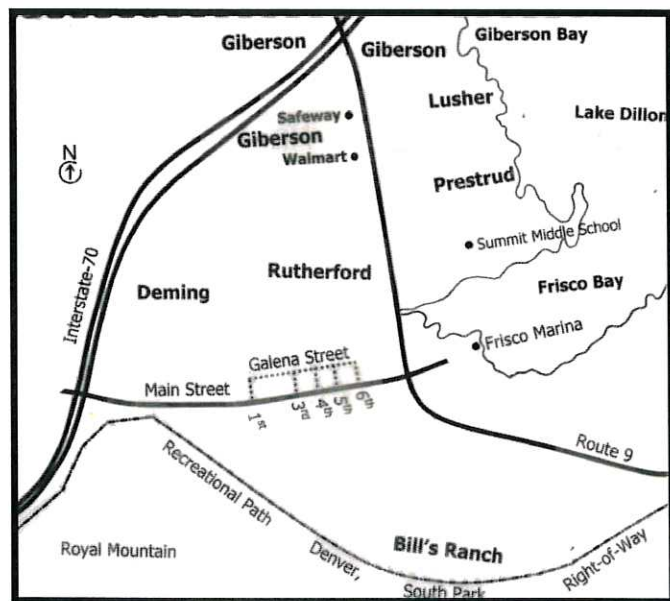
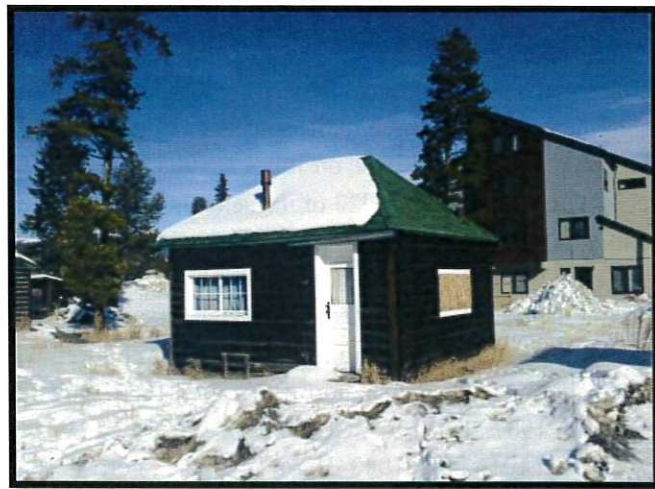


Deming Cabin Architectural History

- Address: 112 N. 5th Ave. (Located at Southeast Corner of 5th & Galena)
- Footprint ~ 20' x 20'
- Built in 1930s with telephone poles from the Ten Mile Canyon.
- Family used cabins during the summers before and after WWII, and still use today.

Pioneer Log

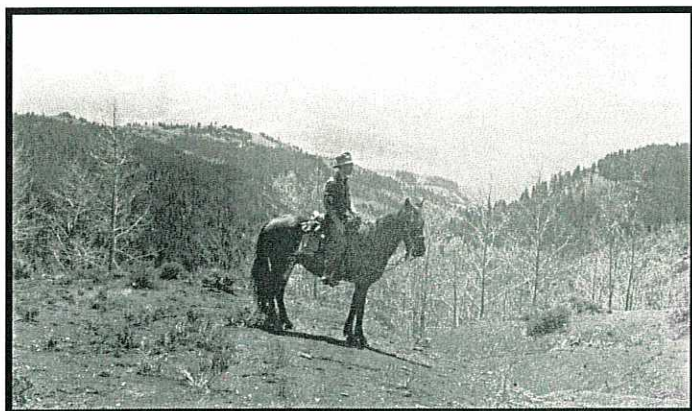
- 1858-1930s – Colorado settlement period.
- Located in mountainous regions.
- Constructed with round logs, hewn logs or rough mill waste (log slabs).
- Logs were filled with daubing or chinking.
- Notched corners.
- Gabled roof.
- Crude construction



Deming Family History



- 1890s Elisha Deming came to Frisco from Nova Scotia with John Deming. Elisha was appointed as school board president in May 1890 and instigated the nine-month school term running from April to December.
- John Deming (b. 1874) worked the homestead ranch, mined in Leadville and logged in the North Ten Mile Canyon. After Elisha returned to Canada, John stayed and was employed as a barkeeper, miner, lumberjack, and at one time mayor.¹
- Nellie Rose met John Deming while visiting her brother, Whitney in Frisco. They married Christmas Eve 1902.² They sold the homestead ranch to the Excelsior Mine and took up residence at the Waterson house on Main Street, receiving a saloon license on July 11, 1903.³
- John Deming died February, 1920 of influenza-pneumonia. At that time he was mining the Surprise Mine near Chief Mountain. Nellie visited the mine after winter had thawed to find the ore John had mined. She sent it to Leadville and received \$400, with which she bought the Deming's house on Main Street.⁴ In addition to the money from the ore, Nellie cooked and did laundry for miners and took in boarders.⁵
- Nellie and the seven children scraped by, the older children working and fur trapping. Four of the seven children preceded Nellie in death. Mona, born 1904, died 1957. Bob, (shot his eye out trying to fix up a Marlin 30-30 as a teenager) born 1907, died 1963. Clyde, born 1909, died 1924. Ardell, born 1911, died 1999. Paul, born 1914, died 1970. Ray, born 1916, died 1943. Harold "Chick", born 1918.⁶
- Bob accidentally shot his eye out while trying to repair a rifle he found at the Giberson ranch. There was a lack of medical care, but he survived the blast by being taken up Fremont pass by a family friend in the middle of November. Despite the accident, Bob "demonstrated the Deming family character of enduring hardship with grace."⁷ He became one of the best marksmen in town.
- The family's chipper and resilient attitude is demonstrated by the annual Deming tradition of setting off explosives at 4 a.m. on the 4th of July. When tending a cow on the Giberson ranch, the Deming boys found a box of explosives in the basement of Charley Roe's cabin. Chick and his friend Chuck Chamberlain carried on the tradition until their 30s.⁸
- Chick went on to become college educated and married Lilian Ashlock-daughter of the county road superintendent- in 1944.⁹



¹ Ibid., 423.

² Harold "Chick" Deming, Statement written by Chick.

³ Gilliland, *A Gold Rush History*, 423.

⁴ Deming, Statement written by Chick.

⁵ Frisco Historic Park and Museum, Signage in Bill's Ranch House.

⁶ Gilliland, *A Gold Rush History*, 423

⁷ Ibid., 424.

⁸ Ibid., 425.

⁹ Ibid., 425.

ZONING

§ 180-18.3 Granite Street and Galena Street Overlay District. [Added Ord. 97-07, 04-01-97; Replaced Ord. 99-01, 02-16-99; Amended Ord. 14-01, 02-11-14; Ord. 16-01, 04-12-16]

A. PURPOSE

The purpose of the Granite and Galena Street Overlay District is to promote and enhance important neighborhood qualities by requiring base standards and providing incentives to achieve desired attributes. The standards relate to the scale, mass, architecture and overall design character of development.

B. APPLICABILITY

The provisions of this Section shall apply to the development of any property within the Overlay Zone as indicated on the Town of Frisco Zoning District Map.

C. GOALS

The goal of this overlay district is to require new projects to meet basic design standards that will ensure future developments which are compatible with the desired character of the neighborhoods. Coupled with these basic standards are incentives to encourage certain architectural elements that will further preserve and strengthen the architectural and neighborhood character of the area. These standards and incentives are aimed at preserving and enhancing the area. One of the overriding goals of the community is to allow for a variety of design, with an eclectic effect, while still protecting the character of the neighborhood. Sketches have been incorporated to better illustrate the standards.

D. CHARACTER

Market demand and growth patterns throughout the Town of Frisco have changed over time, as with most of the mountain communities in this area. In 1881, the Original Townsite (25' x 140' lots) was laid out. Historic development occurred in these areas, and this overlay encompasses a portion of the Original Townsite.

Land use patterns in this neighborhood are part of what establish the identity of this area. Although the land use mix comprises both residential and commercial uses, that blend seems to enhance the attractiveness of this area. Most of the structures in this area face the street front, although not all of them access from the street or have driveways. The alleys between the streets allow for a secondary point of access and for vehicles to be parked in the rear rather than on the street front. There are a number of older homes on Galena Street, which tend to be small in mass, scale and square footage. The Town's Historic Park and Museum is along Granite Street, and the buildings are a blend of Pioneer Log, Vernacular Wood Frame and Rustic styles. All of these styles tend to utilize wood materials, have pitched roofs, and small paned windows.

There are a variety of naturally occurring elements which shape the look of the neighborhood and add amenities. Ten Mile Creek is located behind (to the North) Galena Street. The views of numerous mountain peaks (such as Mount Royal, Peak One and Buffalo Mountain) can be seen from Granite and Galena Streets.

ZONING

E. DEVELOPMENT GOALS AND STANDARDS

The following mandatory standards shall be met by all development within the overlay zone district established by this Section 180-18.3. Failure of any proposed development to meet the following mandatory standards shall constitute grounds for denying a final plan or site plan, as the case may be. The following goals are aspirational only. However, the degree to which a proposed development meets these goals may be considered by the Planning Commission and Town Council.

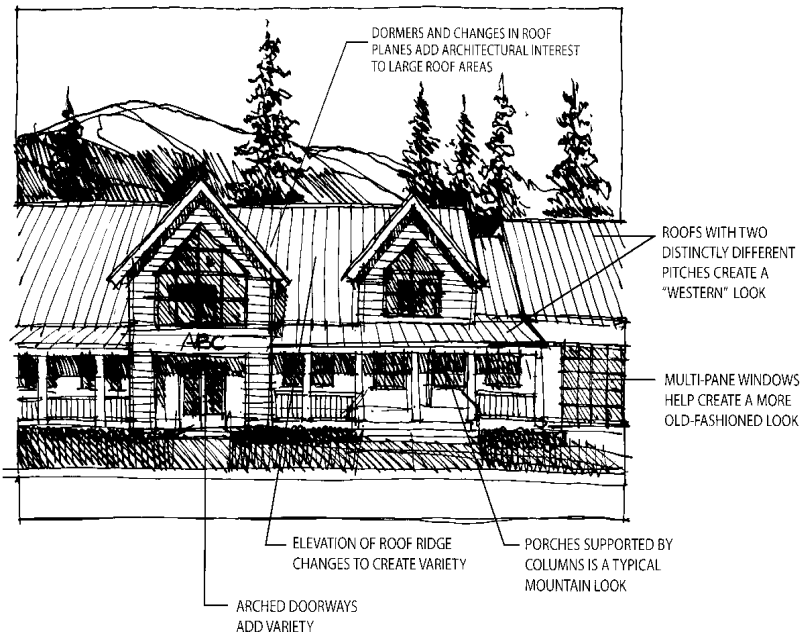
GOAL #1: Structures should be compatible with existing neighborhood structures, their surroundings and with Frisco's "Small Mountain Town" character whenever possible. The existing landforms and historic structures (As noted in the 1991 Historic Resource Inventory for the Town) on a site should be preserved onsite whenever possible and reinforced by development rather than destroyed or replaced by it.

It should not be inferred that buildings must look like the existing structures within the neighborhood to be compatible. Compatibility can be achieved through proper consideration of scale, design, proportions, site planning, landscaping, materials and colors, and compliance with the standards contained herein.

Standard #1. 1.

Buildings shall be designed in a manner that is architecturally fitting with Frisco's small mountain town character and:

- Provides significant variation in all the wall planes.
- Provides significant variation in all the roof lines and roof forms .
- Provides projecting elements (e.g. turrets, bay windows, decks, etc.).



Standard # 1.2.

Buildings shall be designed to provide deep (at least 24 inches) eaves and overhangs, and other building elements that provide shelter from natural elements and provide visual relief, including the use of porches and patios to add interest along street yards. When a substantial number and variety of building elements are utilized the eaves may be less than 24 inches deep in some locations.

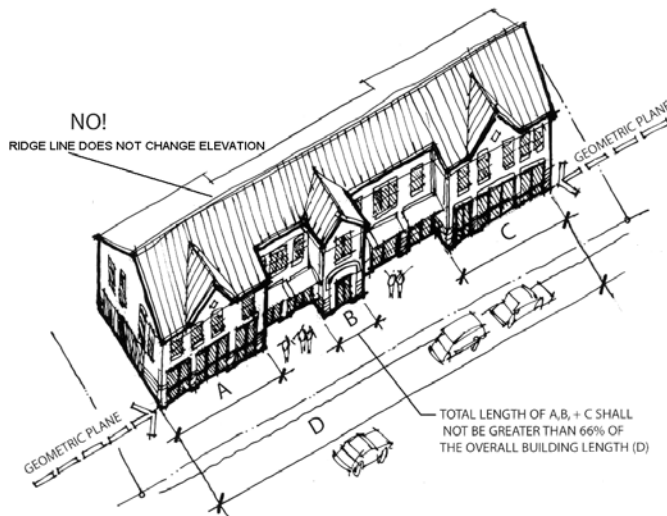
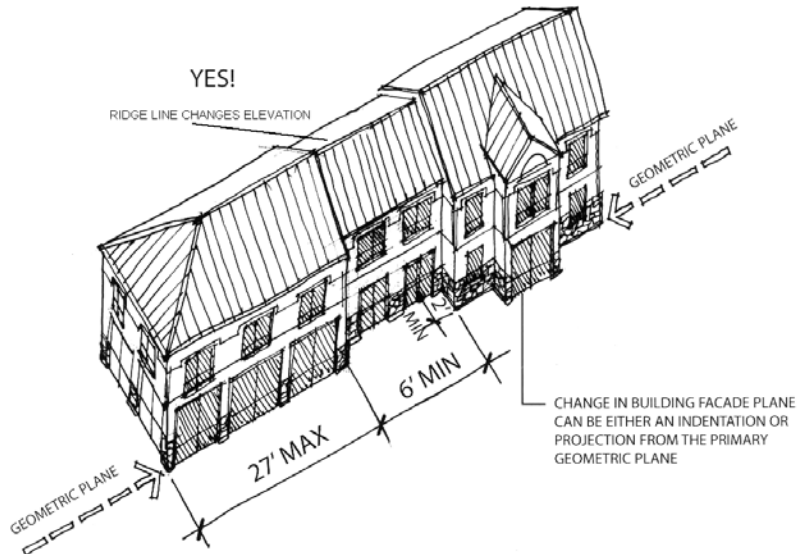
ZONING

GOAL #2: *In general, buildings should be designed in a manner that provides elements that relieve the feeling of mass and provides for the graduation of mass as one moves back from the front of a lot, with the smaller elements located near the street, and the larger elements located further away from the street.*

Standard # 2.1.

Building façades and roof fascia/eaves shall not exceed 27 feet in length along the same geometric plane, at which time the wall facade shall be broken up by a change in the plane by a minimum of 2 feet in depth for a distance of not less than 6 feet, and the corresponding roof fascia/eave shall either be indented or projected from the primary geometric plane by a minimum of 2 feet. All building facades with a total length of 33 feet or less are exempt from this provision.

For buildings that exceed 54 feet in length the change in wall relief shall be increased to a minimum of 4 feet in depth. Upon approval by the Planning Commission the dimension of 27 feet for the length of a building wall façade which necessitates a building façade break and roof fascia/eave change may be extended as much as five (5) feet for a total of not more than 32 feet along the same geometric plane, upon a finding that the design furthers the intent of this section.



Standard # 2.2.

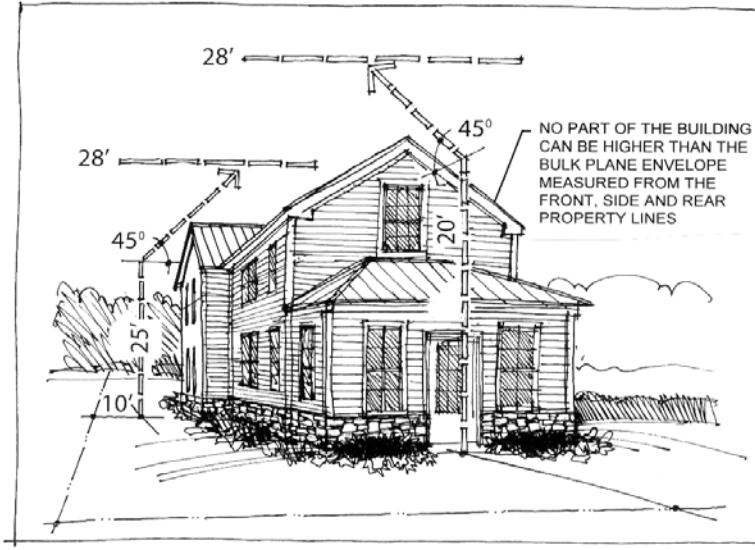
No building facade or roof fascia/eave shall have more than 66% of the length of the wall or roof line along the same geometric plane, with the exception that buildings of less than 33 feet in width or length may have that wall and roof fascia/eave located on one geometric plane.

Standard # 2.3.

The bulk of the building shall be restricted on any site lying within the underlying RH zoning district through the use of a bulk plane envelope.

ZONING

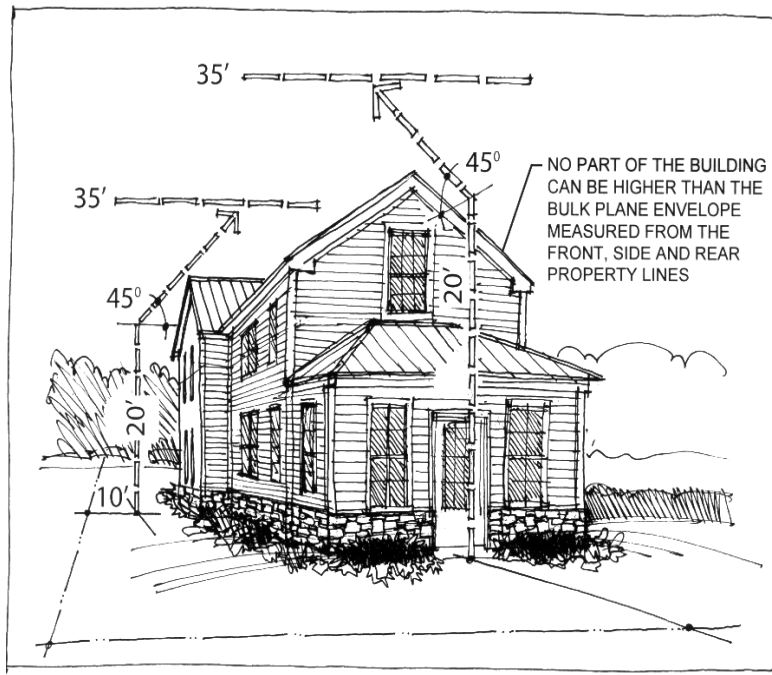
FOR BUILDINGS 28' OR LESS



-The bulk plane envelope for buildings that do not exceed 28 feet in height shall start from a point 20 feet above the existing grade measured 20 feet in from the street front property line, and from a point 24 feet above the existing grade measured in 10 feet from the side and rear property lines, and extends at a forty-five (45) degree angle upward, and directly away from the property lines to a point where the envelope intersects with the height (28'), at which point the bulk plane envelope and the maximum allowed height shall be the same.

Building forms may deviate from this standard and project beyond the bulk plane if they receive Planning Commission approval, meet the building height of 28 feet, and provide substantial architectural relief.

FOR BUILDINGS OVER 28'



-The bulk plane envelope for buildings that exceed 28 feet in height shall start from a point 20 feet above the existing grade measured 20 feet in from the street front property line, and 10 feet from a side property line, and from a point 24 feet above the existing grade measured in 10 feet from the rear property line, and extends at a forty-five (45) degree angle upward, and directly away from the property lines to a point where the envelope intersects with the maximum allowed height for the property (35'), at which point the bulk plane envelope and the maximum allowed height shall be the same. Building forms may deviate from this standard and project beyond

the bulk plane if they receive Planning Commission approval, meet the building height, and provide substantial architectural relief.

Where a conflict exists between the allowed height along a front yard, and a side or rear yard, the more restrictive measurement shall govern.

ZONING

Standard # 2.4.

The bulk of the building shall be restricted on all street and side yard facades, on any site located within the underlying CC zoning district through the use of a bulk plane envelope.

- The bulk plane envelope for buildings that do not exceed 28 feet in height shall start from a point 24 feet above the existing grade measured on the street property line(s) and side yard property line(s), and shall extend upward at a 45 degree angle toward the rear and opposite sides of the property until it intersects with the height (28'), at which point the bulk plane envelope and the maximum allowed height shall be the same. Building forms may deviate from this standard and project beyond the bulk plane if they receive Planning Commission approval, meet the building height, and provide substantial architectural relief.
- The bulk plane envelope for buildings that exceed 28 feet in height shall start from a point 20 feet above the existing grade measured on the street property line(s) and side yard property line(s), and shall extend upward at a 45 degree angle toward the rear and opposite sides of the property until it intersects with the maximum allowed height (35' for a flat roof or 40' for a pitched roof), at which point the bulk plane envelope and the maximum allowed height shall be the same. Building forms may deviate from this standard and project beyond the bulk plane if they receive Planning Commission approval, meet the building height, and provide substantial architectural relief.

GOAL #3: Buildings should be constructed of materials that are compatible, or complementary to the existing historic, and/or contributing buildings in the area, and should contain a mixture or combination of natural materials, such as utilizing wood as the primary building material and stone, brick or other similar materials as accents or base material.

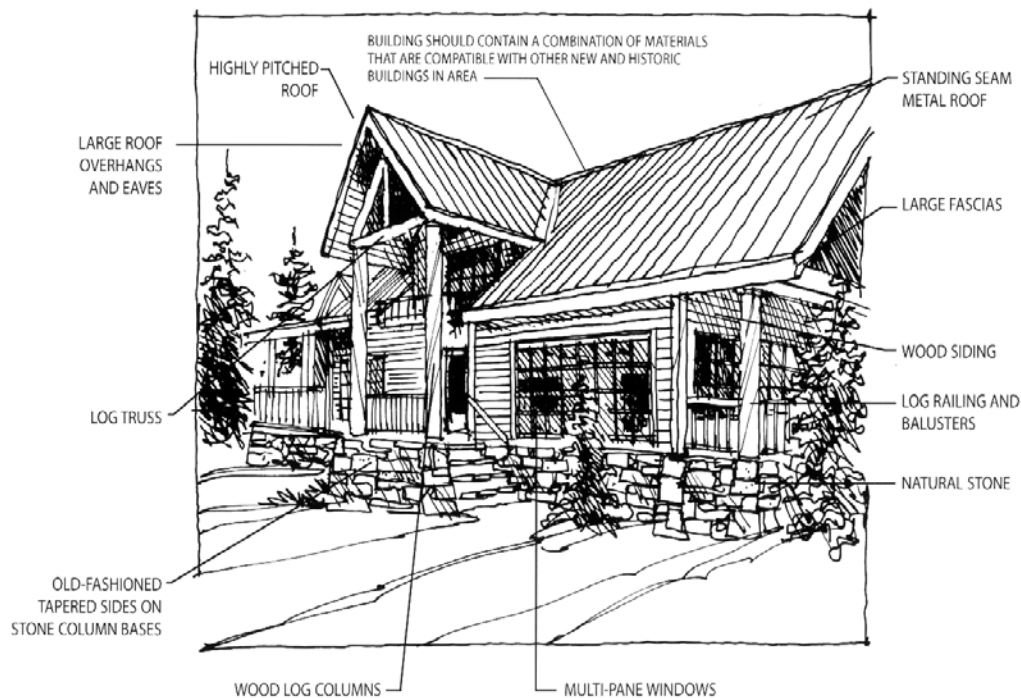
Standard #3.1.

Buildings materials shall be predominantly natural, including, but not limited to wood siding, wood shakes, logs, stone, brick or other similar materials. Other materials that imitate natural materials such as Masonite or other materials are also acceptable only if their texture, shape, and size are similar to the natural materials they are simulating, and are not obviously artificial materials.

Standard #3.2.

While not acceptable as the primary exterior materials for the majority of

the building, stucco or steel are acceptable materials when used as an accent, or when used in combination with other acceptable materials. Where metal is utilized it shall have a matte finish



ZONING

or a finish proven to fade and not be reflective. Untreated or unpainted galvanized sheet metal is prohibited. Concrete block shall not be allowed as the primary or extensive exterior finish, and when used as an accent shall be a split block, or other similarly shaped, textured, and colored materials that are found to be compatible with the building, and the goals of this chapter.

Standard #3.3.

Aluminum, steel, mirrored or reflective glass and plastic exterior sidings which do not simulate natural materials (as noted in 3.1) shall not be permitted.

Standard #3.4.

The same or similar building materials shall be used on main structures and any accessory structures located on the same site, unless an alternative design can be provided that will complement the project and which meets the remaining standards.

Standard #3.5.

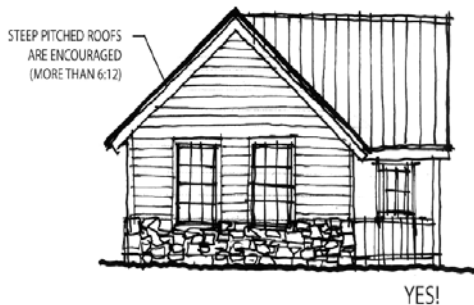
A material board, including samples of all proposed exterior building and roofing materials shall be submitted and reviewed as a component of all applications.

Standard #3.6.

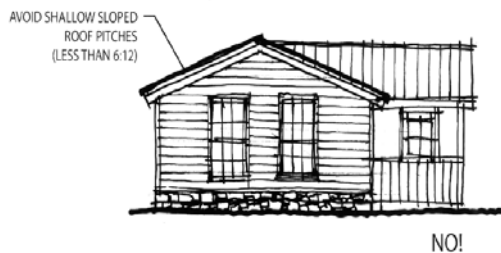
Additions, which are substantially less than the square footage of the existing building, may be allowed to complement the existing structure, even if the building does not presently meet the guidelines, and blend with the existing structure rather than providing a different building façade, style, materials or color.

Standard #3.7.

The use of mirrored or reflective glass shall be prohibited. Clear glass shall be used for windows. Tinted, colored or opaque glass may be approved on a case by case basis when shown by the applicant to be compatible with the purpose of these regulations.



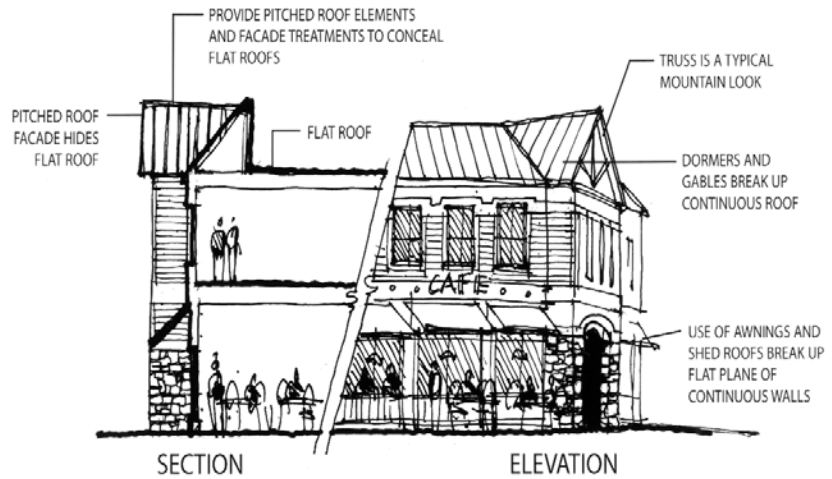
GOAL # 4: Roof elements, including materials and colors, should be of a design that is compatible with, or complementary to the historic or contributing roofs found in the neighborhood, and should provide pitched (sloped) roof elements, or facades with pitched element, which can be seen from public rights of ways and places.



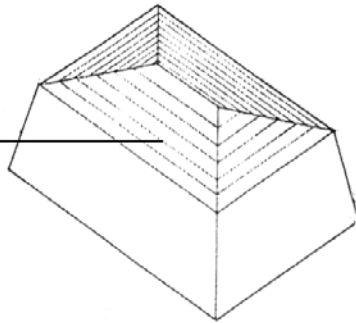
ZONING

Standard #4.1.

Steep pitched roofs are encouraged, but in those instances where flat roof construction is proposed it shall be augmented with pitched roof elements, including but not limited to: peaked or sloped facade elements or parapets facing all street sides. Pitched roof elements shall vary by a minimum of two (2) feet, up or down and are encouraged to change in relationship to changes that occur in the wall plane as required in Standard #2.1, #2.2 and elsewhere in the overlay district. Mansard roofs are not appropriate and shall not be allowed.



MANSARD
A ROOF HAVING ON EACH
SIDE A STEEPER LOWER PART AND
A SHALLOWER UPPER PART.



Standard # 4.2.

Where pitched roofs are utilized, the use of dormers (shed, peaked, etc.) shall be used to help break up large expanses of roof, to enhance the usability of attic spaces, and to add architectural interest to the roofscape. Ridge lines shall change elevation by no less than two feet for every 27 feet of length, with the exception that buildings of 33 feet or less in length, as noted in section 2.1 are exempt from this provision (please reference sketches by Goal #2). Architectural

elements which intersect with the ridge line may qualify as ridge line changes upon a finding that the design furthers the intent of this section.

Standard # 4.3.

Roof lines shall be designed in a manner where they do not substantially deposit snow onto required parking areas, sidewalks, trash storage areas, stairways, decks, balconies or entryways.

Standard # 4.4.

If metal roofs are used they shall be surfaced with a low-gloss finish or capable of weathering to a dull finish in order to not be reflective.

Standard # 4.5.

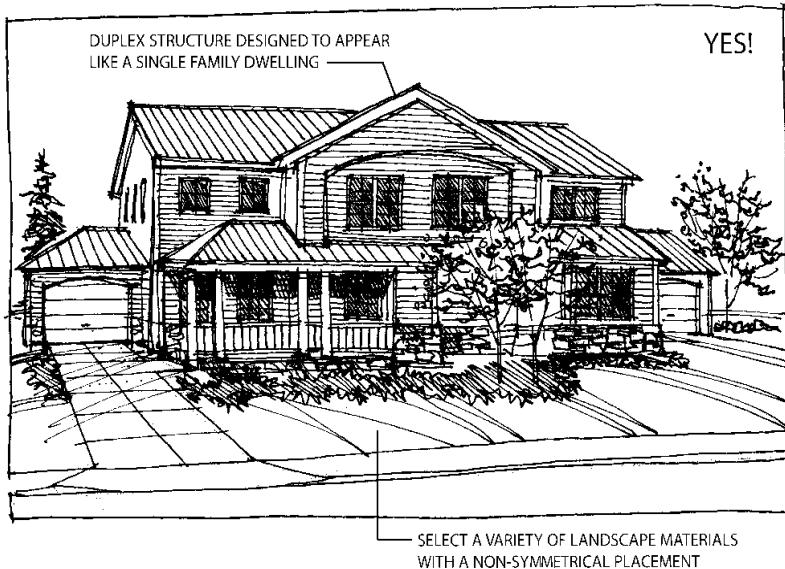
Metal roofs shall have a standing seam or be of a design that provides relief to the roof surface. Asphalt and fiberglass shingles shall be permitted provided that they are of heavy material to provide substantial relief and shadow, and are of a design and color to be compatible with the building. Spanish/Mission style roofs and other similar roof materials are prohibited. Historic buildings, as noted in the Town's 1991 Historic Resource Inventory, may be permitted to utilize rolled asphalt roofing materials.

ZONING

Standard # 4.6.

Bright colored roofs, which exceed a chroma of 4 on the Munsell Color chart shall not be allowed.

GOAL #5: Development should create a variety of designs while still being compatible with the desired character of the neighborhood.



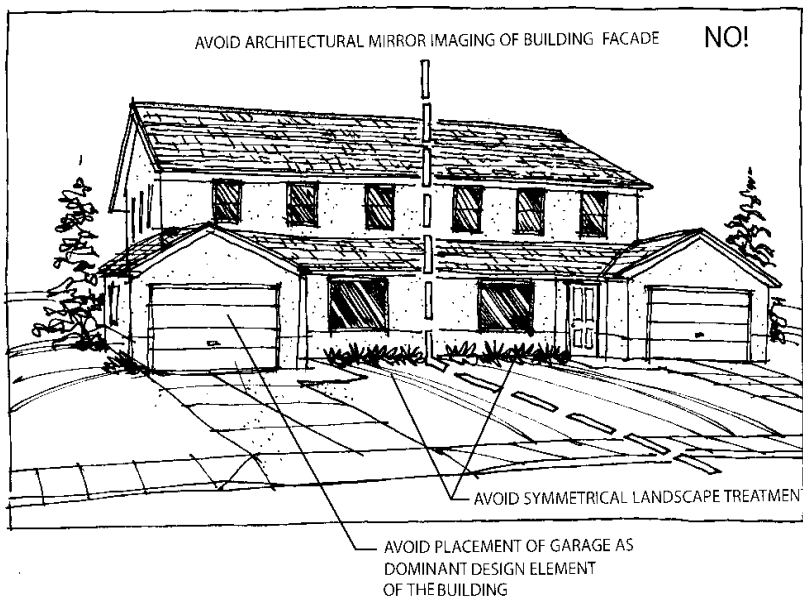
Standard # 5.1.

Duplex structures shall be designed to look like a single family structure to the extent architecturally feasible, and shall not be designed in a manner that results in each half of the structure appearing substantially similar or mirror image in design.

Standard # 5.2.

Building designs that duplicate, or are substantially similar in design to existing or proposed structures within the Overlay Zone shall not be allowed, with the exception that accessory structures on the same lot or parcel as the primary structure may be similar in design as the primary structure. In those instances where a proposed building contains a multiple of identical units, the building design shall provide architectural relief from the duplication of units by

providing a variety in windows, decks, balconies, or exterior facade composition (As noted in section 1.2).



ZONING

GOAL # 6: Building colors should be used that are compatible with the existing neighborhood characteristics, and that do not conflict with the goals of the community to provide a "small mountain town" feel. Exterior wall colors should be compatible with the site and surrounding buildings. Natural colors (earth tones found within the Frisco area) and stains on wood should be utilized. Darker colors are recommended for roofs.

Standard # 6.1.

No color may be used as the primary color of the building that exceeds a chroma of 4 on the Munsell Color chart.

Standard # 6.2.

Colors that exceed a chroma of 4, but that do not exceed a chroma of 8 on the Munsell Color chart may be used only as accents and then sparingly, such as upon trim or railing, and in no instance shall luminescent, fluorescent, or reflective colors be utilized on any exterior portion of the building.

Standard # 6.3.

The same, or similar colors shall be used on the main structure and on any accessory structures upon the site, unless an alternative scheme can be provided that will complement the primary structure.

Standard # 6.4.

A color board shall be submitted and reviewed showing all proposed primary and accent colors and intensities proposed for the building and how each will be utilized.

VI. DEVELOPMENT INCENTIVES

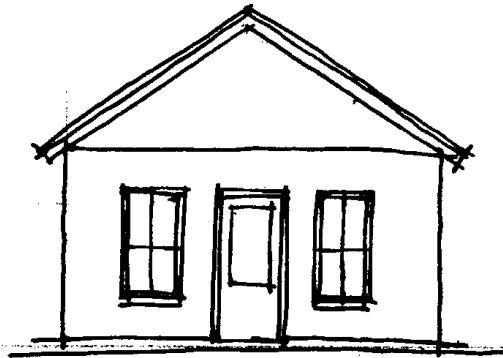
The Town shall allow the following modifications to the requirements of the Granite/Galena Street Overlay District in order to promote better design and encourage the preservation of historic resources within this critical area of the community.

- A. To promote the preservation of historic resources within Frisco, the town shall waive the rear yard (alley) bulk plane descent requirements within the Granite and Galena Street Overlay District and allow the maximum height of 40 feet to be maintained to the rear property line in those instances where the project substantially meets the following standards, as determined by the Planning Commission.
1. The property contains a historic structure or structures as designated within the Frisco Historic Overlay District; and
 2. All significant historic structures are maintained on-site and renovated in a manner that preserves them in a state similar to what they looked like historically. This may include the installation of a foundation in those instances where one does not presently exist, and those improvements necessary to bring the building up to current building and electrical code standards related to life safety issues; and

ZONING

3. Any additions or new buildings placed on-site shall meet the following standards:
 - a. The proportions of window and door openings are similar to historic buildings within the Granite and Galena Overlay District.
 - b. The perceived width of nearby historic buildings is maintained in new construction.
 - c. The proposed new building or addition shall appear to be similar in width and scale within the neighborhood and its historic context, as perceived from public ways.

ORIGINAL
BUILDING



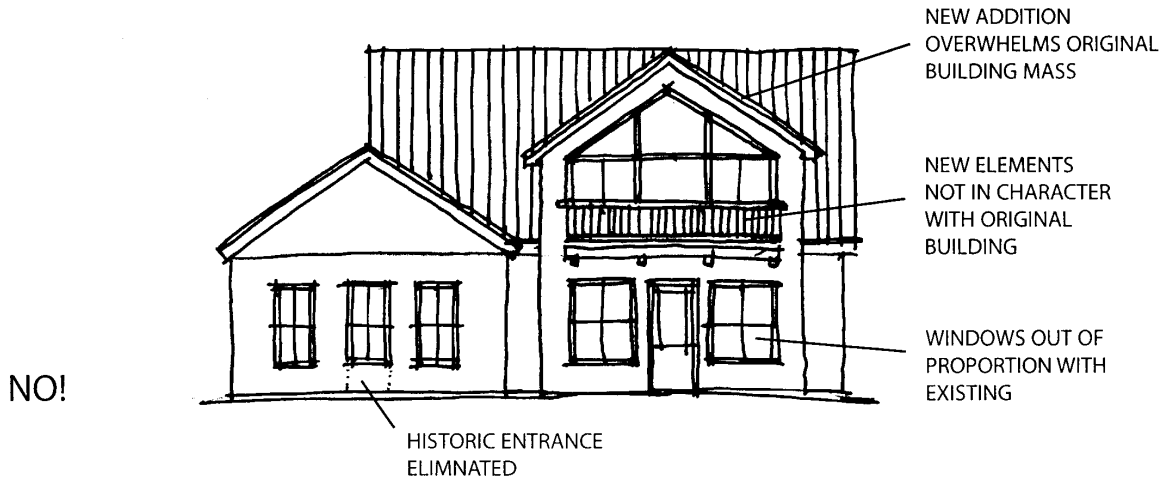
YES!



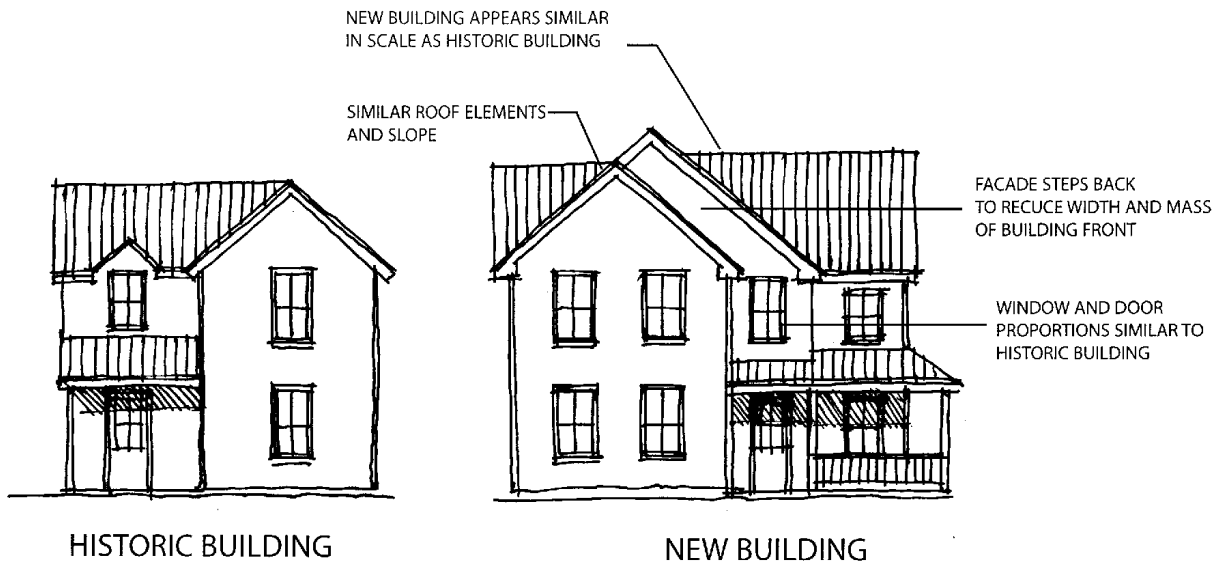
NEW ADDITION REFLECTS
SCALE AND CHARACTER
OF ORIGINAL BUILDING

NEW WINDOWS
SIMILAR IN PROPORTION
TO EXISTING

ZONING



- d. New buildings and additions shall be designed to be similar in mass with the historic character of the area in which they are located.
- e. New buildings and additions shall be designed so they do not noticeably change the character of the area as seen from a distance.
- f. The perceived building scale established by historic structures shall be respected within the relevant character area. An abrupt change in scale within the district is inappropriate, especially where a new, larger structure would directly abut smaller historic buildings.



G. DECISIONS AND FINDINGS

No development located within the Granite Street/Galena Street Overlay zone shall be approved by the Town unless the project is in substantial compliance with the specific standards and regulations of the Town, and after review of the project, and findings are made to that effect.

ZONING

§ 180-17. Central Core District. [Amended 11-06-90, Ord. 90-11; 09-05-95, Ord. 95-08; 07-02-96, Ord. 96-13; 08-06-96, Ord. 96-14; 04-01-97, Ord. 97-07; 12-16-97, Ord. 97-24; 04-14-98, Ord. 98-07; 03-07-00, Ord. 00-04; 01-02-01, Ord. 00-10; 01-24-06, Ord. 06-03; 02-12-08, Ord. 07-14; 02-12-08, Ord. 08-03; 11-11-08, Ord. 08-15; 04-14-09, Ord. 09-08; 08-11-09, Ord. 09-13; Ord. 14-01, 02-11-14]

In the CC Central Core District, the following regulations apply:

- A. Purpose: To promote the development of Frisco's Main Street commercial district for retail, restaurant, service, commercial, recreational, institutional and residential uses, and to enhance the visual character, scale and vitality of the central core.
- B. Permitted uses.
 - 1. Arts and entertainment centers
 - 2. Community centers
 - 3. Fast food Restaurants
 - 4. Financial Services
 - 5. Home offices
 - 6. Hotels and Motels
 - 7. Light retail
 - 8. Medical offices
 - 9. Offices
 - 10. Personal services
 - 11. Public buildings and uses
 - 12. For properties with frontage along Main Street: Residential dwelling units located above ground floor nonresidential uses. Nonresidential uses shall consist of fifty (50) percent or greater of the ground floor area and must be fronting Main Street.
 - 13. For properties located on the Main Street North (Galena Alley) and South (Granite Alley) alleys, and on Galena and Granite Streets: Residential dwelling units
 - 14. Restaurants

ZONING

15. One (1) accessory housing unit per principal commercial unit, above ground floor nonresidential development
16. Parks
17. Sexually oriented businesses
18. Cabin Housing on Galena and Granite Streets, as set forth in Section 180-18.8

C. Conditional uses.

1. Condominium hotels
2. Churches
3. Fractional share units
4. Home occupations
5. Light manufacturing
6. Transit oriented facilities and uses

D. Dimensional requirements.

1. Minimum lot area: three thousand five hundred (3,500) square feet.
2. Minimum lot frontage: none.
3. Setback requirements: for properties on Main Street:
 - a. Front yard: three (3) feet
 - b. Side yard: none
 - c. Rear yard: none
4. Setback requirements for properties on Main Street South Alley (Granite Alley), Main Street North Alley (Galena Alley), Granite Street and Galena Street:
 - a. Front yard: five (5) feet
 - b. Side yard: five (5) feet

ZONING

- c. Rear yard: five (5) feet
- d. Alley facing yard: three (3) feet
- e. Exception: For one or two residential units, including accessory units, on Galena Street, setback requirements are:
 - i. Front yard: 20 feet
 - ii. Side yard: 10 feet
 - iii. Rear yard: 10 feet
- 5. Setback requirements for the third floor of street-facing wall facades: Ten (10) feet from the property line.
- 6. Lot coverage requirements for one or two units (residential) on Galena Street shall not exceed fifty-five (55) percent of the total lot area.
- 7. Parking: For properties with frontage along Main Street, on-site parking shall be located at the rear of the property.
- 8. Maximum building height: Forty (40) feet with a pitched roof or thirty-five (35) feet with a flat roof.
 - a. First floor ceiling height shall be a minimum of ten (10) feet
 - b. For properties on Galena Street, the first twenty feet in from the front property line (along Galena Street) shall have a maximum height of twenty-five (25) feet and a pitched roof.
- 9. Maximum density (residential uses only): sixteen (16) units per developable acre.
 - a. Accessory Housing Unit Exemption: Any accessory housing unit meeting the town's requirements may be exempted from the density calculation as long as the unit is deed-restricted for rent to persons earning a maximum of 80% of the area median income, at a rate established by the Summit County Combined Housing Authority for that income level, and pursuant to other criteria as established from time to time by the Town or the Summit County Combined Housing Authority.
 - b. Affordable Housing Exemption: A density bonus over the maximum allowable density is available. A density bonus is an increase in the allowable number of dwelling units over the maximum density, provided that:

ZONING

- i. a minimum of 50% of the total number of bonus units is provided as affordable housing.; or
 - ii. for each bonus dwelling unit allowed, at least two affordable housing units are provided on property outside of the subject property, but within the Town of Frisco or within one (1) mile of any corporate limit of the Town of Frisco.
- E. Development standards: All development is subject to the goals and standards of the applicable overlay district as set forth in §180.18.1 - §180.18.7.

**TOWN OF FRISCO
COUNTY OF SUMMIT
STATE OF COLORADO
ORDINANCE 17 - 03**

AN ORDINANCE AMENDING CHAPTER 180 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, CONCERNING ZONING, BY AMENDING SUBSECTIONS 180-18.2 HISTORIC DISTRICT, REGARDING APPLICABILITY AND INCENTIVES; 180-5, DEFINITIONS, "LOT COVERAGE"; 180-19, GENERAL REGULATIONS AND RESTRICTIONS, CONCERNING REVIEW PROCESS AND FOUNDATION PERMITS AND IMPROVEMENT LOCATION CERTIFICATES; 180-48, AMENDMENTS, VARIANCES AND REZONING, CONCERNING REVIEW PROCESS.

WHEREAS, the Town of Frisco, Colorado ("Town") is a home rule municipality, duly organized and existing under Article XX of the Colorado Constitution; and

WHEREAS, this ordinance is adopted pursuant to the Town's home rule authority and the Town's authority under Colorado Revised Statutes Section 31-23-301; and

WHEREAS, the Town Council finds that the definition of "lot coverage" in Section 180-5 of the Town Zoning Code contains certain ambiguities and that, to avoid the need for administrative interpretation of that definition, it is desirable to amend that definition to provide greater clarity as to the structures and improvements that are included in the calculation of lot coverage in connection with development; and

WHEREAS, the Town Council finds that subsection 180-18.2 of the Town Code, concerning the Historic Overlay zoning designation, requires clarification as to its applicability to new development on historic sites, and desires to include an additional incentive option regarding the ten foot minimum first floor ceiling height to allow for greater development flexibility for historic properties, and desires to clarify the processes associated with the Historic Overlay District; and

WHEREAS, the Town Council finds that subsection 180-19 of the Town Code requires clarification as to the processes for the sketch plan and development application steps associated with the review and approval of multifamily and commercial projects in order to allow for improved efficiency in handling and scheduling applications and to make other minor clarifications to the language of the Code. Additionally, the Town Council finds that provisions regarding the building permit procedure are more appropriately addressed through the town's adopted building code instead of the zoning code, but desires to clarify the use of improvement location certificates in connection with development construction; and

WHEREAS, this ordinance is adopted to amend subsections 180.48 B. and C., concerning rezoning procedures and variances, respectively, to clarify the processes and scheduling for rezoning and variance applications.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FRISCO THAT:

Section 1. Section 180-5 of the Code of Ordinances of the Town of Frisco (the "Code"), concerning definitions of terms used in Chapter 180 of the Code, concerning zoning, is hereby amended at the definition of "Lot Coverage" to read as follows:

LOT COVERAGE – The percentage of total lot area used for parking, roads, drives; above or below-grade structures or improvements, including but not limited to hot tubs, decks, and sheds; ~~or which is covered by structures and other paved or impervious areas.~~ The following elements are excluded from the ~~maximum allowable calculation of lot coverage calculation:~~ two (2) feet of roof eaves up to two (2) feet in width as measured perpendicular from the exterior building wall; 100% of all publicly used non-vehicular pathways, and three (3) feet of the width of privately used non-vehicular pathways up to three (3) feet in width for privately used pathways; and all approved dumpster enclosures that provide adequate space for recyclable recycling containers.

Section 2. Section 180-18.2 of the Code, concerning the historic overlay zoning district, is hereby amended to read as follows:

§ 180-18.2 Historic Overlay (HO) District.

- A. Purpose: To preserve and promote Frisco's historical heritage. The HO designation is not a requirement for historical properties; rather it encourages the voluntary preservation of historic buildings, preferably on the original site, and properties through incentives and allows for alteration and rehabilitation of historic structures, and the addition of new development on lands designated HO. Inclusion of properties into the HO will enhance the visual, historic, and cultural character of Frisco.

Historic properties within the HO may be eligible for state tax incentives.

- B. Applicability: An owner of a historic building or property within the Town of Frisco may request that the subject property be rezoned to include the Historic Overlay HO designation. The underlying zone district will remain. Once a property is designated within the as HO District, any incentives as described herein may be utilized requested and, if granted, applied to the entire development site.
- C. Designation of Historic Overlay Zone District areas. Pursuant to the procedures and criteria hereinafter set forth in this section, the Town Council may, by ordinance:

1. Designate properties that have special historical value as being within the Historic Overlay Zoning District. Such designation must be accomplished through the standard zoning amendment procedures as listed in § 180-48, Amendments; variances and rezoning, excepting Subsection A.3, area required, of the Frisco Town Code. Each such ordinance shall designate a historic overlay to the existing zoning, shall include a description of the characteristics of the historic site which justify its designation and shall include a legal description of the location and boundaries of the historic site. Any such designation shall be in furtherance of and in conformance with the purposes and criteria of this section. The property included in any such designation shall be subject to the controls and standards, and may also be eligible for the zoning incentives, as set forth in this zoning chapter.
 2. The criteria for designating historical properties are as follows:
 - a. That the structure(s) be at least fifty (50) years old, and
 - b. That the structure(s) or Llot(s) have unique historical significance, and
 - c. That remodeling has not covered the original features of the structure(s), or that the structure(s) has been or is in the process of being rehabilitated to its original configuration and design.
- D. Procedures for nominating and designating buildings, properties, and historic districts for historic preservation. An application for designation may be made by the owner or by 100% of owners for a historic district, or the Town and/or the Frisco Historical Society, at the owner's or owners' request(s). The Community Development Department shall review the proposal to ensure that the proposed designation conforms with town policies and plans.
1. Proceedings by the Planning Commission. The Commission shall review such designation through the standard zoning amendment procedures as listed in § 180-48, Amendments; variances and rezoning, excepting Subsection A.3, Area required, and through the public notice procedures listed in Section 180-46.E, of the Frisco Town Code. The Commission shall also review the application for conformance with the established criteria for designation and with the purpose of this zoning chapter. The Commission shall review the application for conformance with the purposes of the Town Code and the Frisco Master Plan. The Commission shall recommend either approval, approval with conditions or denial of the proposal and shall refer the proposal with a recommendation to the Town Council.

2. Proceedings by the Town Council. Such designation must be accomplished by Town Council through the standard zoning amendment procedures as listed in § 180-48, Amendments; variances and rezoning, excepting Subsection A.3, Area required, and through the Public Notice procedures as listed in § 180-46E, of the Frisco Town Code. The Council shall either approve, approve with conditions, or deny the proposal for historic district designation by ordinance. Once a historic property or historic district has been designated by the Town Council as provided above, the Community Development Department shall cause the designation to be reflected on the Frisco Zoning Map. After approval, any structural alterations to the designated property(s) shall follow the procedure described in Subsection F (Alterations of Structures within the Historic Overlay District).
 3. Revocation of designation. For historic structures or properties that have taken advantage of any of the incentives outlined in this chapter, if the historic structure or feature on the historic property was lawfully relocated or demolished (per 180-18.2. F.5), the owner may apply to the town for a revocation of the HO designation on that property. In such an instance, the town shall revoke the HO designation if it determines that without the demolished structure or feature, the property no longer meets the purpose, intent and criteria of this zoning chapter. For historic structures or properties that have not utilized any of the incentives outlined in this chapter, the owner shall be entitled to revocation of designation upon filing of the same application and following the review procedures as outlined for the original designation.
- E. Purchase of development rights: If proposed by the owner of a historic property, the town may consider purchasing some or all of the remaining market-based development rights, which rights are not utilized with the current development or an approved development application, and which rights would exist prior to a preservation easement. As a condition to utilize this incentive, a preservation easement must be established and granted to the town or other entity designated by the town on the subject historic property.

The process of purchasing development rights shall be adhered to as outlined in the town's adopted Historic Preservation Plan, and any related town policies or plans. Any decision of the town to purchase or refrain from purchasing any remaining development rights pursuant to this subsection shall be made in the town's sole and absolute discretion. It is not the intent of this subsection to provide any person with a right to have the town purchase the development rights to their property.

- F. Alterations of Structures within the Historic Overlay District. No person shall carry out or permit within a designated historic district any new construction, alteration, rehabilitation, removal/relocation, demolition or any other structural alteration of a building or other designated feature, without first receiving approval of the

proposed work, as described in this section, as well as any other permits required by this code or other ordinances of the town.

1. Any proposed addition, alteration or rehabilitation to a historic structure or feature must comply with all of the US Secretary of the Interior's Standards for Rehabilitation as listed below:
 - a. A property shall be used for its historic purposes or be placed in a new use that requires minimal change to the defining characteristics of the structure and its site and environment.
 - b. The historic character of a property shall be retained and preserved. The removal of historic materials or alternations of features and spaces that characterize a property shall be avoided.
 - c. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
 - d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 - e. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
 - f. Deteriorated historic features shall be repaired rather than replaced. When the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.

2. Incentives for additions, alterations and rehabilitation to historic structures, historic features or new development on properties features within the Historic Overlay District. Any proposed addition, alteration or rehabilitation to a historic structure or feature that preserves the integrity of the existing historic property and, meets a minimum of two of the following criteria, and all of the standards in Subsection F.1, shall be eligible to utilize some or all of the incentives described in Subsection F. 3, ~~with the lesser number of criteria met justifying fewer incentives and a greater number of criteria met justifying more incentives.~~ New development on HO properties is not subject to the standards in Subsection F.1, but shall be eligible to utilize some or all of the incentives described in Subsection F.3 if it is found in its design, massing, and scale to be sensitive to and compatible with the

architectural character of the historic structure(s) on the property, and meets a minimum of two of the following criteria. In evaluating and recommending or deciding upon the granting of incentives, a greater number of incentives may be recommended or granted when a greater number of criteria are met, and fewer incentives may be recommended or granted when a lesser number of criteria are met. Criteria for review are that the development project:

- a. Protects and preserves the town's historic and cultural heritage by retaining and/or remodeling aspects of a the historic building(s) such as, but not limited to, the facades ~~to being~~ compatible with the character of the historic era; and
- b. Increases economic and financial benefits by enhancing the property and making it more accessible and/or attractive for heritage tourism; and
- c. Provides educational opportunities to increase the public's awareness and appreciation of Frisco's unique heritage; and
- d. Maintains the structural integrity of the historic structure and/or rectifies safety concerns for the structure or brings the structure into greater compliance with life, health, and safety codes;
- e. Retains some or all of the historic structure(s) on the original site;;
- f. Structural or use changes further goals or objectives of the Frisco Master Plan for the town. ; and
- g. Brings new development/redevelopment on the site that allows for the preservation of historic resources on the site that would not likely occur without the development.

3. Incentives

- a. Relief from underlying zoning requirements: The following development standards may be modified or waived (up to 100 percent) within the underlying zone district requirements:
 1. Lot coverage
 2. Setbacks
 3. Lot area, within a minimum allowability of 6,000 square feet, or 3,000 sf if a duplex
 4. Lot frontage

5. ~~d~~Driveway width
 6. ~~d~~Density bonus (waiver of all or part of the deed restriction requirement)
 7. Ten foot (10') minimum first-floor ceiling height requirement of the Central Core and Mixed Use Zone Districts
- b. Relief from architectural overlay district requirements: Architectural overlay (GGO, MO, SBCO or RO) standards may be modified or waived (up to 100 percent).
 - c. Relief from development standard requirements: The following development standards may be modified or waived (up to 100 percent), if applicable:
 1. Snow storage (~~180-20-G~~)
 2. Parking and loading (~~180-23~~)
 3. Landscaping and revegetation (~~180-20.1~~)
 4. Access (~~180-20-l~~)
 5. Bicycle racks (~~180-20-k~~)
 6. Refuse management (~~180-20-w~~)
 7. Outdoor Lighting, but only to the extent necessary to preserve the historic features of a building (~~180-20.2~~)
- 3-1 ~~d~~. In the event that an owner of a historic property intends to utilize requests the use of any or all of the incentives outlined in this subsection after such time as the property has been designated by the Town Council as being within the HO district, such request development application will require a final decision to be made by the Planning Commission during after a public hearing on a development application that makes such a request.
4. Unsafe or dangerous conditions exempted. Nothing in this section shall be construed to prevent any measures of construction, alteration, removal or demolition necessary to correct an unsafe or dangerous condition of any structure, other feature or parts thereof where such condition is declared unsafe or dangerous by the Frisco Building Department or Lake Dillon Fire Authority,

5. Demolition of a historic structure or feature in the Historic Overlay District. An owner of a designated historic property must provide data to clearly demonstrate that the situation meets all of the following criteria before demolition can occur:

- a. Review for total demolition:

1. The structure proposed for demolition is not structurally sound despite evidence of the owner's efforts to properly maintain the structure; and
2. The structure cannot be rehabilitated or reused onsite to provide for any reasonable beneficial use of the property; and
3. The structure cannot be practically moved to another site in Frisco; and
4. The applicant demonstrates that the proposal mitigates to the greatest extent practicable the following:
 - i. Any impacts that occur to the visual character of the neighborhood where demolition is proposed to occur.
 - ii. Any impact on the historic importance of the other structure(s) located on the property and adjacent properties.
 - iii. Any impact to the architectural integrity of the other structure(s) located on the property or adjacent properties.

6. In the case of archaeological sites or relocation of a historic structure, consideration will be given to whether information can be recovered as part of the demolition or relocation process.

- a. Review criteria for partial demolition or relocation:

1. The partial demolition or relocation is required for renovation, restoration or rehabilitation of the structure in its present location or future site; and
2. The applicant has mitigated to the greatest extent possible:
 - i. Impacts on the historic importance of the structure(s).

ii. Impacts on the architectural integrity of the structure(s)y.

7. Procedures for Alterations or Demolition of Structures within the Historic Overlay District:
- a. Department review. The Community Development Department shall maintain a current record of all designated HO historic district areas and pending designations. The Community Development Department will review all development application information within these areas by the criteria as noted in Section F. 1 (a-f), and make a determination as to whether there would be a significant impact or potential detriment to the historical character of the site as a result of the proposal. If no significant impact is determined and the structural change is considered to be minor, the Community Development Department may approve these applications without Planning Commission review. ~~Both the~~ The Community Development Department shall provide Frisco Historical Society and the Planning Commission shall receive updates of all changes to buildings within the an HO to the Planning Commission.
 - b. Planning Commission review. If the Community Development Department determines that there may be a significant impact or potential detriment to the historical character of the site as a result of the proposal, or if an incentive is requested as noted in Section F. 2, or if a permit application for demolition of a historic structure(s) has been received, then the application will be forwarded up to the Planning Commission for review and decision. ~~prior to the Community Development Department signing off on the building permit or demolition permit, the Planning Commission will be notified of the proposed change and given a maximum of forty-five (45) days to review and approve or deny the application.~~ Additional information, such as but not limited to comments or analysis from a historic preservation specialist, the Frisco Historical Society, may be requested if it is determined to be beneficial for a comprehensive review of the application. ~~Planning Commission comments and a decision will be in writing and mailed to the owner and/or applicant, and the Frisco Historical Society.~~
8. Construction on proposed buildings. No person shall receive a permit to construct, alter, remove, or demolish any structure or other feature on a proposed historic property after an application has been filed to initiate the designation of such property as a HO historic district and designation status is pending.
- G. Property maintenance and enforcement. The Town Council intends to preserve from deliberate or inadvertent neglect the exterior portions of structures within designated historic district properties. No owner, lessee or occupant of any building within the HO ~~Historic Overlay District~~ shall allow significant deterioration of the exterior of the structure.

Owner notification. The Community Development Department Commission, in cooperation with the ~~Community Development Department~~, shall notify the property owner, lessee or occupant of the designated historic district property of the need to repair, maintain, or restore the property. The Town shall assist the owner, lessee or occupant in determining how to preserve the property and shall provide the owner with possible incentives and a reasonable time to perform such work.

- H. Waiver of fees. At the discretion of the Community Development Director for purposes such as but not limited to fiscal ability, any and/or all planning and building application fees may be waived for designation into the HO District, and/or for review of development applications that occur within the HO.
- I. Enforcement penalties. No person shall violate or permit to be violated the requirements of this section. Violations of this section are punishable as provided in §180-47 (Violations and penalties).

Section 3. Subsection 180-19.C.6 of the Code, concerning development applications for multifamily residential and commercial projects, is hereby amended to read as follows:

- 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 21 14 calendar days prior to the Planning Commission meeting at which the sketch plan is desired to be presented. At that time, 5 10 copies of the presentation materials must be submitted. The Planning Department has three (3) ~~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~~ proposed development program and how the project will meet the principles of the Frisco Master Plan and the standards of the zoning code ~~see application form~~;
- ii. A site plan showing the location of the building(s); north arrow, scale, streets and rights-of way, designations of areas as public or private spaces, existing structures and existing vegetation, easements and utility lines, wetlands, lot dimensions, and trails;
- iii. Existing and proposed topography;
- iv. Parking space number and traffic circulation design; including non-vehicular (e.g. bike and pedestrian) access;
- v. Proposed landscaping and snow storage;

- vi. Scaled and labeled drawings of all building locations and schematic 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 targeted as the application review date. Within this time frame, the Community Development Department shall have three ~~two~~ working days to determine if the application has the items necessary for review, based upon the submittal checklist(s) available. The applicant shall, within three ~~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.

- d. 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 staff completeness review or any additional plan changes that may be found to be necessary contained in the preliminary staff report. At the discretion of the Community Development Department, an application may also be scheduled earlier than the targeted date dependent upon the complexity of the proposal, if complete application materials are submitted, and if agenda time is available. Planning Commission agendas will be determined by the Community Development Director, based on a roughly three four hour meeting length.

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. Such report shall begin a substantive review of the development and begin to identify areas of non-compliance with regulations, concerns of referral agencies, design or site planning concerns, additional information, reports, or materials needed, etc. in order to provide the applicant with clear guidance and allow the application to proceed.

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, and that the legal notice requirements can be 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~~ Five (45) copies of the site plan and other documentation with the following information displayed at a scale no less than one (1) inch equals twenty (20) ~~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 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~~ Five (45) complete sets that include the following information drawn in an architectural scale:

- 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.
- vii. Drainage plans, ~~[three (3) complete sets]~~, Five (5) complete sets, prepared by an engineer registered licensed 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]~~ Five (5) complete sets which ~~that~~ 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:
- 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.

Section 4. Subsection 180-19.K the Code, concerning improvement location certificates in connection with development applications, is hereby amended to read as follows:

~~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.~~

- ~~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.

K. An Improvement Location Certificate (ILC) is required to verify compliance with location specific development requirements such as setbacks, building height, and bulk plane.

1. Applicability. A foundation ILC that shows the distance from the property lines to a foundation is required for all new buildings. A foundation ILC is also required for building additions proposed within 5 feet of a setback, easement, property line, or other similar boundary. A roof ILC that shows the location and height of the roof is required for all new buildings. A roof ILC is also required for building additions proposed within 5 feet of the maximum building height limit or required bulk plane. At the discretion of the Community Development Department Director, these requirements may be waived if compliance with the setback and building height requirements for a new building or building addition can be reasonably verified in the field by the Community Development Department without an ILC.
2. Review Procedures. A foundation ILC must be performed after the foundation itself is in place. A foundation ILC must be submitted to the Community Development Department for review prior to the approval of a final foundation inspection. If the ILC shows that the completed foundation is located as required by the approved site plan, the developer will be permitted to proceed with further construction. If the ILC shows that the completed foundation is not located as required by the approved site plan, the developer will not be permitted to proceed with further construction until the foundation has been properly located and verified with an updated ILC. If the ILC is prepared prior to the installation of the sewer

cleanouts and water curb stops, an amended ILC showing the location of the sewer cleanouts and water curb stops must be submitted to the Community Development Department prior to the issuance of a certificate of occupancy or certificate of completion.

A roof ILC must be performed after the roof itself is in place. A roof ILC must be submitted to the Community Development Department for review prior to the approval of a final framing inspection. If the ILC shows that the roof is located as required by the approved architectural plans, the developer will be permitted to proceed with further construction. If the ILC shows that the roof is not located as required by the approved architectural plans, the developer will not be permitted to proceed with further construction until the roof has been properly located and verified with an updated ILC.

3. Content. The ILC shall be prepared in a form consistent with professional land surveying practices and be certified by a land surveyor licensed in the State of Colorado. An ILC must contain the information necessary to demonstrate compliance with the applicable location specific development requirements such as setbacks, building height, and bulk plane. A foundation ILC shall show the location and principal dimensions of all foundations for structures approved on the site plan, the USGS elevation at the top of the foundation walls, and the location of all sewer cleanouts and water curb stops with a bearing and distance reference to two points on a foundation wall. A roof ILC shall show the location and heights of all roof forms for structures approved on the site plan and include the USGS elevations of all roof ridges.

Section 5. Subsection 180-48.B.3 of the Code, concerning the review process for rezoning applications, is hereby amended to read as follows:

3. Review Process. The application for rezoning shall be filed with the Community Development Department together with the payment of the associated fee to cover the cost of processing the application, publication and postage.
 - a) A complete application containing all of the application information shall be furnished to the Community Development Department not less than fifty-two (52) days prior to an upcoming Planning Commission meeting at which the application is targeted for scheduling. Within this time frame the Community Development Department shall have three ~~two~~ working days to determine if the application has the items necessary for review and shall notify the applicant. The applicant shall within

~~three~~ 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.

- b) All complete applications will be placed on a Planning Commission meeting agenda for the preliminary public hearing on a first come, first served basis. Such scheduling of applications is subject to change if an application is defined on the basis of deficiency as stated herein. At the discretion of the Community Development Department, an application may also be scheduled earlier than the targeted date dependent upon the complexity of the proposal, if complete application materials are submitted, and if agenda time is available. Rezoning applications shall be subject to the noticing procedures outlined in Section 180-46.E.
- c) At the preliminary public hearing, the Commission shall consider said application, hear comments and objections, and request additional information or make preliminary recommendations and ~~shall set the matter for public hearing at the next regular meeting of the Commission.~~
- d) At the final public hearing, the Planning Commission shall consider all submitted data, comments and objections and shall either continue the matter for further information and study for not more than thirty (30) days or shall render its decision to the Town Council and the applicant, recommending approval, disapproval or conditional approval of the application and ~~advise all persons present of the date when the matter shall appear on the Agenda of the Town Council.~~
- e) Upon receiving the recommendation of the Planning Commission, a rezoning ordinance shall be prepared for consideration by the Town Council, and scheduled for public hearing before the Council subject to the noticing procedures specified in Section 180-46.E. Town Council shall approve, conditionally approve, or deny the application for rezoning.
- f) No request for a rezoning shall be reconsidered by the Planning Commission or Town Council until the expiration of six (6) months or a substantial change of circumstances shall have first occurred.

- g) Upon approval of any request for rezoning, the Community Development Department shall forthwith note the amendment of the official Zoning Map of the Town of Frisco, keep appropriate records thereof and notify the Clerk and Recorder of Summit County of said amendment of the official Zoning Map.

Section 6. Subsection 180-48.C of the Code, concerning zoning variances, is hereby amended to read as follows:

C. Variances and Power to authorize variances.

1. In establishing the provisions of this part, the Planning Commission hereby finds and determines that there may be exceptional or extraordinary circumstances or conditions which are applicable to properties within the Town that do not generally apply to the property, and such that denial of an application for relief would result in an inability to reasonably utilize property. Therefore, it is necessary to provide for such extraordinary relief in the form of variances. In reviewing such applications for variances, the burden shall be upon the applicant to meet the criteria set forth in this part.
2. Non-Use Variances. Authorization. Subject to the requirements of this part and this Zoning Code, Non-Use Variances are hereby authorized.
3. Due diligence. An applicant for a variance must prove that due diligence was exercised by the applicant before the condition giving rise to the request for a variance occurred. Due diligence shall require a persistent and reasonable inquiry to investigate relevant and applicable facts through both personal and professional actions required of any reasonably prudent person acting as a fiduciary exercising professional judgment and common sense. If an applicant fails to exercise due diligence in discovering, preventing or attempting to remedy a non-conforming condition the request for a variance shall be denied.
4. Criteria for Granting a Non-Use Variance. The variance application shall be reviewed on its own merits and Planning Commission shall not approve the variance unless all of the following criteria are met:
 - a) The property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zoning district; and
 - b) That the extraordinary or exceptional physical condition of the property will not allow reasonable use of the property in its current zone in the absence of relief; and

- c) That the granting of the variance will not have an adverse impact on the surrounding properties, the neighborhood, or the community as a whole.;
 - d) The granting of a variance will not be detrimental to public health, safety and welfare or injurious to surrounding property values and neighborhood character.;
 - e) The granting of the variance shall not be substantially inconsistent with any plans adopted by the Town.;
 - f) The granting of the variance shall not materially weaken the general purpose of the Zoning Ordinance or its regulations; and
 - g) The variance, if granted, shall only be to the extent necessary to afford a reasonable use of the property.
- (5) No variance authorizing a change in the permitted uses of property shall be granted.

(6) Application.

An application for a Non-Use Variance shall be filed with the Community Development Department with the appropriate fee. No other applications may be submitted concurrently with a variance application. An applicant must have received approval of a non-use variance prior to submitting any development application or any other related application. Additional application materials may be required at the discretion of the Community Development Department as needed to clarify the variance request.

(7) Hearings and notice.

The application for a Non-Use Variance shall be reviewed by the Planning Commission. Provisions for a public hearing, notice and appeals of a Planning Commission decision shall be in accordance with Section 180-46 of the Town Code. A complete application containing all of the applicable information shall be presented not less than fifty-two (52) days prior to the regular Planning Commission meeting at which it will be heard. The Community Development Department may, at its discretion and for good cause, require a longer submittal period. The applicant must contact the Community Development Department for further information on the application submittal process.

(8) Conditions of approval.

further information on the application submittal process.

(8) Conditions of approval.

Special conditions may be imposed upon any variance approval in order to alleviate or mitigate potential adverse impacts. Conditions must relate to the property and/or vehicle and may relate to specific persons or organizations which have a direct association with the use of the property as contemplated by the requested variance. Every variance authorized hereunder shall be transferable and shall run with the land.

(9) Expiration and termination of right.


A Non-Use Variance, together with the accompanying site or development plan granted pursuant to this Section shall expire within two years from the date of final approval if action has not been taken within said time. This time may be extended with the approval of the Planning Commission or Town Council, if the petitioner can show due cause. For purposes of this Subsection, action means obtaining a building permit or other applicable Town permit/license pursuant to the granting of the variance, or if a permit or license is not required, the right that is granted pursuant to the variance is put to us

Section 7. Effective Date. This ordinance shall become effective in accordance with the home-rule Charter of the Town of Frisco, Colorado.

INTRODUCED, PASSED ON FIRST READING AND PUBLICATION AND POSTING ORDERED THIS 11th DAY OF APRIL, 2017.

INTRODUCED, PASSED ON SECOND READING AND PUBLICATION AND POSTING ORDERED THIS 25th DAY OF APRIL, 2017.

TOWN OF FRISCO, COLORADO:



Gary Wilkinson, Mayor

Hunter Montensen Mayor Pro-Tem

ATTEST:



Deborah Wohlmuth, CMC, Town Clerk