decision.
 - xi. Traffic Studies are required for the following:

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- 1) Conditional use or rezoning applications.
- 2) Locations adjacent to either Main Street or Summit Boulevard.
- 3) Locations containing only one point of access.
- 4) Locations containing an access point off a road with a service level of D or F as defined by the Transportation Research Board, Department of Transportation.
- 5) Residential projects with five (5) or more dwelling units.
- 6) When required by Town staff or the Planning Commission in their reasonable discretion.

The area to be included in a traffic study shall be determined by Town staff. Elements of a traffic study shall include, but not be limited to, the following:

- 1) Existing traffic flow conditions within the defined study area, considering the peak hours and average daily traffic
- 2) Future conditions due to the traffic impacts from the proposed development within the defined study area.
- 3) Pedestrian circulation within the study area accessing the proposed development.
- 4) Recommendations to relieve impacts to traffic due to the proposed development, including but not limited to, pedestrian access, intersections, current roadway sections, noise, signage and safety.

- D. Review Period for Small Projects, Detached Single Family, and Duplex Applications. Small projects (as noted in Section 180-20.T), detached single family and duplex applications shall be noticed in accordance with §180-46.F. Staff shall wait 10 calendar days from the date of notice for the return of public comments on the application. If public objections are received, the objection application will be scheduled for the next available Planning Commission meeting. Additionally, at its discretion, the Community Development Department may refer any small project, detached single family or duplex application to the Planning Commission for approval, subject to the noticing procedures outlined in §180-46.E. A one-time administrative fee and a one-time noticing fee, the costs of which are referenced in the Fee Schedule established by the Community Development Director, shall be charged to the applicant making the objection at the time the objection application is filed. A Development Review Account (DRA) (as described in Section 180.46 D (4)) will be required to be established by both the objector and the project proponent if the Planning Commission finds that legal, engineering, or other similar technical review or consultation is necessary or desirable to resolve any outstanding issues. After a final determination by the Planning Commission concerning the objection application, the fees associated with legal, engineering, or other similar technical review or consultation will be deducted from the DRA established by the party that does not prevail with respect to the objection application. The DRA established by the party that prevails with respect to the objection application shall not be charged for items related to the objection application.

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- E. Conditional Use Application. Conditional use approval shall be required for those uses listed as conditional uses in the zoning district regulations. An application for conditional use approval is required and shall be submitted at the same time as the development application. The specific requirements of a conditional use application are listed in § 180-30.
- F. Variance Applications. A variance application is required when a waiver or modification of the specific requirements of the zoning requirements is requested by the applicant. An application for a variance must be submitted and approved by the Planning Commission prior to the submittal of a development application. The specific requirements of a variance application are listed in § 180-48.
- G. Resubdivision and Planned Unit Developments. If the project includes subdivision, resubdivision, condominiumization or planned unit development, an application and all required materials for these requests must be submitted at the same time as the development application.
- H. Frisco's Overlay Districts. Development applications within the Main Street Overlay District (MO), Granite Street and Galena Street Overlay District (GGO), Residential Overlay District (RO), Historic Overlay District (HO) or Summit Boulevard Corridor Overlay District (SBCO) shall meet all zoning district regulations with regard to the underlying zoning requirements. In addition, said development application must also meet the development regulations specific to each overlay district (see the Town of Frisco Zoning District Map).
- I. Modifications to the Approved Development Application. Such documentation, constituting a development application, shall be reviewed by the Planning Commission. Once the development application has been approved, no substantial variation of the plan shall be permitted without the approval of the Community Development Department. Modifications to approved development applications may be brought to Planning Commission for review at the discretion of the Community Development Department.
- J. Expiration of the Development Application Approval. If construction of the project has not begun within three (3) years or been completed within four (4) years from the date of the final development plan approval or if the owner has failed otherwise to comply with the approved development plan, the Planning Commission shall revoke development plan approval. Notwithstanding the above, the Planning Commission may reconfirm and extend the time period for compliance or approve modification to such development plan, upon good cause shown by the owner. Such reconfirmation, extension or modification shall be at the discretion of the Planning Commission.
- K. Building Permit Procedure. After final site plan approval by the town, the developer may apply to obtain a foundation-only permit from the Building Department. An improvement location certificate survey (ILC), certified to the town, showing the location of all foundations for structures approved on the site plan; the USGS elevation at the top of the foundation walls; the elevation of any adjacent paved street(s) as measured at the edge of adjacent asphalt or alley right-of-way; and the location of all sewer cleanouts and water curb stops, with a bearing and distance reference to two points on a foundation wall shall be submitted to the Community Development Department before a full building permit will be issued allowing construction beyond that specified on the foundation-only permit. Such survey may be performed at any time after the foundation forms or the foundation itself is in place. The survey shall be certified by a land surveyor licensed in the State of Colorado.

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1. If the survey shows the foundation form or completed foundation is located as required by the approved site plan, the developer will be permitted to proceed with construction. If the survey shows that the foundation form or completed foundation is not located as required by the approved site plan, the developer will not be permitted to proceed with construction until a resurvey shows that the foundation form or completed foundation is properly located.
2. The completed structure shall comply with the approved site plan with respect to building height, and setbacks for the roof eaves, decks and other projections. The completed structure shall not extend into a required setback yard.

If the improvement location certificate is prepared prior to the installation of the sewer cleanouts and water curb stops, and amended ILC showing the location of the sewer cleanouts and water curb stops with a bearing and distance reference to two points on a foundation wall must be submitted to the Community Development Department prior to the issuance of a certificate of occupancy.