

ARTICLE VI

Administration and Procedures

180-46. Administration and Enforcement. [Amended 6-18-85, Ord. 85-04; 6-18-85, Ord. 85-05; 8-6-85, Ord. 85-12; 11-17-87, Ord. 87-15; 9-19-89, Ord. 89-22; 3-17-98, Ord. 98-04; 3-7-00, Ord. 00-04; 3-5-02, Ord. 02-02; Ord. 04-11, 7-27-04; 10-12-04, Ord. 04-16; 2-13-07, Ord. 07-03]

The provisions of this chapter shall be administered and enforced by the Director of the Community Development Department of the Town of Frisco; his/her authorized representative and/or such other authority as may be appointed by the Town Council.

A. Compliance Certification.

Buildings, structures or signs may not be erected, substantially altered, moved or changed in use and land may not be substantially altered or changed in principal use without certification that such action is in compliance with the applicable zoning and that all necessary permits have been received from those governmental agencies from which approval is required by federal, state or local law. Issuance of a building permit and/or certificate of occupancy may serve as compliance certification.

B. Application and Requirements for Building Permit Issuance.

Application for, requirements for and issuance of building permits and certificates of occupancy shall be in accordance with the Uniform Building Code as adopted with amendments by the town.¹

C. Appeals.

Except as otherwise provided herein, no decision of the Community Development Director shall be appealable unless it constitutes an approval, conditional approval or denial, of an application or permit as described below:

1. Development application under § 180-19.C.1, C.2, C.3, C.4, and C.5.
2. Commercial or residential small project under §§ 180-20.T, 180-20.S, or 180-21.B;
3. Small nondevelopment project under § 180-20.F.3(a);
4. Grading permit under § 180-20.Q;
5. Special construction activity permit under § 180-20.U.3(c);

¹Editor's Note: See Ch. 65, Building Construction and Housing Standards.

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6. Permit under § 180-22;
7. Outside display permit under § 180-27;
8. Or any other application requesting that the Community Development Director issue an approval authorizing the applicant to conduct a site specific activity or make a specific use of a particular piece of real property for which an application or permit is needed under this chapter 180.

Appeals from decisions of the Community Development Director as described in this Subsection C shall be to the Planning Commission. For purposes of this Subsection C, Community Development Director shall include the Director or his/her designee. Appeals from decisions of the Planning Commission shall be to the Council. Any appeal that is allowed under this Subsection C may be brought by the applicant/owner or an owner or lessee of property within the Town limits. Appeals from decisions of the Planning Commission or the Community Development Director 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 or the Council shall be considered de novo public hearings. Appeals shall be filed on the designated form 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 authorization 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 shall be conducted in accordance with § 180-46.E. or § 180-46.F. The appellate body 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. Not later than ten (10) calendar days from the date of the decision, and with the concurrence of any two (2) Council members, notwithstanding the limitations on the types of Community Development Director decisions that may be appealed, any decision of the Community Development Director may be called-up for an appeal hearing before the Planning Commission or the Town Council. Planning Commission decisions may be called-up for an appeal hearing before the Council. Such called-up appeal shall be subject to the appeal and noticing provisions of this chapter.

D. Schedule of Fees.

1. The Director of the Community Development Department shall charge a fee for all administrative reviews of development proposals and for all inspections of proposed development sites. The Director of the Community Services Department may charge a fee for other, similar administrative services performed by the Community Services Department under this chapter.

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2. The Director of the Community Development Department shall from time to time determine the cost of performing various types of administrative services under this chapter, including, but not limited to, administrative reviews of development proposals 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.
3. 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.
4. Development Review Accounts and publication fees. The applicant must pay to the town certain town costs associated with the application including without limitation, publication costs, legal, engineering, or other similar technical fees for review and consultation incurred by the town.
 - a. Procedure for payment. At the time that an application is submitted to the town, the applicant shall pay to the town the fee necessary to cover the costs of publication, legal and engineering review or consultation incurred by the town as set forth in the schedule of fees on file with the Town Clerk. In the case of objection applications, a Development Review Account (DRA) will only be required to be established by the applicant if the Planning Commission deems it necessary or desirable that there be a legal, engineering, or other similar technical review or consultation concerning the objection. An objection applicant's DRA shall be charged for such legal, engineering, or other similar technical review only if, after a final determination by the Planning Commission concerning the objection application, the objector does not prevail. The applicant must then maintain a minimum balance above the costs the town has incurred associated with the application as set forth in the fee schedule. The town will keep record of the costs it has incurred, and when the applicant's balance is below that amount, it will notify the applicant and the applicant must pay an amount equal to the required minimum balance within three (3) days. No submittal will be scheduled on an agenda or reviewed until the initial payment has been made. No site plan or final plan approval will be given if the applicant does not have a minimum balance as set forth in the fee schedule.
 - b. Return of Funds to the applicant. Within one hundred twenty (120) days after final approval or after the date on which the applicant has given written notice that he will not proceed with a development, objection or other applications, the town will determine the balance owing to the applicant, that amount being the amount deposited over the costs incurred, and return that amount to the applicant's last known address. For purposes of this provision, final approval means the issuance of a Certificate of Occupancy (CO) or the final, non-appealable approval of other applications made under

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Chapter 157 or 180 for which a CO does not ultimately issue [including items such as final plats and variances].

- c. Lien on the property. If the town incurs costs beyond the amount deposited with the town and the applicant does not pay those costs within thirty (30) 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 developed, which lien may be perfected and foreclosed in the same manner as provided in Section 38-22-01 et seq., Colorado Revised Statutes, or may pursue any other legal remedy available to it, whether in law or equity, to recover costs incurred beyond the amount deposited with the town.

E. Public Notice.

Unless the provisions of Subsection G apply, applications for development, rezoning applications, planned unit development applications, conditional use applications, appeals, and any other applications requiring action by the Town Council pursuant to Chapters 157 and 180 of this code shall be noticed to the public at least once during the review or hearing process in the following manner:

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 seven (7) calendar days prior to the public hearing or meeting.
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.
4. 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.

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5. 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 Town Council following such a hearing.

F. Public Notice.

Unless the provisions of Subsection G apply, applications for development, rezoning applications, planned unit development applications, conditional use applications, appeals, and any other applications requiring action by the Planning Commission pursuant to Chapters 157 and 180 of this code shall be noticed to the public at least once during the review or hearing process in the following manner:

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.
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 forty (40) nor less than twenty-one (21) calendar days prior to the hearing or meeting.
4. 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.
5. 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 following such a hearing.
6. For all applications (exclusive of objections to small projects, detached single family homes and duplex applications), by posting in a prominent location facing each public right-of-way, except an alley, abutting the subject property a public notice with a minimum size of eleven by seventeen inches (11" x 17"), at least fourteen (14) calendar days prior to the public hearing or meeting.

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G. Public Notice. Community Development Director Decisions.

Notwithstanding any provision to the contrary, the following notice provisions shall apply:

1. Notice of Decision. All decisions issued by the Community Development Director on applications listed in § 180-46.C (1)-(8) shall be noticed by posting in at least one (1) place of public assembly for at least ten (10) calendar days starting with the date of the decision.
2. Notice of Application. In addition to the notice of decision required above, an application for development under §§ 180-19.C.3, C.4, C.5, 180-20.T, 180-20.S, and 180-21.D shall be noticed by:
 - a. Mail to the owner/applicant and to all adjacent property owners, as shown on the last preceding tax role at least ten (10) calendar days prior to staff decision; and
 - b. Posting in a prominent location facing each public right-of-way, except and alley, abutting the subject property a public notice of application enclosed in weather resistant ticket holder with a minimum size of eleven by seventeen inches (11" x 17"), at least 10 calendar days prior to staff decision. 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.