

*Division 5. Subdivision Exemptions*

**Sec. 16A-5-500. Exemptions authorized.**

The Town Council shall be authorized to exempt the following activities from the terms of the subdivision regulations:

- (1) Lot line adjustments. Lot line adjustments between previously platted lots.
- (2) Lot combinations. Lot combinations of platted lots.
- (3) Conveying title. Conveying title and/or fulfilling legal obligations when no development will result thereafter, without subdivision or PUD approval.
- (4) Condominiumization and time share. Condominiumization of a development, or approval of time share estates. (Ord. 4-1998 §1; Ord. 15-2000 §1)

**Sec. 16A-5-510. Review procedure.**

The following procedures shall apply to a subdivision exemption application. These procedures are illustrated in Figure 5-9, Subdivision Exemption Application Procedures.

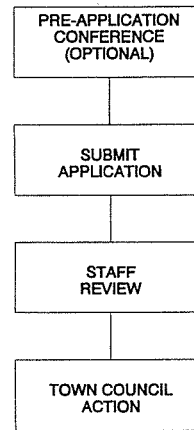
- (1) Pre-application conference. Attendance at a pre-application conference is optional, but recommended, prior to submission of an application for subdivision exemption.
- (2) Submission of application. The applicant shall submit an application to the Planning Director that contains those materials specified in Section 16A-5-520, Application Contents.
- (3) Staff review. Staff review of the application shall be accomplished, as specified in Section 16A-5-50, Staff Review of Application.

(4) Town Council action. A complete copy of the application shall be forwarded to the Town Council, together with a copy of the staff review. The Town Council shall consider all relevant materials and testimony, shall consider whether the application complies with the standards in Section 16A-5-530, Review Standards, and shall, by resolution, approve, approve with conditions or deny the application.

(5) Recording of exemption plat. Within ninety (90) days of the date of approval of the subdivision exemption, the applicant shall submit three (3) Mylar copies, suitable for recording, of an exemption plat to the Planning Director. The Planning Director shall review the exemption plat to ensure it complies with the terms and conditions of approval, shall obtain signatures for all of the applicable plat certificates and return the exemption plat to the applicant.

The applicant shall thereafter cause the exemption plat to be recorded in the records of the County Clerk and Recorder, at the applicant's expense.

**FIGURE 5-9  
SUBDIVISION EXEMPTION APPLICATION PROCEDURES**



(Ord. 4-1998 §1; Ord. 15-2000 §1)

**Sec. 16A-5-520. Application contents.**

An application for a subdivision exemption shall contain the following materials:

(1) Minimum contents. The minimum contents for any application, as specified in Section 16A-5-40(b), Minimum Contents.

(2) Improvements survey. An improvements survey, showing the location and dimensions of all existing structures, streets, alleys, easements, drainage areas, irrigation ditches, public and private utilities and other significant features within the property.

(3) Exemption plat. The applicant shall submit a proposed exemption plat, which shall contain the applicable information for a final plat, as specified in Section 16A-5-430(3), Application Contents.

(4) Condominium documents. For an application for condominiumization, the applicant shall also submit proposed condominium documents, including condominium declaration, articles of condominium association, bylaws, maps and all other applicable information, including the Secretary of State disclosure statement, as required by the Colorado Common Interest Ownership Act, Section 38-33.3-101 *et. seq.*, C.R.S. The application shall also include a proposal for restricting owner usage and how the units will remain in the short-term rental market, if applicable. (Ord. 4-1998 §1; Ord. 15-2000 §1)

**Sec. 16A-5-530. Review standards.**

An application for a subdivision exemption shall comply with the following standards:

(1) Exemption is necessary. The exemption shall be necessary for the preservation and enjoyment of substantial property rights of the applicant.

(2) Consistent with subdivision. The exemption shall be consistent with the preservation of the goals, objectives and standards of the particular subdivision or land area involved.

(3) No new lots created. Granting of the exemption shall not create any new lots in any single-family subdivision.

(4) Comply with Development Code. The exemption shall comply with the standards of the zoning district in which the property is located and all other applicable standards of this Development Code. With respect to an application for a lot line adjustment, if any of the lots or structures thereon are non-conforming prior to the adjustment, then no adjustment shall be allowed that increases the nonconformity of the lot or structure.

(5) No adverse impacts. Granting of the exemption shall not be detrimental to the public welfare and shall not affect in a substantially adverse manner the enjoyment of land abutting upon or within the area in which the subject property is situated.

(6) Not increase total allowable floor area. Granting of the exemption shall not increase the total allowable floor area on a lot or lots affected by the proposed exemption beyond the total allowed without the exemption, and any change in allowable floor area permitted by the exemption within those totals shall be consistent with the surrounding area.

(7) Special circumstances. In the instance where the Town Council is unable to find that an application is consistent with any of the above standards, the exemption may only be granted if the Town Council finds that there are special circumstances or conditions affecting the subject property such that the strict application of these standards would result in undue hardship and deprive the applicant of the reasonable use of the land. (Ord. 4-1998 §1; Ord. 15-2000 §1)

**Sec. 16A-5-550. Time share.**

(a) Purpose. The purpose of this Section is to make available a development technique that under controlled conditions and in certain circumstances may be of economic benefit to the community through increased investment and greater utilization of facilities. This is accomplished by:

(1) Avoid problems. Setting high standards for time share projects to avoid the undesirable aspects that have been associated with these programs in other resort communities. Based on research of past experience with time share, special attention is directed to problems related to: (a) long-term maintenance, repair and replacement; (b) market and sales practices; (c) management arrangements; and (d) full disclosure provisions.

(2) Consumer protection. Protecting the consumer, the interest of the public and the present character and ambience of the community are principal objectives of these regulations.

(3) Innovation. Providing certainty that all appropriate innovative planning and development measures may be utilized for the betterment of the Town with strong enforceable safeguards against abuse.

(b) Applicability and authority. No time share estates shall be created with respect to any dwelling unit, hotel/lodge or suite unless the applicant therefor has complied with the requirements of this Section and the underlying zone district. The objectives, standards, application contents and other provisions of this Section shall be applied to the review of any application which proposes or contemplates the creation and sale of time share estates, to the extent specifically provided herein. It is acknowledged that, depending upon the type of time share estate created and the manner in which it is sold, the ownership right in

and to such estate, as evidenced by contract, license, membership or otherwise, may be considered personal property under state law. Since the object of ownership and use is a dwelling unit or room which in and of itself is considered real property, the fact that the ownership right may be considered personalty (i.e., for the purpose of imposition of sales tax), does not exempt the sale, exchange, rental, transfer or use of time share estate from this Section. For the purpose of this Section, an interest in a time share estate shall be considered an interest in real property. This Section is intended to supplement the provisions of the Colorado Common Interest Ownership Act as applied in the Town by adding the right-to-use estate to the definition of a time share estate and by imposing the specific local review standards and requirements set forth herein. (Ord. 4-1998 §1; Ord. 15-2000 §1)

