

**TOWN OF SNOWMASS VILLAGE
TOWN COUNCIL**

**ORDINANCE No. 04
SERIES OF 2013**

AN ORDINANCE AMENDING THE TOWN'S LAND USE AND DEVELOPMENT CODE AFFECTING 1) DEFINITIONS; 2) DIMENSIONAL LIMITATIONS AND FLOOR AREA MEASUREMENT; 3) PUBLIC NOTICING; AND 4) ADMINISTRATIVE MODIFICATION PROCESSING

WHEREAS, the Town Council approved Ordinance No. 1, Series of 2010 on February 22, 2010, thereby adopting the 2010 Town of Snowmass Village Comprehensive Plan (the "Comprehensive Plan"); and

WHEREAS, Section 16A-1-40 of the Town's Land Use and Development Code (LUC or Code) identifies the purposes of the Code, which are listed as 1) Establish Efficient Development Review; 2) Provide for Public Participation; 3) Protect Quality of Life; 4) Provide for Orderly Development of Town; and 5) Implement the Comprehensive Plan.

WHEREAS, Town Council has expressed interest through its goals and Strategic Plan to examine the Town's development review process to ensure it is *"....efficient, effective, responsive to community values, financially sustainable, easy to understand and clearly articulated to the public."* ; and

WHEREAS, staff has proposed additional amendments to Chapter 16A, Article II, Article III, Division 2, and Article V, Divisions 1 and 2 of the Municipal Code for consideration at this time, as further described in attachment Exhibit "A" incorporated herein; and

WHEREAS, the amendments contained in this Ordinance are being processed under the provisions of Section 16A-5-210 of the Municipal Code; and

WHEREAS, the Planning Commission conducted a general discussion on the proposed changes on November 7, 2012, sought creation of a working group to review and propose amendments to the LUC floor area definition, and asked for further review of proposed amendments to Chapter 16A; and

WHEREAS, the Planning Commission's interest in the advice of local building experts regarding the proposed floor area definition changes resulted in the creation of the Floor Area Working Group, whose membership was endorsed by Town Council. The "Working Group" met six times to develop proposed LUC amendments to the measurement of floor area, and made a recommendation on the referenced Code changes accepted by the Planning Commission and proposed herein; and

WHEREAS, following development of proposed changes to the LUC's measurement of floor area by the "Working Group", the Planning Commission reviewed the proposed amendments on May 15, 2013,, and formalized their recommendations

regarding those amendments with the adoption of Planning Commission Resolution No. 01-2013; and

WHEREAS, the findings herein are supported by the staff memoranda, including that dated August 5, 2013. Town Council initiated discussion of the ordinance on July 15, 2013, and completed first reading of this ordinance on August 5, 2013 with second reading initially scheduled on August 19, 2013 and then continued to September 9, 2013; and

WHEREAS, the public hearing notice was published in the Snowmass Sun on July 31, 2013, for the Town Council meeting on August 19, 2013, to further consider Town staff and Planning Commission recommendations and receive public comments within that noticed public hearing and contemplated second reading of ordinance #04-2013; the hearing was continued to September 9, 2013; and

WHEREAS, The Town Council has determined that the amendments to the Municipal Code as hereinafter set forth are necessary for the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED, BY THE TOWN COUNCIL OF THE TOWN OF SNOWMASS VILLAGE, as follows:

Section One: General Findings. The Town Council hereby generally finds that:

1. The subject amendments to Chapter 16A of the Municipal Code were initiated by the Planning Director to be processed under the provisions of Section 16A-5-210 of the Municipal Code.
2. All public notification requirements, as specified within Section 16A-5-60(b) of the Municipal Code, have been satisfied.

Section Two: Specific Findings. Specific to the proposed amendments, the Town Council hereby finds that:

1. Considering the advice of local building experts, former mayors, and local designers and attorneys provided valuable insight on the value of the proposed floor area definition changes and the Planning Commission recommendation; and
2. Changes to definitions are consistent with the purposes of the Code, changes to the measurement of floor area are consistent with the Comprehensive Plan and purposes of the Code, changes to public noticing are similarly consistent, and changes to Administrative Modification processing are consistent with the purposes of the Code and preserve the public health, safety, general welfare, and environment, while contributing to the orderly development of the Town.

Section Three: Chapter 16A Hereby Amended. Article II, "Definitions" ("Planning Director", "Basement", and "Subgrade"), Article III, Division 2 "Restrictions and Limitations to Particular Uses", (Sections 16A-3-200(b) and 16A-2-210(a) through (d)), Article V,


Division 1, "Common Review Procedures"(Section 16A-5-60(b)(2)), and Division 2, "Procedures for Review of Particular Applications" (Section 16A-5-250(a) through (d)), all of Chapter 16A of the Municipal Code, are hereby amended and restated as set forth in Exhibit "A", attached hereto and incorporated herein.

Section Four: Severability. If any provision of this Ordinance is held invalid, the invalidity shall not affect any other provision or application of this Ordinance which can be given effect without the invalid provision, and, to this end, the provisions of this Ordinance are severable.

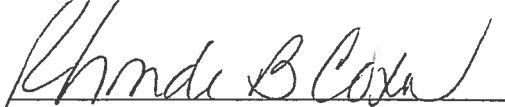
INTRODUCED, READ AND ADOPTED, as amended (pursuant to attached Exhibit "A"), by the Town Council of the Town of Snowmass Village on First Reading on August 5, 2013, upon a motion by Council Member Kucker, the second of Council Member Butler, and upon a vote of 4 in favor and 1 opposed (Council Member Haber voted no).

READ, APPROVED AND ADOPTED, maintaining the 50% sub-grade standard for basement/lower level exemptions, and as amended in attachment Exhibit 'A,' by the Town Council of the Town of Snowmass Village on Second Reading on September 9, 2013, upon a motion by Council Member Butler, the second of Council Member Kucker, and upon a vote of 3 in favor and 2 opposed (Council Members Haber and Jacobson voted no).

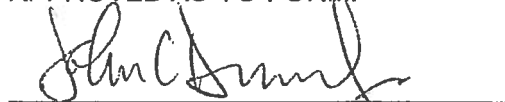
TOWN OF SNOWMASS VILLAGE


Bill Boineau, Mayor

ATTEST:


Rhonda B. Coxon, Town Clerk

APPROVED AS TO FORM:


John C. Dresser, Jr., Town Attorney

Attachments incorporated herein:

Exhibit "A" – Modifications to Article II, "Definitions" ("Planning Director", "Basement", and "Subgrade"), Article III, Division 2 "Restrictions and Limitations to Particular Uses", (Sections 16A-3-200(b) and 16A-2-210(a) through (d)), Article V, Division 1, "Common Review Procedures"(Section 16A-5-60(b)(2)), and Division 2, "Procedures for Review of Particular Applications" (Section 16A-5-250(a) through (d)), all of Chapter 16A of the Municipal Code.

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NOTE: new language is presented in *italics*, removed language is presented in strikethroughs, unchanged language is in normal font, and all figures are new

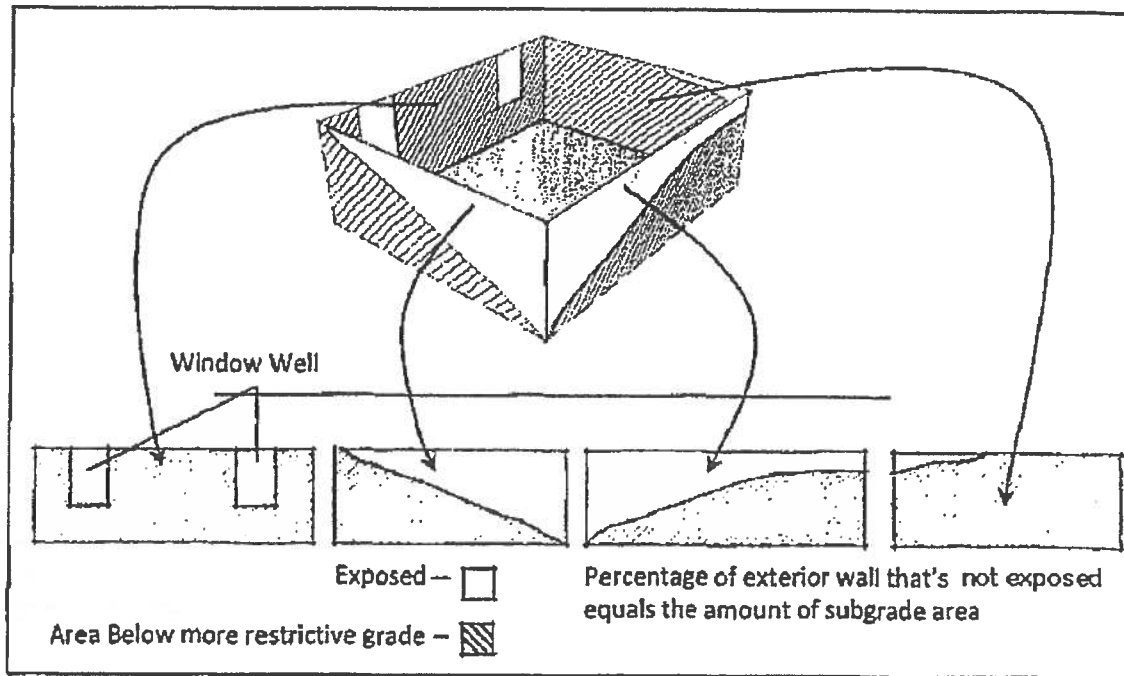
1 | **Sec. 16A-2-20. Definitions**

2 | *Planning Director* means an official of the Town designated by the Town Manager,
3 | who may hold the title of Director or head of the Planning Department, the Director of the
4 | Community Development Department, or the Director of the Planning and Building Department
5 | of the Town.

6 | *Basement or Basement Space* means any one floor level of a building located in a
7 | manner that at least fifty percent (50%) of its floor to ceiling height for each of surrounding
8 | walls is *subgrade area* below grade, as defined herein. ~~The percent calculated shall be based on~~
9 | ~~wall area for each wall.~~

10 | *Subgrade or Subgrade Area* means levels of a structure located partially or entirely
11 | below grade. The percentage of the gross area of a partially below grade level to be counted as
12 | subgrade shall be the surface area of the exterior walls that is unexposed or otherwise below
13 | finished grade, divided by the total exterior wall area of that level.

14 |
15 | | *Example: If a the walls of a 2,000 square foot level are forty percent (40%) exposed above the*
16 | *lower of pre-construction or post-construction grade then sixty percent (60%) is counted as*
17 | *subgrade.*



18
19
20

Note: Window wells on exterior foundation walls shall be considered exposed.

Figure 2-1: Determining the Amount of a Floor to be Counted as Subgrade Area

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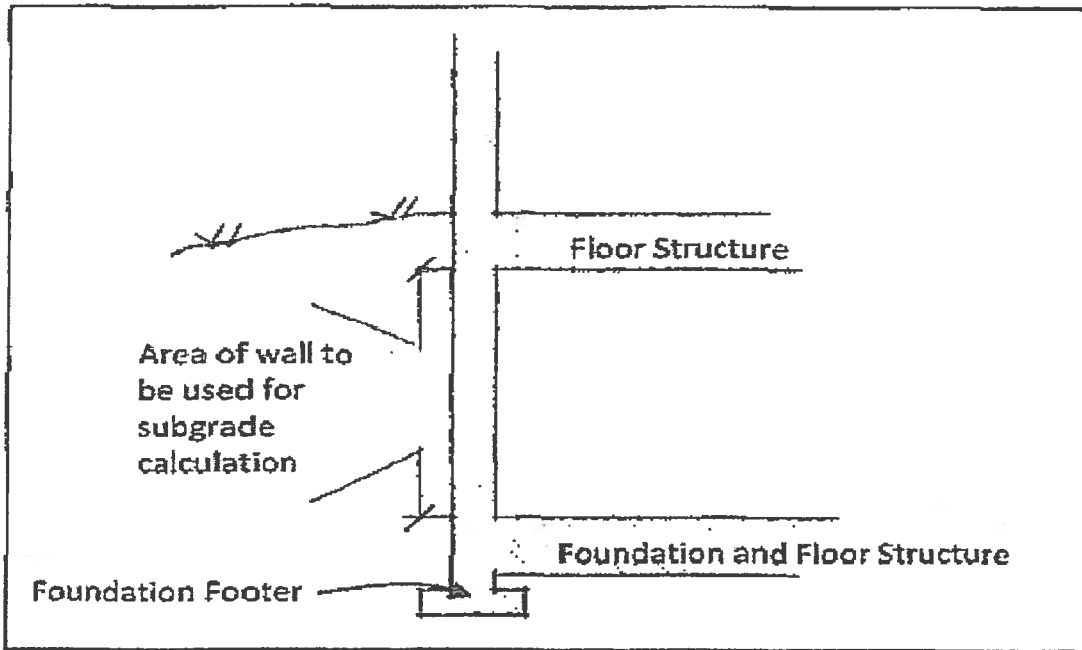
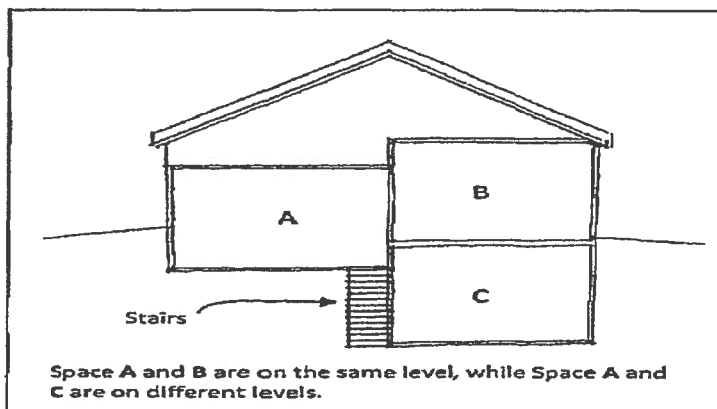


Figure 2-2: Measuring the Area of a Subgrade Wall

35
36
37 *For the purposes of this section, and as shown in Figures 2-2 above and 2-3 & 2-4*
38 *below, the exterior wall area to be measured shall be the interior wall area projected*
39 *outward, and shall not include exterior wall areas adjacent to foundation or floors of the*
40 *structure.*

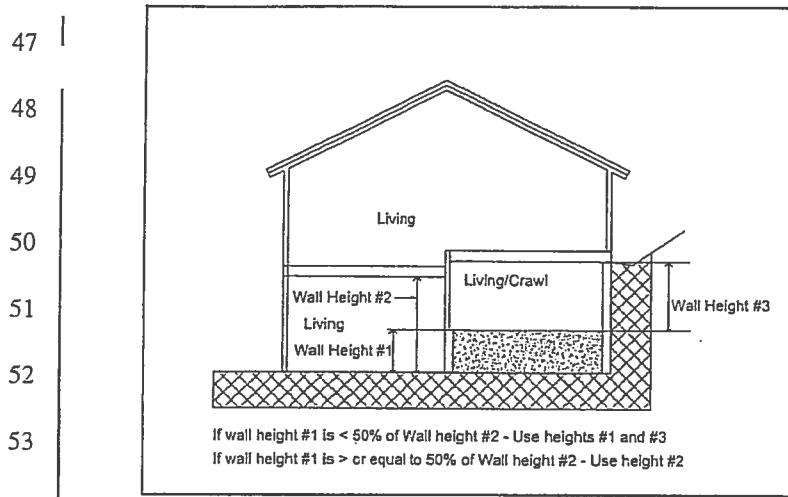
41
42 *When considering multi-level subgrade spaces, adjacent interior spaces shall be considered on*
43 *the same story if the vertical separation between the ceilings of the spaces is less than 50% of the*
44 *distance between the floor and ceiling of either space as shown in Figure 2-3 below.*
45



46 Figure 2-3: Determining different building levels

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55 |

56 | **Figure 2-4: Determining Wall Height Calculations for Measuring the Area of a Recessed Subgrade Wall**

57 |

58 | **Sec. 16A-3-200. Zone district dimensional limitations**

59 | (b) Construction in Required Setbacks.

60 | ~~(1) Accessory or principal buildings. An accessory or principal building or a related above-~~
61 | ~~grade structure shall not project into a required setback unless approved pursuant to Section 16A-~~
62 | ~~5-250, Administrative Modifications.~~

63 | ~~(2) Structures on or below finished grade. A structure on or below finished grade~~
64 | ~~(said structure being defined as no higher than thirty (30) inches above finished grade, such~~
65 | ~~as a deck or parking pad) that is shall not be more than four (4) feet in height above existing~~
66 | ~~grade and shall may not project into that the affected portion of a required setback that is not~~
67 | ~~more than one-half (1/2) the distance from the building envelope to the property line and is no~~
68 | ~~closer than ten (10) feet to the property line, whichever is the more restrictive. An on-grade or~~
69 | ~~below-grade structure may project beyond this area or may be more than four (4) feet above~~
70 | ~~existing grade, if approved pursuant to Section 16A-5-250, Administrative Modifications.~~

71 | ~~(3) Above grade parking may project into that portion of a required setback that is not~~
72 | ~~more than one-half (1/2) the distance from the building envelope to the property line and is no~~
73 | ~~closer than ten (10) feet to the property line, whichever is the more restrictive. The parking~~
74 | ~~and any required retaining walls or guardrails shall not exceed four (4) feet in height from~~
75 | ~~existing grade.~~

76 | ~~(4) Other minor structures. A driveway, entry walkway, associated retaining~~
77 | ~~structures, hand rails and one (1) minor street address identification sign not exceeding four~~
78 | ~~six feet high by four feet wide by four feet deep (6' 4" x 4' x 4') shall be allowed in required~~
79 | ~~setbacks without limitation.~~

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78 Sec. 16A-3-210. Measurement of dimensional limitations.

79 (b) Measuring Floor Area.

80 (1) Areas included in calculations. The total square footage of all levels of a building, as
81 measured at the outside face of the primary structural *component of the exterior walls*. ~~All~~
82 ~~exterior above grade decks and covered decks on and below grade, except where specifically~~
83 ~~excluded (see Subsection (2) Exclusions), shall be included in all calculations.~~ In the case of
84 adjoining units, measurements shall be taken from the center line of walls separating
85 adjoining units of a building.

86 (2) Exclusions, *inclusions, and adjustments to the gross calculation of Subsection (b)(1)*
87 *above.*

88 a. General exclusions, *clarifications, and adjustments.*

89 ~~1. Areas covered by decks. Areas covered by an above grade deck shall be excluded~~
90 ~~from floor area calculations, provided said areas: (a) are not located above finished~~
91 ~~grade; and (b) are not enclosed, in whole or in part, by railing, landscaping, screening or~~
92 ~~other materials higher than three (3) feet above finished grade; except as described in~~
93 ~~Subsection (b)(2)d.2 below.~~

94 1.2. Attic space. Attic space ~~that does not contain mechanical devices which~~
95 ~~use a combustible source or open flame and are, as defined by the Town's adopted~~
96 ~~building code and are less than five and one-half feet (5'-6") in ceiling height measured~~
97 ~~to the bottom of primary framing members for the roof structure above, such as~~
98 ~~primary roof trusses, for ninety percent (90%) of the area of the attic space, shall be~~
99 ~~excluded from the calculation. If rational construction methods will not permit a~~
100 ~~maximum height of five and one-half feet (5'-6"), such restriction may be waived~~
101 ~~pursuant to Section 16A-5-250, Administrative Modifications or by the Planning~~
102 ~~Director by notation on the final approved building plans.~~

103 2.3. Crawl space. Crawl space, *as defined by the Town's adopted building*
104 ~~code, that does not contain mechanical devices which use a combustible source or open~~
105 ~~flame and are and less than five and one-half feet (5'-6") in ceiling height measured~~
106 ~~from finished grade or slab floor elevation to the bottom of primary framing members~~
107 ~~for the floor structure above, such as primary floor joists, for ninety percent (90%) of~~
108 ~~the area of the crawl and attic space, shall be excluded from the calculation. If rational~~
109 ~~construction methods will not permit a maximum height of five and one-half feet (5'-~~
110 ~~6"), such restriction may be waived pursuant to Section 16A-5-250, Administrative~~
111 ~~Modifications or by the Planning Director by notation on the final approved building~~
112 ~~plans.~~

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113 4. ~~Decks. Although exterior above-grade decks and covered decks on or below grade~~
114 ~~are included in the calculation, up to the twelve percent (12%) of the maximum~~
115 ~~allowable floor area shall be excluded from the floor area calculation.~~

116 3. *Basements. Basements, as defined by the terms "Basement" and "Subgrade Area"*
117 *herein, shall be excluded from the floor area calculations at a rates of ~~fifteen percent~~*
118 *(15%) of the maximum allowable floor area, provided that the minimum allowable*
119 *amount of exempted floor area shall be up to five hundred (500) square feet and the*
120 *maximum exempted amount shall be one thousand (1,000) square feet*

121 a) a minimum of the greater of five hundred (500) square feet or fifteen percent
122 (15%) of the maximum allowable floor area, and

123 b) a maximum of the lesser of one thousand (1,000) square feet or fifteen percent
124 (15%) of the maximum allowable floor area.

125 4.6. *Covered, unenclosed spaces and horizontal projections. A building's primary*
126 *entry may exclude floor area under a covered entry only if the entry is open and*
127 *unenclosed and is no more than one hundred and sixty (160) square feet in area. A*
128 *deck, patio, landscaped terrace, or outdoor space covered by a ~~If~~ the horizontal*
129 *projection of a roof or floor above is of four (4) feet or less in depth may also exclude*
130 *the area below it. ~~the square footage of the area below shall be excluded from the floor~~*
131 *area calculation. ~~If the Areas covered by a horizontal projection of a roof or floor above~~*
132 *is ~~greater than~~ exceeding four (4) feet in depth or the area limitation for a primary*
133 *entry, shall include the square footage of the area below that ~~beyond the four (4) feet~~*
134 *specified overhang and horizontal projection limits shall be included in the floor area*
135 *calculation at a rate of fifty percent (50%). Areas below above-grade decks are*
136 *excluded from this calculation. ~~If the horizontal projection includes both the roof and~~*
137 *floor above, the cumulative projection shall be measured at finished grade.*

138 5. *Elevator shafts and stairs. Elevator shafts and stairs shall only be included in the*
139 *floor area calculation on each the floor that the elevator shaft originates or stairwell*
140 *occurs, if a building plan includes basement space. In all other cases, elevator shafts*
141 *and stairs shall only be included in the calculation on the floor that the elevator shaft or*
142 *stair originates.*

143 6 ~~7~~. *Mechanical space. A mechanical space exclusively devoted to housing*
144 *mechanical, plumbing, electrical, telephone, heating, cooling, snowmelt, security and/or*
145 *related equipment shall be excluded from the calculations, if included within the*
146 *basement space or crawl space, and if a building plan includes basement space. ~~by an~~*
147 *amount of up to, but not more than, three and one half percent (3.5%) of the maximum*
148 *allowable floor area. In the case of single-family and two-family dwelling units that do*
149 *not include basement space, the mechanical space exemption shall not exceed five*

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150 ~~percent (5%) three and one half percent (3.5%) of the maximum allowable floor area.~~
151 ~~or not more than one hundred (100) square feet, whichever is greater. A mechanical~~
152 ~~space does not contain laundry facilities (washer and dryer).~~

153 ~~8. Stairs. Stairs shall only be included in the calculation on the floor that the stairs~~
154 ~~originate.~~

155 ~~9. Uncovered decks. Uncovered decks that are on or below finished grade and~~
156 ~~uncovered decks that are constructed on the roof of space below, including garages,~~
157 ~~shall be excluded from the floor area calculations.~~

158 ~~7 10. Veneer facade. Any veneer facade applied to a primary structural wall~~
159 ~~provided the veneer facade is of up to but not exceeding twelve (12) inches or less in~~
160 ~~thickness shall be excluded.~~

161

162 b. Exclusions *and adjustments* specifically for single-family and two-family dwelling
163 units.

164 1. Garage. Garage space that is *primarily* intended for storage of motor vehicles and
165 is completely enclosed shall be excluded from the floor area calculation, up to a
166 maximum of three hundred fifty (350) square feet for a single car garage, ~~and~~ up to
167 seven hundred (700) square feet for a two (2) ~~or more~~ car garage, *and up to nine*
168 *hundred (900) square feet for a three (3) car garage.* The maximum garage exclusion
169 for any lot is *nine hundred (900)* ~~seven hundred (700)~~ square feet.

170 ~~2. Carport. One (1) carport, which shall be one hundred percent (100%) open on~~
171 ~~one (1) or more sides, with the exception of support members and is used to store a~~
172 ~~motor vehicle, shall be included in the calculation of floor area, regardless of the~~
173 ~~number of vehicles to be accommodated therein, at a rate of fifty percent (50%).~~

174 ~~2 3.~~ Accessory unit. The floor area for an accessory *caretaker* unit shall be
175 included in floor area calculations. *The floor area for an accessory employee unit shall*
176 *be included pursuant to the requirements for such units found in to the extent required*
177 ~~by Section 16A-3-230(2) Maximum Floor Area.~~

178

179 c. Exclusions specifically for hotel/lodge rooms/suites, dormitory and multi-family
180 units.

181 1. Subgrade parking areas, *including parking below finished grade which, by way of*
182 *example, may be subterranean or against bermed embankments and structural walls.*

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183 2. Storage. In multi-family unit and dormitory buildings only, areas designed and
184 used as storage which do not have direct access to a dwelling unit, not to exceed five
185 percent (5%) of the total proposed floor area of the unit for which the storage is
186 intended.

187 3. *Elevator shafts and stairs shall only be included in the floor area calculations on*
188 *the floor that the elevator shaft or stairwell originates.*

189 4. *Carports, which shall be one hundred percent (100%) open on one (1) or more*
190 *sides with the exception of support members, and which must be used to store one or*
191 *more motor vehicles, shall be excluded in the calculation of floor area at a rate of fifty*
192 *percent (50%), regardless of the number of vehicles to be accommodated therein.*

193 d. Exclusions specifically for commercial and other nonresidential uses.

194 1. Service areas, *such as common circulation areas, public restrooms,*
195 *loading/delivery areas,* and other similar uses.

196

197 **Sec. 16A-5-60. Notice of public hearings.**

198

199 (b)(2) Mailing of notice. Mailing of notice shall be accomplished by the applicant. The
200 notice that the applicant shall mail shall be prepared by the Planning Director and provided to
201 the applicant. Notice shall be sent by first class mail to all property owners located wholly or
202 in part within three hundred (300) feet of the subject property. In certain circumstances
203 involving *multi-family uses or larger parcels*, the Planning Director may define the three-
204 hundred-foot notification boundary to be measured from the perimeter of the proposed project
205 or area within the property being affected by the proposed development, rather than being
206 measured from the entire property boundary.

207

208

209 **Sec. 16A-5-250. Administrative modifications.**

210 (a) Purpose. This Section sets forth the procedures and standards for obtaining an
211 administrative modification. An administrative modification is a staff-level *or Planning*
212 *Commission* review procedure that allows minor changes to be made to certain dimensional
213 limitations or other design features in order to address technical constraints or unanticipated
214 circumstances that arise prior to or during final design and actual construction. *Activities that*
215 *shall not be considered administrative include changes to the overall character of the project,*
216 *changes that substantially increase trip generation or the demand for public facilities and*
217 *changes that are inconsistent with a condition or a representation of the project's original*
218 *approval, or that require granting a further variation from that granted in the original*

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219 *approval.*

220 An administrative modification shall only be granted for the following types of activities:

221 (1) Setback. The intrusion of a building or an above-grade structure into a required setback
222 by one (1) foot or less for new construction.

223 (2) Floor area. An increase in the maximum allowable floor area of a structure by no more
224 than two percent (2%) or fifty (50) square feet, whichever is less.

225 (3) Building height. An increase in a building's height by one (1) foot or less.

226 (4) Parking space size. A decrease in the size of a required parking space by one (1) foot or
227 less.

228 (5) Crawl space or attic space. A crawl space or attic space that is greater than five and one-
229 half (5½) feet at any point when rational construction methods will not allow compliance with
230 the maximum height of five and one-half (5½) feet, provided that the Planning Director may
231 impose reasonable conditions to limit or restrict the use of said space.

232 (6) On-grade or below-grade structures. The projection of an on-grade or below-grade
233 structure into a required setback in a manner that exceeds the limitations established in Section
234 16A-3-200(b)(2), Structures On or Below Finished Grade. The Planning Director may impose
235 reasonable conditions to ensure that such structures will not hinder road maintenance and snow
236 plowing operations and will have minimal visual impacts, and to ensure that the owner
237 indemnifies the Town against any damage that may occur to said structures.

238 (7) Building outside of established envelope. An intrusion into a required setback, where a
239 building or portion thereof was previously constructed outside of the established building
240 envelope for the lot.

241 (8) Adjustment to building envelope. Adjustment of a building envelope to correct an
242 existing condition or to allow it to better conform to the standards of this Development Code,
243 such as by allowing less vegetation to be removed from the site, helping to lessen impacts from
244 drainage or site grading or permitting better access to the site to be provided.

245 (9) Administrative amendments. An administrative amendment to any other design
246 feature of an approved PUD, subdivision or building lot, or an administrative amendment to
247 the uses approved for a PUD. ~~Activities that shall not be considered administrative include~~
248 ~~changes to the overall character of the project, changes that substantially increase trip~~
249 ~~generation or the demand for public facilities and changes that are inconsistent with a~~
250 ~~condition or a representation of the project's original approval, or that require granting a~~
251 ~~further variation from that granted in the original approval.~~

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252 (10) Interim SPA (SPA-1 and SPA-2) authorization. Improvements to existing
253 development within Specially Planned Area (SPA-1 and SPA-2) and Governmental Specially
254 Planned Area zone districts that have not been reviewed pursuant to the procedures and
255 standards of Article V, Division 3, Planned Unit Development, provided: a) the
256 improvements are necessary for the maintenance and repair or remodeling of an existing
257 building; b) there will be no change in type of use except as may be accessory to or customary
258 in connection with the existing principal use(s) of the building; c) the total square footage of
259 the floor space of the building is not increased by more than ten percent (10%) or five
260 hundred (500) square feet, whichever is less, except in the case of Governmental Specially
261 Planned Areas it shall be ten percent (10%) of the building floor space; d) the proposed
262 improvements will be consistent with Section 16A-4-340, Building Design Guidelines to
263 Preserve Community Character; and e) all future development improvements within the
264 property *proposed after an initial administrative modification approved by means of a)*
265 *through d) above* shall be reviewed pursuant to the procedures and standards of Article V,
266 Division 3, Planned Unit Development. The Planning Director ~~shall~~ *may* require the
267 preparation of an interim site development and land use plan and may impose reasonable
268 conditions to ensure that such structures will not change the basic character of existing
269 buildings or surrounding areas or have a substantially adverse impact upon surrounding
270 properties.

271 (11) Site disturbance outside building envelope. Earth berms located outside the building
272 envelope which do not satisfy the criteria specified within Section 16A-4-320(b)(2)a, Earth
273 Berm Outside Building Envelope. The Planning Director may impose reasonable conditions
274 to ensure that such berm will be located and designed to reasonably fit the site and to
275 minimize the visual impact upon surrounding property owners.

276 (b) Procedure. The following procedures shall apply to an application for an administrative
277 modification. These procedures are illustrated in Figure 5-8, Administrative Modification
278 Application Procedures.

279 (1) Pre-application conference. Attendance at a pre-application conference is optional prior
280 to submission of an administrative modification application.

281 (2) Submission of application. The applicant shall submit an application to the Planning
282 Director that contains the following materials *specified in Subsection (c), Application Contents*.

283 ~~a. Minimum contents. The minimum contents for any application, as specified in Section~~
284 ~~16A-5-40(b), Minimum Contents.~~

285 ~~b. Site plan. A site plan of the subject property, showing existing improvements and~~
286 ~~proposed development features that are relevant to the review of the proposed administrative~~
287 ~~modification. As necessary, the applicant shall also submit such other written or graphic~~
288 ~~information as is necessary to describe the proposed modification, such as a sketch of these~~

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289 ~~elements of the proposed structure for which an administrative modification is requested.~~

290 ~~e. Improvement survey. An improvement survey, showing the location and dimensions of~~
291 ~~all existing structures, streets, alleys, easements, drainage areas, irrigation ditches, public and~~
292 ~~private utilities and other significant features within the property or proximate to the project~~
293 ~~area shall be required as may be determined necessary by the Planning Director to ensure~~
294 ~~adequate review of the application.~~

295 ~~d. Other information. The Planning Director may request the applicant to submit such~~
296 ~~other information as is necessary to evaluate the impacts of the administrative modification~~
297 ~~application. Examples of the information that may be requested are elevations of proposed~~
298 ~~new or remodeled structures, analysis of the traffic impacts of the proposed use or evaluation~~
299 ~~of the environmental or fiscal impacts of the proposed use.~~

300 ~~e. List of adjacent owners. Applicants proposing to adjust a building envelope, extend~~
301 ~~an on grade or below grade structure into a required setback, obtain interim SPA (SPA 1~~
302 ~~and SPA 2) authorization or to amend a use in an approved PUD shall submit a list of all~~
303 ~~owners of property that is located within three hundred (300) feet of the subject property.~~
304 ~~The list of persons shall be compiled pursuant to Section 16A 5 60(b)(2)a, Source of List.~~

305 ~~(3) Staff review and notice. Staff review of the application shall be accomplished as~~
306 ~~specified in Section 16A 5 50, Staff Review of Application. For an application proposing to~~
307 ~~adjust a building envelope, extend an on grade or below grade structure into a required~~
308 ~~setback, obtain interim SPA (SPA 1 and SPA 2) authorization or to amend a use in an~~
309 ~~approved PUD, the applicant shall provide notice by United States mail postage prepaid to all~~
310 ~~owners of property that is located within three hundred (300) feet of the subject property. The~~
311 ~~notice that is mailed shall contain sufficient graphic and written material to fully describe the~~
312 ~~administrative modification proposal and state that the Planning Director will take action on~~
313 ~~the application within fifteen (15) days after the date of the mailing.~~

314 ~~(3) Process Determination. Within ten (10) days after the pre-application meeting or after~~
315 ~~the application is deemed complete, the Planning Director shall decide if the application can~~
316 ~~be processed administratively or if it must be forwarded to the Planning Commission as the~~
317 ~~decision-maker.~~

318 ~~(4) Action by Planning Director. Following the notice period, the Planning Director shall~~
319 ~~either refer the application to the Planning Commission for final determination or issue a written~~
320 ~~decision notice approving, approving with conditions or denying the application, based on the~~
321 ~~following standards:~~

322 ~~a. Unforeseen circumstances. The proposed modification shall be the result of~~
323 ~~circumstances that could not have been reasonably anticipated by the applicant prior to or~~
324 ~~during the original approval process; and~~

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325 ~~b. Insubstantial impacts. Any adverse impacts on surrounding properties from the~~
326 ~~proposed modification shall be insubstantial.~~

327 (4) *Administrative staff review. Staff review of the application shall be accomplished, as*
328 *specified in Section 16A-5-50, Staff Review of Application. For applications being processed*
329 *by the Planning Director, no public notice shall be required. Notice of the issuance of the*
330 *Planning Director's approved administrative modification, including copy of the record of*
331 *decision, shall be provided to the Planning Commission.*

332 a. *Action by Planning Director. The Planning Director shall approve, approve with*
333 *conditions or deny the application, considering the relevant materials and testimony and*
334 *the standards in Subsection (d), Review Standards. If, during the staff review any issues*
335 *arise that cannot be resolved to the satisfaction of the Planning Director or the applicant,*
336 *then the staff shall refer the application within thirty (30) days to the Planning*
337 *Commission pursuant to Subsection (5) Action by Decision-Making Body.*

338 b. *Public notice that an application for an administrative modification has been*
339 *referred to the Planning Commission shall be given pursuant to Section 16A-5-60(b),*
340 *Manner and Timing of Notice.*

341 (5) *Action by decision-making body. The following procedure shall apply to an application*
342 *for administrative modification if, due to its scale or potential impacts upon surrounding*
343 *properties or due to the nature and intensity of the proposed activity or use, it is determined by*
344 *the Planning Director to warrant referral to the Planning Commission for final determination.*
345 *This procedure shall apply regardless of whether the Planning Director refers the application*
346 *prior to after a formal staff review.*

347 a. *Staff review. Staff review of the application shall be accomplished, as specified in*
348 *Section 16A-5-50, Staff Review of Application.*

349 b. *Planning Commission review. A complete copy of the application shall be forwarded*
350 *to the Planning Commission, together with a copy of the staff review, which shall approve,*
351 *approve with conditions or deny the application, based on the standards in Subsection (d),*
352 *Review Standards.*

353 ~~(5) Referral to Planning Commission. If, during the staff review or during the public~~
354 ~~hearing, any issues arise that cannot be resolved to the satisfaction of the staff or the applicant,~~
355 ~~then the staff shall refer the application to the Planning Commission, which shall approve,~~
356 ~~approve with conditions or deny the application, based on the standards in Section 16A-5-~~
357 ~~250(b)(4) above. Public notice that an application for administrative modification has been~~
358 ~~referred to the Planning Commission shall be given by publication, mailing and posting of~~
359 ~~notice, pursuant to Section 16A-5-60(b), Manner and Timing of Notice.~~

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360 (6) Appeal. A decision by the Planning Director *or Planning Commission* on an
361 administrative modification may be appealed, pursuant to Section 16A-5-80, Appeals. The
362 appeal shall be referred to the Town Council, which shall consider the matter pursuant to Section
363 16A-5-80(d), Procedure.

364 (7) Recording of decision. If the Planning Director or Planning Commission approves the
365 administrative modification, the applicant shall, within thirty (30) days of the date of said
366 approval, cause the written decision notice *or resolution, with applicable exhibits*, to be recorded
367 in the records of the County Clerk and Recorder.

368 ~~(7) Recording of interim site development and land use plan. Within ninety (90) days of~~
369 ~~the date of approval of the administrative modification, the applicant shall, if required by their~~
370 ~~approval, submit two (2) Mylar copies, suitable for recording, of the interim site development~~
371 ~~and land use plan to the Planning Director, together with any other documents that are to be~~
372 ~~recorded. The Planning Director shall review the documents to ensure they comply with the~~
373 ~~terms and conditions of approval, shall obtain signatures for all of the applicable certificates~~
374 ~~on the interim plan and shall return the documents to the applicant. The applicant shall~~
375 ~~thereafter cause the documents to be recorded in the records of the County Clerk and~~
376 ~~Recorder, at the applicant's expense.~~

377 (c) *Application Contents. An administrative modification application shall contain the*
378 *following:*

379 (1) *Minimum contents. The minimum contents for any application, as specified in Section*
380 *16A-5-40(b), Minimum Contents.*

381 (2) *Improvements survey. If deemed necessary in the discretion of the Planning Director,*
382 *Aan improvements survey, showing the location and dimensions of all existing structures, streets,*
383 *alleys, easements, drainage areas, irrigation ditches, public and private utilities and other*
384 *significant features within the property.*

385 (3) *Site plan. A site plan of the subject property, showing existing improvements and*
386 *proposed development features that are relevant to the review of the proposed administrative*
387 *modification. As necessary, the applicant shall also submit such other written or graphic*
388 *information as is necessary to describe the proposed modification, such as a sketch of those*
389 *elements of the proposed structure for which an administrative modification is requested.*

390 (4) *Other information. The Planning Director may request the applicant to submit such*
391 *other information as is necessary to evaluate the impacts of the application. Examples of the*
392 *information that may be requested are elevations of proposed structures, analysis of the traffic*
393 *impacts of the proposed use or evaluation of the environmental impacts of the proposed use.*

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395 (d) *Review Standards. An application for an administrative modification shall comply with the*
396 *following standards:*

397 *a. Unforeseen circumstances. The proposed modification shall be the result of*
398 *circumstances that could not have been reasonably anticipated by the applicant prior to or*
399 *during the original approval process; and*

400 *b. Insubstantial impacts. Any adverse impacts on surrounding properties from the*
401 *proposed modification shall be insubstantial.*

402