

TOWN OF SNOWMASS VILLAGE

**SUBDIVISION EXEMPTION
APPLICATION**

GENERAL DATA REQUIREMENTS

Date:

Name of Owner:

Phone:

Address:

Name of Applicant (if different than owner):

Phone:

Address:

Physical Address of Property:

Legal Description:

EXISTING CONDITION INFORMATION

Present Zoning:

Present Use:

Lot Area of Individual Subject Lots (sq.ft.):

Size of Building Envelope(s):

Allowable Floor Area Ratio per Zoning or PUD Plan:

Square Footage of All Areas Calculated as Floor Area by Code:

Existing Building Height (if applicable):

of Parking Spaces and Bedrooms (if applicable):

of Units Prior to Condominiumization or Time Share (if applicable):

PROPOSAL DATA

(Only fill in those that apply)

of Units After Condominiumization or Time Share (if applicable):

Lot Area (sq.ft.) of Lot(s) After Building Envelope Adjustment (if applicable):

Size of Building Envelope(s) After Adjustment (if applicable):

Other:

AUTHORIZED SUBDIVISION EXEMPTIONS

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, (refer to section 5-270 (E) or (F) of the Snowmass Village Land Use and Development Code for further information on condominiumization or time share).

DESCRIBE YOUR PROPOSED SUBDIVISION EXEMPTION

PROVIDE THE FOLLOWING ADDITIONAL INFORMATION

1. **Name, Address, Telephone Number and Power of Attorney.** The applicant's name, address and telephone number. If the applicant is to be represented by an agent, a letter signed by the applicant granting power of attorney to the agent shall be submitted, authorizing the agent to represent the applicant and stating the representative's name, address and phone number.
2. **Disclosure of Ownership.** A certificate from a title insurance company or attorney licensed in the State which shall set forth the names of all owners of property included in the application and shall include a list of all mortgages, judgments, liens, contracts, easements or agreements of record that affect the property. At the Town's option, the holders or owners of such mortgages, judgments, liens, contracts, easements or agreements of record may be required to consent to the application before it is acted upon by the Town.
3. **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.
4. **Exemption Plat.** The applicant shall submit a proposed exemption plat, which shall contain the applicable information for a final plat, as specified in Section 5-280 (D) of the Code.
5. **Vicinity Map.** An eight and one-half inch by eleven inch (8 1/2" x 11") vicinity map locating the subject parcel within the Town of Snowmass Village.

6. **Other Maps.** All other maps required for the application shall be prepared at a scale of one inch equals one hundred feet (1" = 100') or larger, on sheets no larger than thirty inches by forty-two inches (30" x 42"), with an unencumbered margin of one and one-half inches (1.5") on the left hand side of the sheet and one-half inch (0.5") around the other three (3) sides of the sheet. Sheets of twenty-four by thirty-six inches (24" x 36") are preferred. If it is necessary to place information on more than one (1) sheet, an index shall be included on the first sheet. Report-size versions of all maps, reduced to a sheet size of no greater than eleven inches by seventeen inches (11" x 17"), shall also be submitted.
7. **Base Fee.** The application shall be accompanied by the applicable base fee from the Building and Planning Department's fee schedule. The applicant shall reimburse the Town for such amounts in excess of the base fee as determined by the Planning Director. The reimbursement to the Town by the applicant shall be due and payable within fifteen (15) days of the date of billing.
8. **Other Information.** The applicant shall submit such other written or graphic information as is necessary to describe and evaluate the proposed subdivision exemption.

NO APPLICATION WILL BE PROCESSED UNTIL ALL REQUIRED INFORMATION IS PROVIDED.

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 nonconforming 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.

REASONS FOR REQUESTING THIS SUBDIVISION EXEMPTION

1. Exemption is Necessary:

2. Consistent with Subdivision:

3. No New Lots Created:

4. Comply with Development Code:

5. No Adverse Impacts:

6. No Increase in the Total Allowable Floor Area:

7. Special Circumstances:

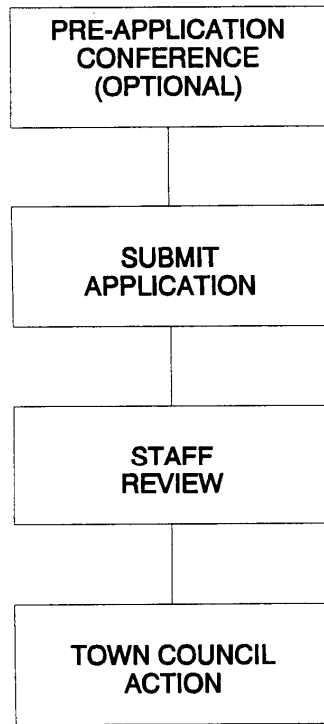
REVIEW PROCEDURE

The following procedures shall apply to a subdivision exemption application, (see attached figure: 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 .

3. **Staff Review.** Staff review of the application shall be accomplished, as specified in Section 5-140 of the Code.
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 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 have the exemption plat recorded

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



SECTION 5-270. SUBDIVISION EXEMPTION

- A. 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.
- B. 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 5-270 D., Application Contents.
 3. **Staff Review.** Staff review of the application shall be accomplished, as specified in Section 5-140, 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 5-270 D., 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.
- C. 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 5-130 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 5-270 D., 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 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.
- D. 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 nonconforming 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.
- E. **Condominium Conversion.** A building proposed to be converted into condominiums shall be inspected by the Building Department prior to review of the subdivision exemption request for condominiumization. This inspection shall primarily focus on fire, health and safety conditions and is not necessarily intended to bring old structures to full compliance with new building construction codes.