CHAPTER 16A

Land Use and Development Code

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ARTICLE I

General Provisions

Sec. 16A-1-10. Title and short title.

This Code shall be known as “The Town of Snowmass Village Land Use and Development Code.” It may also be referred to as “The Land Use Code” or “The Development Code.” (Ord. 4-1998 §1)

Sec. 16A-1-20. Authority.

It is the intention of the Town Council in adopting this Land Use and Development Code to fully exercise all relevant powers conferred on it by the laws of the State, including, but not limited to, the following:

(1) Home rule municipality. All of the powers reserved to the Town as a home rule municipality under Article XX of the Colorado Constitution.

(2) State enabling legislation. All of the powers granted to the Town by:


c. Articles 65, 67 and 68 of Title 24, C.R.S. Articles 65, 67 and 68 of Title 24, C.R.S., which, respectively, provide for the review of areas and activities of state interest, authorize the planned unit development approach to land development and provide for the establishment of vested property rights.

(d) Article 23 of Title 31, C.R.S. Article 23 of Title 31, C.R.S., which enables municipalities to adopt zoning regulations and subdivision requirements.

e. All other powers authorized. All other powers authorized by statute or by common law for the regulation of land uses, land development and subdivision, including, but not limited to, the power to abate nuisances. (Ord. 4-1998 §1)

Sec. 16A-1-30. Applicability.

(a) General Applicability. This Land Use and Development Code shall apply to all units and agencies of the federal, state, county and municipal government, and to special districts, to the extent permitted by state and federal law.

The provisions of this Land Use and Development Code shall apply to any and all development of land within the municipal boundaries of the Town, unless expressly and specifically exempted or provided otherwise in this Land Use and Development Code. No development shall be undertaken without prior and proper approval or authorization pursuant to the terms of this Land Use and Development Code. All developments shall comply with the applicable terms, conditions, requirements, standards and procedures established in this Land Use and Development Code.

This Land Use and Development Code establishes procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications for overall development plans, project development plans and final plans will be reviewed for compliance with the applicable standards contained within this Land Use and Development Code. Building permit applications will also be reviewed for compliance with the applicable standards contained within this Land Use and Development Code, and will be further reviewed for compliance with the approved final plan in which they are located.
(b) Compliance Required. Except as herein-after provided, no building, structure or land shall be used and no building or structure or part thereof shall be erected, constructed, reconstructed, altered, repaired, moved or structurally altered except in conformance with the regulations herein specified for the district in which it is located, nor shall a yard, lot or open space be reduced in dimensions or area to an amount less than the minimum requirements set forth herein or to an amount greater than the maximum requirements set forth herein.

(c) Exceptions.

(1) Existing structures and uses. Structures and uses existing on the effective date of this Land Use and Development Code (September 2, 1998) that do not comply with any of its applicable provisions shall be permitted to continue, subject to the provisions of Section 16A-3-220, Nonconformities.

(2) Building permit applications. Any building permit application submitted prior to the effective date of this Land Use and Development Code (September 2, 1998) may be processed according to the provisions of the Municipal Code in effect at the time the application was submitted, so long as the building permit remains valid, pursuant to Chapter 18 of the Municipal Code.

(3) Developments having vested rights. Any development that shall have established vested rights, pursuant to Section 16-29, Vested Property Rights, of the Municipal Code in effect prior to the effective date of this Land Use and Development Code (September 2, 1998), shall remain so vested for the period for which the vested rights were established.

(4) Voluntary compliance. Notwithstanding the provisions of this Section, any applicant may request to have a development application or a building permit application reviewed pursuant to the procedures and standards of this Land Use and Development Code. (Ord. 4-1998 §1; Ord. 11-1999 §3)

Sec. 16A-1-40. Purposes.

The purposes of this Land Use and Development Code are as follows:

(1) Establish efficient development review process. To establish a clear, consistent, predictable and efficient land development review process for the review of all proposed development of land within the Town.

(2) Provide for participation. To ensure appropriate opportunities for participation and involvement in the development review process by all interested and affected parties.

(3) Protect quality of life. To manage growth in a way that protects and enhances the quality of life in the Town and its environs so as to promote the general health, safety and welfare of the present and future residents of, and visitors to, the Town.

(4) Provide for orderly development of Town. To provide for the efficient, orderly and safe development of the Town, so that the range of uses necessary to sustain residents of the community and to maintain a healthy resort economy can be accommodated in a compatible manner, with minimal impacts on the natural and visual environments of the Town and the Brush Creek Valley and compatible with the best of the Town's existing aesthetic and environmental character.

(5) Implement Comprehensive Plan. To implement the principles, policies and major elements (Land Use, Transportation, Housing, Economic, Environmental, Wildlife and Community Facilities Policies and Strategic Plan of Action) of the Town of Snowmass Village Comprehensive Plan. (Ord. 4-1998 §1; Ord. 11-1999 §3)

(a) Designation of Official Plan. Whenever in this Development Code a finding of consistency with the Comprehensive Plan is required, or reference is made to the Comprehensive Plan, the Town's Comprehensive Plan (hereinafter the Comprehensive Plan) adopted by the Town Council on November 16, 1998 (Ordinance 7, Series of 1998), as such plan may from time to time be amended, shall constitute the official Comprehensive Plan for the purpose of such finding or reference.

(b) Purpose and Effect of Comprehensive Plan. The Comprehensive Plan is intended to be a comprehensive statement of the Town's current growth and development and overall land use philosophy which, by its very nature, is a dynamic statement that can and should be updated and amended over the years in response to changing community needs. Section 1.7 of the Charter requires the Town Council to adopt and maintain a comprehensive plan of the Town and provides further that no subdivision of land, zoning change or land development significantly affecting the Town shall be approved by the County without considering the effect of such approval on the Comprehensive Plan as amended. Specific sections of this Development Code require a finding, at certain stages in the review of a development, subdivision or rezoning review, of consistency with the Comprehensive Plan. For the purpose of determining consistency, the following standards shall apply:

(1) Consistency. An action is consistent if it is generally compatible with the principles and policies stated in the Comprehensive Plan and if the action is proposed in a location not precluded by the Land Use Plan, although specific aspects or details of the action may not have been contemplated. Exact or precise adherence to the Comprehensive Plan is not required in order to find consistency. If an action is determined to be consistent with the Comprehensive Plan, it means that approval of the action can be considered, not that the action must be approved.

(2) Interpretation. Since the Comprehensive Plan is, by definition, a general statement of the Town's current growth and development and overall land use philosophy, it is anticipated and assumed that circumstances will change to the extent that such philosophy will, from time to time, need to be revised and that the provisions of the Comprehensive Plan will be subject to interpretation by the Town Council.

(3) Inconsistency. If a determination of inconsistency is made at any stage of development review, the application shall be either denied, or in the alternative, with the consent of the applicant, the time for action on the application may be suspended for a specific period of time to be agreed upon by the Town and the applicant in order to consider an amendment to the Comprehensive Plan.

(c) Periodic Review. The Planning Commission shall conduct a review of the Comprehensive Plan at such time as the Planning Commission may determine, but not later than twenty-four (24) months following the most recent review. Following such review, the Planning Commission shall submit a written "State of the Comprehensive Plan" report to the Town Council including, among other things, recommendations for amendments to the Comprehensive Plan. The Planning Commission shall submit its report to the Town Council at a joint meeting with the Town Council. The Town Council shall conduct a public hearing on the "State of the Comprehensive Plan" within forty-five (45) days after the Planning Commission's presentation. A notice of the public hearing shall be published in a newspaper of general circulation in the Town at least thirty (30) days prior to the hearing.
(d) Amendment to Comprehensive Plan. Following the periodic review, the Planning Commission and the Town Council may conduct such additional hearings and investigation as they deem appropriate and may amend the provisions of the Comprehensive Plan. An amendment to the Comprehensive Plan shall be accomplished by ordinance. The Planning Commission shall submit its comments and recommendations in writing to the Town Council prior to first reading of the ordinance. Prior to second reading and final adoption of such ordinance, the Town Council shall hold a public hearing. Public notice of the hearing shall be given by publication of notice, pursuant to Section 16A-5-60(b), Manner and Timing of Notice. (Ord. 4-1998 §1; Ord. 23-1999 §1)

Sec. 16A-1-55. Pre-sketch plan.

(a) Purpose. The Town Council is authorized to conduct sessions to provide an opportunity for informal discussion among developers, public officials and the public on various issues relating to the use of land in the Town and the relationship of its use to the overall operation and economic stability of the Town.

(1) Allow discussion. The sessions are for the purpose of discussion and education and are not intended to result in any formal action or decision making. Under no circumstances can the Planning Commission or Town Council be estopped to deny approval of any development proposals, or other matter for which approval is required pursuant to the provisions of this Chapter, because of the participation of members of the Planning Commission and/or Town Council in such sessions.

(b) Pre-Sketch Plan Review Procedure. The pre-sketch plan process is an optional step prior to the submission of a sketch plan. The process is a joint planning effort with the applicant and the Town Council and Planning Commission.

The Town Council and the Planning Commission shall hold a joint meeting on the pre-sketch plan. The Town Council and the Planning Commission's participation in the process is informal and nonbinding.

(1) Steps in the pre-sketch plan process. An applicant may utilize the pre-sketch plan process more than once for a single site proposal. No prioritizing or entitlements for the proposed project would occur as a result of going through this process.

(2) Submission of an application. The applicant shall submit a pre-sketch plan and narrative as an application to the Planning Department at least two (2) weeks prior to a scheduled Town Council meeting. Applications will be scheduled before the Town Council subject to available time during a work session.

a. The applicant shall include in the application the name of all property owners.

b. The application shall include a plan displaying the existing improvements, as well as the pre-sketch development proposal, for the entire property.

c. The applicant shall submit a narrative describing the proposed uses and activities.

d. If the applicant is not the owner of the subject property, then the applicant shall include either evidence that the property is under contract or a letter containing the written consent of the landowner to the submission of the pre-sketch plan application.

e. No public notification is required of the applicant; however, the Town will notice the item in a newspaper of general circulation in the area.
(3) Public meeting. A complete copy of the application shall be forwarded to the Town Council and the Planning Commission. The application shall be scheduled for a public meeting to present the initial proposal to the Town Council and the Planning Commission. The Town Council shall schedule the discussion during a work session at their discretion.

(4) Town Council and Planning Commission comments. The Town Council and the Planning Commission shall comment on the proposal and such comments shall be reflected in the minutes of the public meeting.

(5) Modified proposals submitted in response to Town comments. Resubmission of proposals shall be scheduled at the next available Town Council work session or after two (2) weeks following the Planning Department's receipt of a revised application, at the discretion of the Town Council. (Ord. 9-2000 §1; Ord. 16-2010 §1)

Sec. 16A-1-60. Word usage and construction of language.

This Section establishes rules that shall be observed and applied when interpreting the language of this Development Code, unless the context clearly requires otherwise.

(1) Conflicting provisions.

a. More versus less restrictive provisions. Where there exists a conflict or overlap between any provisions within this Land Use and Development Code, or between this Development Code and any other regulation adopted by the Town, the provision that is the more restrictive or particular shall prevail over that which is less restrictive or is general.

b. Text versus table, illustration, graphic depiction or caption. If a conflict or overlap arises between the provisions of the text of this Land Use and Development Code and any table, illustration, graphic depiction or the caption of any section or subsection, the provisions of the text shall prevail.

c. Private agreements. It is not the intent of this Land Use and Development Code to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties. If the provisions of this Development Code impose a greater restriction than imposed by a private agreement, the provisions of the Development Code shall control; if the provisions of a private agreement impose the greater restriction, the provisions of the private agreement shall control. The Town shall not be responsible for monitoring or enforcing private agreements.

(2) Provisions are minimum requirements. The provisions of this Land Use and Development Code shall be regarded as the minimum requirements necessary for the protection of the public health, safety, general welfare and the environment. This Development Code shall be liberally construed to further its stated purposes.

(3) Exercise of authority. Whenever a provision appears requiring the Planning Director, or the head of any other Town department, to perform an act or duty, it shall be construed to authorize the Planning Director, or the head of said other Town department, to designate, delegate and authorize subordinates to perform the duty or act, unless the terms of the provision or section specify otherwise.

(4) Computation of time. The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or legal holiday observed by the Town, that day shall be excluded. Time shall be based on calendar days, not working days, unless otherwise specified.
a. **Day.** The end of a day shall be at 5:00 p.m., local time.

b. **Week.** The word *week* shall mean seven (7) days.

c. **Month.** The word *month* shall mean thirty (30) days.

d. **Year.** The word *year* shall mean three hundred sixty-five (365) days.

(5) Fractions. Whenever a fraction is generated in the computation of standards, the fraction shall be rounded to the most restrictive whole number. For example, in the computation of parking spaces, the number of required spaces would be rounded up to the next highest number; and, in the determination of floor area ratio allowance, the square footage of allowable floor area would be rounded down to the next lowest whole number.

(6) Word usage.

a. Tense. Words used in the past or present tense include the future, as well as the past or present.

b. Singular/plural. A word importing the singular number may extend and be applied to several persons and things as well as to one (1) person or thing. The use of the plural number shall include any single person or thing, unless the context clearly indicates the contrary.

c. Shall/will/must/may/should. **Shall,** **will** and **must** all mean mandatory. **May** means permissive. **Should** means preferred.

d. Masculine/feminine. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.

e. Conjunctions. Unless the context clearly suggests otherwise, conjunctions shall be interpreted as follows:

> And means that all connected items, conditions, provisions or events apply; and

> Or means that one (1) or more of the connected items, conditions, provisions or events apply.

f. Common/technical terms. Words and phrases shall be construed according to the common and approved usage of the term, but technical words and phrases that have acquired a particular meaning shall be understood according to such meaning.

g. Lists and examples. Unless otherwise specifically indicated, lists of items or examples that use terms such as *for example, including* and such as or similar language are intended to provide examples, not exhaustive lists of all possibilities.

(7) Abbreviations. The following abbreviations used in this Land Use and Development Code have the following meanings:

a. **CC** means Community Commercial zone district.

b. **CDOW** means Colorado Division of Wildlife.

c. **CGS** means Colorado Geologic Survey.

d. **CON** means Conservation zone district.

e. **C.R.S.** means Colorado Revised Statutes, including all amendments thereto.

f. **CSFS** means Colorado State Forest Service.
g. *DU* means Duplex Residential zone district.

h. *EST* means Estate Residential zone district.

i. *FAR* means floor area ratio.

j. *max.* means maximum.

k. *min.* means minimum.

l. *MF* means Multi-Family Residential zone district.

m. *MU* means Mixed Use zone district.

n. *N/A* or *Not Applic.* means not applicable.

o. *No req.* means no requirement.

p. *OS* means Open Space zone district.

q. *PUB* means Public Use zone district.

r. *PUD* means Planned Unit Development.

s. *RFTA* means Roaring Fork Transit Agency.


u. *SPA* means Specially Planned Area.

v. *sq. ft.* means square feet. (Ord. 4-1998 §1; Ord. 11-1999 §3)

**Sec. 16A-1-70. Interpretations.**

(a) Authority. The Planning Director shall be authorized to interpret the provisions of the Land Use and Development Code and to interpret the boundaries of the Official Zone District Map.

(b) Initiation. A request for an interpretation may be made by any person by submitting a written request to the Planning Director. The written request shall specify the section of the Land Use and Development Code or the portion of the Official Zone District Map for which an interpretation is requested. The written request shall also state the person's understanding of the meaning of the section or map boundary.

(c) Rendering of Interpretation. Within fifteen (15) days of receipt of a complete application for an interpretation, the Planning Director shall review and evaluate the application, consult with the Town Attorney and other staff as necessary and render a written interpretation. When rendering the interpretation, the Planning Director shall consider the Town's legislative intent in adopting the provision, as expressed in this Development Code and the Town's official records.

(d) Official Record. The Planning Director shall keep an official written record of all interpretations that have been rendered. The record shall be available for public inspection, upon reasonable request, during normal business hours.

(e) Appeals. Interpretations or final decisions rendered by the Planning Director may be appealed to the Town Council. The appeal shall be submitted and considered pursuant to the provisions of Section 16A-5-80, Appeals. (Ord. 4-1998 §1; Ord. 11-1999 §3)

**Sec. 16A-1-80. Severability.**

If any article, division, section, subsection, paragraph, clause, provision or portion of this Development Code is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Development Code shall not be affected. If any application of this Development Code to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land or water not specifically included in said judgment. (Ord. 4-1998 §1)
ARTICLE II
Definitions

Sec. 16A-2-10. Purpose.

The purpose of this Article is to define words, terms and phrases contained within this Land Use and Development Code. (Ord. 4-1998 §1)

Sec. 16A-2-20. Definitions.

The following words shall have the following meanings when used in this Development Code.

Accessory building means a subordinate building, the use of which is customarily incidental to that of the principal use of the land and which is located on the same lot or parcel with the principal building or use. Accessory buildings shall not be provided with a kitchen or bath facilities sufficient to render them suitable for permanent residential occupancy (except to permit the installation of an accessory employee unit). An accessory building may include a garage, carport or storage facility.

Accessory caretaker unit (ACU) means an area attached to or within a single-family detached dwelling, or above or below a detached garage that is located on a lot zoned for a single-family dwelling. The ACU shall be subject to the provisions of Section 16A-3-230(1), Standards for an Accessory Caretaker Unit. An ACU shall have a separate exterior entrance and shall contain an ACU kitchen, a bathroom and sleeping facilities.

Accessory employee unit (AEU) means an area attached to or within a single-family detached dwelling, or above or below a detached garage, that is located on a lot zoned for a single-family dwelling. The AEU shall be subject to the provisions of Section 16A-3-230(2), Standards for an Accessory Employee Unit. An AEU shall have a separate exterior entrance and shall contain an AEU kitchen, a bathroom and sleeping facilities.

Accessory use means a use that is naturally and normally incidental to, subordinate to and devoted exclusively to the principal use of the premises and does not change the basic character thereof, as determined by the principal use. Accessory uses may include employee units, manager's unit and parking, but shall not include any use that is prohibited in the underlying zone district.

Alley means a roadway intended for limited public use that connects to one (1) or more public streets.

Antenna reception or transmission device means a structure or device for the reception and/or transmission of aerial or satellite signals, including television signals, AM or FM radio signals, telemetry signals, data communication signals or any other reception or transmission signals using free air space as a medium, whether for commercial or private use, but excluding any device that is less than one (1) meter in diameter or diagonal measurement, and excluding an antenna that is designed solely to receive television broadcast signals.

Association means a group of owners formed to further the common interests of some or all of the owners of property, who are members of the association.

Awning means a roof-like cover that projects from a structure for the purpose of shielding a doorway or window from the elements. An awning may be capable of being retracted into the face of the building.
Basement means any floor of a building located in a manner that at least fifty percent (50%) of its floor to ceiling height for each wall is below grade, as defined herein. The percent calculated shall be based on wall area for each wall.

Bedroom means any room for sleeping within a dwelling unit that contains closet space and has access to bathroom facilities. Dens, family rooms or recreational rooms shall be considered bedrooms if determined to meet this definition.

Bighorn sheep winter range means those portions of the overall distribution typically used by bighorn sheep through all or nearly all of the winter season for foraging and for shelter from severe weather conditions. Generally, bighorn sheep winter range is those parts of the overall distribution of the species where ninety percent (90%) of the individuals are located from first heavy snowfall to green-up during the average five (5) winters out of ten (10).

Building means any permanent structure built for the shelter or enclosure of persons or property of any kind. Building does not include advertising signs or fences.

Building setback means an open space other than a court, not in an alley or street, unoccupied and unobstructed by any buildings or above grade related structures, except as otherwise provided in this Code.

Building setback, front means an area extending the full width of the lot or parcel, the depth of which is measured by the least horizontal distance between the front lot line and that area defined as the building site or envelope.

Building setback, rear means an area extending the full width of the lot or parcel, the depth of which is measured by the least horizontal distance between the rear lot line and that area defined as the building site or envelope.

Building setback, side means an area extending from the front lot line to the rear lot line, the width of which is measured by the least horizontal distance between the side lot line and that area defined as the building site or envelope.

Building site or envelope means that portion of a lot or parcel designated as the area within which a building or structure may be erected and within which other site disturbance may occur, as described in Section 16A-4-320(b)(2), Limitations on Site Disturbance.

Business means any establishment, profession, occupation or activity engaged in by a person with the object of profit, gain, benefit or advantage, direct or indirect, that is conducted on premises within the Town.

Caretaker unit means a dwelling unit that is attached to or is within a detached single-family dwelling unit that is located on a lot zoned for a single-family dwelling, approved by the Town prior to December 10, 1997. The unit should be occupied by employees, senior citizens or disabled individuals. A caretaker unit shall contain a kitchen with refrigerator and sink, and cooking, sanitation and sleeping facilities. Cooking facilities shall not be limited to just a hot plate and/or microwave oven. Sanitation facilities shall include a bath and/or shower.
Commercial recreation facility means racquet club, athletic club, gymnasium, swimming pool, skating rink and similar facilities, but does not include stables.

Community facility, major means public and quasi-public institutions, educational facilities, fire station, community center, church, library, museum, town hall, conference facilities not directly associated with lodges/hotels or other facilities, information centers and major public transportation and maintenance facilities that may include terminals, parking areas, service buildings and major shelters.

Community facility, minor or accessory means minor public transportation facilities, trash collection dumpsters, public safety related facilities, above-grade facilities that are appurtenant to underground utilities, and similar facilities that are accessory and necessary for the servicing of allowed or special review uses.

Comprehensive plan means a compendium of reports, charts, graphs, drawings, maps or plans as may be adopted, or any portion thereof or any amendment thereto, that set forth recommendations and policies for guiding future growth and development, while providing for the public's health, safety and general welfare. The Town of Snowmass Village Comprehensive Plan adopted by the Town Council pursuant to Ordinance 7, Series of 1998, is the officially adopted comprehensive plan of the Town.

Condominium plat means a survey description or map of a condominium interest in a structure for the purpose of title conveyance.

Condominium unit means an individual air space unit, together with the interest in the common elements appurtenant to such unit, as defined and recognized by the Colorado Common Interest Ownership Act.

Condominiumization means the process by which condominium units are created in a property previously owned in total by one (1) individual, partnership, corporation, joint venture or other legal entity.

County means the County of Pitkin, Colorado.

Cul-de-sac means a local street terminating in a vehicular turnaround.

Day care home means the regular care and supervision of more than two (2) but not more than six (6) children at any time within a dwelling who are not related to the inhabitants of the dwelling, whether or not compensation is provided for such services. The care and supervision of two (2) or fewer children at any time not related to the inhabitants of the dwelling shall be considered to be in-home babysitting, which is a home occupation.

Developer means the person(s) undertaking any development activity as described herein.

Development means any of the following activities pursuant to this Land Use and Development Code: (a) the subdivision of a parcel of land into two (2) or more parcels, divisions or ownerships; (b) the construction, reconstruction, conversion, expansion or structural alteration, relocation or enlargement of any buildings, structures or accessory structure; (c) any use, change in use or change in intensity of use of any buildings, land or water; or (d) any clearing, grading, filling, excavating or other movement of land.

Disclosure statement means the statement prepared by a developer pursuant to Section 16A-5-550, Time Share, together with any amendments or supplements thereto.
Dormitory means any building or portion thereof intended or designated specifically for sleeping facilities for an individual or a group of more than four (4) unrelated individuals. A dormitory shall have sanitation facilities either within or in close proximity to sleeping areas. Accessory uses may include laundry and kitchen facilities located outside designated sleeping areas.

Dwelling, multi-family means a building containing two (2) or more dwelling units sharing vertical and/or horizontal party walls in which each dwelling unit is designated for and used as a dwelling exclusively by one (1) family and their guests. Multi-family dwelling units may be made available for short-term rental. For purposes of determining the restricted housing employee generation rate for a use pursuant to Subsection 16A-4-410(a), a multi-family dwelling within a proposed development shall be classified as one (1) of the following:

a. Multi-family-1 means a multi-family dwelling or group of multi-family dwellings located within the same PUD, consisting of at least twenty-five (25) dwelling units and in which the owners of the dwelling units located therein have the opportunity to participate in a centralized:

1. Check-in facility;

2. Property management program; and

3. Rental management/unit management program;

(provided that the applicant can establish to the Town's reasonable satisfaction that at least sixty-seven percent [67%] of the dwelling units within such dwellings can reasonably be expected to participate in said centralized management program).

Does not include multi-family dwellings operated and maintained, in whole or in part, as a hotel/lodge.

b. Multi-family-2 means a multi-family dwelling which does not conform to the definition of multi-family-1 dwellings.

Dwelling, single-family attached. See Dwelling, multi-family.

Dwelling, single-family detached means a detached principal building designated for and used as a dwelling unit exclusively by one (1) family and their guests.

Dwelling, two-family (also known as a duplex) means a detached principal building containing no more than two (2) dwelling units sharing a common wall between both dwelling units or sharing a common ceiling or floor, in whole or in part, connecting the two (2) dwelling units, each of which is designed for and used as a dwelling unit exclusively by one (1) family.

Dwelling unit means any building or portion thereof, used exclusively for residential occupancy, that contains living facilities, including provisions for sleeping, eating, cooking and sanitation, and is intended for occupancy by a family and its guests, independent of other families or guests. A dwelling unit shall contain only one (1) kitchen and does not include hotels, motels, tents, seasonal vacation cabins, camper trailers or other structures designed for temporary occupancy. A dwelling unit may also be referred to as a dwelling. Any dwelling unit shall be deemed to be a principal building.

Elk concentration areas means those areas that because of their slope, aspect, elevation and vegetation are capable of providing elk sufficient food and cover to survive...
the most difficult winter months of average winters. The densities of elk in concentration areas are twice as great as those in surrounding winter ranges in the average five (5) winters out of ten (10).

*Elk migration corridors* means the routes elk use to migrate between summer ranges and winter ranges.

*Elk production areas* means those lands on which pregnant female elk give birth to their young in the early spring. *Elk production areas* are undisturbed areas inhabited by female elk that contain free-flowing water, an ample understory of low-lying vegetation that provides good hiding cover and sufficient food.

*Elk severe winter range* means those areas that because of their relatively low elevation, aspect, slope, limited snowpack, or natural or man-made physical barriers, provide elk sufficient food and cover during those months where there is maximum snowpack or minimum temperatures during the most severe winters (the worst two [2] of ten [10] winters).

*Employee, AEU,* for the purposes of determining occupancy of an AEU, shall mean a person employed within the Town at the time of initial tenancy and who shall remain employed within the Town or County for a minimum of eight (8) months of any calendar year.

*Family* means any individual, or two (2) or more persons related by blood or marriage or between whom there is a legally recognizable relationship, or not more than two (2) unrelated adults and their related children; or a group of not more than four (4) unrelated adults occupying the same dwelling unit on a continuous basis for a period of time greater than one (1) month.

*Fire Department* means the Snowmass-Wildcat Fire Protection District.

*Floor area* means the sum of the horizontal area of a structure, measured as described in Section 16A-3-210, Measurement of Dimensional Limitations, and stated in square feet.

*Floor area, allowable* means the maximum allowed floor area permitted for the lot as specified within Table 3-2, Schedule of Dimensional Limitations.

*Floor area ratio (FAR)* means a ratio determined by dividing the floor area of a structure, in square feet, by the total area of a lot or parcel, in square feet.

*Full time equivalent (FTE)* shall mean the conversion of part-time work hours to the equivalent number of full-time work hours based on a forty-hour work week.

*Furnished sleeping area (FSA)* means a room, typically within a hotel/lodge or multi-family-1 dwelling unit, furnished to accommodate sleeping occupants, including lock-off rooms. For purposes hereof, a room containing no bed but which may have one (1) or more "sofa beds" or "Murphy beds" shall not constitute a furnished sleeping area unless such room is located within a studio unit or lock-off room.

*General services* means warehouses, wholesale businesses, manufacturing, laboratories and similar uses.

*Golden eagle nest site* means the bed or receptacle prepared by a golden eagle for its eggs and young. *Golden eagle nest sites* typically occur on cliffs, but trees are sometimes used. Nests are generally located so the birds are provided an unobstructed view of surrounding areas, affording maximum foraging opportunities.
Grade, above means any building or structure that is greater than thirty (30) inches above finished grade at any point within five (5) feet measured horizontally from said structure.

Grade, existing means the ground surface elevation in existence prior to the initiation of development on a parcel of land. If it is determined that existing grade has been altered prior to submission of a development application for the purpose of evading this definition, or due to natural land movement, the deposition of material on the property by others, or similar acts not willfully done by the owner of the property at that time, then the Planning Director shall establish what had been existing grade prior to the alteration, and shall measure from that elevation.

Grade, finished means the elevation of the ground surface following development.

Group care facility means medical facility, day care center, child nursery and similar care facilities that are licensed by the State.

Group home means a residential building that is owned and operated by a nonprofit organization, or is owned and operated by an individual or group of individuals who actually reside at and maintain their primary place of residence in the group home that is occupied by not more than eight (8) persons who are sixty (60) years of age or older who do not require skilled or intermediate care facilities.

Hardscape means that part of a parcel's ground surface consisting of structures such as plazas, patios, driveways and parking areas made with hard impervious materials.

Health club (general) means an area offering cardiovascular and strength training equipment including electronic cardio machines, free and machine weights, and may include aerobic or other physical activity facilities.

Health club (spa) means an area in a hotel or resort property offering such amenities as steam baths, saunas, massage, hydrotherapy, face and other body treatments.

Home occupation means an occupation or a profession that is conducted within a dwelling unit or on the premises thereof and is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

Hotel/lodge rooms and suites mean a building or portion thereof containing rooms, areas or separate spaces intended for temporary occupancy by guests typically by the day or week, each of which contains sanitation facilities and may contain a small kitchen area. The hotel or lodge, generally, provides one (1) or more enhanced levels of service, such as:

a. A level of staffing, amenities, service or facilities above that customarily found in multi-family dwellings;

b. Twenty-four-hour front lobby check-in with in-house maid, concierge, room and maintenance services; and

c. Standardized fixtures and furnishings with central phone, cable, heating, air conditioning and hot water systems for all units. Accessory use facilities may include associated office space, central laundry or laundry facilities used by the occupants, meeting rooms and similar service/support facilities, none of which shall constitute independent commercial uses.
Illumination, indirect, when applied to signs, shall mean reflected light only from a concealed light source outside the sign face which reflects from the sign face only or from the sign face and sign copy.

Indoor entertainment facilities means theater, performing arts center and similar facilities.

Indoor recreation facility means climbing walls, video games, table games, paintball games and similar facilities.

Interim site development and land use plan means graphic and descriptive material that identifies the existing and approved densities, uses, height, size, parking and other development parameters for all or any portion of a property as may be required by the Planning Director to sufficiently define and describe the project area.

Joint authority, when purporting to give authority to three (3) or more officers or other persons, means authority is given to a majority of such officers or persons, unless it is otherwise declared.

Kitchen means an area designated or intended for cooking, that contains at least a sink and cooking facilities, which include a range and/or counter top burners.

Kitchen, AEU means an area designated for cooking that contains, at a minimum, a twelve-cubic-foot refrigerator, a six-gallon capacity sink, a stove with four (4) cooking surface burners or elements and an oven, and an area for food storage.

Land, real estate and real property means lands, tenements, hereditaments, water rights, possessory rights and claims.

Law denotes applicable federal law, the Constitution and statutes of the State, the ordinances of the Town and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

Lock-off room means a room in a hotel or lodge which can be locked off from any other room in the hotel or lodge, allowing it to be individually occupied. A lock-off room may contain sanitation facilities, but may not contain a kitchen. Each lock-off room shall be considered to be a hotel or lodge room.

Lot means a parcel of real property, as shown with a separate and distinct number or letter on a plat recorded in the County Clerk and Recorder's Office, or when not so platted in a recorded subdivision, a parcel of real property held under separate ownership from surrounding property.

Lot area means the total horizontal area within the lot lines of a lot.

Lot line, front means the property line dividing a lot from a street or located adjacent to the principal means of access.

Lot line, rear means the property line opposite the front lot line.

Lot line, side means any lot line other than the front and rear lot lines.

Manager's unit means a dwelling unit, which may be a single-family detached dwelling unit, or a dwelling unit provided within a structure containing multi-family dwelling units, single-family attached dwelling units, dormitories, hotel or lodge rooms, or commercial uses and services, specifically intended for occupancy by a resident manager of the principal use.
Managing agent means the person responsible for operating and maintaining a time share project.

Maximum floor area means the maximum amount of floor area allowed on an individual lot, unless otherwise provided by this Code.

Mean high water mark means the visible line on the edge of a river, stream, creek, lake or pond up to which the presence and action of water are so usual and long conditioned so as to create a distinct character with respect to vegetation and the nature of the soil.

Minimum parking spaces means the minimum number of parking spaces that shall be required per bedroom, dormitory sleeping area, hotel/lodge room, commercial space or other use, unless otherwise provided by this Code.

Mule deer severe winter range means those areas that because of their physical characteristics (such as relatively low elevation, limited snowpack or natural or man-made physical barriers) provide mule deer sufficient food and cover during those months when there is maximum snowpack or minimum temperatures of the most severe winters (the worst two [2] winters out of ten [10]).

Occupied means arranged, designed, built, altered, converted, rented or leased, or intended to be occupied.

Office means a room or a series of rooms where business, professional or governmental services are made available to the public. Office includes a business office occupied by persons such as realtors, travel agents, advertising agents, insurance agents, brokerage houses and lenders, and a professional office occupied by persons such as physicians, dentists and other health care professionals, lawyers, architects, engineers, surveyors, planners, accountants and other professionals.

Open space means a portion of a lot or parcel which shall be unoccupied and unobstructed by any above-grade structures, parking areas, roads, driveways or real property zoned Open Space, depending on the context.

Open space, common means a parcel of land, an area of water or a combination of land and water within a site designated in a planned unit development, specially planned area or subdivision, designed and intended primarily for the use or enjoyment of residents, occupants and owners of the development, condominium or subdivision.

Open use recreation site means land designated for public recreational use, either publicly owned or privately owned and available on a fee, nonfee or membership basis, including but not limited to such facilities as playgrounds and play fields, ski/snowboard areas, trail networks, golf courses, tennis courts and similar court installations for outdoor entertainment.

Owner, applied to a building or land, means any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.

Paved or paving means any asphalt, concrete or similar impervious wearing surfaces.

Person means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust or organization, or the manager, lessee, agent, servant, officer or employee of any of them.
Personal and business services shall mean shops primarily engaged in providing services generally involving the care of the person or such person's apparel or rendering services to business establishments such as laundry or dry-cleaning retail outlets, portrait/photographic studios, beauty or barber shops, employment services or mailing or copy shops.

Planned unit development means an area of land controlled by one (1) or more land owners, to be developed under unified control or a unified plan of development for residential, commercial, educational, recreational, public and/or other uses, the plan for which may vary certain dimensional limitations of the underlying zone district within specified limits, or may establish the applicable dimensional limitation for the property, as provided in Article V, Division 3, Planned Unit Developments.
Planned unit development modification means an adjustment, release or removal of certain provisions of a final planned unit development (PUD) plan. A modification of floor area, height, required parking spaces, setback requirements and other minor adjustments may be permitted in accordance with the review procedures of Section 16A-5-250, Administrative Modifications. Changes in use or substantial changes in floor area, height, parking and setbacks that change the nature of the PUD plan are considered an amendment and are subject to the provisions of Section 16A-5-390, Amendment of Final PUD.

Planned unit development plan means the final provisions, terms and conditions for a planned unit development or any development, approved in accordance with Article V, Division 3, Planned Unit Development. An approved planned unit development plan shall constitute the final zoning and development regulations for the specific area for which it has been adopted.

Premises means any land, structure, lodge, store, office, salesroom, warehouse or other place of business situated within the Town which is owned, leased or occupied by a business.

Pre-sketch plan means a narrative and plan proposal submitted to the Town for nonbinding comment prior to the submission of a sketch plan.

Principal use means the main or primary purpose for which a structure or land is designed, arranged or intended, or for which it may be occupied or maintained as provided in the Code.

Private recreation facilities means tennis courts, swimming pools and similar facilities that are owned and operated by a property owner's association or as an amenity of a hotel/lodge or private club and are intended for use by members and guests.

Property means both real and personal property.

Public parking lot means an area owned by or leased to the Town that is designated for the short-term storage (not to exceed seven [7] days without a change of location) of private automobiles. A public parking lot is not intended to primarily serve a single condominium complex, apartment complex or hotel facility.

Public utility uses, facilities and services means the following and similar uses, facilities and services: above-grade or below-grade water storage tanks, substations, transformers and related structures; service access roads; and underground public utility transmission and distribution lines, and other minor underground improvements associated therewith.

Purchaser means any person, other than the developer or a lender, who is buying a time share estate.

Recreational-related facilities, conditional means special on-mountain events to host more than five hundred (500) people at one (1) time; special summer attractions, including hang gliding, paragliding, zip line, commercial jeeping or commercial mountain biking; overnight camping facilities; events related to recreational operations of the ski mountain; indoor recreational facilities that change the primary use of the building; dining and food services associated with night operations for ice skating and tubing; private dining ski/snowboard clubs on the private lands located on the mountain; commercial snowmobile tours; alpine slides; and any nighttime operations requiring lighting.
Retail sales establishment means a business engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Ridgeline means those lands at the crest or top of a ridge, hillside or mesa, as viewed from Brush Creek Road, Owl Creek Road or the Town Community Park. A ridgeline is the visual line at which the ground and the sky appear to meet. A ridgeline does not include any ridge that is not the highest on the hillside or mesa, or that can be viewed with a higher portion of the hillside or mesa as its backdrop.

Right to use estate means a transferable contract right, which does not fall within the definition of either an interval estate or a time-span estate, providing for or allowing the exclusive use or occupancy of a dwelling unit by one (1) or more persons during any annually recurring period of time defined and established by a schedule, recorded or unrecorded, and agreed to by the owners including, without limitation, licenses or club memberships.

Riparian habitat means the land within the waterway, the waterway and those lands located between the water's edge (of rivers, streams, creeks, ponds and lakes) and upland areas, whose soils allow for or tolerate a high water table and provide sufficient moisture in excess of that otherwise available locally, so as to support interacting assemblages of plants, animals and aquatic communities whose presence is either directly or indirectly attributed to water-influenced or water-related factors.

Road means a public or private way for vehicular traffic including roadway and sidewalk area, being the entire width from lot line to lot line or easement line to easement line. Road includes the terms highway, road, place, avenue and other similar designations.

Roadway means that portion of a public or private street improved, designed or ordinarily used for vehicular traffic.

Sign means an object or device or any part thereof visible from a street, sidewalk or mall that is used to advertise, identify, display, direct or attract the attention of a pedestrian or motorist to an object, place, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, logos, fixtures, colors, illumination or projected images.

Sign, awning means a sign comprised of lettering and/or logos that is located on the valance thereof.

Sign, freestanding means a sign supported by poles, uprights or braces extending from the ground or from an object on the ground, providing that no part of the sign is attached to any part of a building.

Sign, hanging means a sign which hangs from a covered arcade, soffit, beam or other overhanging part of a structure.

Sign, joint identification means a sign that identifies all business located in a single building or building complex, or a sign that identifies individual buildings within a complex.
Sign, on premises means a sign that advertises goods, services, facilities or events available on the premises upon which the sign is located.

Sign, projecting means a sign that is supported by a building or other structure which projects over any sidewalk or pedestrian or other landscaped area.

Sign, temporary means any nonpermanent sign or banner erected, affixed or maintained for a limited period of time.

Sign, wall-mounted means a sign attached to or painted on a wall of a building, the display surface of the sign being parallel to the wall of the building to which the sign is attached.

Sign, window means a sign, meant to be permanent, that is visible from the exterior of a building and is painted on a window or depicted upon any material placed on, taped on or hung immediately behind a window.

Ski-related facilities means alpine and Nordic ski/snowboard areas, related uses and support or appurtenant facilities typically associated with the use and operations of ski/snowboard area; outdoor recreation uses, games and facilities; skier services; food service/kitchen/cafeteria operations; tours; sledding and tubing hills; group activities, social events and racing competitions for less than five hundred (500) people at one (1) time; indoor recreation facilities that do not change the primary use of the building; recreational trails of all types; restaurant and picnic facilities; vehicle maintenance facilities and their related storage of materials; domestic water pump houses and treatment facilities; and race arena and terrain park facilities.

Slope means the inclination of land from the horizontal, determined by dividing the horizontal run of the slope into the vertical rise of the same slope and converting the resulting figure into a percentage value. For purposes of regulation and measurement, a slope must involve an elevation change of at least ten (10) feet within a horizontal distance of at least thirty (30) feet measured in increments as approved by the Planning Director.

State means the State of Colorado.

Street means any public or private highway, road, lane, alley, cul-de-sac, avenue, bridge, viaduct, underpass, overpass or tunnel in the Town, dedicated or devoted to public use.

Street, arterial means any street which provides direct year-round connection to another jurisdiction, or which links such roads, and is intended or used primarily for free-flowing traffic movement. Traffic velocity is generally greatest on arterial streets, due primarily to roadway design. The arterial streets within the Town are Brush Creek Road, Highline Road and Owl Creek Road.

Street, collector means any street into which local streets feed and which connects directly with an arterial street. The collector streets within the Town are Carriageway, Divide Road, Faraway Road, Horse Ranch Drive, Meadow Road, Pinecrest Drive, Sinclair Road, Snowmass Club Circle, Two Creeks Drive and Wood Road.

Street, local means any street providing for the movement of vehicles within a geographically limited area such as a single-family or two-family residential subdivision containing numerous lots, or between a group
of connected multi-family complexes or commercial complexes. A local street that serves a multi-family or commercial development must serve more than one (1) multi-family or commercial property complex. A local street provides access to abutting properties, or provides access to and from a collector street or a local street. A local street carries more traffic than a minor street, but less than a collector street. A local street connects directly to a collector street or another local street which connects to a collector street, or to an arterial street.

Street, minor means any street providing for the movement of vehicles within a single-family or two-family residential subdivision. It provides access to abutting properties, and it generally serves a minimal number of lots, usually no more than five (5) to seven (7) lots. Traffic volumes are less than experienced on local streets. A minor street may connect into either a collector or local street.

Structure means anything constructed or erected, which requires location on the ground or attached to something having a location on the ground, but not including poles, lines, cables or other transmission or distribution facilities of public utilities.

Subdivider means the person, including the owner or agent for the owner, dividing or proposing to divide land so as to constitute a subdivision to be shown on a recorded plat.

Subdivision means the division of any tract or parcel of land, with or without improvements thereon, into two (2) or more lots, tracts, parcels, sites, separate interests (including leasehold interests, condominium units or interest as defined in the Colorado Common Interest Ownership Act, and interval estates as defined herein), interests in common or other divisions for the purpose, whether immediate or future, of sale or development. Subdivision shall also mean condominiumization as is defined herein, and specifically includes the division or conversion of any existing units, including dwelling units, office or other building into condominiums, or time share estates. It also includes subdivision relating to the process of subdividing land or property previously subdivided. Unless this method of disposition is adopted for the purpose of evading this definition, the term subdivision as defined in this Section shall not apply to the following divisions of or interests in land or condominium units:

a. Court order. The division of land by order of any court in the State or by operation of law.

b. Security instruments. The division of land by a lien, mortgage, deed of trust or any other security instrument.

c. Cemetery lots. The division of land which creates cemetery lots.

d. Mineral interests. The division of land which creates an interest or interests in oil, gas or minerals which are now or hereafter severed from the surface ownership of real property.

e. Undivided joint ownership interests. The creation of undivided joint ownership interests (including leasehold interests) in a particular dwelling unit, or condominium unit; provided, however, that no agreement exists, either recorded or unrecorded, between co-owners providing for or allowing the exclusive use or occupancy of the property by one (1) or more co-owners during any annually recurring period of time, if said agreement is in any way binding or effective on any
assignee or future owner of an undivided joint interest fractional fee, interval estate, right-to-use or other similar interest in such property.

Temporary use means any use that is of a temporary or short-term nature that is not allowed as a use by right, or as an accessory use, or as a special review use in the particular zone district where the use is proposed and receives approval pursuant to Section 16A-5-260, Temporary Uses.

Tenant and occupant means any person who occupies all or a part of a building or land, whether alone or with others.

Time share estate means an interval estate, a time-span estate or a right-to-use estate.

Time share instruments means any documents recordable or nonrecordable, by whatever name denominated, creating or regulating a time share project and which contain restrictions or covenants regulating the use, occupancy or disposition of a time share project, including any amendments or supplements to the documents, but excluding any law, ordinance or governmental regulation.

Time share owner means any person vested with legal title to a time share estate.

Time share program means any arrangement whereby the use, occupancy or possession of a unit or combination of units has been or may be subject to the creation of time share estates. The time share program includes the organizational, marketing and management schemes to be employed by the developer/seller of the time share estates which have been submitted to, reviewed and approved by the Town.

Time share project means all or a portion of real property including, without limitation, a single dwelling unit or combination of dwelling units to be either constructed or converted to time share estates pursuant to a time share program.

Time share unit means a unit, which may include a dwelling unit, the ownership or use of which is subject to an arrangement, whether in the form of deed restriction, license, right-to-use agreement, lease or other form, between co-owners or co-users, which provides for or allows the exclusive use or occupancy of the dwelling unit by one (1) or more co-owners or co-users during any annually recurring period of time if said agreement is in any way binding or effective on any assignee or future owner of the unit or any fractional interest therein. For the purpose of this definition a time shared dwelling unit includes a time shared estate as defined by the statutes of the State.

Time span estate means a combination of an undivided interest in a present estate in fee simple in a time shared unit, the magnitude of the interest having been established by the time of the creation of the time span either by the time share project instruments or by the deed conveying the time span estate, and an exclusive right to possession and occupancy of the unit during an annually recurring period of time defined and established by a recorded schedule set forth or referred to in the deed conveying the time span estate.

Town means the Town of Snowmass Village, in the County of Pitkin, and State of Colorado, or the area within the territorial limits of the Town of Snowmass Village, and such territory outside of the Town over which the Town has jurisdiction or control by virtue of any constitutional or statutory provision.
**Art. II, Definitions**

*Town Council* means the Town Council of the Town of Snowmass Village.

*Trails, public* means facilities designated for nonmotorized traffic that receive public maintenance.

*Underlying zoning* means any of the zone districts established in Article III, Zone Districts, that is designated for a specific parcel.

*Unit, restricted* means a unit that may not be bought and sold on the free market and is subject to price, income, occupancy or other restrictions. Restrictions are generally associated with the deed, although other means may be utilized.

*Unit, unrestricted* means a unit that may be bought and sold on the free market. It is not subject to any of the restrictions associated with restricted units, although there may be other minimal restrictions placed on said units by an association.

*Use* means the purpose or activity for which the land or structure is designated, arranged or intended, or for which it is occupied or maintained.

*Vested property rights* means the right to undertake and complete the development and use of real property, subject to the terms and conditions of a site specific development plan.

*Water District* means the Snowmass Water and Sanitation District.

*Wildfire hazard area* means an area containing or directly affected by wildfire hazard. Lands may be classified as having no, low, moderate or severe wildfire hazard, considering the type and density of vegetation that is present on the land, and its slope and aspect. The Colorado State Forest Service uses the following system to classify wildfire hazards:

"O" means areas of no hazard, where no fuels are present.

"A" means areas of low hazard, where grass shrubs and brush less than one (1) foot in height are present. These areas also include aspen, cottonwood, willow and riparian habitats, grasslands, meadows and all low brush except oak, sage and ceanothus.

"B" means areas of medium hazard, where medium density conifers having separated crowns are present, along with surface fuels such as litter and herbaceous plants, with some reproduction and deadwood on the ground.

"C" means areas of severe hazard, where dense conifers with moderate to heavy surface fuels are present, or medium density stands of conifers where under-story fuels classified as "X" are present.

"X" means areas of severe hazard, where dense brushy vegetation, such as sage, oak, ceanothus, coniferous reproduction or other "oily," highly flammable vegetation is present.

*Written* means printed, typewritten, copied, faxed, stamped or otherwise reproduced in permanent visible form. (Ord. 4-1998 §1; Ord. 1-1999 §1; Ord. 5-1999 §3; Ord. 10-1999 §1; Ord. 11-1999 §3; Ord. 9-2000 §1; Ord. 10-2001, §1; Ord. 09-2004 §§1-3; Ord. 32-2004 §A-1; Ord. 16-2010 §1; Ord. 3-2011 §3)
Art. III, Div. 1, Zone Districts Generally §16A-3-10

ARTICLE III

Zone Districts

Division 1. Generally

Sec. 16A-3-10. Establishment of zone districts.

(a) Purpose. The purpose of this Article is to establish the zone districts and zone district overlays that regulate the type and intensity of land uses within the Town.

(b) Division of Town into Zone Districts. The Town is hereby divided into the minimum number of zone districts necessary to achieve compatibility of uses and character within each zone district, to implement the Comprehensive Plan and to achieve the purposes of this Land Use and Development Code.

(c) Zone Districts Established. The following zone districts are hereby established:

1. SF-4 Single-Family Residential
2. SF-6 Single-Family Residential
3. SF-15 Single-Family Residential
4. SF-30 Single-Family Residential
5. SF-150 Single-Family Residential
6. EST Estate Residential
7. DU Duplex Residential
8. MF Multi-Family Residential
9. MF/PUD Multi-Family Planned Unit Development
10. MU Mixed Use
11. MU-1 Mixed Use
12. MU-2 Mixed Use
13. MU/PUD Mixed Use Planned Unit Development
14. CC Community Commercial
15. CC/PUD Community Commercial Planned Unit Development
16. PUB Public Use
17. CON Conservation
18. OS Open Space
19. SPA Specially Planned Area
20. PUD Planned Unit Development

Ord. 4-1998 §1; Ord. 11-1999 §3

Sec. 16A-3-20. Official Zone District Map.

(a) Map Established. The location and boundaries of the zone districts within the Town are shown on the map entitled "The Town of Snowmass Village Official Zone District Map." The Official Zone District Map, with all notations, references and other information shown thereon, is hereby incorporated within this Development Code by reference, as if it were set forth here in full. The Official Zone District Map shall be identified by the date of its adoption or amendment, which shall be shown thereon.

(b) Location. Regardless of the existence of purported copies of maps depicting zone district boundaries, the Official Zone District Map shall be located in the Building and Planning Department, shall be available for inspection during normal business hours and shall be the final authority as to the current zoning designations of land, buildings and other structures in the Town.

(c) Amendment. If a change is made in zone district boundaries or other matters portrayed on the Official Zone District Map, pursuant to Section 16A-5-220, Amendments to the Official Zone District Map, such change shall be entered on the map by the Planning Director promptly following its adoption. A note shall be entered on the map indicating the date the map was amended.

(Ord. 4-1998 §1)

Sec. 16A-3-30. Interpretation of zone district boundaries.

When, due to the scale, lack of detail or illegibility of the Official Zone District Map, there is any uncertainty, contradiction or conflict as to the intended location of any zoning district boundary as shown thereon, the Planning Director shall be authorized to interpret such map, upon request of any person. The Planning Director shall follow the procedures of Section 16A-1-70, Interpretations, and shall use the rules contained in this Section in determining the precise location of
Art. III, Div. 1, Zone Districts Generally

zone district boundaries. Any person aggrieved by any such interpretation may appeal to the Town Council, pursuant to Section 16A-5-80, Appeals.

(1) Boundaries follow municipal limits. Zone district boundary lines shown as following or approximately following municipal limits shall be construed as following such limits.

(2) Boundaries follow streams or rivers. Zone district boundary lines shown as following or approximately following the centerline of streams, rivers or other continuously flowing watercourses shall be construed as following the channel of such watercourse. In the event of a natural change in the location of such stream, river or other watercourse, the zone district boundary shall be construed as moving with the channel. In any instance where the channel moves beyond the Town limits, the zone district boundary shall remain coterminous with the Town limits.

(3) Boundaries follow section lines, platted lot lines or right-of-way center lines. Zone district boundary lines shown as following or approximately following section lines or platted lot lines shall be construed as following such lines. Zone district boundary lines shown as following or approximately following a road, alley or other right-of-way shall be construed to lie on the centerline of such right-of-way. Where a zone district boundary coincides with a right-of-way that is subsequently vacated, the zoning districts adjoining each side of such vacation shall automatically be extended to the centerline of the former right-of-way.

(4) Land not designated in any zone district. Land that is not part of a public right-of-way and that is not designated on the Official Zone District Map as being in any zone district shall be considered to be included in the adjacent zone district that is the most restrictive with regard to minimum lot area standards, even when such zone district is separated from the land in question by a public right-of-way. (Ord. 4-1998 §1)

Sec. 16A-3-40. Statements of zone district intent.

This Section specifies the purpose and intent of the zone districts established by this Land Use and Development Code. The zone districts have been organized into five (5) classifications, these being: (1) single-family residential zone districts; (2) duplex and multi-family residential zone districts; (3) mixed use and commercial zone districts; (4) public, open space and conservation zone districts; and (5) specially planned area and planned unit development zone districts.

(1) Single-family residential zone districts.

a. Single-Family Residential (SF-4 and SF-6). The intent of the Single-Family Residential (SF-4 and SF-6) zone districts is to provide areas for smaller lots within the Town. The Town, as a resort community, has a high cost of living and property values that are generally not affordable to a considerable number of employees and permanent residents of the Town. These residents are vital to the success of the Town's economy. Therefore, it is necessary to encourage innovative design and to ensure smaller lots that may be affordable to at least a portion of these residents.

b. Single-Family Residential (SF-15). The intent of the Single-Family Residential (SF-15) zone district is to provide areas consisting of a range of small to medium size residential lots within the Town. Further, it is the intent of this district to permit a range of uses, either allowed or by special review, necessary to produce a viable residential neighborhood.
c. Single-Family Residential (SF-30). The intent of the Single-Family Residential (SF-30) zone district is to provide areas consisting of a range of medium to large residential lots within the Town. Further, it is the intent of this district to allow a range of compatible uses, either allowed or by special review, necessary to produce a viable residential neighborhood.

d. Single-Family Residential (SF-150). The intent of the Single-Family Residential (SF-150) zone district is to provide areas consisting of relatively larger residential lots within the Town. Further, it is the intent of this district to allow a range of compatible uses, either allowed or by special review, necessary to produce a viable residential neighborhood.

c. Estate Residential (EST). The intent of the Estate Residential (EST) zone district is to provide areas for very low density residential development within the Town. Residential development in this zone district shall be grouped within no more than two (2) development activity envelopes (a primary envelope for the residence and a guest house, if approved, and a secondary envelope for any accessory uses) so that sensitive lands and open space can be preserved in large, contiguous tracts. The area that may be contained within the primary and secondary envelopes shall not exceed a total of two (2) acres.

(2) Duplex and multi-family residential zone districts.

a. Duplex Residential (DU). The intent of the Duplex Residential (DU) zone district is to provide areas of sufficient lot size to accommodate two-family dwelling units (duplexes) within the Town. Further, it is the intent of this district to allow a range of compatible uses, either allowed or by special review, necessary to produce a viable residential neighborhood.

b. Multi-Family (MF). The intent of the Multi-Family (MF) zone district is to allow for the development of a range of higher density residential uses and appropriate accessory uses. Therefore, it is the intent of this zone district to designate the type and intensity of use and other parameters which are generally appropriate for a particular land area.

c. Multi-Family PUD (MF/PUD). The intent of the Multi-Family PUD (MF/PUD) zone district is to allow, through the planned unit development review process, for the development of a range of higher density residential uses and appropriate accessory uses, when said accessory uses are consistent with the objectives of the planned unit development. This zone district may not be utilized as the basis for a rezoning and exists only as described on the Official Zoning Map dated August 2, 1999 and as stated in the land use plan of an existing approved PUD.

(3) Mixed use and commercial zone districts.

a. Mixed Use (MU). The intent of the Mixed Use (MU) zone district is to provide areas within the Town consisting of medium to high density residential uses and/or tourist-oriented accommodations, together with a variety of compatible commercial and recreational activities. Commercial uses permitted in the Mixed Use (MU) zone district shall be no greater in scale than is sufficient to serve only the Snowmass Village community and its tourists. This zone district may not be utilized as the basis for a rezoning and exists only as described on the Official Zoning Map dated August 2, 1999 and as stated in the land use plan of an existing approved PUD.
b. Mixed Use (MU-1). The intent of the Mixed Use (MU-1) zone district is to provide visitor services, community and visitor low-impact recreation and open space. Limited permanent residential uses may be included, if deemed appropriate to the site and compatible with the character of the surrounding area.

c. Mixed Use (MU-2). The intent of the Mixed Use (MU-2) zone district is to provide visitor services and accommodations, recreation, office, community and visitor serving commercial and permanent resident housing, as appropriate to the site and compatible with the character of the surrounding area.

d. Mixed Use PUD (MU/PUD). The intent of the Mixed Use PUD (MU/PUD) zone district is to provide areas within the Town consisting of medium to high density residential uses and/or tourist-oriented accommodations, together with a variety of compatible commercial and recreational activities. Commercial uses permitted in the Mixed Use PUD (MU/PUD) zone district shall be no greater in scale than is sufficient to serve only the adjacent neighborhood. This zone district may not be utilized as the basis for a rezoning and exists only as described on the Official Zoning Map dated August 2, 1999 and as stated in the land use plan of an existing approved PUD.

e. Community Commercial (CC). The intent of the Community Commercial (CC) zone district is to provide areas primarily oriented toward the provision of general commercial, retail and service uses on a scale that is sufficient to serve the entire community. In addition, medium to high density residential dwellings and/or tourist-oriented accommodations which, if determined compatible with the primary commercial uses, may be appropriate.

f. Community Commercial PUD (CC/PUD). The intent of the Community Commercial PUD (CC/PUD) zone district is to provide areas primarily oriented toward the provision of general commercial, retail and service uses on a scale that is sufficient to serve the entire community. In addition, medium to high density residential dwellings and/or tourist-oriented accommodations which, if determined compatible with the primary commercial uses, may be appropriate. This zone district may not be utilized as the basis for a rezoning and exists only as described on the Official Zoning Map dated August 2, 1999 and as stated in the land use plan of an existing approved PUD.

(4) Public, open space and conservation zone districts.

a. Public Use (PUB). The intent of the Public Use (PUB) zone district is to provide areas for uses required by, and for the benefit of, the public, or to be reserved for future community facilities.

b. Conservation (CON). The intent of the Conservation (CON) zone district is to provide areas within the Town which will enhance recreational opportunities and conserve the natural resources within the Town.

c. Open Space (OS). The intent of the Open Space (OS) zone district is to ensure that areas not appropriate for development or recreation use are preserved in their natural state.
d. Recreation (REC). The intent of the Recreation (REC) zone district is to regulate recreational facilities, activities and uses within appropriate areas of the Town, including those mixtures of uses related to a ski/snowboard area and operation, for the benefit of the public and to ensure that areas not appropriate for development are preserved in a recreational or natural state.
(5) Specially planned area and planned unit development zone districts.

a. Specially Planned Area (SPA-1 and SPA-2). There are areas within the Town where development existed prior to incorporation of the Town and the establishment of municipal zoning. It is the purpose of the Specially Planned Area (SPA-1 and SPA-2) zone districts to establish standards that are applicable to existing development within said areas. Governmental Specially Planned Areas were established for the Fire Department and the Water and Sanitation District. Except as may be permitted pursuant to Section 16A-5-250(a)(10), Interim SPA (SPA-1 and SPA-2) Authorization, this is done by requiring the approval of a plan that establishes approved densities, uses, required parking and other development limitations for all or any portion of a property so designated. This plan shall be submitted and reviewed pursuant to the procedures and standards of Article V, Division 3, Planned Unit Development, and shall constitute the zoning and development regulations for said area or building.

b. Planned Unit Development (PUD). There are previously developed areas within the Town, or areas being annexed to the Town, where development plans were approved subject to a set of development review standards different than those utilized by the Town. One (1) purpose of the Planned Unit Development (PUD) zone district is to allow these areas to remain subject to the development parameters previously approved by the Town or County, which shall constitute the PUD plan for the property. There are also vacant lands and lands that are proposed for redevelopment within the Town. Another purpose of the PUD zone district is to provide the flexibility for owners of these lands to creatively plan for the overall development of their properties so that those community purposes specified in Section 16A-5-300(c)(6), Community Purposes for PUDs, can be achieved. Any development proposed for a property designated PUD shall be submitted and reviewed pursuant to Article V, Division 3, Planned Unit Development. The PUD plan shall constitute the zone district limitations and development regulations for said area or building. This zone district may not be utilized as the basis for a rezoning and exists only as described on the Official Zoning Map dated August 2, 1999 and as stated in the land use plan of an existing approved PUD.

(6) Comprehensively Planned Area (CPA) overlay.

a. Rodeo Grounds/Entryway CPA. The Rodeo Grounds/Entryway CPA is located at the intersection of Brush Creek and Highline Roads and is the gateway to Snowmass Village. The rustic, western appearance of the Rodeo Grounds and surrounding open lands is a significant historic element of the community's rural character. The area serves several key functions for the community, including recreation, welcome booths and intercept parking.

1. Elements that shall be accommodated. The elements of the Comprehensive Plan that the Town has determined shall be accommodated in the development of this area are: (a) an information center; (b) intensification of the recreational uses, including playing fields, pedestrian and bike trails, expanded golf course and a recreation center; (c) intersection improvements; (d) clear circulation and access; (e) an improved parking area containing six hundred fifty (650) spaces; and (f) an improved transit center.
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2. Elements that could be considered. The elements of the Comprehensive Plan that the Town has determined could be considered in the development of this area are: (a) relocated welcome booths; (b) enhancement of the rodeo grounds and arena; (c) preservation of the open pastures/open setting; (d) enhancement of the pond and Brush Creek; (e) limited convenience commercial uses, including a service station; (f) single- or multi-family residential dwelling units; and (g) employee housing.

3. Character that should be preserved. The character that the Comprehensive Plan has determined is appropriate for this CPA overlay is rustic, western, understated, retains Snowmass Village’s ranching heritage including farming and ranching artifacts remaining from earlier periods of the Valley’s history.

b. Faraway Ranch South CPA. The Faraway Ranch South CPA straddles Faraway Road, south of Brush Creek Road. It consists of Parcels K and N that are uniquely located to take advantage of skin/ski-out opportunities associated with the Snowmass Ski Area.

1. Elements that shall be accommodated. The elements of the Comprehensive Plan that the Town has determined shall be accommodated in the development of this area are: (a) enhancement of the skier access and pedestrian trails; (b) Faraway Road/Brush Creek Road intersection improvement; (c) clustered development that provides for the maximum preservation of open space; and (d) connection to the Snowmass Center and the Base area.

2. Elements that could be considered. The elements of the Comprehensive Plan that the Town has determined could be considered in the development of this area are: (a) low density, high occupancy, multi-family residential housing units; (b) a mixed use recreation and community center at the base of Assay Hill; and (c) employee housing.

c. Faraway Ranch North CPA. The Faraway Ranch North CPA encompasses the Snowmass Center, the area directly behind the Center and several parcels located north of the Woodbridge Condominums. The unique mixed use character of the Snowmass Center and the spectacular views obtained from the vacant lands are valued attributes of this area.

1. Elements that shall be accommodated. The elements of the Comprehensive Plan that the Town has determined shall be accommodated in the development of this area are: (a) improved mobility/connectivity/pedestrian orientation to Base Village and the Mall; (b) employee housing; (c) preservation of the open space in the upper and middle part of the draws behind the Snowmass Center; and (d) preservation of the trails and other recreation areas.

2. Elements that could be considered. The elements of the Comprehensive Plan that the Town has determined could be considered in the development of this area are: (a) enhanced access to surrounding properties; (b) continued mixed use, including community commercial, office, public uses (post office, grocery and Town Hall) and residential; (c) redevelopment of the Snowmass Center; (e) creation of an informal meeting place for the community; and (f) clustered residential dwellings at the base of the draws.
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§16A-3-40(6)

d. Base Village CPA. The Base Village CPA is part of the Town Core. The Town Core is the primary resort-commercial area of the Town, containing the highest concentration of accommodations and businesses serving visitors. Base Village is envisioned as a mixed use area that adds vitality to the Town Core throughout the year. The architecture and design of the structures within the Town Core should complement one another and coordinate with adjacent development. The design style should be reflective of Snowmass Village’s mountain setting.

2. Elements that could be considered. The elements of the Comprehensive Plan that the Town has determined could be considered in the development of this area are: (a) commercial uses that could provide the opportunity for individual ownership; (b) access and improvements to the Brush Creek riparian corridor; and (3) employee units. (Ord. 4-1998 §1; Ord. 13-1998 §1; Ord. 1-1999 §1; Ord. 10-1999 §1; Ord. 11-1999 §3; Ord. 32-2004 §A-2)

Sec. 16A-3-50. Zone district use schedule.

(a) Table and Symbols. Table 3-1, Schedule of Uses, categorizes the uses that are applicable to the Town's zone districts. The table utilizes the following symbols:

(1) Allowed uses. "A" indicates uses that are allowed. Before an allowed use may be established, the Planning Director shall verify, as part of an application for a building permit, that development of the allowed use complies with all applicable provisions of this Land Use and Development Code.

(2) Special review uses. "S" indicates uses that are allowed, subject to special review. Before a special review use may be established, a determination shall be made of whether the special use complies with all of the applicable standards of this Development Code, pursuant to Section 16A-5-230, Special Review.

(3) Prohibited uses. "P" indicates uses that are prohibited.
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§16A-3-50(b)

(b) Uses Not Listed. Uses that are not listed in Table 3-1, Schedule of Uses, shall be considered to be prohibited uses, unless one (1) of the following occurs:

(1) Amendment. An amendment to this Development Code is adopted, pursuant to Section 16A-5-210, Amendments to the Text of the Land Use and Development Code, that lists the use in the table and indicates in which zone districts the use is allowed or allowed by special review, and in which zone districts it is not prohibited;

(2) Determination of similar use. The Planning Director determines, pursuant to Section 16A-1-70, Interpretations, that the proposed use is sufficiently similar to a use listed in Table 3-1, Schedule of Uses. A use that is determined to be similar to a listed use shall be subject to the same standards as the use to which it is determined to be similar; or

(3) Temporary use. The use is approved as a temporary use, pursuant to Section 16A-5-260, Temporary Uses.
| TABLE 3-1  
SCHEDULE OF USES |
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<tbody>
<tr>
<td>Uses: A = Allowed; S = Special Review; P = Prohibited</td>
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<td>SF 4</td>
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<tr>
<td><strong>Residential and Accommodation Uses</strong></td>
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<td>Single-Family Detached Dwelling¹</td>
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<td>Two-Family Dwelling²</td>
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<td>Multi-Family Dwelling</td>
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<td>Hotel/Lodge Room or Suite</td>
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<td>Lock-Off Room</td>
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<td>Time Share Unit³</td>
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<td>Dormitory</td>
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<td>Manager's Unit/Restricted Employee Housing</td>
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<td>Conference Facilities⁴</td>
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<tr>
<td>Accessory Building and Use⁵</td>
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<tr>
<td>Home Occupation⁶</td>
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<tr>
<td>Day Care Home</td>
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<tr>
<td>Antenna Reception or Transmission Devices⁷</td>
</tr>
</tbody>
</table>

**Notes:**

1. An accessory caretaker unit (ACU) or accessory employee unit (AEU) may be permitted in conjunction with any single-family detached dwelling, pursuant to Section 16A-3-230, Accessory Units. See Section 16A-3-230(4), Accessory Unit Special Review Standards, for standards applicable to this particular use.

2. One (1) accessory caretaker unit (ACU) may be permitted within a two-family dwelling on a lot located within the DU zone district if created prior to September 21, 1977, pursuant to Section 16A-3-230, Accessory Units.

3. See Section 16A-5-550, Time Share, for applicable standards and submission contents.

4. Conference facilities shall be directly associated with a hotel/lodge or multi-family use.

5. See Section 16A-3-240, Home Occupations, for standards applicable to this particular use.

6. See Section 16A-3-250, Antenna Reception or Transmission Devices, for standards applicable to this particular use.
<table>
<thead>
<tr>
<th>Uses: A = Allowed; S = Special Review; P = Prohibited</th>
<th>SF 4</th>
<th>SF 6</th>
<th>SF 15</th>
<th>SF 30</th>
<th>SF 150</th>
<th>EST</th>
<th>DU</th>
<th>MF</th>
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<td><strong>Group Uses and Community Facilities</strong></td>
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<td><strong>Commercial Uses and Services</strong></td>
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<td>Commercial or Public Parking Lot</td>
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<td>S</td>
<td>S</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

**Notes:**

7. A group home shall not be located within seven hundred fifty feet (750') of another group home.
8. Includes both public and private educational facilities.
9. See Section 16A-4-230(c), Utilities, for standards for above grade appurtenances to utilities.
10. Garage shall serve associated residential dwellings, dormitories, hotel/lodges or commercial structures.
11. Parking lot may serve a variety of uses.
### Art. III, Div. 1 Zone Districts Generally

**§16A-3-50**

<table>
<thead>
<tr>
<th>Uses: A = Allowed; S = Special Review; P = Prohibited</th>
<th>SF 4</th>
<th>SF 6</th>
<th>SF 15</th>
<th>SF 30</th>
<th>SF 150</th>
<th>EST</th>
<th>DU</th>
<th>MF</th>
<th>MF PUD</th>
<th>MU PUD</th>
<th>MU 1</th>
<th>MU 2</th>
<th>CC</th>
<th>CC PUD</th>
<th>PUB</th>
<th>CON</th>
<th>OS</th>
<th>REC</th>
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<tr>
<td>Recreation and Open Space Uses</td>
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<tr>
<td>Ski and Passenger Lifts, Tramway Stations and Non-Vehicular Ski Trails</td>
<td>S</td>
<td>S</td>
<td>S</td>
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<td>S</td>
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<td>A</td>
<td>S</td>
<td>S</td>
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<tr>
<td>Ski-Related Facilities^[12, 13]</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<td>P</td>
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<tr>
<td>Indoor Entertainment Facilities</td>
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<td>P</td>
<td>P</td>
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<td>Grazing of Horses</td>
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<td>Pedestrian Trails</td>
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<td>S</td>
<td>S</td>
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<td>S</td>
<td>A</td>
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<tr>
<td>Forest, Meadow and Open Space</td>
<td>A</td>
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<td>A</td>
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<td>A</td>
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<td>Surface Water Storage Facilities and Features</td>
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<td>A</td>
<td>A</td>
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</tr>
</tbody>
</table>

**Notes:**

12. Ski-related facilities shall be of a noncommercial nature and shall be directly related to a ski area.

13. Open use recreation sites shall not have any outside storage, nor create excessive noise, odor, dust or nuisances.

14. Also includes other uses associated with the keeping of horses.

15. As permitted or restricted by a PUD Guide or special review.

(Ord. 4-1998 §1; Ord. 11-1999 §3; Ord. 19-2000, §1; Ord. 10-2001 §1; Ord. 32-2004 §A-3)
Division 2. Restrictions and Limitations to Particular Uses

Sec. 16A-3-200. Zone district dimensional limitations.

(a) Schedule of Dimensional Limitations. Table 3-2, Schedule of Dimensional Limitations, specifies the dimensional limitations applicable to the Town's zone districts. All development shall comply with these limitations, unless more restrictive standards or limitations are specified by this Development Code, in the form of:

(1) Standards for a particular use. Standards specified for a particular use in Sections 16A-3-230 through 16A-3-250;

(2) Standards of a zone district overlay. Standards specified by an applicable zone district overlay, or by an approved planned unit development (PUD) or specially planned area (SPA) plan; or

(3) Other standards. Other standards specified by this Development Code, such as any applicable stream setback, ridgeline setback or similar limitation.

(b) Construction in Required Setbacks.

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

(2) Structures on or below finished grade. A structure on or below finished grade that is not more than four (4) feet in height above existing grade may project into that portion of a required setback that is not more than one-half (½) the distance from the building envelope to the property line and is no closer than ten (10) feet to the property line, whichever is the more restrictive. An on-grade or below-grade structure may project beyond this area or may be more than four (4) feet above existing grade, if approved pursuant to Section 16A-5-250, Administrative Modifications.

(3) Above-grade parking. Above-grade parking may project into that portion of a required setback that is not more than one-half (½) the distance from the building envelope to the property line and is no closer than ten (10) feet to the property line, whichever is the more restrictive. The parking and any required retaining walls or guardrails shall not exceed four (4) feet in height from existing grade.

(4) Other minor structures. A driveway, entry walkway, associated retaining structures, hand rails and one (1) minor street address identification sign not exceeding four feet by four feet by four feet (4' x 4' x 4') shall be allowed in required setbacks without limitation.
TABLE 3-2
SCHEDULE OF DIMENSIONAL LIMITATIONS

<table>
<thead>
<tr>
<th></th>
<th>SF-4</th>
<th>SF-6</th>
<th>SF-15</th>
<th>SF-30</th>
<th>SF-150</th>
<th>EST</th>
<th>DU</th>
<th>MF/ MF- PUD</th>
<th>MU/ MU-1/ MU-2</th>
<th>MU PUD</th>
<th>CC</th>
<th>CC PUD</th>
<th>PUB, CON and REC</th>
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</thead>
<tbody>
<tr>
<td>Minimum Lot Area (sq. ft.)</td>
<td>4,000²</td>
<td>6,000</td>
<td>15,000</td>
<td>30,000³</td>
<td>150,000</td>
<td>100 acres</td>
<td>30,000</td>
<td>3,000⁴</td>
<td>3,000⁴</td>
<td>Set by adopted PUD plan</td>
<td>As determined by a PUD plan or special review</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>Set by adopted subdivision plat or PUD plan</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>50'</td>
<td>50'</td>
<td></td>
</tr>
<tr>
<td>Minimum Building Setback</td>
<td>Set by adopted subdivision plat or PUD plan</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Set by adopted PUD plan</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Height of Principal Building</td>
<td>25'</td>
<td>25'</td>
<td>28'</td>
<td>28'</td>
<td>28'</td>
<td>28'</td>
<td>28'</td>
<td>38'</td>
<td>38'</td>
<td>38'</td>
<td>38'</td>
<td>38'</td>
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</tr>
<tr>
<td>Maximum Height of Accessory Building</td>
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<td>16'</td>
<td>18'</td>
<td>18'</td>
<td>18'</td>
<td>18'</td>
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<td>18'</td>
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<td>18'</td>
<td>As determined by a PUD plan or special review</td>
</tr>
<tr>
<td>Minimum Percent Open Space</td>
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<td>No Req.</td>
<td>No Req.</td>
<td>No Req.</td>
<td>No Req.</td>
<td>No Req.</td>
<td>No Req.</td>
<td>25%</td>
<td>25%</td>
<td>25%</td>
<td>25%</td>
<td>25%</td>
<td>As determined by a PUD plan or special review</td>
</tr>
<tr>
<td>Maximum Floor Area or FAR</td>
<td>0.3:1⁵</td>
<td>0.3:1⁶</td>
<td>See Note 7</td>
<td>See Note 7</td>
<td>0.04⁴</td>
<td>12,000 sq. ft.</td>
<td>4,500 sq. ft.</td>
<td>0.75:1</td>
<td>1:1</td>
<td>1:1</td>
<td>1:1</td>
<td>1:1</td>
<td>As determined by a PUD plan or special review</td>
</tr>
</tbody>
</table>

Notes:
1. Dimensional limitations in the PUD and SPA zone districts are set by the adoption of a plan pursuant to Section 16A-5-230, Planned Unit Development. In the SPA-2 zone district, maximum floor area ratio shall be set by an adopted plan, except for previously subdivided lots, the following maximum floor area per lot shall apply: 2,400 sq. ft. for a single-family detached dwelling; 3,400 sq. ft. for a two-family dwelling and 5,200 sq. ft. for a multi-family dwelling.
2. In addition, maximum lot area is 10,000 sq. ft., unless a larger size is approved by special review.
4. In addition, minimum lot area per dwelling unit is 1,500 sq. ft. per bedroom, plus 500 sq. ft. for each additional bedroom.
5. Except no lot shall contain a dwelling in excess of 2,000 sq. ft., unless a larger size is approved by special review.
6. Except no lot platted prior to January 1, 1988, may contain a dwelling in excess of 3,000 sq. ft.
7. For lots of 15,000 to 20,000 sq. ft.: FAR = 0.16, to a maximum of 3,000 sq. ft.
   For lots of 20,001 to 30,000 sq. ft.: FAR = 0.15, to a maximum of 3,900 sq. ft.
   For lots of 30,001 to 45,000 sq. ft.: FAR = 0.13, to a maximum of 4,500 sq. ft.
   For lots greater than 45,000 sq. ft.: FAR = 0.10, to a maximum of 5,200 sq. ft.
8. To a maximum of 6,400 sq. ft.

(Ord. 4-1998 §1; Ord. 11-1999 §3; Ord. 32-2004 §A-4)
Sec. 16A-3-210. Measurement of dimensional limitations.

(a) Measuring Height. The height of a building shall be the maximum distance possible measured vertically from existing grade at any point within the interior of the building; and from existing or finished grade (whichever is the most restrictive) at any point around the perimeter of the building, to the top of a flat or pitched roof or other portion of a structure. Antennas, chimneys, flues, vents, elevator overrides or similar structures that cannot comply due to requirements of Chapter 18 of the Municipal Code shall not extend more than ten (10) feet above the maximum height limit. A chimney flue cap may extend an additional two (2) feet above the maximum height limit. Water towers and mechanical equipment may not extend more than five (5) feet above the maximum height limit unless otherwise approved by the Town Council.

(b) Measuring Floor Area.

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

(2) Exclusions.

a. General exclusions.

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

2. Attic space. Attic space that does not contain mechanical devices which use a combustible source or open flame and are less than five and one-half feet (5'6") in height, measured to the bottom of primary members, for ninety percent (90%) of the area of the attic space, shall be excluded from the calculation. If rational construction methods will not permit a maximum height of five and one-half feet (5'6"), such restriction may be waived pursuant to Section 16A-5-250, Administrative Modifications.

3. Crawl space. Crawl space that does not contain mechanical devices which use a combustible source or open flame and are less than five and one-half feet (5'6") in height, measured from finished grade to the bottom of primary members, for ninety percent (90%) of the area of the crawl and attic space, shall be excluded from the calculation. If rational construction methods will not permit a maximum height of five and one-half feet (5'6"), such restriction may be waived pursuant to Section 16A-5-250, Administrative Modifications.

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

5. Elevator shafts. Elevator shafts shall only be included in the calculation on the floor that the elevator shaft originates.
6. Horizontal projections. If the horizontal projection of a roof or floor above is four (4) feet or less, the square footage of the area below shall be excluded from the floor area calculation. If the horizontal projection of a roof or floor above is greater than four (4) feet, the square footage of the area below that beyond the four (4) feet shall be included in the calculation at a rate of fifty percent (50%). If the horizontal projection includes both the roof and floor above, the cumulative projection shall be measured at finished grade.

7. Mechanical space. A mechanical space devoted exclusively to housing mechanical, plumbing, electrical, telephone, security and related equipment shall be excluded from the calculations by an amount of up to, but not more than, three and one-half percent (3.5%) of the maximum allowable floor area. In the case of single-family and two-family dwelling units, mechanical space shall not exceed three and one-half percent (3.5%) of the maximum allowable floor area or not more than one hundred (100) square feet, whichever is greater. A mechanical space does not contain laundry facilities (washer and dryer).

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

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

10. Veneer facade. Any structural wall of up to but not exceeding twelve (12) inches in thickness shall be excluded.

b. Exclusions specifically for single-family and two-family dwelling units.

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

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

3. Accessory unit. The floor area for an accessory unit shall be included in floor area calculations to the extent required by Section 16A-3-230(2)e, Maximum Floor Area.

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

1. Subgrade parking areas.

2. Storage. In multi-family unit and dormitory buildings only, areas designed and used as storage which do not have direct access to a dwelling unit, not to exceed five percent (5%) of the total proposed floor area of the unit for which the storage is intended.
Art. III, Div. 2, Restrictions and Limitations to Particular Uses

§16A-3-210(b)(2)

d. Exclusions specifically for commercial and other nonresidential uses.

1. Service areas and other similar uses.

2. Exterior decks, walkways. All exterior decks, walkways and other such above-grade areas, whether covered or uncovered, shall be included in the calculation if said areas are more than six (6) feet in width. (Ord. 4-1998 §1; Ord. 11-1999 §3; Ord. 5-2001 §1; Ord. 10-2001 §1)

Sec. 16A-3-220. Nonconformities.

(a) Purpose.

(1) General. Within zone districts established in this Article III, Zone Districts, there may exist lots, structures and uses of land and structures that were lawfully established before this Development Code was adopted or amended that no longer conform to the standards of this Article. The purpose of this Section is to regulate and limit the continued existence of those uses, structures and lots that do not conform to the provisions of this Article, or any amendments thereto.

(2) Nonabatement provisions. Unless specifically stated, it is the intent of this Section that nonconforming structures, portions of structures or uses be permitted to continue unless abandoned, destroyed or removed. Nonconforming structures, portions of structures or uses shall not be extended, enlarged or expanded, nor be used as the grounds for adding other structures or uses prohibited elsewhere in the same zone district, all as more specifically provided herein.

(b) Nonconforming Uses and Structures.

(1) Nonconformity may continue. Nonconforming uses and nonconforming structures may continue, so long as they remain otherwise lawful and comply with the provisions of this Section.

(2) Enlargement or extension. A nonconforming use shall not be enlarged, increased or extended to occupy a greater area of land than was occupied on June 1, 1988. A nonconforming structure or nonconforming portion of a structure that otherwise meets the requirements of this Development Code shall not be enlarged or altered in any way that increases its nonconformity. A structure or nonconforming portion thereof may, however, be altered in a way that does not increase, or that decreases, its nonconformity.

(3) Relocation. A nonconforming use or nonconforming structure shall not be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such use or structure on June 1, 1988, unless such relocation brings the structure, portion thereof or use into compliance with the provisions of the zone district to which it is moved.

(4) Change of use. A nonconforming use shall not be changed to another use, unless the use to which it is changed conforms to the provisions of this Development Code for the zone district in which the use will be located.

(5) Cessation of nonconformity. If any such nonconforming use, structure or portion thereof is discontinued, abandoned or ceases for any reason for a period of six (6) consecutive months, then such nonconformity shall not be reestablished, and any subsequent use of such land, structure or portion thereof shall conform to the provisions of the zone district in which such land or structure is located.

(6) Damage or destruction. If any nonconforming structure or nonconforming portion of a structure is damaged or destroyed by any means, it shall be reconstructed in conformity with the provisions of this Development Code, unless a building permit for its repair or replacement is obtained within nine
(9) months after the date of loss, and said permit remains active and is diligently completed pursuant to the provisions of the Uniform Building Code.

(7) Additional structures. Any additional structures erected in connection with any nonconforming use of land or structure shall conform to the requirements of this Development Code.

(c) Nonconforming Lots.

(1) Nonconforming lot may be developed. Any lot or parcel that has an area or width that does not conform to the standards of the underlying zone district, but was a legal lot of record at the time it was created, may be developed with a single-family detached dwelling and those customary accessory structures and uses normally associated with a single-family detached dwelling. The development of the lot shall comply with all of the other applicable standards of this Development Code, or, prior to its development, the applicant shall obtain a variance, pursuant to Section 16A-5-240, Variances, or an administrative modification, pursuant to Section 16A-5-250, Administrative Modifications.

(2) Lot reduction. No lot or parcel of land, nor any interest therein, shall be transferred, conveyed, sold, subdivided or acquired, either in whole or in part, so as to create a new nonconformity, to avoid, circumvent or subvert any provisions of this Development Code, or so as to leave any lot below the minimum requirements for lot width or lot area applicable to the underlying zone district; nor shall any lot or portion of a lot required for a legal building site under the provisions of this Development Code be used as a portion of a lot required as a site for another structure. No building permit shall be issued for any lot or parcel of land that has been transferred, conveyed, sold, subdivided or acquired in violation of this Section. (Ord. 4-1998 §1)

Sec. 16A-3-230. Accessory units.

One (1) accessory caretaker unit (ACU) or one (1) accessory employee unit (AEU) may be installed in a single-family detached dwelling, or one (1) accessory caretaker unit (ACU) may be: (1) constructed as part of a single-family detached dwelling; (2) located above or below a detached garage; or (3) permitted as a pre-existing dwelling unit within a single-family detached or two-family dwelling, subject to compliance with the provisions of this Section. An ACU or AEU located above or below a detached garage shall require special review approval pursuant to Section 16A-5-230, Special Review.

(1) Standards for an accessory caretaker unit. An ACU shall comply with the following standards:

a. Size. The size of the ACU shall be not less than three hundred fifty (350) square feet or greater than seven hundred fifty (750) square feet, and shall be built within the maximum allowable floor area for the lot unless the additional floor area was acquired under the Limited Excise Tax provisions as set forth in Article VI, Chapter 4 of the Municipal Code.

b. Variance. The only variance that may be granted to accommodate the ACU is a setback or height variance.

c. Exterior entrance. The ACU shall have a separate exterior entrance from the single-family detached dwelling that is practically accessible as the primary means of access to the ACU.

d. Parking. There shall be provided at least one (1) on-site parking space per bedroom in the ACU in addition to those parking spaces required for the single-family detached dwelling.
e. No short-term rental. An ACU shall not be rented on a short-term basis or for vacation-type rentals. All rentals shall be for a minimum term of six (6) months.

f. Pre-existing dwelling units. With Town Council approval, one (1) ACU created prior to April 16, 1985, in a single-family detached dwelling or one (1) ACU created prior to September 21, 1977, in a two-family dwelling within the DU zone district may be permitted to remain, provided that:

1. The lot owner has submitted architectural drawings reflecting the "As-Built" condition defining the ACU.

2. The lot owner has submitted a report from a private building inspection consultant, whose qualifications are acceptable to the Town, containing his or her findings with regard to consistency with Chapter 18 of this Code as found within the ACU and recommendations as to whether modifications should occur in order for the unit to be occupied in a safe manner.

3. Based upon the review of the inspector's report and recommendations of the Building Official, who may inspect said ACU prior to any approval being granted, the lot owner agrees to obtain the necessary permits and perform the recommended modifications that need to occur prior to any registration, rental or conveyance of the ACU.

4. The lot owner has successfully demonstrated that the subject unit existed within the principal structure on or before the applicable date specified above and that no other ACUs exist on the lot.

5. The existing ACU unit is in conformity with Subsection (1) above, except that the subject ACU may be acceptable for registration if, at the sole discretion of the Town Council and following presentation of evidence thereon, it is satisfactorily demonstrated that such nonconformity may be determined to be minor in nature or that compliance would be impractical and would cause an unreasonable hardship upon the lot owner. In cases such as this, the Town Council may impose conditions reasonably necessary to mitigate impacts upon surrounding property owners or to specify a timeframe within which the ACU or nonconformity must be brought into compliance with Subsection (1) above.

(2) Standards for an accessory employee unit. An AEU shall comply with the following standards:

a. Size. The size of the AEU shall be not less than three hundred fifty (350) square feet or greater than one thousand (1,000) square feet. Special review approval pursuant to Section 16A-5-230, Special Review, shall be required for an AEU greater than seven hundred fifty (750) square feet in size.

b. Variance. The only variance that may be granted to accommodate the AEU is a setback or height variance.

c. Exterior entrance. The AEU shall have a separate exterior entrance from the single-family detached dwelling that is practically accessible as the primary means of access to the AEU.
d. Parking. There shall be provided at least one (1) on-site parking space per bedroom in the AEU in addition to those parking spaces required for the single-family detached dwelling.

e. Maximum floor area. The AEU shall not cause the resulting floor area of all improvements to exceed the maximum floor area for the lot by an amount greater than ten percent (10%) without special review approval pursuant to Section 16A-5-230, Special Review.

f. No short-term rental. An AEU shall not be rented on a short-term basis or for vacation-type rentals. All rentals shall be for a minimum term of six (6) months.

g. Occupancy. Occupancy of an AEU shall be by a person or persons employed within the Town at the time of initial tenancy and who shall remain employed within the Town or County for a minimum of eight (8) months of any calendar year.

(3) Accessory unit completion and registration.

a. Completion. A new accessory unit shall be completed within the period prescribed by the building permit issued for its construction. All modifications to a pre-existing ACU shall be completed within the period prescribed by Chapter 18 of this Code or other permits required by the Town Council for it to be registered.

b. ACU notice of registration. Upon issuance of a certificate of occupancy for a new ACU or certificate of completion for a pre-existing ACU and payment of the processing fee established by the Planning Department's fee schedule, a notice of registration of the ACU shall be issued by the Planning Director, and a true and accurate copy shall be filed for record, at the applicant's expense, in the Office of the Clerk and Recorder of the County. Such registration shall be valid for the existence of the new ACU or, in the case of pre-existing units, may be subject to the terms and conditions imposed by the Town Council.

c. AEU notice of initial registration. Upon issuance of a certificate of occupancy or completion for an AEU and payment of the processing fee established by the Planning Department's fee schedule, a notice of registration of the AEU shall be issued by the Planning Director, and a true and accurate copy shall be filed for record, at the applicant's expense, in the Office of the Clerk and Recorder of the County. The initial registration shall be effective until December 31 of the year in which it is issued, unless the unit is initially registered after November 15, in which case the registration shall be effective until December 31 of the year after it is issued.

d. AEU registration renewal. On a yearly basis, the registration of an AEU shall be renewed by filing an application for renewal, accompanied by the applicable processing fee established by the Planning Department's fee schedule, with the Planning Department on or before November 15. To qualify for a registration renewal, the owner of the AEU must verify that the AEU complies with the conditions set forth in Subsection (2), Standards for an Accessory Employee Unit, and that the AEU has been occupied by an AEU employee for at least eight (8) months during the previous registration period. Thereupon, the Planning Director
Art. III, Div. 2, Restrictions and Limitations to Particular Uses

shall renew the registration of the AEU until December 31 of the year following the expiration of the current registration.

e. AEU conditional registration renewal. In the event that the owner of an AEU cannot meet the conditions for renewal set forth in Subsection (3)d, AEU Registration Renewal, then a conditional registration renewal may be issued, if the owner agrees to correct the noncomplying conditions prior to March 1 during the conditional registration renewal. The date for compliance may be extended to May 1 if the AEU was initially registered after May 1 of the previous year provided that the AEU can be occupied by an AEU employee for eight (8) of the twelve (12) months following initial registration. The conditional renewal registration of the AEU shall be automatically extended to December 31 upon timely correction of the noncomplying conditions.

f. Inspection. The Planning Department shall have a right to inspect the AEU prior to registration renewal or to verify compliance with this Section. At least forty-eight (48) hours' written or verbal notice will be provided to the owner or his or her authorized agent. The owner of the AEU shall also notify the department of any impending sale of the subject property and permit an inspection prior to closing.

g. Failure to register or correct noncomplying conditions. If the owner:

1. Fails to timely complete the construction of an AEU in accordance with the provisions of Subsection (3)a, Completion;

2. Fails to timely comply with the provisions of Subsection (3)d, AEU Registration Renewal; or

3. Has not met the conditions for renewal set forth in Subsection (3)d, AEU Registration Renewal, at the end of the AEU conditional registration renewal, within thirty (30) days of the existence of the event of noncompliance, or February 1 of the year following the lapse of the current registration, whichever shall first occur, the owner shall remove the kitchen from the AEU; and either:

4. Remove floor area. Remove from the single-family detached dwelling or detached garage structure all floor area being part of the AEU, unless the floor area legally existed prior to the creation of the AEU or was acquired under the Limited Excise Tax provisions; or

5. Mitigation fee. Pay to the Town a mitigation fee for elimination of the AEU as an employee housing unit. The amount of the fee shall be calculated by the Planning Director by multiplying the square footage of the AEU, minus that portion of AEU floor area that legally existed prior to the creation of the AEU or was acquired under the Limited Excise Tax provisions, by:

a) The actual value of the lot including the single-family detached dwelling unit, any accessory building and the land as calculated from the records of the County Assessor, divided by the floor area square footage of the single-family
detached dwelling and any accessory building, not including the AEU, as calculated in accordance with the provisions of Section 16A-3-210(b), Measuring Floor Area; or

b) In the event that the actual value of the lot including the single-family detached dwelling, any accessory building and land is not available from the records of the County Assessor, then one hundred twenty-five percent (125%) of the numeric average of the actual value of all lots including a single-family detached dwelling and land for the subdivision or PUD in which the lot exists as calculated from the records of the County Assessor shall be divided by the floor area square footage of the single-family detached dwelling and any accessory building, not including the AEU; and

c) Multiplying the amount determined above by a factor of 1.5.

Provided, however, that if a change in the actual value of the lot including the principal dwelling unit, any accessory building and land according to the records of the County Assessor occurs within one (1) year from the date of payment of the mitigation fee, then the amount of the mitigation fee shall be recalculated by the Planning Director. The Planning Director shall notify the owner of the amount of the additional mitigation fee, which shall be paid by the owner within thirty (30) days. If the owner paid a mitigation fee in excess of the recalculated mitigation fee, then the Planning Director shall cause the overpayment to be refunded to the owner.

(4) Accessory unit special review standards. Any AEU requiring special review shall comply with the following standards:

a. Community need. The applicant has demonstrated that the proposed accessory unit helps to promote the public policy purpose and community need to create affordable employee housing.

b. Mass and scale. The accessory unit will not contain roof configurations, internal ceiling heights or areas open to the floor below which unnecessarily contribute to the mass and scale of the proposed addition.

c. Special circumstances exist. The applicant shall satisfactorily demonstrate that special circumstances exist or practical difficulties would occur such that a lesser sized caretaker unit should not be created within or utilize portions of the existing structure.

d. Location. The accessory unit shall be carefully situated within the lot so as to be appropriate at its proposed location and compatible with the character of surrounding residences in the area.

e. Visibility. The design of the accessory unit shall be sensitive to its visual impact on neighboring properties. The accessory unit design shall include, but not be limited to, sensitive choice in placement, screening with landscaping, sub-grade placement, architectural design, use of materials and colors or any other effective means that minimize or soften its appearance and visibility on the site. The proposed unit may be denied if it is determined that the visibility has not been sufficiently reduced.
f. Not adversely affect neighborhood. The approval of the accessory unit shall not, in a substantially adverse manner, change the neighborhood character. Nor should it create excessive traffic impacts. It should not have a substantially adverse impact on the land abutting upon or across the street from the property being approved for an AEU. It should not prevent an adequate supply of light or air from reaching adjacent properties, nor should the construction of the unit increase the fire danger or otherwise endanger the public safety. (Ord. 4-1998 §1; Ord. 5-1999 §3; Ord. 19-2000, §1; Ord. 10-2001, §1; Ord. 16-2010 §1)

Sec. 16A-3-240. Home occupations.

A home occupation shall comply with the following standards:

(1) Employment. A home occupation shall be conducted solely by the inhabitants of the dwelling unit in which the home occupation is being conducted, and by no more than one (1) employee who resides elsewhere.

(2) Outside appearance. The outside appearance of a dwelling shall not be changed in any manner to accommodate a home occupation. No signs or exterior advertising of any type shall be allowed, nor shall there be any exterior storage of materials or equipment used as part of the home occupation.

(3) Occupancy limits. A home occupation shall not occupy a space larger than twenty percent (20%) of the total floor area or five hundred (500) square feet, whichever is less, of the dwelling unit being used for such purposes. A home occupation shall be conducted entirely within the dwelling unit; no exterior activity shall be associated with such use.

(4) Merchandise. Merchandise shall not be sold, stored, exchanged or displayed on the premises as part of a home occupation.

(5) Nuisances prohibited. A home occupation shall not generate offensive noises, vibrations, smoke, dust, odors, heat, electrical interference, glare or traffic noticeable at or beyond the property line.

(6) Permitted uses. Home occupations include, but are not limited to, the following, provided that all of the standards of this Section are met: art or photo studio; dressmaking or drapery work; office for accountant, architect, bookkeeper, contractor, engineer, insurance, property management, real estate activities or other similar uses; tutor (limited to a maximum of two [2] students at any time); and in-home babysitting (limited to that allowed in a day care home as defined and regulated by the Pitkin County Department of Social Services).

(7) Prohibited uses. A home occupation shall not be interpreted to include the following or similar businesses: offices for dentists, physicians, surgeons, osteopaths, chiropractors or similar professional services, nursing home, lodge or hotel, day care home, day care center, animal hospital, kennel, restaurant, automotive repair, welding shop, barber shop or other similar uses.

(8) Licenses. A home occupation shall comply with all applicable business license and sales tax requirements.

(9) Violations. Any violation of these provisions shall be subject to the penalties set forth in Section 1-72 of the Municipal Code. (Ord. 4-1998 §1; Ord. 11-1999 §3)
Sec. 16A-3-250. Antenna reception or transmission devices.

A proposed antenna reception or transmission device shall comply with the following standards:

(1) Dimensional limitations. The installation of an antenna shall comply with the dimensional limitations of the underlying zone district.

(2) Not located in right-of-way. An antenna shall not be placed in a public or private right-of-way.

(3) Danger. An antenna shall not cause any increased danger to neighboring property in the event of a collapse or other failure. The proposed antenna installation may be denied if it is determined that any collapse or failure would cause damage to neighboring property.

(4) Visibility. The decision-making body shall determine whether the visibility of the antenna has been reduced to the highest degree possible, including, but not limited to, sensitive choice in placement, screening with fencing, landscaping, subgrade placement, use of earth tone colors and any other effective means that screens the antenna and does not appear to be unnatural on the site. The proposed antenna installation may be denied if it is determined that the visibility has not been sufficiently reduced. (Ord. 4-1998 §1)
ARTICLE IV
Development Evaluation Standards

This Article establishes evaluation standards for the review of development within the Town. These provisions are necessary and desirable in order to: (1) protect ecologically and environmentally sensitive areas; (2) use land, public and private services and facilities efficiently; (3) ensure development occurs in an orderly and timely fashion; and (4) ensure that a project's design is compatible with the existing scale and character of the Town.

Division 1. Protection of Environmentally Sensitive Areas

Sec. 16A-4-10. Purpose.

Protect environmental, aesthetic and natural resources of the Brush Creek and Owl Creek valleys, including wildlife habitat, stream corridors, sensitive hillsides and other unique lands and significant natural features. This Division establishes standards to ensure that as development occurs, these environmentally sensitive areas are protected and to ensure that development does not contribute significantly to the degradation of air quality and does not generate noise which would result in materially adverse impacts relating to the use of the land in question or adjacent land or occupants thereof. (Ord. 4-1998 §1; Ord. 7-2000 §1)

Sec. 16A-4-20. Sensitive wildlife habitat areas.

(a) Purpose. This Section establishes procedures and standards to ensure that development is located, designed and used in such a way that these sensitive wildlife habitat areas are protected. Protection of wildlife habitat and promotion of biodiversity is important. Because wildlife habitat is sensitive to human activity, the Town intends to manage development such that it does not diminish wildlife habitat and ensures the continuing existence of species in the area. The Comprehensive Plan includes maps that portray elk production areas, elk concentration areas, elk severe winter range, elk migration corridors, mule deer severe winter range, bighorn sheep winter range and the nest sites of golden eagles, goshawks and red-tailed hawks within and adjacent to the Town limits.

(b) Applicability. The provisions of this Section 16A-4-20 shall apply to any development application for PUD, amended PUD, subdivision or special review within the areas described in Subsection (c), Maps Incorporated, below. These provisions shall not apply to development of a lot subdivided prior to the effective date of this Development Code (September 2, 1998). However, development of such lots shall comply with any wildlife protection requirements that may have been applied to the property during the approval of the PUD or subdivision in which it is located.

(c) Maps Incorporated. The Wildlife, Mule Deer Seasonal Activity and Elk Seasonal Activity maps in the Comprehensive Plan contain general information that depict the locations of sensitive wildlife areas within and adjacent to the Town limits. These maps are hereby incorporated in this Development Code by reference. Copies of the maps are available for public review in the Building and Planning Department during normal business hours.

(1) Lands designated on maps. The following lands designated on the Wildlife, Mule Deer Seasonal Activity and Elk Seasonal Activity maps in the Comprehensive Plan shall be subject to the provisions of this Section 16A-4-20, Sensitive Wildlife Habitat Areas:

   a. Elk production areas.

   b. Elk concentration areas.
c. Elk severe winter range.

d. Elk migration corridors.

e. Mule deer severe winter range.

f. Bighorn sheep winter range.

g. The nest sites of golden eagles, goshawks and red-tailed hawks.

(2) Lands not designated on maps. Because these maps are general maps, and because animal distribution is fluid and animal populations are dynamic, the maps are considered to be a "guide" to probable locations. All areas mapped as sensitive wildlife habitat shall be verified on the ground, pursuant to Subsection (d), Wildlife Habitat Analysis. There may also be lands that function as any of the above-listed types of wildlife habitat, but are not so designated on the maps. The Town, in consultation with the Colorado Division of Wildlife, may determine that lands not designated on the maps provide any of the above-listed types of wildlife habitat and, therefore, development proposed for such lands will be subject to the provisions of this Section 16A-4-20, Sensitive Wildlife Habitat Areas. This determination shall be made during sketch plan review for an application that is a PUD, or during preliminary plan review for an application that is a subdivision.

(d) Wildlife Habitat Analysis. An applicant proposing development on lands designated as sensitive wildlife habitat on the maps and for lands not so designated on the maps that are determined to be sensitive wildlife habitat shall complete a site specific wildlife habitat analysis. The analysis shall evaluate the relevant physical features of the property, shall make a site specific determination of the locations of wildlife habitat on the property and shall describe how the proposed development will comply with Subsection (e), General Standard. The analysis shall be prepared and submitted by a qualified wildlife biologist/ecologist or similar qualified expert, and shall contain the following materials:

(1) Map. A map of the property depicting the activity patterns of the wildlife using the sensitive wildlife habitat, identifying migration routes, travel corridors or patterns, calving, nesting, feeding and watering areas, riparian areas, and any connections or relationships with habitat adjoining but outside the project site.

(2) Report. A report that describes the activity patterns of the wildlife using the habitat and identifies any species that use the property that are listed by the U.S. Department of the Interior or the State of Colorado as endangered, threatened or species of special concern. The report shall also evaluate the potential impacts of the proposed development on the sensitive wildlife habitat and the species using that habitat.

(3) Mitigation and enhancement plan. If the applicant proposes development within any of the sensitive wildlife habitat areas listed above, then the applicant shall submit a wildlife habitat mitigation and enhancement plan that describes how the proposed development will comply with Subsection (f), Wildlife Mitigation and Enhancement Standards, providing detail regarding the wildlife mitigation and enhancement techniques that will be employed. The plan shall include schedules for the applicant to report to the Town Council on progress and shall include provisions to ensure both implementation and monitoring of the plan by the applicant. As applicable, the report shall refer to any other wildlife enhancement or management plan that has been approved by the Town for this or other properties that would affect this property, to ensure consistency between previously approved and newly proposed mitigation and enhancement measures.
(e) General Standard. Development shall be prohibited in elk production areas, elk concentration areas, elk severe winter range, elk migration corridors, mule deer severe winter range, bighorn sheep winter range and the buffer areas surrounding the nest sites of golden eagles, goshawks and red-tailed hawks. However, development may be considered within these areas if at least four (4) out of five (5) of the members of the Town Council adopt a resolution authorizing consideration of some development in such areas.

(1) Resolution. The resolution shall direct the developer to formulate and present to the Town Council a proposed wildlife mitigation and enhancement plan for such areas prepared pursuant to the requirements of Subsection (d)(3), Mitigation and Enhancement Plan. However, such direction to the developer by the Town Council shall not constitute a decision to authorize development in such areas.

(2) Ordinance. To authorize any development in such areas, the Town Council shall then adopt an ordinance, approved by at least four (4) out of five (5) of the members of the Town Council, identifying the reasons why the development is unable to avoid the habitat areas. Considering this finding, the ordinance shall then define the nature and the extent of the development that will be allowed, taking into account the wildlife habitat analysis and wildlife mitigation and enhancement plan. The ordinance shall also include findings that the development complies with Subsection (f), Wildlife Mitigation and Enhancement Standards.

(f) Wildlife Mitigation and Enhancement Standards. Development proposed within any of the above-listed sensitive wildlife habitat areas shall comply with the following standards:

(1) Elk, mule deer and bighorn sheep habitat areas.

a. Location. The proposed development shall be sensitively located in relation to elk, mule deer or bighorn sheep habitat areas. This shall include locating development so it does not: (1) force elk to use new migration corridors or expose them to significantly increased predation, interaction with vehicles, intense human activity or more severe topography or climate; or (2) encircle elk, mule deer or bighorn sheep habitat with development.

b. Not generate excessive intrusion. The proposed development shall not generate excessive human intrusion during periods when elk, mule deer or bighorn sheep use the area. When appropriate, the development proposal shall include techniques to minimize human intrusion, including: (1) visual and sound buffers, to screen structures and activity areas from habitat areas through effective use of topography, vegetation and similar measures; and (2) seasonal limitations on, or stoppages of, intrusive human activities during sensitive time periods, such as when elk migration or elk calving is occurring.

c. Maintain native vegetation. The proposed development shall be designed to maintain large patches of native vegetation intact, so as to preserve areas that supply food or cover for wildlife. This shall include, but not be limited to, locating roads on the edge of habitat areas, so as to prevent fragmentation of habitat. When development removes native vegetation within habitat areas, a mitigation plan shall be devised that replaces it with vegetation that is equivalent in type and quantity. Disturbed areas shall be revegetated no later than the next growing season with native browse species with high food value, especially heavy seed, berry and fruit-producing species.
d. Enhancement. Where replacement of vegetation is not feasible, then the applicant shall commit to ongoing on-site or off-site wildlife habitat enhancement. Enhancement is the process of increasing wildlife carrying capacity on undisturbed habitat to replace the lost wildlife carrying capacity on habitats impacted, disturbed and/or destroyed by development. Enhancement can take many forms, including, but not limited to, prescribed burns, seeding, brush cutting and fertilization, as determined to be appropriate by the Town, based upon the advice of the Colorado Division of Wildlife. Enhancement shall be authorized for the following habitat types at the following ratios:

1. Severe winter ranges. Eight (8) acres of enhanced habitat shall be provided for every one (1) acre of disturbed elk or mule deer severe winter range.

2. Concentration areas and winter range. Five (5) acres of enhanced habitat shall be provided for every one (1) acre of disturbed elk concentration area or bighorn sheep winter range.

e. Preserve watering areas. The proposed development shall preserve waterholes, springs, seepages, marshes, ponds and other watering areas to the maximum extent possible.

f. Dogs prohibited. Dogs shall be prohibited within or adjacent to elk production areas, elk concentration areas, elk severe winter range, mule deer severe winter range and bighorn sheep winter range, except for dogs working as part of a bona fide agricultural operation. Dogs shall be keened within one-quarter (¼) mile of an elk migration corridor during the periods of May 1 to June 20, and October 1 to 31.

g. Nuisances. The development shall not allow excessive lighting, noise or similar nuisances that could have a significant adverse effect on the continued use of the area by wildlife.

h. Fences. Applicants should not fence the perimeter of their property. Any fences that are permitted shall be designed so that they do not adversely affect the movement of wildlife, including, at a minimum, compliance with the following standards:

1. Height. Fences shall not exceed forty-two (42) inches in height.

2. Materials. Wire fences shall be limited to a maximum of three (3) strands of smooth fence and shall not be made of woven wire. Rail fences shall be limited to three (3) rails of rounded or split rails. Wire fences shall have a kitespace (distance between the top two [2] wires) of twelve (12) inches. Rail fences shall have a distance of eighteen (18) inches between the rails.

3. Removable sections. Fences in migration corridors shall have removable sections or openings to allow for seasonal passage of wildlife. It shall be the applicant's responsibility to remove fence sections when migration is occurring. Lay down fences are preferable over removable sections.

4. Existing fences. Applicants proposing development within sensitive wildlife habitat areas shall, as a condition of development approval, agree to remove or to alter any existing fences on the property to comply with the above provisions.

5. Fences around residences. Fences located in the immediate vicinity of a dwelling unit shall be exempt from these limitations.
6. Two-rail fences. At the discretion of the Town Council, a two-rail wooden fence not to exceed thirty-six (36) inches in height may be required.

i. Retaining walls. If a retaining wall is planned within a migration corridor, it shall be designed to permit passage of wildlife. This may include limiting the height of the wall to less than six (6) feet for any wall that is in excess of twenty-five (25) feet in length, or designing the wall so that it steps up in sections, so wildlife can climb over the wall.

j. Trail management. The proposed development shall not include trails that cannot be managed, including closure by the applicant during critical wildlife use periods.

k. Construction management plan. The proposed development shall be subject to a construction management plan that limits construction activity to acceptable levels during sensitive wildlife use periods.

l. Access. The applicant shall provide access to CDOW personnel and Town staff to assist in the implementation and enforcement of wildlife mitigation and enhancement plans and to monitor wildlife activities.

(2) Nest sites.

a. Buffer. No development shall occur within a radius of three hundred (300) feet of a golden eagle nest site or within a radius of one hundred (100) feet of a goshawk or red-tailed hawk nest site.

b. Limitations. If development is permitted to occur within or adjacent to the buffer area, it shall be designed to ensure there is no disturbance to the nest site between December 1 and June 1 and to ensure the eagle's or hawk's prey base in the vicinity of the nest is maintained. The development shall also be designed to retain tall, overly mature and standing dead trees that provide nesting or perching habitat for eagles and hawks. (Ord. 4-1998 §1; Ord. 7-2000 §1)

Sec. 16A-4-30. Brush Creek Impact Area.

(a) Establishment of Brush Creek Impact Area. The Environmental Sensitivity Map in the Town's Comprehensive Plan identifies the Brush Creek Impact Area as an area that is sensitive to the environmental impacts of development. The Comprehensive Plan designates this area as an important environmental resource area for its aesthetic features, riparian habitat, wetlands and hydrological values. This Section establishes the Brush Creek Impact Area as an environmentally sensitive area and provides standards for development proposed within this area.

(b) Applicability. The provisions of this Section 16A-4-30 shall apply to any development proposed within the areas described in Subsection (c), Map Incorporated.

(c) Map Incorporated. The Brush Creek Impact Area, as depicted on the Environmental Sensitivity Map in the Town's Comprehensive Plan, is hereby incorporated in this Code by reference. A copy of the Environmental Sensitivity Map is available for public review in the Building and Planning Department during normal business hours.

(1) Purpose of map. The Environmental Sensitivity Map is a general map that identifies the locations of lands whose development would impact Brush Creek and its associated riparian habitat and wetlands. Its purpose is to identify those lands that are subject to the provisions of this Section 16A-4-30.
(2) Lands outside of Brush Creek Impact Area. Because the Environmental Sensitivity Map is a general map, the map should be considered to be a "guide." Lands mapped within this area shall be verified on the ground, pursuant to Subsection (d), Brush Creek Impact Report. There may also be lands located outside of the boundaries of the Brush Creek Impact Area whose development would impact Brush Creek and its associated riparian habitat and wetlands. The Town, in consultation with appropriate governmental agencies or other qualified natural resource specialists, may determine that the proposed development of such lands outside of (but in close proximity to) the boundaries of the Brush Creek Impact Area will also be subject to the provisions of this Section 16A-4-30. This determination shall be made during sketch plan review for an application that is a PUD, or during preliminary plan review for an application that is a subdivision.

(d) Brush Creek Impact Report. Because the Environmental Sensitivity Map is a guide, an applicant proposing development on lands located within the boundaries of the Brush Creek Impact Area, or on lands located outside of the Brush Creek Impact Area whose development is determined to have the potential to impact Brush Creek and its associated riparian habitat and wetlands, shall first complete a site specific analysis of the property. The analysis shall evaluate the relevant hydrologic features, make a site specific determination of the location of riparian habitat and wetlands on the property, analyze how these areas contribute to water quality and wildlife habitat, and describe how the proposed development will comply with Subsection (e), Standards. The analysis shall be prepared by a natural resource specialist qualified in the appropriate disciplines, and shall contain the following materials:

(1) Map. A map of the property shall be submitted that depicts the locations of riparian habitat, wetlands and the important hydrological features of the property in relationship to planned development areas.

(2) Report. A report shall be submitted that evaluates the potential impacts of the development on Brush Creek and its associated riparian habitat and wetlands. It shall describe the activity patterns of the wildlife using the riparian area and wetlands, identifying breeding areas, nesting areas, watering areas and movement or travel corridors. It shall also identify any species that use the land that are listed by the State as endangered, threatened or species of special concern. The report shall also describe the current hydrologic conditions associated with the property and provide an evaluation of the potential impacts of the proposed development on water quality, the water cycle and the stream channel. Finally, the report shall describe how the proposed development will comply with Subsection (e), Standards, including proposed wildlife and water quality mitigation and enhancement measures.

(e) Standards. Development subject to the provisions of this Section shall comply with the following standards:

(1) Setback. Development shall not take place within the stream channel and shall not alter the channel of Brush Creek or its capacity, except as expressly permitted herein. Development shall be set back a minimum of twenty-five (25) feet, measured horizontally from the outer edge of any riparian or wetland areas that are subject to the provisions of this Section 16A-4-30, Brush Creek Impact Area. Development shall also comply with the provisions of Section 16A-4-40, Flood plain and Wetland Areas, with regard to the location of development in relation to one-hundred-year flood plains and jurisdictional wetlands, including establishment of a larger setback, if necessary, to ensure compliance with federal and local regulations.
Art. IV, Div. 1, Protection of Environmentally Sensitive Areas §16A-4-30(e)(1)

a. Exception for water-dependent structures. Recreation access sites, irrigation devices, water diversion facilities, erosion control devices and similar water-dependent structures may be permitted within this setback, provided any other applicable federal, state and local permits have been obtained, and the installation will comply with all other applicable standards of this Section.

b. Exception for other necessary structures. Underground utilities, roads, trails, bridges and similar facilities may be permitted within this setback when the applicant demonstrates that: (1) it is necessary and appropriate to locate the structures outside of the setback; (2) any other applicable federal, state and local permits have been obtained; and (3) the installation will comply with all other applicable standards of this Section, including submission of a plan for restoration of disturbed areas, pursuant to Subsection (e)(2)b, Restoration Plan.

c. Exception for stream restoration. Where the natural channel has previously been altered, efforts may be undertaken to restore the channel to its natural state or to enhance aquatic conditions within the stream. Where such efforts are permitted, provision shall be made for the following:

1. Fish passage and wildlife movement. Provision shall be made to permit passage of fish and movement of wildlife through the structures.

2. Pools and other cover. Stream enhancement shall be undertaken to compensate for any development activities that alter existing pools, or undercut banks and other stream cover used by fish and wildlife. This shall include the creation of new pools, the placement of trees, boulders and similar submerged objects, or the installation of drop structures and deflectors, based on the subject stream conditions.

3. Stream sedimentation. The development shall not cause stream bank erosion and sedimentation. Any lands subject to cut or fill activity shall be stabilized with erosion control mechanisms as soon after disturbance as is practical. Vegetation that is removed shall be replaced, in compliance with the provisions of Subsection (e)(2), Vegetation Removal.

d. Exception for other types of development. The Town Council may authorize other types of development not listed above to occur within the setback area if at least four (4) out of five (5) of the members of the Town Council approve an ordinance, identifying the reasons why the development is unable to avoid the setback area.

(2) Vegetation removal. Development subject to the provisions of this Section shall avoid or minimize the removal or loss of vegetation characteristic of the riparian area, paying particular attention to soil-binding stream bank vegetation. Vegetation removal necessary for control of noxious weeds, as defined by the Colorado Cooperative Extension Service, shall be permitted.

a. Erosion control. If vegetation is removed, or if soil is otherwise subject to erosion, then best management practices for the control of erosion shall be instituted during construction to protect water quality. Engineered stream bank stabilization practices, such as exposed rip-rap, shall be avoided wherever possible, and shall be limited to locations where more natural techniques cannot practically be utilized.

b. Restoration plan. A restoration plan shall be prepared for the site, ensuring that vegetation which is removed is replaced on-site within the next growing season.
1. Type of vegetation. Replacement vegetation shall be limited to native species that are typically found in riparian habitat and wetlands. Replacement vegetation shall be equivalent in type, quality and function to that removed because of development.

2. Amount of vegetation. Vegetation should be replaced at a ratio of one to one (1:1), measured in terms of foliage mass and tree caliper size, giving consideration to expected vegetation growth. A lesser replacement ratio may be approved if vegetation was removed for the express purpose of permitting greater visibility of, or greater access to, the creek.

3. Guarantee. The Town may require the applicant to guarantee performance of the restoration plan by providing security of not less than one hundred percent (100%) of the cost of the replacement vegetation.

(3) Pollutants. Development shall not introduce organic or inorganic pollutants into Brush Creek. Herbicides may be used for noxious weed control when nonchemical methods will not be practical or effective. Hazardous materials associated with any use in the Brush Creek Impact Area shall be stored and used in compliance with applicable state and federal hazardous materials regulations. Measures shall be designed and implemented to contain fuel storage areas, to prevent spilled fuels, lubricants or other hazardous materials from entering the creek during the construction or operation of any use, and to control parking lot runoff from entering the creek.

(4) Water cycle. Development shall not interfere with the water cycle that supports any riparian habitat or wetlands on the property. Water shall not be diverted from the site, and no development activities shall be undertaken that would lower the water table, or would cause the temperature of water in the creek to increase beyond the tolerance levels of trout and other aquatic habitat. (Ord. 4-1998 §1; Ord. 7-2000 §1)

Sec 16A-4-40. Flood plain and wetland areas.

(a) General Standard. No development shall be allowed that would adversely affect the quantity, quality or accessibility of the water resources of the Town or region, or which would occur at the expense of established water-dependent agricultural activities, or which would result in increased salinization of water courses, loss of minimum stream flows, diminishment of wildlife habitat, or major expenditures to reacquire or redistribute major water resources. Development shall not be allowed to pollute or interfere with the natural changes of the river, stream or other tributary, including erosion and/or sedimentation during construction. Increased on-site drainage shall be accommodated within the parcel to prevent entry into the river or onto its banks. Pools or hot tubs cannot be drained outside the designated building envelope.

(b) Flood Plains. Flood plains are an extension of the stream channel cross-sections required to accommodate increased stream flow during flood periods. Their obstruction or alteration will alter stream behavior, leading to siltation, stream bank erosion and aggravated flood conditions. All development proposed in an application for PUD, subdivision or special review shall be located outside of the limits of the one-hundred-year floodplain, as depicted on the most recent edition of the Federal Emergency Management Agency (FEMA) Flood Insurance Rates Maps for areas within the Town. An applicant for a subdivision, PUD or special review proposed in an area where there are no detailed flood elevations depicted on the FEMA maps shall be required to submit a study that identifies the limits of the one-hundred-year floodplain on the property and to locate all proposed development outside of the limits of that area. A professional engineer licensed in the State shall prepare the study.
(c) Wetlands. Areas that are considered to be jurisdictional wetlands, as defined by the United States Army Corps of Engineers, are prohibited from development unless appropriate mitigation is approved by the Corps of Engineers, by appropriate permit, or authorization under Section 404 of the Clean Water Act, and by the Town Council. This prohibition shall not apply to the development of a lot subdivided prior to the effective date of this Development Code (September 2, 1998). However, development of such lots shall comply with any wetlands protection and mitigation requirements that may have been applied to the property during the approval of the PUD or subdivision in which it is located.

(d) Land Under Water. Whenever there is proposed for development a tract of land partially under water at any time during the year, there shall be excluded from development those areas of the tract that are under water, up to the mean high water mark, except where such a requirement would prevent construction of even one (1) single-family residence within the property.

(e) Guarantee. A guarantee must provide in the event a watercourse or riparian area is altered or relocated, that applies to the developer and his or her heirs, successors and assigns that ensures that the flood-carrying capacity and riparian habitat on the parcel is not diminished and that no situation is created which causes additional erosion of streambanks into the watercourse. (Ord. 4-1998 §1; Ord. 7-2000 §1)

Sec. 16A-4-50. Geologic hazard areas, steep slopes and ridgeline protection areas.

(a) Purpose. Steep slopes are prone to erosion and soil instability, are difficult to revegetate and may also be subject to geologic hazards. The purpose of this Section is to ensure that development does not occur on slopes that are excessively steep, unstable or hazardous. Applicants are also referred to Section 16A-4-320, Landscaping, Grading and Other Design Standards, to ensure that development which is permitted on slopes that are more stable is done in a manner that minimizes environmental and aesthetic impacts on the Town.

(b) Applicability. The standards in this Section shall apply to all development proposed within the Town.

(c) Development Prohibited in Geologic Hazard Areas. No development proposed in any SPA, PUD, subdivision or special review application shall be approved in any area that the Town Council finds, on the basis of competent engineering or geologic data, to be unsuitable for the proposed activity or use due to the potential harm to the public health, safety or welfare that would be posed by mud flow, rock slide, avalanche, steep or unstable slopes or soils, or other geologic hazards, features or conditions.

(d) Development Prohibited on Slopes Greater Than Thirty Percent (30%). No development shall be allowed on any slope greater than thirty percent (30%), except in the following circumstances:

(1) Ski area improvements. Construction of roads, driveways, ski trails and related ski area improvements including, but not necessarily limited to lift towers, but excluding restaurants and similar structures that are intended for human occupancy, may be allowed on slopes greater than thirty percent (30%).

(2) Lots subdivided prior to January 1, 1987. Development may be allowed on lots and within approved building envelopes containing areas of slopes greater than thirty percent (30%) if the lot was subdivided prior to January 1, 1987.
(3) Man-made slopes. Development may be permitted on slopes greater than thirty percent (30%) that are the result of minor man-made cutting or filling of an otherwise continuous natural slope.

(4) Other circumstances. The Town Council may authorize development on slopes greater than thirty percent (30%) in circumstances not listed above if at least three-quarters (¾) of the members of the Town Council present and voting approve an ordinance finding that:

a. The development is unable to avoid the steep slopes, and the reasons therefor; and

b. On the basis of competent engineering or geologic reports and data and testimony received, the design and/or construction techniques that will be incorporated within the development will satisfactorily mitigate the risk of potential harm to the public health, safety or welfare.

(5) Engineer's opinion. For the Town to allow development under any of the above circumstances, the applicant shall provide an opinion from a professional geotechnical engineer licensed in the State stating that:

a. The slope is not prone to instability or failure; or

b. The proposed development will not cause greater slope instability or increase the potential for slope failure, and that therefore, there will be no significant risk that damage to adjacent property will result from the proposed construction.

(e) Avoid Activities Which May Affect Stability on Slopes Greater Than Fifteen Percent (15%). Development activities that decrease the stability of any slope that is greater than fifteen percent (15%) shall be avoided. These activities include, but are not limited to, activities that add water to a slope, activities that add weight to the top of a slope and activities that steepen the existing grade of a slope.

(f) Ridgeline Protection Areas.

(1) Ridgeline protection areas. Ridgeline protection areas are those lands that are visible from Brush Creek Road, Owl Creek Road or the Town Community Park and are at the crest or highest elevation of a ridge or hillside, or are within fifty (50) feet of elevation, measured vertically, from the crest of a ridge or hillside. These lands frame the natural mountain setting within the Town and include lands outside the Town boundary. It is the intent of the Town to ensure that the mountaintops surrounding Snowmass Village retain their natural appearance by preventing structures from being built at or near the crest of a ridge or hillside.

(2) Ridgeline penetration prohibited. Except as provided in subparagraph (f)(3) below, no development of new structures shall be designed or located within a ridgeline protection area in such a way that it will appear to penetrate above the crest of a ridgeline protection area as seen from Brush Creek Road, Owl Creek Road or the Town Community Park when viewed from within the park or road surface edge at a height of five (5) feet. In addition, any existing structure that is located within a ridgeline protection area that is demolished may only be rebuilt if its design complies with the standards of this Subsection (f).
(3) Exception for single-family residence or existing structures. The Planning Director may approve an application for a single-family residence or the reconstruction, relocation or alteration of an existing structure if the prohibitions of paragraph (2) above would prevent the development of a single-family residence on a lot subdivided prior to the effective date of this Land Use and Development Code (September 2, 1998) or where the reconstruction, relocation or alteration of an existing structure does not cause the structure to encroach into a ridgeline protection area to a greater extent in any dimension or configuration, specifically height, width or mass, than the existing structure. The Planning Director shall only approve the application if it is found that the development complies with the standards that follow below and all other applicable standards of this Land Use and Development Code. The Planning Director is authorized to require the applicant to submit such visual sight line analysis information as may be necessary to determine the application's compliance with these standards and is also authorized to impose such conditions on the application as are necessary to ensure its compliance with these standards.

a. Mass. The mass of the proposed development shall be broken into smaller forms and stepped down or along the hill or shall be otherwise configured to follow the slope of the terrain so as to minimize the amount of the building that penetrates above the ridgeline.

b. Form. The form of the development (in particular, its roof form) shall replicate, parallel or complement the natural form of the ridgeline, so it appears to be an element of that natural form.

c. Preserve existing trees. Existing live trees on the site shall be preserved to the maximum extent possible, so as to screen or soften the appearance of the development. Trees that must be removed shall be replaced with the same size tree that was removed. Replacement trees shall be planted, or, for sites that do not contain trees, new trees shall be planted in locations that will help to screen the development.

d. Exterior materials. The exterior materials of the structure, including roofs, shall be built, painted or stained to blend with or replicate the predominant colors of the surrounding land features or vegetation (earth tones). Reflective roof materials shall not be used, unless the materials are treated to eliminate reflections. Reflective or mirrored glass shall not be used on the exterior of the structure.

e. Exterior lighting. Any exterior lighting used on the property shall be down-directional and contained so that the bulb or other light source is opaquely shielded from view. Floodlights shall not be used to illuminate the structure or adjacent land features.

(4) Exception for community or ski area facility. The Town Council may grant an exception from the prohibitions of paragraph (2) above for a community or ski area facility, when the applicant demonstrates, to the satisfaction of the Town Council, that the function of the facility requires it to be located within a ridgeline protection area. The Town Council shall only grant the exception if the Town Council finds that the development will comply with the standards of paragraph (3) above that can be accommodated by the applicant without preventing the facility from functioning, and will comply with all other applicable standards of this Land Use and Development Code.
(5) Exception for Town Council approval. The Town Council may, upon such terms and conditions as it deems necessary and proper, grant approval of a development which fails to comply with the standards of paragraph (2) above, if the development complies with the standards of paragraph (3) above and all other applicable standards of the Land Use and Development Code. When reviewing any request to penetrate the ridgeline, the Town Council shall consider the recommendations of the Planning Commission in determining:

a. The extent of the visual encroachment;

b. The visual significance of the ridgeline or skyline being affected;

c. The effectiveness of the mitigation being proposed by the applicant to minimize the visual impact; and

d. Whether the encroachment is unavoidable or necessary to provide for the reasonable use of the land.

Any approval of a development by the Town Council which does not comply with this Subsection (f) may only be granted upon approval by at least three-quarters (¾) of the Town Council members present and voting, for good cause shown and by identifying the reasons why the noncompliance is warranted. (Ord. 4-1998 §1; Ord. 7-2000 §1; Ord. 5-2001 §1; Ord. 06-2004 §1)
Division 2. Improvements Standards

Sec. 16A-4-200. Applicability.

(a) Minimum Requirements. Improvements standards are intended as minimum standards to further the orderly layout and use of land. These standards shall apply to all development applications for PUD, subdivision, subdivision exemption or special review submitted within the Town. The designer should be aware that whenever unusual or complex circumstances are anticipated in conjunction with a proposed development, additional information or analysis beyond the minimums set forth herein may be required by the Town Engineer.

(b) Standards Are Not Inflexible. These design standards are intended to ensure a certain level of performance; however, they are not inflexible. If an alternate design, procedure or material can be shown to provide performance equal to or better than that established by these standards, or where it can be shown that strict compliance with these standards would cause unacceptable environmental impacts, or would result in adverse site conditions because of unusual topography, size or shape of the property, existing vegetation or other exceptional situation or condition, then the Town Engineer may recommend that the Town Council accept the alternative. The Town Engineer's evaluation shall consider whether the alternative will provide for an equivalent level of public safety and whether the alternative will be equally durable so that normally anticipated user and maintenance costs will not be increased.

(c) Plans Shall Be Prepared by Professional Engineer. All plans, reports and specifications for development or redevelopment of improvements addressed within this Division shall be prepared by, or under the direct supervision of, a professional engineer licensed in the State. Final public improvement plans, reports and specifications shall bear the seal and signature of the professional engineer responsible for their preparation. (Ord. 4-1998 §1; Ord. 7-2000 §1)

Sec. 16A-4-210. Streets and related improvements.

(a) General Standards.

(1) Capacity standard. Traffic generated by any proposed development shall not cause the capacity of the Town's road network (including in all cases Brush Creek Road) providing access to the development to be exceeded. Level of service "C" or better (as described in the Comprehensive Plan or as calculated by the Town Engineer) is hereby deemed to be the acceptable design standard for all intersection and roadway segment operations within the Town. In order to determine the impacts of the proposed development on the capacity of the Town's road network, the following steps shall be followed:

a. Trip generation. The applicant shall determine the number of trips the project is expected to generate, pursuant to Section 16A-5-340(c)(2), Transportation Impact Analysis, and shall include that determination in the preliminary PUD application.

b. Analysis of cumulative impact. The applicant shall calculate the cumulative impact on the Town's road network of the trips that will be generated by the applicant's project and by the other development that is planned to occur within the Town (as described in the buildout analysis in the Comprehensive Plan). Using this information, the Town Engineer shall determine whether any segment of the Town's road network or any intersection will be caused to exceed level of service "C."

c. Percentage allocation. If the Town Engineer determines that the cumulative impact of the remaining development will be to cause any segment of the Town's road network or any intersection to exceed level of service "C," then the Town Engineer shall calculate what percentage of this
impact on the road network is due to the applicant's project. The method of calculation shall be subject to the approval of the Town Engineer. This shall be determined by comparing the number of trips the applicant's project is projected to generate to the number of trips that will be generated by the other development that is planned to occur within the Town (as described in the buildout analysis in the Comprehensive Plan).

d. Options. The conclusions of the Town Engineer shall be considered by the Town Council, who shall then require the applicant to demonstrate how the development will accomplish either, or a combination of, the following options:

1. Reduce number of trips. Implement transportation demand management actions, such as provision of private transit services, enhancement of public transit service, shifting of required parking to preferred locations off-site, improvement of other public parking facilities, and similar actions to reduce the development's number of projected trips below the level at which its share of the cumulative number of projected trips will cause any segment of the Town's road network or any intersection to exceed level of service "C"; or

2. Pay fee. Pay an in-lieu fee which the Town Engineer determines represents the development's share of the total cost of improvements that must be made to the Town's road network, transit facilities and public parking facilities to ensure that the cumulative number of projected trips does not cause any segment of the Town's road network or any intersection to exceed level of service "C."

   a) Use of funds. All funds collected by the Building and Planning Department shall be deposited in a separate interest-bearing account. Monies in this account shall be used solely for the planning, design and construction of road network, transit facilities and public parking facilities in locations that are consistent with the recommendations of Chapter 7 of the Comprehensive Plan, "Future Transportation Plan."

   b) Refund. Any payment made for a project for which a building permit is not issued or is cancelled may be refunded if the current owner of the property submits a request for a refund to the Town's Finance Director. All requests for refunds shall be accompanied by a copy of the receipt issued for payment of the fee.

   (2) Maintenance. No development shall be approved that would increase the Town's road maintenance responsibilities beyond the Town's capabilities. Roadways shall be designed, engineered and constructed so as to minimize future maintenance costs, to alleviate visual and functional problems that occur on hillsides and to avoid deep cuts.

   (3) Service and emergency vehicles. No development shall be approved that will create traffic hazards or that does not provide adequate access for service vehicles and emergency vehicles, including fire trucks, ambulances and police vehicles, or that is not designed to facilitate reasonable removal or storage of snow from traffic areas.

   (4) Security gates. No development shall be approved that will include any attempt to physically block entrance of vehicles or pedestrians from entering the development via private streets or trails. Physical blocks include security gates and fences.
(b) Street Design Standards. The following design standards apply to new and substandard streets in all developments, regardless of type or size, unless the street involved has been fully improved. No development shall be approved that includes elements that are not in compliance with these design standards, except as described in Section 16A-4-200(b), Standards Are Not Inflexible, and also except that within the Open Space (OS) and Conservation (CON) zone districts only, the Town Council may authorize roads that do not meet these design standards.

(1) Street pattern. Streets shall conform to approved plans for street extensions and shall bear a logical relationship to topography and to the location of existing planned streets in adjacent properties.

(2) Standards for road design. Public and private streets shall meet the standards of Table 4-1, Standards for Road Design.

<table>
<thead>
<tr>
<th>Road Classification</th>
<th>Min. Right-Of-Way Width</th>
<th>Max. Percent of Grade</th>
<th>Min. Width of Paved Surface</th>
<th>Min. Shoulder</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial</td>
<td>80'</td>
<td>8</td>
<td>24'</td>
<td>3'</td>
</tr>
<tr>
<td>Collector</td>
<td>60'</td>
<td>8</td>
<td>22'</td>
<td>3'</td>
</tr>
<tr>
<td>Local</td>
<td>50'</td>
<td>8</td>
<td>20'</td>
<td>3'</td>
</tr>
<tr>
<td>Minor</td>
<td>40'</td>
<td>8</td>
<td>20'</td>
<td>2'</td>
</tr>
</tbody>
</table>

Notes:
1. Additional right-of-way may be required by the Town, where necessary to implement the Comprehensive Plan, including, but not limited to, providing for necessary transit facilities.
2. Shoulder should be paved to permit an acceptable Class III bicycle lane where indicated in the Comprehensive Plan.
3. Pavement width may be increased if, depending on engineering studies, the amount of traffic anticipated on the roadway justifies the increase.

(3) Dedications. Rights-of-way shall be dedicated for the entire width for all minor, local, collector and arterial streets. The Town Council may permit private road easements when problematic topography exists or low traffic volumes are expected. Private road easements will be permitted only when such roadways meet the intent of the standards of Table 4-1, Standards for Road Design, and a provision for maintenance is agreed to by the developer.

(4) Half-street dedications. Half-street dedications shall be prohibited, unless they are for the purpose of increasing the width of an inadequate existing right-of-way.

(5) Streets that end on perimeter of plat. When the plat dedicates a street that ends on the plat or is on the perimeter of the plat, the applicant shall convey the last foot of the street on the terminal end or outside the perimeter of the plat to the Town in fee simple, and such shall be designated by using out-lots. The Town shall put the same to public use for public road and access purposes when, within its sole and absolute discretion, it deems advisable.

(6) Dead-end streets. Dead-end streets, except for cul-de-sacs, shall be prohibited unless they are designed to connect to future streets in adjacent land that has not been platted, in which case a temporary vehicular turn-around shall be required, subject to approval by the Town Engineer and the Fire Chief.

(7) Reverse curves. Reverse curves on arterial and collector streets shall be joined by a tangent of at least one hundred (100) feet in length.

(8) Service access. Service access shall be provided in commercial, business and industrial areas.
(9) Intersections. Intersections shall be ninety degrees (90°) unless otherwise approved by the Town Engineer. In no case shall the intersection be less than sixty degrees (60°). Intersections shall have a minimum tangent of fifty (50) feet on each leg. The number of intersections of local streets with collector and arterial streets shall be minimized.

(10) Intersection grades. Intersection grades shall not exceed four percent (4%) for a minimum distance of fifty (50) feet on each leg; flatter grades are preferred.

(11) Curb return radii. Curb return radii for street intersections shall be as follows:

a. Arterial and collector streets: thirty-five (35) feet minimum, or greater if so determined by the Town Engineer.

b. Local streets: fifteen (15) feet.

Curb return radii and corner setbacks for all other types of intersections shall be as approved by the Town Engineer. Approval shall be based upon the expected types of vehicle usage, traffic volumes and traffic patterns, using accepted engineering standards. In case of streets that are unable to adhere to ninety-degree angles, appropriate increases in curb return radii shall be made for the necessary turning movements.

(12) Turn lanes. Right turn bypasses or left turn lanes shall be required at the intersections when traffic conditions, as determined by the Town Council, indicate their need. The subdivider shall dedicate sufficient right-of-way to accommodate them when they are required.

(13) Street names. When streets are in alignment with existing streets, the new streets shall be named according to the streets with which they correspond. Streets that do not fit into an established street-naming pattern shall be named in a manner that will not duplicate or be confused with existing street names within the Town or its environs. The Building Official shall assign street numbers, in accordance with the Town's numbering system.

(14) Damage shall be remedied. Any finish paving, curb, gutter, sidewalks or driveways that are installed physically above and within one (1) year of the construction of any subsurface utilities shall be installed at the risk of the subdivider, and any damage created shall be remedied in conformance with the guarantee of public improvements approved for the development.

(15) Improvements shall conform to specifications. All streets shall be constructed in accordance with specifications established by the Town Engineer. Any street name signs shall conform to the current Town specifications. Any required traffic control signs, signals or devices shall conform to the "Town Specifications on Uniform Traffic Control Devices."

(16) Monuments. Prior to paving any street, permanent range point monuments meeting the standards of Section 16A-4-270, Survey Monuments, shall be installed to approximately finish grade. Permanent range point boxes shall be installed during or as soon as practicable after paving.

(17) Street lights. Street lights, if required, shall be placed at a maximum spacing of three hundred (300) feet and are subject to Town approval. (Ord. 4-1998 §1; Ord. 7-2000 §1)
Sec. 16A-4-220. Public trails.

(a) General Standard. New development shall, to the greatest extent possible, incorporate features that promote nonmotorized transportation alternatives such as pedestrian walkways and trails and the use of public or private mass transit systems that reduce the incentive for occupants of the development to use personal motor vehicles. In order to facilitate this standard and the goals of the Comprehensive Plan, the Town Council may require dedication of easements or right-of-way locations determined appropriate by the Town to accommodate such transportation systems.

(b) Trail Design Standards. The following standards apply to all public trails in the Town.

(1) Standards for trail classifications. Public trails shall meet the standards of Table 4-2, Standards for Trail Design.

<table>
<thead>
<tr>
<th>Trail Classification</th>
<th>Trail Width</th>
<th>Right-of-Way Width</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class I Paved Surface</td>
<td>8'</td>
<td>20'</td>
<td>Separate R-O-W</td>
</tr>
<tr>
<td>Class II Unpaved Surface</td>
<td>4'</td>
<td>20'</td>
<td>Separate R-O-W</td>
</tr>
<tr>
<td>Class III Bike Surface</td>
<td>3'</td>
<td>N/A</td>
<td>Extension of road surface*</td>
</tr>
<tr>
<td>Class IV Primitive Single-Track</td>
<td>48&quot; trail bed; 18&quot; tread surface</td>
<td>20'</td>
<td>Separate R-O-W</td>
</tr>
<tr>
<td>Class V Primitive Single-Track</td>
<td>48&quot; trail bed; 12&quot; tread surface</td>
<td>20'</td>
<td>Separate R-O-W</td>
</tr>
</tbody>
</table>

* Note: Trail shall be provided on both sides of the road.

(2) Clearances.

a. Vertical clearance. Minimum vertical clearance (trail surface to overhead obstructions) should be eight and one-half (8.5) feet. The desirable clearance is ten (10) feet.

b. Lateral clearance. Minimum lateral clearance to static objects (parked cars, utility poles, trees, etc.) is two (2) feet. Minimum desirable lateral clearances from soft shoulders and sloped drop-offs is one and one-half (1.5) feet.

c. Handicapped accessibility. Consideration should be given to handicapped accessibility.

(3) Site distance. Site distance is the length of route visible to the cyclist and pedestrian, including intersecting roads and driveways. Adequate sight distance shall be provided for a cyclist to stop or take evasive maneuvers. An adequate lateral view shall be available at intersection and driveway connections.

(4) Horizontal alignment. To minimize interface between cyclists and pedestrians moving in opposite directions at curves, additional pavement should be provided on the inside edge of curves.

(5) Grade. With the exception of Class II unpaved trails intended for the pedestrian or equestrian, grades of four percent (4.0%) to five percent (5.0%) are generally desirable. The maximum grade on paved trails should not exceed eight percent (8.0%).
(6) Drainage. To ensure that surface water and debris do not accumulate on paved trails, a two- to three-percent (2%-3%) cross pitch should be provided on Class I paved trails. A drainage ditch should be placed on the high side of the trail where a trail is cut into a hillside.

(7) Materials. A Class I paved trail shall be constructed with a minimum of six (6) inches of base course and two (2) inches of asphalt. (Ord. 4-1998 §1; Ord. 7-2000 §1)

Sec. 16A-4-230. Water supply, sewage disposal, solid waste disposal and utilities.

(a) Water Supply and Sewage Disposal. No development shall be approved without the applicant submitting competent evidence that a water supply of adequate quantity, pressure and dependability is available to support the use intended and to provide for protection from fire, and that facilities to collect, treat and dispose of anticipated types and quantities of wastewater and sewage are available or can and will be provided with suitable capacity, quality of discharge, suitable point of discharge and dependability and that any such proposed system is financially feasible. All water lines, sewer lines, fire hydrants and appurtenances shall meet the standards, specifications, rules and regulations of the applicable fire protection and water and sanitation district, or shall be as approved by the Town Engineer.

(b) Solid Waste Disposal. No development shall be approved without the applicant submitting a solid waste disposal plan that includes enough container capacity to accommodate three (3) times per week pickup or less. All solid waste disposal containers shall be animal-proof, conforming to the specifications for such facilities promulgated by the Colorado Division of Wildlife.

(c) Utilities.

(1) Underground placement. All utilities shall be placed underground. Any areas excavated to place utilities underground shall be revegetated within one (1) growing season after installation, to stabilize and restore disturbed areas.

(2) Exception. Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ventilation ducts and other facilities appurtenant to underground utilities may be placed above ground when the utility company demonstrates to the Town Engineer that the facilities cannot reasonably be placed underground. The Town Engineer shall review the location and design of such above-ground appurtenances to ensure they do not block the visibility of motorists and pedestrians, and do not hinder road maintenance and snow removal activities. Such facilities shall be landscaped to reduce their visibility and shall be maintained, including painting, so they do not become an eyesore.

(3) Other utilities. Other utilities not specifically mentioned shall be provided in accordance with the standards and regulations of the respective utility department or company. (Ord. 4-1998 §1; Ord. 7-2000 §1)

Sec. 16A-4-240. Fire protection.

(a) Service by Fire Protection District. Developments shall be located and designed in a manner that enables them to be served by the Snowmass-Wildcat Fire Protection District and that complies with the adopted standards of said district.

(1) Unusual fire hazards. No development shall be approved that, due to design, size (including height) or building materials, could present unusual fire hazards that are beyond the fire-fighting capability of the Snowmass-Wildcat Fire Protection District.
(2) Location. Development shall not be located in such a way as to adversely affect the capability of the fire protection district or other public service entities to respond to fires or other nonfire emergencies in any other structure or area of the Town.

(3) Fire access. Fire lanes, emergency access and fire apparatus access roads shall conform to the provisions of the Fire Code, as set forth in Chapter 18, Article VII of the Municipal Code.

(b) Development in Areas Subject to Wildfire Hazards.

(1) Purpose. There are certain types of lands within the Town that have the potential to pose hazards to human life and safety and to property due to wildfire. The purpose of this Section is to ensure that development avoids these wildfire hazard areas whenever possible. Where it is not possible for development to avoid these areas, standards are provided to reduce or minimize the potential impacts of these hazards on the occupants of the property and, as applicable, the occupants of adjacent properties.

(2) Applicability. When the Planning Director shall determine that due to the vegetation, slopes and other factors present on a property, there is a potential for a proposed development to be threatened by moderate or severe wildfire hazards, then the Planning Director shall refer the application to the Colorado State Forest Service (CSFS) for review and comment.

(3) Classification of hazard by CSFS. CSFS shall review the application and determine whether there is a low, moderate or high degree of wildfire hazard posed to persons and property. CSFS shall consider the proposed design of the development (including the planned roads and water supply facilities and the configuration and location of lots), the topography of the site, the types and density of vegetation present, the fire protection measures proposed by the applicant and other related factors in making its determination.

(4) Recommendations by CSFS. If CSFS finds that a moderate or severe degree of severity of wildfire hazard may be posed to persons and property, CSFS shall make recommendations as to the mitigation techniques that should be incorporated in the development. These recommendations shall be based on guidelines promulgated by CSFS (see, for example, CSFS publications entitled "Wildlife Protection in the Wildland Urban Interface" and "Wildfire Safety Guidelines for Rural Homeowners") and may include, but are not limited to, the following mitigation techniques:

   a. Locations. Recommendations to locate structures outside of severe hazard areas, off of steep slopes and outside of draws and canyons.

   b. Manipulate vegetation. Recommendations to manipulate the density and form of vegetation, so as to create defensible space buffers around proposed building envelopes, to remove hanging tree limbs near chimneys and to establish fuelbreaks or reduce the severity of the hazard. The form and the extent of the recommended vegetation manipulation shall be based on the severity of the hazard that is found to be present.

   c. Structural design. Recommendations to use noncombustible roof materials, to require pitched roofs and to sheath, enclose or screen projections and openings above and below the roof line, as applicable.
d. Water supply. If access to a pressurized water system with fire hydrants is not provided, recommendations may be made to ensure the availability of a water supply for individual structures, in the form of access to a pond, installation of an underground water storage tank, provision of dry hydrants or similar methods.

e. Access. Recommendations to provide for separate routes of entrance and exit into a subdivision or PUD, to lay out roads so as to create fuel breaks and to ensure the adequacy of access by emergency vehicles, including the provision of regularly spaced turnouts along roadways, the establishment of adequate grades and sight distances and the prohibition of dead-end streets (but not cul-de-sacs) in the project.

f. Maintenance. Recommendations to keep roofs cleared of debris and to store flammable materials and firewood away from structures.

(5) Compliance. The Town Council shall consider the recommendations of CSFS, and shall apply those recommendations they deem to be appropriate as conditions of development approval. (Ord. 4-1998 §1; Ord. 7-2000 §1)

Sec. 16A-4-250. Storm drainage.

(a) General Standard. The integrity of existing and natural drainage patterns shall be preserved in order that the aggregate of future public and private development activities will not cause storm drainage and flood water patterns to exceed the capacity of natural or constructed drainage ways, will not subject other areas to increased potential for damage by flood erosion or sedimentation and will not pollute natural streams. New development shall provide for structures and/or detention facilities necessary to ensure that

run-off characteristics of a site after development are no more disruptive to natural streams, land uses or drainage systems than are the run-off characteristics calculated for the site's natural state. In cases where storm runoff from an upstream source passes through the subdivision, the drainage plan shall provide adequate means for maintaining the historical drainage system.

(b) Drainage Plan Required. A drainage plan shall be submitted as part of the development application, to include anticipated discharge volumes and general technique for conveying storm waters through the site. The drainage plan shall be prepared to meet the specifications of the Town Engineer, and shall be as approved by the Town Council.

(c) Reference to Water Quality Standards. Applicants are also referred to Section 16A-4-30, Brush Creek Impact Area, and Section 16A-4-40, Flood plain and Wetland Areas, for additional standards that are applicable to managing runoff from development sites. (Ord. 4-1998 §1; Ord. 7-2000 §1)

Sec. 16A-4-260. Easement characteristics.

(a) Utility Easements. Utility easements ten (10) feet in width on each side of all rear lot lines and five (5) feet on each side of side lot lines shall be dedicated where necessary. Where the rear or side lot lines abut on property outside of the subdivision on which there are not easements at least five (5) feet in width, then the easements on the rear and side lot lines in the subdivision shall be fifteen (15) feet and ten (10) feet in width respectively. Easements of ten (10) feet shall be required on the inside of the front lot line where necessary.

(b) Cul-De-Sacs. Easements twenty (20) feet in width shall be dedicated in "T" intersections and cul-de-sacs for the continuation of utilities or drainage improvements where necessary.
(c) Water and Sewer Easements. Water and sewer easements shall be a minimum of thirty (30) feet in width wherever possible. Easements less than thirty (30) feet wide shall be submitted to the Snowmass Water and Sanitation District for review and approval.

(d) Planned Utility or Drainage System. Whenever a tract to be developed embraces any part of a planned utility or drainage system designated on an adopted plan, the necessary easements shall be dedicated to accommodate the plan within the tract.

(e) Drainage Easement. Where an irrigation ditch or channel, natural creek or stream traverses a development, an easement sufficient for drainage and to allow for maintenance of the ditch shall be dedicated.

(f) Trail Plan. Whenever a tract to be subdivided includes any part of a bikeway, bridle path, cross country ski trail or hiking trail designated on an adopted trail plan, twenty-foot easements shall be dedicated to accommodate the plan within the tract. (Ord. 4-1998 §1; Ord. 7-2000 §1)

Sec. 16A-4-270. Survey monuments.

(a) Boundaries Shall Be Monumented. The external boundaries of all subdivisions, blocks and lots shall be monumented on the ground by reasonably permanent monuments solidly embedded in the ground. These monuments shall be set not more than one thousand four hundred (1,400) feet apart along any straight boundary line, at all angle points, and at the beginning, end and points of change of direction or change of radius of any curve boundaries.

(b) Comply with C.R.S. All monuments shall be set in accordance with the provisions of Section 38-51-101, C.R.S., unless otherwise provided for in this Development Code.

(c) Range Points and Boxes. Range points and boxes shall be set on the centerline of the street rights-of-way unless designated otherwise. (Ord. 4-1998 §1; Ord. 7-2000 §1)
Division 3. Site Design Standards

Sec. 16A-4-300. Purpose.

This Division establishes standards for the design of development sites, including standards for off-street parking, landscaping, grading, outdoor storage and energy conservation. (Ord. 4-1998 §1; Ord. 7-2000 §1)

Sec. 16A-4-310. Off-street parking standards.

(a) Applicability. The standards of this Section shall apply to all development, including development of new uses, expansion of existing uses and the change of use of land or structures. Responsibility for complying with these standards rests with the owner of the property.

(1) Uses established after effective date. For all uses established or placed into operation after the effective date of this Development Code (September 2, 1998), there shall be provided that number of off-street parking spaces as specified in this Section.

(2) Uses established prior to effective date. For land, structures or uses established or placed into operation prior to the effective date of this Development Code (September 2, 1998), the number of existing off-street parking spaces shall not be reduced below the minimum number of existing spaces required herein. If such land area, structure or use is enlarged or expanded, there shall be provided at least the additional number of off-street parking spaces that is required by this Section.

(b) Minimum Parking Required. All uses shall be required to provide that number of parking spaces that complies with the standards set forth in Table 4-3, Minimum Off-Street Parking Requirements for Each Zone District, unless a reduction in that number is approved pursuant to Subsection (c), Reduction of Required Parking. Where any calculation of the number of required

off-street parking spaces results in a fractional space being required, such fraction shall be rounded up to the next higher number of spaces.

(c) Reduction of Required Parking. Parking may be proposed to be reduced by one (1) or more of the following options:

(1) Shared parking. Off-street parking facilities for separate uses may be provided collectively, if the total number of spaces provided is not less than the sum of the separate requirements of each such use. However, no parking space or portion thereof shall serve as the required space for more than a single use, unless the Town specifically authorizes a shared parking arrangement. In order to obtain approval of a shared parking arrangement, the applicant shall be required to show that the peak use period for the uses will not overlap with one another, that the uses are located on the same or adjoining sites, and that the total number of spaces that would be required for all uses has not been reduced by more than twenty percent (20%).
(2) Alternative parking plan. The Comprehensive Plan recommends that day skier parking be reduced west of the Woodbridge pedestrian bridge and be increased east of that bridge. In order to accomplish this recommendation, applicants proposing development that will be located west of the Woodbridge Bridge are encouraged to, but applicants proposing development that will be located east of said pedestrian bridge may propose to, develop fewer spaces on site than would be required by Table 4-3. For the number of required parking spaces to be reduced, the applicant shall comply with one (1) or a combination of the following options:

a. Create parking in desired location. The applicant may develop that parking which would have been required on site in a location that is consistent with the recommendations of Chapter 8, "Future Transportation Plan," of the Comprehensive Plan. The Town may place appropriate limitations on the approval of the development to ensure the off-site spaces are available for use by the public no later than the time the development receives its certificate of occupancy;

b. Offer options to automobile usage. The applicant may commit to offering transportation options to residents, visitors or guests of the development that will reduce or eliminate the need for parking on site. Such options may include provision of limousine or van services, payment for enhanced transit services by the Town or RFTA, purchase of transit passes for employees and similar approaches; or

c. Provide compact size parking spaces. The applicant may propose, within a predominantly enclosed parking structure and in conjunction with at least one (1) of the other options, to include compact size parking spaces as part of the required parking, up to a maximum of fifteen percent (15%) of the total enclosed parking being provided. Said spaces will only be considered within portions of the structure sufficiently enclosed or screened to prevent fallen, plowed or windblown snow from accumulating within the compact size parking spaces. The appropriate number of compact spaces will be determined at the sole discretion of the Town Council based upon the nature of the proposed uses, public/private parking and access requirements, parking lot management, signage, location and grouping of the compact spaces, design, layout and vehicular circulation patterns within the proposed parking structure.

d. Tandem/stacked parking. The applicant may propose, in conjunction with at least two (2) of the other options, to include tandem/stacked parking spaces as part of their required parking. Tandem/stacked parking will only be considered in conjunction with the overall parking management plan and may only be allowed if there will be valets or other persons employed to assist in the parking of automobiles. A suitable form of guarantee must be provided, ensuring that a valet or other persons will always be available when the parking lot is in operation. The appropriate number of tandem/stacked parking spaces will be determined at the sole discretion of the Town Council based upon:

1. The operational nature and parking requirements of the residential project being served;

2. The parking lot management plan; and

3. The tandem/stacked parking location, design, layout and vehicular circulation patterns within the proposed parking lot or structure.
e. Contribute cash-in-lieu. The applicant may make a one-time cash payment to the Town, in the amount of twenty-five thousand dollars ($25,000.00) per space. Approval of the payment-in-lieu shall be at the option of the Town Council.

1. Payment due at building permit. The payment shall be due and payable at the time of the issuance of a building permit.

2. Use of funds. All funds collected by the Building and Planning Department shall be deposited in a separate interest-bearing account. Monies in this account shall be used solely for the planning, design and construction of new public parking spaces in locations that are consistent with the recommendations of Chapter 8, "Future Transportation Plan," of the Comprehensive Plan.

3. Refund. Any payment made for a project for which a building permit is not issued or is cancelled may be refunded if the current owner of the property submits a request for a refund to the Finance Director. All requests for refunds shall be accompanied by a copy of the receipt issued for payment of the fee.

4. Review of fee schedule. In order to ensure that the payment-in-lieu schedule is fair and represents current cost levels, it shall be reviewed within two (2) years of its effective date, and every two (2) years thereafter. Any necessary amendments to this Section shall be initiated by the Town Council to address the results of the review.

(d) Characteristics of Required Off-Street Parking.

1. Minimum dimensions. Each exterior off-street parking space shall consist of an unobstructed open area measuring at least nine (9) feet wide by nineteen (19) feet long with the exception that a required single-family detached parking space may be reduced in size to consist of an unobstructed open area measuring eight (8) feet wide by eighteen (18) feet long. Spaces within enclosed parking areas may be reduced to eight (8) feet six (6) inches in width and eighteen (18) feet in length. Compact parking spaces may be eight (8) feet wide by sixteen (16) or eighteen (18) feet long, as approved by the Town Council. All parking spaces shall have a minimum unobstructed vertical clearance of seven (7) feet six (6) inches in height.

2. Surface treatment. Off-street parking spaces shall be paved with a durable all-weather surface or be covered with gravel, and shall be maintained in a usable condition at all times. Paved surfaces shall be striped to demarcate the parking spaces and shall be graded for proper drainage.

3. Unobstructed access. Excepting parking for single-family and two-family residences (see paragraph (4) below), each parking space shall have unobstructed access to a street, driveway or aisle. Off-street parking lots shall be provided with entrances and exits that are located to provide safe and efficient means of vehicular access to such parking spaces, to minimize traffic congestion and hazards and to not interfere with roadway and roadside ditches and drainage.

4. Parking for residences. Parking areas provided for single-family detached and two-family dwellings may consist of garage area, parking strip or apron.
(5) Lighting. Lighting facilities, if provided, shall be arranged so that lights neither unreasonably disturb occupants of adjacent properties nor interfere with driver vision. Light sources shall be shielded from sight and shall be arranged to prevent direct light from spilling over onto adjacent residential uses. The maximum height of any light pole shall be twenty (20) feet. Poles of a lower height, that are more compatible in scale with pedestrians, are encouraged.

(e) Prohibited Uses of Parking Spaces. Required parking spaces shall be available for the parking of operable passenger vehicles of residents, guests, customers, patrons and employees of the use for which they are required. Prohibited uses of required parking spaces shall be as follows:

(1) Vehicle sale or repair. Required off-street parking spaces shall not be used for the sale, repair, dismantling or service of any vehicle, equipment, materials or supplies, nor shall any such activity adjacent to an off-street parking space obstruct required access to off-street parking spaces.

(2) Storage. Required off-street parking spaces shall not be used for storage of earth-moving machines, trailers, motor homes or construction-related or similar heavy equipment.

(f) Parking Lot Design.

(1) Minimum dimensions. The minimum dimensions for parking spaces, rows and aisles, based on one-way movement, are listed in Table 4-4, Minimum Dimensions for Parking Design, and are depicted in the illustrations that follow. The letters shown in the columns in the table correspond to the letters depicted on the illustrations.

<table>
<thead>
<tr>
<th>9' x 19' PARKING SPACE</th>
<th>8' x 16' PARKING SPACE</th>
<th>8' x 18' PARKING SPACE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Parking Angle (in degrees)</strong></td>
<td><strong>Stall Width &quot;A&quot;</strong></td>
<td><strong>Stall Depth &quot;B&quot;</strong></td>
</tr>
<tr>
<td>-------------------------</td>
<td>-------------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>0 (parallel)</td>
<td>9'</td>
<td>9.0'</td>
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<tr>
<td>45</td>
<td>9'</td>
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<td>17.8'</td>
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<tr>
<td>75</td>
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<td>19.4'</td>
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<tr>
<td>90</td>
<td>8'</td>
<td>18'</td>
</tr>
</tbody>
</table>
(2) Setbacks and snow storage. Setbacks a minimum of eight (8) feet in width shall be required on each side of any parking lot, except in an area immediately adjoining the building which the parking serves. Where any parking lot directly adjoins a building, approved barriers shall be installed to prevent vehicles from striking the building. Parking lot setbacks and other portions of the lot not used for required parking may be used for purposes of snow storage. Adequate drainage shall be provided for the snow storage area, to ensure snow melt does not drain onto adjacent property. Snow shall not be stored within required parking spaces, except on an emergency basis for a period not to exceed forty-eight (48) hours.

(3) Handicapped parking. Parking for any use requiring handicapped access shall be provided in accordance with the provisions of Chapter 18 of this Code.

a. Sign. All spaces reserved for physically handicapped persons shall have a raised standard identification sign. The identification sign shall be twelve (12) inches by eighteen (18) inches, with a height not to exceed seven (7) feet. The standard colors of the sign shall be white on blue.

b. Location. Parking spaces reserved for physically handicapped persons shall be located as close to the use's entrance as is reasonably possible.

(4) Compact parking spaces. Compact parking spaces shall be grouped together when practicable, with each space identifiable by the location of a sign stating "Compact Cars Only." The dimensional area of the parking space shall be unobstructed. (Ord. 4-1998 §1; Ord. 7-2000 §1; Ord. 7-2004 §1; Ord. 16-2010 §1)

Sec. 16A-4-320. Landscaping, grading and other design standards.

(a) Landscaping Standards.

(1) Preserve existing vegetation. Existing vegetation and live trees shall be preserved so as to: (a) reduce the potential for erosion and sedimentation from development; (b) screen or soften the appearance of development; and (c) buffer uses from one another. Existing vegetation and trees that are removed shall be replaced with appropriate, similar size plantings and shall be supplemented with additional plantings that help to screen the development, cover exposed areas and hold soil in place.

(2) Standards for new plantings. All plants used for landscaping shall be compatible with the local climate and the soils, drainage and water conditions of the site. Wherever possible, native varieties shall be used. When planting occurs on hillsides, slopes, drainageways or similar natural areas, plant material should duplicate adjacent plant communities both in species composition and spatial distribution patterns. Evergreen shrubs should be planted in clusters to maximize their chance for survival. When appropriate, landscaping should use drought-resistant varieties, employ xeriscape design
principles and promote water conservation. Provision shall be made for irrigation, when necessary, to ensure survival of the plants.

(3) Landscaping of multi-family and nonresidential development. All portions of lots containing multi-family dwellings and nonresidential development that are not covered by impervious materials shall be landscaped with grass, ground cover, shrubs or similar landscape treatments. A mix of deciduous and evergreen trees and shrubs shall also be planted to effectively buffer proposed nonresidential uses from adjacent residential uses and to provide a buffer between such uses and surrounding collector and arterial streets.

(4) Landscaping of parking areas. Standards for landscaping of parking areas are provided in Section 16A-4-310(f)(4), Parking Lot Landscaping.

(b) Grading Standards. All development shall comply with the following standards:

(1) Mass grading. Mass grading that removes existing vegetation and leaves large areas of soil exposed shall be properly managed to control erosion. When significant portions of a site are to be disturbed, the Town may require grading activities to be phased, so disturbed areas can be stabilized. The Town may also require topsoil to be stockpiled, for re-use on areas requiring revegetation and landscaping.

(2) Limitations on site disturbance. Cuts, fills, grading, excavation, vegetation removal and building construction shall be confined to designated building envelopes, except as permitted pursuant to Section 16A-3-200(b), Construction in Required Setbacks, and except for site disturbance necessary to install and maintain utilities, roadways, trails, irrigation ditches, fences and trees and similar plant material. Material excavated from the building envelope may be stockpiled outside of the building envelope for later use on the property.

a. Earth berm outside building envelope. Where site disturbance is proposed to create an earth berm outside of a designated building envelope, the applicant shall demonstrate that the berm: (1) has been blended into the natural topography to the greatest extent possible; (2) will not exceed a fifty-percent slope (one [1] foot vertical to two [2] feet horizontal); (3) will not obstruct sight visibility at road or driveway intersections or create other safety hazards; and (4) will not adversely affect Town snow removal operations.

b. Administrative modification. An administrative modification may be required, pursuant to Section 16A-5-250, Administrative Modifications, if the Planning Director determines that any berm located outside the building envelope does not satisfy the above criteria.

(3) Mark envelope. Prior to the commencement of site disturbance, the applicant shall visibly mark the extent of the designated building envelope. The applicant shall maintain said marking in place throughout the duration of construction. Relocation or removal of the marking without the prior approval of the Town shall be considered a violation of this Code.

(4) Restoration of disturbed areas. Disturbed areas shall be restored as undulating, natural-appearing landforms, with curves that blend in with adjacent undisturbed slopes. Abrupt angular transitions and linear slopes
shall be avoided. As necessary, cuts and fills shall be supported by retaining walls, made of wood, stone, vegetation or other materials that blend with the natural landscape. Areas disturbed by grading shall be contoured so they can be revegetated and shall be revegetated within one (1) growing season after construction, using native species similar to those growing on the site.

(5) Design shall fit natural topography and site conditions. Proposed structures shall be located and designed to fit the site's natural topography and site conditions, rather than adjusting the topography and site conditions to fit the structure. For example, instead of creating a flat bench or terrace for a building platform on a sloping site, the structure should instead be stepped up or down the slope. Roads and driveways shall follow the contours of the natural terrain.

(c) Outdoor Storage of Materials, Equipment and Vehicles. Unless otherwise determined by the Town Council, all commercial materials and equipment, including snow grooming equipment, stored outside for a period of time exceeding fifteen (15) days, during which time said materials or equipment remain unused, shall be fenced or screened in a manner that it is not visible from an adjacent street or property. Such fences or screening shall be a minimum of
eight (8) feet high from grade, unless the Planning Director shall determine that a fence or screen of lesser height be found to meet the intent of this Subsection. All fences shall be of sound construction and shall have not more than ten percent (10%) open area. All other unlicensed, inoperable or dismantled vehicles and parts shall be contained within an enclosed structure. The outside storage of materials, equipment or vehicles which: (1) are not customarily found in association or connection with the principal permitted use of the property, (2) alter the essential character of the surrounding neighborhood, or (3) adversely affect public welfare is prohibited.

(d) Regulations for Ski Lifts. No development shall be approved in proximity to an existing or proposed ski lift unless said development complies with all applicable regulations governing said ski lift.

(e) Quality of Skiing. No development shall be approved that adversely affects the quality of skiing at the Snowmass Ski Area, including the distribution of skiers on the mountain and access to the ski area.

(f) Access to Public Lands. New development shall not result in loss or significant limitation of existing access to public lands.

(g) Historical or Archaeological Sites. No development shall be approved which would result in the destruction or significant alteration of any sites or structures that have been determined by the Town Council to have historical or archaeological significance to the Town, the region or the State.

(h) Construction Management. No PUD, amended PUD or subdivision development shall be approved unless a construction management plan has been submitted to and approved by the Town Council or the Planning Director where final approval is administrative. The number of residential units and the amount of commercial space that can be under construction at any one time shall be subject to reasonable limitation in order to minimize disruption to normal business activities, disturbance to the peace and quiet of residential neighborhoods, interference with vehicular and pedestrian movement and/or damage to public roads, utilities and facilities, without unnecessarily interfering with the anticipated development activity. The extent of any such limitations shall be determined in the review and approval of each development project and shall be set forth in a construction management plan to be approved therewith. (Ord. 4-1998 §1; Ord. 13-1998 §1; Ord. 1-1999 §1; Ord. 7-2000 §1)

Sec. 16A-4-330. Energy conservation.

(a) General Standard. Energy conservation shall be promoted and maximum advantage taken of solar and alternative energy source opportunities. To achieve this purpose, applications for subdivision, planned unit development or special review shall contain an energy conservation plan, which shall optimize the planning and utilization of all possible energy conservation features in proposed new construction without reducing the percentage of authorized buildable lot area or density allowed by the existing zoning. Failure to submit a satisfactory energy conservation plan, which complies with the provisions of this Section, shall constitute grounds for denial of the application.

(b) Contents of Energy Conservation Plan. An energy conservation plan shall contain the following materials:

(1) Map. A map showing the orientation and placement of the building or buildings in relation to topography, vegetation, other structures and all other factors affecting solar access, so as to optimize sunlight access sufficient to take advantage of solar energy systems in as many buildings as is possible. Detailed information shall also be provided identifying and indicating the number of structures that shall have four (4) full hours of direct sunlight between the hours of 10:00 a.m. and 2:00 p.m.
Art. IV, Div. 3, Site Design Standards

§16A-4-330(b)(2)

(2) Shadow study. Evidence that the proposed structures are sited to provide sufficient year-round solar access to a south wall or a south roof, including a shadow study, for major structures that may create shadow on other structures or roadways. Shadow studies shall be based on a thirty-percent sun angle at 9:00 a.m., 12:00 noon and 3:00 p.m.

(3) Passive or active techniques proposed. A detailed description, including both text and map, of the specific passive or active heating and cooling techniques being utilized, including but not limited to building configuration, window exposure, grading, landscaping, interior and exterior passive and active solar energy features, and attention to elimination or impairment of solar access to possible adjacent building sites. This description should also include an energy utilization analysis in relation to snowmelt areas, heating systems, swimming pools, saunas, Jacuzzis and other significant energy-consuming elements of the project and an estimate of the anticipated energy gain through the planned energy systems. (Ord. 4-1998 §1; Ord. 7-2000 §1)

Sec. 16A-4-340. Building design guidelines to preserve community character.

(a) Purpose. The building design guidelines contained within this Section are intended to preserve the character of the Town as a unique mountain setting, in which development is an element of the natural environment, and does not dominate those natural features. These guidelines are not intended to restrict imagination, innovation or variety in design, but rather are intended to assist in focusing on design principles that can result in creative solutions that are consistent with the character of the Town.

(b) Applicability. The provisions of this Section 16A-4-340 shall apply to any development application for PUD, amended PUD, subdivision, special review or building permit for non-residential development or redevelopment. These provisions shall not apply to development of a single-family detached dwelling unit or a two-family dwelling (duplex) on a lot subdivided prior to the effective date of this Development Code (September 2, 1998).

(c) Building Design Guidelines.

(1) Site integration. Building design shall be influenced by, and shall respond to, the natural features and mountain setting that surround the property. Structures shall be designed so they do not overwhelm the surrounding mountain environment.

a. Minimize modification. Developments should be planned to minimize the extent to which it is necessary to modify the natural terrain and natural watercourses. Where earthmoving techniques are necessary, man-made forms should be soft and natural in appearance. Natural water features should be preserved and enhanced.

b. Indigenous details. Indigenous details and landscape accents, such as streams, boulders, trees and wildflowers, should be used to connect the development to natural conditions.

c. Complement natural landforms. New buildings should be designed to complement natural landforms, by setting them into the slope, or by reflecting the angles and shapes found in the natural landscape. Building massing should be broken up or stepped along a slope, to conform to the shape, aspect and scale of the natural terrain.
Art. IV, Div. 3, Site Design Standards

§16A-4-340(c)(1)

d. Signs. Interpretive information and signs should be used to draw attention to nature and mountain ecology.

e. Grade. Awkward changes of grade in public spaces should be avoided. Natural grade changes should be used to separate and define activity areas. The needs of disabled persons should be considered in the layout of uses and in circulation patterns, as circulation on sloping terrain can be an obstacle to the disabled.

(2) Scale and mass. Buildings shall be designed to ensure that they are not perceived as being monumental in scale.

a. Relation to scale of surrounding buildings. The height and mass of new buildings should be related to the prevailing scale, form and proportion of surrounding buildings, to avoid overwhelming or dominating the existing character of the area.

b. Design articulation. Groups of buildings should be located to avoid creating a "wall" or "row" effect. Individual buildings should incorporate offsets or projections that relieve the visual effect of a single long wall, help to articulate individual units or groups of units and give the appearance the building is made up of a collection of smaller structures. Buildings should be sited so their longest frontages are not on their most visible sides.

c. Human scale. People spaces should respect human scale. The design should include articulated building and roof configurations; staggered roof lines; sloping roof forms with overhangs; setbacks of upper stories; variations in grade level, floor plane and wall textures; spatial enclosure; and the use of design elements that break up the volume of space.

d. Screen mechanical equipment. The roofs of structures containing nonresidential or multi-family uses should be designed to screen heating, ventilation and mechanical equipment from view from neighboring properties and public rights-of-way.

(3) Building materials. Buildings shall be designed with natural materials and details that are indigenous to Colorado and that are nonreflective.

a. Authenticity. Materials should be predominantly authentic in their appearance, with natural textures and weathering.

b. Materials. The indigenous materials of the surrounding mountains should be conveyed by integrating heavy timbers, natural siding materials and rock into the building design.

(4) Climate/solar orientation. Buildings should be located to maximize their exposure to winter sun and natural light, and for protection from wind and temperature extremes. The sizing, height and placement of windows should take advantage of the sun's seasonal track and the intensity of solar radiation that is found in the area.

(5) Views. Buildings should be oriented to take advantage of views and view corridors, and to frame views and enclose open space, but should also preserve important sight lines, overlooks and landmarks as viewed from public roadways and other public spaces, and as viewed from neighboring developments. Buildings shall be located to comply with the provisions of Section 16A-4-50(f), Ridgeline Protection Areas. (Ord. 13-1998 §1; Ord. 1-1999 §1; Ord. 10-1999 §1; Ord. 7-2000 §1)
Division 4. Standards for Restricted Housing

Sec. 16A-4-400. Purpose.

To provide adequate housing for persons of low, moderate or middle income, provisions for comfortable and affordable housing in locations approved by the Town Council shall be made to accommodate sixty percent (60%) of new employees generated by development and redevelopment within the Town. (Ord. 4-1998 §1; Ord. 7-2000 §1; Ord. 1-2002 §1; Ord. 09-2004 §4; Ord. 3-2011 §3)

Sec. 16A-4-410. Restricted housing requirements.

(a) Employee Generation Rates. Employee generation rates vary by the type of employment. The employee generation rates found in Table 4-5, Employee Generation Rates Per Type of Use, shall be applied to each type of use in the development at its maximum annual (peak) employment impact on the community. For any use not listed, or special circumstances as determined by the Town Council, the Planning Director shall determine the applicable employee generation rate by consulting recognized professional publications or studies completed for resort communities similar to the Town. At the Town Council's discretion, the developer may be required to prepare, or the developer may provide, a peak season (maximum annual) employee staffing plan to determine whether certain multi-family or other short-term occupancy dwellings should be considered as Multi-Family-1 or Hotel/Lodge for purposes of applying the appropriate employee generation rates.

<table>
<thead>
<tr>
<th>Type of Use</th>
<th>Number of Employees Generated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial, including general retail, grocery, liquor, convenience</td>
<td>4.93 employees per 1,000 interior square feet</td>
</tr>
<tr>
<td>Office: finance, legal, medical and professional services</td>
<td>1.97 employees per 1,000 interior square feet</td>
</tr>
<tr>
<td>Office: real estate and property management</td>
<td>4.93 employees per 1,000 interior square feet</td>
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<tr>
<td>Construction</td>
<td>5.16 employees per 1,000 interior square feet</td>
</tr>
<tr>
<td>Multi-family-1</td>
<td>0.32 employees per first FSA * within the unit</td>
</tr>
<tr>
<td></td>
<td>0.10 employees per each additional FSA * within the unit</td>
</tr>
<tr>
<td>Multi-family-2</td>
<td>0.50 employees per unit or 0.60 employees per unit if in-house property management or rental management</td>
</tr>
<tr>
<td>Single-family /duplex</td>
<td>0.0331 X e^{0.0003 X (Residence or duplex unit sq. ft.)} where e = 2.71828</td>
</tr>
<tr>
<td>Hotel/Lodge</td>
<td>0.38 employees per FSA *</td>
</tr>
<tr>
<td>Ski area restaurants – cafeteria style</td>
<td>3.59 employees per 1,000 interior square feet</td>
</tr>
<tr>
<td>Restaurants /bars</td>
<td>5.9 employees per 1,000 interior square feet</td>
</tr>
<tr>
<td>Ski areas</td>
<td>61.95 employees per 1,000 skiers at 1 time</td>
</tr>
<tr>
<td>Conference center</td>
<td>0.97 employees per 1,000 interior square feet</td>
</tr>
<tr>
<td>Health club (general)</td>
<td>0.96 employees per 1,000 interior square feet</td>
</tr>
<tr>
<td>Health club (spa)</td>
<td>1.97 employees per 1,000 interior square feet</td>
</tr>
</tbody>
</table>

* FSA: Furnished Sleeping Area
(b) Square Footage Per Employee. For that number of employees required to be housed in restricted housing, as determined in Subsection (a) above, the developer shall be responsible for the creation of a total square footage equal to four hundred forty-eight (448) square feet (as measured in Section 16A-3-210(b), Measuring Floor Area) for each employee to be housed. The total square footage for which the developer shall be responsible shall be provided in dwelling units whose size shall be within the range of sizes described in Subsection (c), Size Ranges of Restricted Dwelling Units. The unit mix and methods of providing housing shall be determined as described in Section 16A-4-420, Methods of Complying With Requirements.

(c) Size Ranges of Restricted Dwelling Units for Full-time Employees. Table 4-6, Size Ranges of Restricted Dwelling Units, establishes the minimum and maximum size range of restricted dwelling units, to ensure that the size of dwelling units contributed by a developer is appropriate. All units contributed by a developer shall meet these size limits.

<table>
<thead>
<tr>
<th>Type of Unit</th>
<th>Minimum Size (sq. ft.)</th>
<th>Maximum Size (sq. ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio</td>
<td>448</td>
<td>550</td>
</tr>
<tr>
<td>One-bedroom</td>
<td>550</td>
<td>750</td>
</tr>
<tr>
<td>Two-bedroom</td>
<td>750</td>
<td>1,080</td>
</tr>
<tr>
<td>Three-bedroom</td>
<td>1,150</td>
<td>1,350</td>
</tr>
</tbody>
</table>

(d) Size Ranges of Restricted Housing Units for Seasonal Employees. Seasonal employee housing shall be designed to provide efficient, comfortable and affordable accommodations for seasonal employees and may include dormitory style or shared living accommodations configured to provide single-room occupancy for each employee with shared living, restroom and kitchen facilities. To ensure that the size of the housing contributed by a developer for shared living accommodations is appropriate, each building shall provide two hundred twenty-four (224) square feet of private or jointly shared living area for each employee being housed.

(e) Redevelopment.

(1) Redeveloped properties. Except as provided in Subparagraph (3) below, the developer shall receive a credit toward restricted housing requirements of up to one hundred fifteen percent (115%) of the housing mitigation that would be required on the existing square footage and use of the building to be redeveloped as computed in accordance with the provisions of Subsections (a) and (b) above.

(2) Existing employee housing replacement. If any existing square footage currently utilized as employee housing is to be removed, an equal square footage of restricted housing shall be replaced within the development.

(3) Existing FTE employees housed. The developer shall provide verifiable information specifying the maximum number of full time equivalent (FTE) employees, including seasonal employees, housed within nonrestricted units at any one (1) time within the development during the year prior to submitting the redevelopment application. This number shall be deducted from the "pre-development employees generated" amount in the redevelopment formula in Paragraph (f)(2) below unless the redevelopment proposal provides the same units occupied by existing employees, or comparable units, as restricted housing within the development.

(f) Formula. To calculate the amount of square footage of restricted housing to be provided in accordance with the provisions of this Section, the developer shall utilize the appropriate formula as follows:
Art. IV, Div. 4, Standards for Restricted Housing

§16A-4-410(f)(1)

(1) New development. (Number of employees generated x 60% x 448 square feet).

(2) Redevelopment. (Number of post-redevelopment employees generated x 448 square feet x 60%) minus (Number of existing pre-redevelopment employees generated minus existing FTE employees housed x 448 square feet x 60% x 115%).

(g) Alternative Independent Calculation. An applicant may submit an alternative independent calculation requesting modification to any of the employee generation rates within Table 4-5 above. The alternative independent calculation shall be supported by comparable resort and local data with analysis, surveys and/or other supporting materials that provide competent substantial evidence supporting the proposed modifications. Such an alternative independent calculation shall be received by the Town as an equally acceptable methodology of determining employee generation rates as the rates contained in Table 4-5. The alternative independent calculation shall then be reviewed by the Town Council. If the materials and information supporting the calculation demonstrated by substantial competent evidence that there is a reasonable basis to modify the employee generation rates because of unique circumstances related to the proposed development, the Town Council may, at its sole discretion, make the appropriate modifications.

(h) Independent Payroll Audit. In the event of an independent calculation, the Town Council may require the applicant to have an independent payroll audit performed two (2) years following the subject building's occupancy to determine if the number of employees in the project corresponds with the applicant's calculation. The Town Council may waive or extend the date of the independent payroll audit. The applicant and the Town shall agree upon a method for mitigating any additional restricted housing that may be required as a result of the audit and said methodology shall be specified within the restricted housing agreement. (Ord. 4-1998 §1; Ord. 11-1998 §1; Ord. 7-2000 §1; Ord. 1-2002 §1; Ord. 09-2004 §4; Ord. 3-2011 §3)

Sec. 16A-4-420. Methods of complying with requirements.

Restricted housing shall be provided as follows:

(1) Preliminary review. During preliminary review of the project, and based upon the information provided by the developer and Town staff, the Town Council shall determine:

a. Whether the project is an appropriate project to be financed, constructed, owned and operated by the Town.

b. Whether the project is an appropriate project to be financed, constructed, owned and operated by the developer.

c. Any combination of the above that the Town Council determines to be in the best interest of the Town.

d. The total anticipated construction cost of the project, including all site development costs, including soft costs.

(2) Methods of providing housing. Housing shall be provided using one (1) or more of the following methods with preferences given to Subparagraph a or b below:

a. Developer buy-down. Developer builds rental units, transfers title of the project, including land, to the Town and the Town pays to the developer the bondable amount derived from the net operating income (amortized for a twenty-year period). The net operating income means
the amount of revenue generated from the rents of a project, less capital replacement reserve and operating expense other than debt service. When the estimated net operating income of a project is insufficient to meet the debt service requirements of the restricted units, the developer shall pay the difference between the bondable amount derived from the net operating income (amortized for a twenty-year period) and total construction costs.

b. Restricted sale. Developer builds the restricted units and sells the units to qualified employees, at prices established by the Town Council, as determined by current sale prices of comparable restricted units within the Town.

c. Other means. Such other means as may be agreed upon by the Town Council at its sole discretion and the developer of a project requiring restricted housing, as required by Article IV of this Chapter, which may include:

1. Restricted rates and use. The developer builds, owns and manages restricted rental units in accordance with current Town of Snowmass Village Restricted Housing Guidelines. When permitted by all applicable state and local laws, or when agreed to by the developer, the units shall be restricted at the same rental rates charged by the Town for similar size units with similar amenities, as determined by the Town Council. Rental rates may be adjusted annually based on the inflation index used by the Town. A restricted housing agreement shall be entered into between the Town and the developer identifying the conditions of occupancy, maintenance and rental guidelines for the restricted units.

2. Land for credits. The Town Council, at its sole discretion, may grant to the developer employee housing credits in exchange for developable land.

(3) Cash in lieu for minor developments. The Town Council may, at its sole discretion, accept cash in lieu of restricted employee housing as defined in this Chapter. Cash in lieu of employee housing shall include the net cost (total cost less the amount covered by rental or sale income) of land and all related planning, design, site development, construction and construction management costs of the project, in current dollars, which would be incurred by the Town in order to provide the required amount of restricted housing, or as agreed to by the Town and developer.

(4) Developer responsibilities. The developer shall be responsible for planning, design and development approvals for any housing proposed to mitigate employee impact. The developer shall provide adequate land for the project and shall be responsible for the full costs of constructing the project. If the Town Council has determined that the restricted housing will be owned by the Town, upon issuance of a certificate of occupancy, the developer shall convey the project free and clear of any monetary liens or restraints on alienation to the Town and the Town shall thereafter own and manage the restricted units. The developer shall warrant that the project is free of any construction defects for a period of one (1) year from the transfer of title to the Town.

(5) Town Council responsibilities. The Town Council shall determine, at the time of Preliminary PUD review of the specific restricted housing projects, the unit mix and configuration of restricted units to be provided, fair and reasonable rental rates and sale prices for each type of restricted unit,
estimates of occupancy rates, estimates of operating budgets (including maintenance and capital reserve), and the effect of the proposed restricted units on the overall restricted housing inventory in the Town. The criteria shall be the Comprehensive Plan, the most recent housing surveys, comparable restricted rental rates, information provided by the developer and recommendations from Town staff. At the Town Council’s discretion, the developer may be required to prepare, or the developer may provide, a peak season (maximum annual) employee staffing plan for all or portions of the development being mitigated to determine the appropriate full-time/seasonal restricted housing mix to be provided by the developer.

(6) Homeowner’s Association. If a restricted housing unit is developed as part of a mixed free market/ restricted housing development project in which both free market and restricted units will be included in the same association, then the documents creating the condominium regime, Homeowner's Association (HOA) and any Covenants, Conditions and Restrictions (CC&R) shall state that the restricted housing unit shall only be assessed monthly dues and other shared assessments based on whichever of the following two (2) formulas apply:

a. The size of the restricted housing unit in square feet as compared to the total size of the other units in the development; or

b. The size of the lot on which the restricted housing unit is located as compared to the total size of the other lots in the development.

The Town shall consider the economic effect all assessments may have upon the Town’s goal of successfully maintaining reasonable long-term affordability of the restricted housing units or lots. The Town Council will evaluate the proposed assessment rates considering the nature of the project, the level of maintenance, types of utilities, services and amenities being provided relative to those of comparable wholly restricted projects. The condominium regime, HOA and any CC&R documents shall state the maximum share of general, common, limited, special or other assessments allocated to each restricted housing unit or lot and how such documents may be amended in the future within a restricted housing agreement. (Ord. 4-1998 §1; Ord. 11-1998 §3; Ord. 7-2000 §1; Ord. 09-2004 §4; Ord. 3-2011 §3)
Division 5. Sign Standards

Sec. 16A-4-500. Purpose.

The purpose of this Division is to create the framework for a comprehensive but balanced system of signs in the community. This Division is intended to serve the following purposes:

(1) Authorize signs. To authorize and promote the use of signs that are:

   a. Compatible. Compatible with their surroundings;
   
   b. Appropriate. Appropriate to the type of activity to which they pertain;
   
   c. Expressive. Expressive of the identity of both individual proprietors and the community as a whole;
   
   d. Legible. Legible in the circumstances in which they are seen.

(2) Promote orderly display. To enhance the economy and the businesses within the Town by promoting the reasonable, orderly and effective display of signs and encouraging better communication with the public.

(3) Preserve open character. To preserve the open and uncluttered feeling characteristic of the Town. (Ord. 4-1998 §1; Ord. 7-2000 §1)

Sec. 16A-4-510. Applicability, exempt signs and prohibited signs.

(a) Provisions Shall Apply. The provisions of this Division shall apply to all signs located within the Town, except for those signs listed in Section 16A-4-510(b), Exempt Signs.

(b) Exempt Signs. The provisions of this Division shall not apply to the following signs, nor shall the following signs be considered as a permitted sign for any business establishment:

(1) Construction site signs. A sign which names the contractors, subcontractors, architects and all other related enterprises engaged in the construction on the property where the sign is located. Such signs: (a) shall not exceed thirty-two (32) square feet in area, and six (6) feet in height; (b) shall not be erected prior to the start of construction; and (c) shall be removed at the time of final building inspection. There shall be one (1) such freestanding on-premises sign permitted per construction site.

(2) Development leasing/rental signs. Freestanding on-premises signs that provide only leasing or sales information during a new construction phase on the property on which the sign is located. Such signs shall not exceed twenty (20) square feet in area, and six (6) feet in height, shall not be erected prior to the start of construction and shall be removed at the time the leases and/or sales have been completed. No more than one (1) development leasing/rental sign shall be permitted per street or business frontage.

(3) Informational signs. Signs which are not more than six (6) square feet in area and which are used to direct automobile, pedestrian and/or skier traffic, or to direct parking on private property or in designated ski areas. Informational signs shall bear no advertising material.

(4) Public signs. Legal notices, identification, informational or directional signs erected or required by governmental bodies, or authorized by the Town for public purposes which meet the requirements of this Division, except for those provisions prohibiting said signs in the rights-of-way.

(5) Public regulatory signs. All public regulatory signs located in the Town which meet all state requirements.
(6) Real estate signs. Signs, other than development identification signs, which advertise the sale or rental of the real estate upon which said sign is located or which indicate that the property has been sold. Real estate signs shall not exceed three and one-half (3.5) square feet in area. Real estate signs may remain in place during the time the property is listed for sale or rent, and shall be removed no later than one (1) week after the sale or rental of the property. No more than one (1) real estate sign shall be allowed per property, except a lot with more than one (1) street front exposure may have one (1) real estate sign per street front.

(7) Garage sale or special event signs. Signs which advertise garage or rummage sales or other special events shall not be displayed more than four (4) times per year for a given property, and the exposure of said signs shall only be for the duration of the event. The individual responsible for the sign shall ensure that the sign is removed on the last day of the event. These signs shall not exceed six (6) square feet in area.

(8) Interior signs. Signs located on the interior of any building, or within an enclosed lobby of any building or group of buildings, that cannot readily be seen from the exterior of the building and are designed and located to be viewed exclusively by patrons of such use or uses.

(9) Utility signs. Signs of public utility or cable television companies which show the locations of underground facilities.

(10) Street address and identification signs. Signs whose content include only the name or professional title of the occupant and address of the premises. Such signs shall not exceed two (2) square feet in area. The sign shall be limited to a wall-mounted, freestanding or window type sign. No more than one (1) such sign shall be permitted per premises unless physical characteristics of the site or other locational considerations preclude visibility of the street address sign from the roadway, in which case a second sign shall be permitted along the road.

(11) Customer information signs. Customer information signs may display such items as "credit cards accepted," prices and menus. Each such sign shall not exceed four (4) square feet in area.

(12) Security signs. Signs whose content include only the name of the security company providing service to the premises. Such sign shall not exceed one (1) square foot in area. The sign may be a freestanding, wall-mounted or window type sign. No more than one (1) such sign shall be permitted on the premises.

(c) Prohibited Signs. No signs or advertising devices of any nature shall be erected or maintained on any property except as necessary to identify the business, its address or as may be necessary or desirable to give directions, advise of rules and regulations or caution or warn of danger, and such signs as may be otherwise required by law. The following signs are strictly prohibited in the Town:

(1) Flashing signs.
(2) Roof signs.
(3) Moving signs.
(4) Neon signs.
(5) Signs advertising home occupations.
(6) Mobile signs. Mobile signs except those that conform to the temporary sign provisions that promote a business.

(7) Signs that obstruct motorists. Signs that, by reason of size, location, content, coloring or manner of illumination, obstruct the vision of motorists or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on any road or street, as determined by the Planning Director, Public Works Director and/or Chief of Police.

(8) Signs that constitute a hazard. Any sign or sign structure that constitutes a hazard to public health or safety, as determined by the Building Official and/or Chief of Police.

(9) Signs on trees or public property. Signs on trees or public property, other than public information signs that are not part of a building structure. (Ord. 4-1998 §1; Ord. 7-2000 §1)

Sec. 16A-4-520. Permitted signs.

The following types of signs shall be permitted within the Town:

(1) Wall-mounted, window, projecting, hanging or awning sign. Each business shall be permitted per business frontage with an access point, either one (1) wall-mounted sign, one (1) window sign, one (1) projecting sign, one (1) hanging sign or one (1) awning sign, provided that the sign complies with the requirements of this Division. If the individual business so desires, it may construct a sign on a business frontage without an access point if it gives up the right to maintain a sign as permitted above.

(2) Freestanding or joint identification sign. Either one (1) freestanding, on-premises sign or one (1) joint identification sign shall be permitted at each vehicular access point to a business or the group of businesses advertised on the sign. There shall be a minimum of one hundred (100) feet between freestanding, on-premises signs of an individual business. There shall be a minimum of one hundred (100) feet between joint identification signs permitted for a group of businesses located in the same building or building complex. In no case shall there be more than one (1) freestanding, on-premises or joint identification sign permitted at any access point. (Ord. 4-1998 §1; Ord. 7-2000 §1)

Sec. 16A-4-530. Standards applicable to all signs.

(a) Material and Color. It is recognized that it is desirable to have some diversity of sign design within the Town. However, it is also desirable to assure that construction material and color schemes utilized on signs within the Town shall be consistent with the image of the community. It shall be the responsibility of the Planning Director to review sign design submitted with an application for a permit for consistency with community image. Any signs that have been found to be inconsistent by the Planning Director shall be referred to the Town Council for its review.

(b) Construction.

(1) Structure. All sign structures shall be designed and constructed in a manner that is safe, and shall be free of any exposed extra bracing, angle iron, guy wires, cables, etc. No sign structure shall have any nails, wires or sharp metal edges protruding therefrom.

(2) Wiring. The wiring of all signs shall be contained in raceways or enclosed in poles or comply with the Electrical Code as adopted by the Town. In no case shall the wiring be exposed to the view of the public.
Art. IV, Div. 5, Sign Standards

§16A-4-530(b)(3)

(3) Glass. Any glass forming a part of any sign shall be heavy safety glass, having a minimum thickness of one-fourth (¼) inch. Where any single piece or pane of glass has an area exceeding three (3) square feet, it shall be wired glass.

c. Illumination. All sign illumination shall be concentrated on the sign. The amount of direct light cast to areas other than the sign itself shall be minimized. There shall be no sign illumination permitted within the Town that casts a red, green or blue hue.

d. Restriction by Zoning District. Signs shall be restricted by zoning districts as follows:

(1) Residential zone districts. In the SF-4, SF-6, SF-15, SF-30, SF-150, EST, MF/PUD, DU, CON and OS zone districts, the only signs which shall be erected are those that are exempt from the provisions of this Division, pursuant to Section 16A-4-510(b), Exempt Signs, together with residential subdivision/complex identification signs, which shall meet all the requirements of a freestanding on-premises sign. Signs erected in these zone districts shall be located at a distance of at least ten (10) feet from any property line.

(2) Commercial zone districts. In the MU/PUD, CC, CC/PUD, PUD or SPA zone districts, only the following signs shall be erected, provided the signs are in compliance with the provisions of this Division:

   a. Commercial advertisement signs.
   b. Institutional signs.
   c. Joint identification signs.
   d. Residential subdivision/complex identification signs.
   e. Temporary signs.

f. Exempt signs. All signs listed in Section 16A-4-510(b), Exempt Signs.

e. Registration. All existing signs and every sign erected after December 4, 1984, shall be registered with the Town. Owners of existing signs shall register their signs within one (1) year from December 4, 1984. Signs constructed after this date shall be considered registered upon issuance of a permit. (Ord. 4-1998 §1; Ord. 7-2000 §1)

Sec. 16A-4-540. Standards applicable to particular types of signs.

(a) Freestanding On-Premises Signs and Joint Identification Signs.

(1) Height of freestanding on-premises signs. When grade perpendicular to the road decreases, there may be up to three (3) feet of support structure at lowest grade elevation at the base of the sign allowed to get from grade at the base of a freestanding on-premises sign up to road level, up to two and one-half (2.5) feet of additional support to get the sign above an acceptable snow level, and then no more than two and one-half (2.5) feet within which the display surface shall be located. In no case shall the highest point of such a sign be more than five (5) feet above the highest grade elevation at the base of the sign.

(2) Height of joint identification signs.

   a. Grade decreases. When grade perpendicular to the road decreases, there may be up to three (3) feet of support structure at the lowest grade elevation at the base of a joint identification sign allowed to get from grade at the base of the sign up to the level of the road, up to two and one-half (2.5) feet of additional support to get the sign above an acceptable snow level, and then no more than four and one-half (4.5) feet within which the display surface shall be located. In no case shall the highest point of such a sign be more than seven (7) feet above the grade of the road.
Art. IV, Div. 5, Sign Standards

b. Grade is level or increases. When grade perpendicular to the road is level or increases, the maximum height of a joint identification sign shall be seven (7) feet above the highest grade elevation at the base of the sign.

(3) Width. No freestanding on-premises sign or joint identification sign shall be more than seven (7) feet in width.

(4) Display area. The display area of a freestanding on-premises sign, including any architectural embellishments or background materials that are an integral part of the display, shall not exceed seventeen and one-half (17.5) square feet. The display area of a joint identification sign, including any architectural embellishments or background materials that are an integral part of the display, shall not exceed thirty-one and one-half (31.5) square feet. The display area shall be measured as the smallest area enclosing all wording, logos and any other architectural embellishments or background materials utilized as an attention-getting device. If the sign is three-dimensional, the display area shall be the total of each side of the sign which is visible.

(5) Location. Freestanding on-premises signs and joint identification signs shall be permitted only when they are located within a landscaped area. Landscaping shall not adversely affect pedestrian or vehicular traffic. In no case shall such a sign project into the public right-of-way unless granted a variance, or be situated near an intersection in such a manner so as to interfere with vehicular sight distance.

(6) Illumination. Freestanding on-premises signs may be illuminated by indirect illumination, provided that such illumination in no way adversely affects pedestrian and/or vehicular traffic. Internal illumination may be utilized only when lettering is the only translucent portion of the display area and the smallest possible rectangle enclosing the translucent lettering is less than thirty percent (30%) of the total display area. Joint identification signs may be illuminated, provided that only indirect illumination shall be utilized, and such illumination shall in no way adversely affect pedestrian and/or vehicular traffic.

(7) Copy. The copy on any commercial joint identification sign shall list either the specific names of all businesses within a building or complex which wish to advertise on the sign, describing the general nature of the businesses in the building or complex, or it may list the name of the business together with a general description of the business.

(b) Wall-Mounted On-Premises Signs.

(1) Area and measurement.

a. Area. No wall-mounted on-premises sign shall exceed six (6) square feet for any establishment having a business frontage of thirty (30) linear feet or less. For any establishment having a business frontage of more than thirty (30) linear feet, one (1) square foot of signage will be allowed for each five (5) linear feet of business frontage, up to a maximum of twenty-five (25) square feet.

b. Multiple businesses share frontage. When two (2) or more businesses are located in the same building and share the same business frontage, they shall be limited to and may share one (1) wall-mounted sign, having an area that complies with Subsection (b)(1)a, Area.
c. Measurement. The area of all wall-mounted signs shall be the smallest possible area enclosing the extreme limits of the display surface. The display surface also includes any architectural embellishments or background materials that are an integral part of the display and used to differentiate the sign from its surroundings.

(2) Location.

a. Not cover major architectural features. A wall-mounted sign shall not cover or interrupt major architectural features such as doors and windows.

b. Projection from wall. A wall-mounted sign shall not project out more than six (6) inches from the wall on which it is mounted.

c. Projection from roof. No wall-mounted sign shall project beyond the line established by that part of the roof which projects from the wall upon which the sign is mounted, nor shall it extend above the roof line. A mansard roof shall not be considered a wall.

(3) Illumination. Wall-mounted signs may be illuminated, provided that only indirect illumination shall be utilized, and such illumination shall in no way adversely affect pedestrian and/or vehicular traffic.

c. Awning Signs on Premises.

(1) Lettering. The lettering on any awning sign shall not exceed six (6) inches in height.

(2) Wording. The wording on any awning sign shall not exceed seven (7) feet in width.

(d) Temporary Signs.

(1) Area.

a. Freestanding temporary signs. Freestanding temporary signs shall not exceed nine (9) square feet.

b. Banners. Banners or any other temporary signs hung from a building or other supports shall not be greater than three (3) feet in height by twelve (12) feet in length.

(2) Display limits. Temporary signs may be displayed no more than two (2) weeks prior to commencement of the event advertised and shall be promptly removed upon its termination.

e. Projecting On-Premises Signs.

(1) Area and measurement.

a. Area. No projecting sign shall exceed six (6) square feet.

b. Measurement. The area of a projecting sign shall be the smallest possible rectangle enclosing the extreme limits of the display surface. The display surface also includes any architectural embellishments or background materials that are an integral part of the display and used to differentiate the sign from its surroundings.

(2) Clearance. Signs which project more than four (4) inches over a pedestrian walkway must allow seven and one-half (7.5) feet of clearance between the bottom of the sign and any pedestrian walkway.

(3) Illumination. Hanging signs may be illuminated, provided that only indirect lighting is utilized, and that the light source does not interfere with pedestrian or vehicular traffic.
(f) Window Signs.

(1) Area and measurement.

   a. Area. No window sign shall exceed ten percent (10%) of the area of the window in which it is placed.

   b. Measurement. The area of a window sign shall be the smallest possible rectangle enclosing the extreme limits of the display, which is comprised of all letters, logos or other graphic information.

(2) Illumination. Window signs may be illuminated, provided that only indirect lighting is utilized and the source does not interfere with pedestrian or vehicular traffic. (Ord. 4-1998 §1; Ord. 7-2000 §1)

Sec. 16A-4-550. Procedure to obtain sign permit.

(a) Permit Required. It shall be unlawful for any person to erect, construct, alter or relocate any sign within the Town, other than those signs listed in Section 16A-4-510(b), Exempt Signs, without first obtaining a permit, including signs approved in a comprehensive sign plan. Routine maintenance or changing of parts shall not be considered an alteration, provided that such change does not alter the surface dimension or height, or otherwise make the sign nonconforming.

(b) Application Contents. Application for the permit shall be made to the Building Department and shall include the following information:

   (1) Identification. Name, address and telephone number of the applicant, owner and occupant of the property, and the name of the person who will erect the sign.

   (2) Location of structure. Location of the structure or parcel of property on which the sign will be attached or erected.


   (4) Plans. A copy of plans and specifications showing material and method of construction, illumination, electrical wiring, location and support.

   (5) Sketch. Sketch showing sign faces, exposed surfaces and proposed message, accurately represented in scale as to size, area, proportions and color. The proposed message requirement does not apply to those signs whose copy could change frequently.

   (6) Consent. Written consent of the owners of the building, structure or land on which the sign is to be erected.

   (7) Temporary sign. On any application for a temporary sign, the applicant shall list the earliest date on which the sign may be established and the date on which the sign shall have been removed.

   (8) Fee. The required permit fee for each sign shall accompany the application. The amount of such permit fee shall be determined and set by the Town Council from time to time. (Ord. 4-1998 §1; Ord. 7-2000 §1)

Sec. 16A-4-560. Comprehensive sign plan.

(a) Purpose. There are special circumstances within the Town that deserve flexibility from the standards prescribed in this Division, when such flexibility is in the best interest of the community. The purpose of this Section is to authorize a comprehensive sign plan to be submitted so as to afford such flexibility, while still meeting the purpose of this Division.
Art. IV, Div. 5, Sign Standards

§16A-4-560(b)

(b) Applicability. The Town Council may permit the utilization of comprehensive sign plans for multiple businesses located in a single building, or for building complexes that are located on one (1) lot or parcel or two (2) or more continuous parcels, that are held in unified control.

(c) Plan Requirements. Comprehensive sign plans shall meet the following requirements:

(1) Submission of application. An application for a comprehensive sign plan shall be submitted to the Planning Director. The application shall include the following materials:

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

b. Detailed sign plan. A detailed sign plan with an accurate survey map or sufficient legal description describing the area in which the plan will be in effect. The plan shall include written stipulations that address all relevant concerns, including but not limited to the location of proposed signs and their size, height, color, lighting, orientation, construction material and copy. If there are signs within the plan area that will not conform to the standards described in the comprehensive sign plan, procedures and time frames for securing the removal of nonconforming signs shall be detailed.

c. All parties must join. All parties affected by provisions of the comprehensive sign plans must join in the application for such plans. If multiple businesses in a single building, building complexes or portions thereof are governed by a management agreement, the duly constituted representative of the management association or firm shall join in such plan. It is unnecessary for owners or lessees to join if said representative has joined on their behalf.

(2) Staff review. Staff review of the application shall be accomplished, as specified in Section 16A-5-50, Staff Review of Application.

(3) Planning Commission review. A complete copy of the application shall be forwarded to the Planning Commission, together with a copy of the staff review. The Planning Commission shall review the application, and shall make its recommendations to the Town Council, considering whether the comprehensive sign plan contains appropriate limitations within its plan stipulations to ensure that the sign plan will minimize its impact on surrounding land uses and is compatible with the purposes of this Division.

(4) Town Council first reading. The Planning Commission's recommendations shall be forwarded to the Town Council at a regular meeting, together with a complete copy of the application and a copy of the staff's review. The Town Council shall consider all relevant materials and shall adopt an ordinance on first reading approving the comprehensive sign plan as recommended or with modifications, or shall adopt a resolution denying the application, citing specific reasons therefor.

(5) Public hearing. Prior to second reading and final adoption of such ordinance, the Town Council shall hold a public hearing. Public notice of the hearing shall be given by publication, mailing and posting of notice, pursuant to Section 16A-5-60(b), Manner and Timing of Notice. The Town Council shall consider the application, any relevant support materials, the staff report, the Planning Commission's recommendation and the public testimony given at the public hearing. Following closure of the public hearing, the Town Council shall adopt the ordinance, adopt the ordinance with modifications or deny the ordinance.
Art. IV, Div. 5, Sign Standards §16A-4-570

(6) Amendment. Once authorized by the Town Council, a comprehensive sign plan may only be amended as follows:

a. Procedure. The Planning Director shall submit notice of the requested change and all relevant material to the Planning Commission for its review and recommendation to the Town Council.

b. Standards. The Planning Commission may recommend approval, and the Town Council may approve the proposed change only if the following standards are met:

1. Not adversely affect sign plan. The proposed amendment will not adversely affect the development and preservation of the entire sign plan;

2. Not adversely affect surrounding uses. The proposed amendment will not adversely affect surrounding land uses;

3. Not conflict with purposes. The proposed amendment will not conflict with the purposes of this Division; and

4. Not confer special benefit. The proposed amendment will not be granted solely to confer a special benefit upon any party.

(7) Town Council authority. Nothing in these provisions shall be construed to deny the Town Council power to require any modification of or release from any provision of the comprehensive sign plan so that the plan conforms to other Town ordinances. (Ord. 4-1998 §1; Ord. 7-2000 §1)

Sec. 16A-4-570. Nonconforming signs.

(a) General. All signs existing on December 4, 1984, that do not conform to the provisions of this Article shall be regarded as lawful nonconforming signs.

(1) Exception for comprehensive sign plan. Signs that are not in compliance with this Division but have been approved by the Town Council as part of a comprehensive sign plan shall not be considered nonconforming.

(2) Exception for signs less than five percent (5%) over maximum. All signs existing on December 7, 1984, that would be considered nonconforming by virtue of allowable measurement (square footage, height and width) shall not be considered nonconforming if the sign is less than five percent (5%) over the maximum measurement allowed.

(b) Sign shall be maintained. A lawful nonconforming sign shall be maintained in good condition but shall not be:

(1) Changed. Changed in any manner to another nonconforming sign;

(2) Structurally altered. Structurally altered so as to prolong the life of the sign;

(3) Expanded;

(4) Re-established after discontinuance. Re-established after its discontinuance for thirty (30) days;

(5) Moved. Moved in whole or in part to another location unless said sign is made to conform to all of the regulations of this Division; and
Art. IV, Div. 5, Sign Standards

§16A-4-570(b)(6)

(6) Re-established after damage. Re-established after damage or destruction in an amount exceeding fifty percent (50%) of its estimated initial value, as determined by the Planning Director.

(c) Amortization Period. It is reasonable that a time limit (amortization period) be placed upon the continuance of existing nonconforming signs. This will allow the owner to continue using a lawful nonconforming sign for a period of time, but it will also ensure that the nonconforming sign will eventually be brought into substantial uniformity with all signs permitted in the community. The following amortization schedule shall apply to all lawful nonconforming signs:

(1) Nonconforming due to number of signs. Any use which has signs which are nonconforming because of the number of signs on the premises shall bring the number of signs into conformity within ninety (90) days of the effective date of the ordinance codified herein.

(2) Other nonconformities. All other nonconforming signs shall be brought into conformance with the provisions of this Division within one (1) year of the effective date of the ordinance codified herein. (Ord. 4-1998 §1; Ord. 7-2000 §1)

Sec. 16A-4-580. Sign variances.

An application for a variance from the provisions of this Division shall be processed pursuant to the provisions of Section 16A-5-240, Variances. Provided, however, that the application for a sign variance shall not be evaluated pursuant to the standards of Section 16A-5-240(c), Review Standards. Instead, the applicant shall be required to demonstrate that the proposed signage cannot be reasonably installed as provided in this Division due to unique physical characteristics of the property, its surroundings and/or the unique nature of the sign itself. Any variance granted shall be only for the minimum amount necessary to overcome the unique features. (Ord. 4-1998 §1; Ord. 7-2000 §1)

Sec. 16A-4-590. Enforcement.

The Planning Director shall be responsible for enforcing the provisions of this Division. Violation of the provisions of this Division shall result in punishment in accordance with the provisions of Section 1-72 of this Municipal Code. (Ord. 4-1998 §1; Ord. 7-2000 §1)
ARTICLE V

Review Procedures

Division 1. Common Review Procedures

Sec. 16A-5-10. Purpose.

The purpose of Division 1, Common Review Procedures, is to establish the procedures that apply to all development applications within the Town. These common procedures apply to the following types of development applications: interpretations, amendments to the text of the Land Use and Development Code, amendments to the Official Zone District Map, planned unit developments (PUD) and PUD amendments, special reviews, variances, administrative modifications, subdivision exemptions, subdivisions and subdivision amendments and temporary use permits. (Ord. 4-1998 §1; Ord. 15-2000 §1)

Sec. 16A-5-20. Overview of common development review procedure.

(a) Common Procedure. Figure 5-1, Common Review Procedure, generally illustrates how the Town processes land development applications and the activities an applicant may have to complete in order to obtain approval of a development application. In general, the steps that comprise the common procedure are as follows:

(1) Attend pre-application conference;
(2) Submit application;
(3) Staff reviews application;
(4) Provision of public notice;
(5) Action by decision-making body; and
(6) Actions following development approval.

The following sections of this Division describe the common procedures associated with each of these steps.

(b) How the Common Procedure Applies to Particular Applications. Table 5-1, Summary of Development Review Procedures, indicates how certain elements of the common procedure apply to each type of application. It describes whether the pre-application conference is mandatory or optional for each type of application, which body is authorized to review, act upon or hear appeals for each type of application and whether public notice is required for the application. (Ord. 4-1998 §1; Ord. 6-1999 §1; Ord. 11-1999 §3; Ord. 15-2000 §1)
Figure 5-1

Common Review Procedure

Attend Pre-Application Conference

Submit Application

Correct Defects

Notify Applicant Of Deficiencies

Not Complete

Planning Director Review for Completeness

Planning Director Certifies as Complete

Referral to Local, State, and Federal Agencies

Staff Review of Application

Set Public Hearing Date and Provide Public Notice

Prepare Staff Report

Hearing By Review Body(ies)

Approve, Approve Conditionally, Table, or Deny Application

Submit Documents For Recordation (when applicable)

Apply for Building Permit
<table>
<thead>
<tr>
<th>Application Type</th>
<th>Pre-Application Conference?</th>
<th>Role of Recommending (R), Decision-Making (DM) and Appeal (A) Bodies</th>
<th>Public Notice Required?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interpretation (Sec. 16A-1-70)</td>
<td>Optional</td>
<td>DM</td>
<td>A</td>
</tr>
<tr>
<td>Amendment to Text of Development Code (Sec. 16A-5-210) or to the Official Zone District Map (Sec. 16A-5-220)</td>
<td>Optional</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>PUD Sketch Plan (Sec. 16A-5-320)</td>
<td>Mandatory</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>PUD Preliminary Plan (Sec. 16A-5-340)</td>
<td>Mandatory</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>PUD Final Plan (Sec. 16A-5-360)</td>
<td>Optional</td>
<td>R</td>
<td></td>
</tr>
<tr>
<td>PUD Amendment (Sec. 16A-5-390)</td>
<td>Mandatory for Minor or Major</td>
<td>DM</td>
<td>R</td>
</tr>
<tr>
<td>Special Review (Sec. 16A-5-230)</td>
<td>Mandatory</td>
<td>R²</td>
<td>DM²</td>
</tr>
<tr>
<td>Variance (Sec. 16A-5-240)</td>
<td>Optional</td>
<td>R</td>
<td>DM</td>
</tr>
<tr>
<td>Administrative Modification (Sec. 16A-5-250)</td>
<td>Optional</td>
<td>DM²</td>
<td>A</td>
</tr>
<tr>
<td>Zoning Plan Review (Sec. 16A-5-270)</td>
<td>Optional</td>
<td>DM²</td>
<td>DM/A</td>
</tr>
<tr>
<td>Subdivision Exemption (Article V, Division 5)</td>
<td>Optional</td>
<td>R</td>
<td>DM</td>
</tr>
<tr>
<td>Subdivision (Article V, Division 4)</td>
<td>Mandatory</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>Subdivision Amendment (Sec. 16A-5-450)</td>
<td>Mandatory for Minor and Major</td>
<td>DM</td>
<td>R</td>
</tr>
<tr>
<td>Annual Temporary Use (Sec. 16A-5-260)</td>
<td>Mandatory</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>Administrative Temporary Use (Sec. 16A-5-260)</td>
<td>Optional</td>
<td>DM</td>
<td>A</td>
</tr>
</tbody>
</table>
Sec. 16A-5-30. Pre-application conference.

(a) General. At the pre-application conference the applicant may confer with the Planning Director to obtain information and guidance as to the Town's development procedures and standards. Table 5-1, Summary of Development Review Procedures, lists the application types for which a pre-application conference is mandatory and those for which it is optional. It shall be the applicant's responsibility to schedule the pre-application conference.

(b) Purpose of Pre-Application Conference. The purpose of the pre-application conference is to determine, in general, what provisions of this Development Code apply to the proposed development.

(c) Contents of Pre-Application Conference. Items to be discussed during the pre-application conference include the following:

(1) Applicant's proposal. The applicant should provide a verbal description of the proposed development, accompanied by a survey, site plan or other map that illustrates the property's boundaries and the applicant's initial development concepts. The applicant should also provide a general indication of when the application is likely to be submitted.

(2) Review procedure. The Planning Director should identify the procedures that will apply to the proposed development, including which decision-making body or bodies will review the application, whether public notice will be required and the sequence of actions and the likely time required to complete the development review process.

(3) Review agencies. The Planning Director should identify those agencies that will review the development application. Upon request, the Planning Director shall provide the applicant with the names of contact persons at these agencies.

(4) Application contents. The Planning Director should describe the materials required to be submitted as part of the development application, provide any applicable Town application forms, identify the number of copies of the application to be submitted and indicate the fee for the development application.

(d) Written Summary. Upon request by the applicant, the Planning Director shall, within seven (7) calendar days, issue a written summary of the specific procedures and information requirements for the project. (Ord. 4-1998 §1; Ord. 15-2000 §1)
Sec. 16A-5-40. Submission of application.

(a) Authorization. A development application may only be submitted to the Planning Department by the owner, or any other person having a recognized interest in the land for which the development is proposed, or their authorized agent.

(1) Owner's permission. If the applicant is not the owner of the land, or is a contract purchaser of the land, the applicant shall submit a letter signed by the owner consenting to the submission of the application. If the applicant is not the sole owner of the land, the applicant shall submit a letter signed by the other owners, or an association representing the owners, consenting to or joining in the development application.

(b) Minimum Contents. The development application shall include the information and materials specified for that particular type of application in the applicable section of this Article V. In addition, all development applications shall, at a minimum, include the following information and materials:

(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) Legal description. The legal description and street address, if such exists, of the parcel on which development is proposed.

(3) Disclosure of ownership. A current 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.

(4) Written description. A written description of the proposal and an explanation, in written, graphic or model form, of how the proposed development complies with the review standards applicable to the application, found in the applicable section of this Article V.

(5) Vicinity map. An eight and one-half inch by eleven inch (8½" x 11") vicinity map locating the subject parcel within the Town.

(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 Planning Department's fee schedule. The fee schedule shall be established and may be
revised from time-to-time by the Planning Director. The fee schedule shall be available for review in the Planning Department during normal business hours.

a. Actual fee. The actual review fee shall be computed by the Planning Director, based upon a staff hourly rate determined by the Planning Director to be an estimate of the fully allocated hourly cost of review of the application by the Town staff, plus the actual costs incurred by the Town in employing consultants, including attorneys and engineers, performing services for the Town directly related to the application.

b. Reimbursement due. 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.

(c) Consolidation. The Town's development review process is intended to encourage efficient processing of applications. Applicants may request, and the Planning Director may permit, the consolidated submission and review of all necessary development applications for a parcel of land. The Planning Director is authorized to waive any overlapping submission requirements in the consolidated review. (Ord. 4-1998 §1; Ord. 15-2000 §1; Ord. 16-2010 §1)

Sec. 16A-5-50. Staff review of application.

(a) Determination of Completeness. The Planning Director shall determine whether the application is complete and includes information in sufficient detail to determine whether it complies with the applicable substantive standards of this Development Code. The Planning Director shall endeavor to make said determination and notify the applicant accordingly within fifteen (15) days of receiving the application.

(1) Incomplete application. If the application is not complete, the Planning Director shall inform the applicant of the deficiencies in writing within fifteen (15) days and shall take no further action on the application until the deficiencies are remedied. The Town Council, upon the recommendation of the Planning Director, may authorize the waiver or deferral of the requirement to submit certain application items if determined that they are not necessary to commence review of the application. The authorization of the waiver or deferral request by the Town Council shall occur by adopting a resolution at a regularly scheduled meeting and shall reserve the right for the Town to require that any material initially waived or deferred may be required to be submitted by the applicant at any time during the review process if needed to evaluate the applicant's proposal. If the applicant fails to correct the deficiencies within sixty (60) days, the application shall be considered withdrawn and returned to the applicant.

(2) Complete application. If the application is complete, the Planning Director shall certify as complete, determine the required number of copies of the submission documents to be submitted and assign the application an agenda date with the applicable review body. Unless not required by the Planning Director, the applicant shall also submit the application material in an acceptable digital form for distribution and archival storage.

(3) Completeness is not a determination of compliance. A determination that an application is complete shall not constitute a determination that it complies with the substantive standards of this Development Code.
Art. V, Div. 1, Common Review Procedures

§16A-5-50(b)

(b) Staff Review. Within thirty (30) days from the date of the completeness determination, the Planning Director shall review the development application to determine its conformance with the requirements of this Development Code. The Planning Director may solicit the professional analysis and recommendations of any other agency, organization or technical consultant deemed appropriate and necessary to complete the review, such as: (1) members of the Town staff; (2) county, state or federal entities having an interest in or authority over the proposed development or any portion thereof; (3) utility companies, special service districts serving the proposed development and the school district; and (4) engineers, designers and legal consultants.

(c) Report. Prior to the date of the review body meeting, the Planning Director shall compile a written report that sets forth how the application complies with, or does not comply with, the applicable standards of this Development Code. At least three (3) days prior to the first public review of the application, the Planning Director shall distribute a copy of the report to each member of the review body and to the applicant, and shall make the report available to the public. (Ord. 4-1998 §1; Ord. 15-2000 §1; Ord. 16-2010 §1)

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

(a) Notice Required. Table 5-1, Summary of Development Review Procedures, identifies the types of land development applications that require a public hearing, and at what step during the review process that hearing shall occur. Public notice shall be provided for each application type that is listed as requiring notice to be given. Notice shall be provided as specified below.

(b) Manner and Timing of Notice. Public notice shall be given by publication of notice in the newspaper, mailing of notice to property owners surrounding the subject property and posting of notice on the property, as specified herein. The number of days prior to the hearing that each type of notice must be given is summarized in Table 5-2, Timing of Required Public Notices.

(1) Publication of notice. Publication of notice shall be accomplished by the staff, who shall place a legal notice in a newspaper of general circulation in the Town. The legal notice shall state the date, time, location and purpose of the public hearing, and the name of the decision-making body conducting the hearing and shall be published once.

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

a. Source of list. The applicant shall compile the list of property owners to whom notice will be mailed by using the most current list of property owners on file with the County Tax Assessor.

b. Contents of mailed notice. The notice that is mailed shall contain the following information:

1. Description of proposal. A description of the proposed application, including a reference to the Code section under which the application
will be processed and the name of the
decision-making body that will con-
duct the hearing. An exhibit depicting
the proposed development shall also
be included.

2. Description of property. A
description of the subject property.

3. Date time and place. The date,
time and place of the public hearing
for which notice is being given.

4. Map amendment. If the appli-
cation is for an amendment to the
Official Zone District Map, a map
illustrating the proposed amendment
shall be included with the mailed
notice. The notice shall state what the
present zoning is and what the new
zoning will be and shall set forth the
dimensional limitations for the pro-
posed zone, as established in this
Code.

### TABLE 5-2
Timing of Required Public Notices

<table>
<thead>
<tr>
<th>Application Type</th>
<th>Days Prior to Hearing That Public Notice Must Be Given</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Published</td>
</tr>
<tr>
<td>Amendment to Comprehensive Plan</td>
<td>30</td>
</tr>
<tr>
<td>Interpretation</td>
<td>No</td>
</tr>
<tr>
<td>Amendment to Text of Development Code</td>
<td>15</td>
</tr>
<tr>
<td>Amendment to Official Zone District Map</td>
<td>15</td>
</tr>
<tr>
<td>PUD Sketch Plan (Planning Commission)</td>
<td>10¹</td>
</tr>
<tr>
<td>PUD Sketch Plan (Town Council)</td>
<td>10</td>
</tr>
<tr>
<td>PUD Preliminary Plan</td>
<td>30</td>
</tr>
<tr>
<td>PUD Final Plan</td>
<td>No</td>
</tr>
<tr>
<td>PUD Amendment</td>
<td>15</td>
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<tr>
<td>Special Review</td>
<td>15</td>
</tr>
<tr>
<td>Variance</td>
<td>30</td>
</tr>
<tr>
<td>Administrative Modification</td>
<td>No</td>
</tr>
<tr>
<td>Subdivision Exemption</td>
<td>No</td>
</tr>
<tr>
<td>Subdivision</td>
<td>30</td>
</tr>
<tr>
<td>Subdivision Amendment</td>
<td>15</td>
</tr>
<tr>
<td>Annual Temporary Use</td>
<td>15</td>
</tr>
<tr>
<td>Administrative Temporary Use</td>
<td>No</td>
</tr>
<tr>
<td>Comprehensive Sign Plan</td>
<td>15</td>
</tr>
</tbody>
</table>

¹ No public hearing occurs before the Planning Commission; the required public notice is for the joint meeting, pursuant to Section 16A-5-320(c)(4), Joint Meeting.

² Mailed notice shall be by United States mail postage prepaid.
5. Subdivision. If the application is for approval of a subdivision, the notice shall specify the proposed types of uses and gross residential density.

6. Additional hearings. The written notice shall also state that additional public hearings may be held before the Planning Commission and/or Town Council at later dates, for which only published notice shall be required, and shall indicate that additional information regarding the proposal is available for inspection at the Town offices during normal business hours.

7. Contact person. The address and telephone number of the Planning Department, and the name of the person to whom written comments should be directed prior to the public hearing.

(3) Posting of notice. Posting of notice shall be accomplished by the applicant. The applicant shall prepare and use a form approved by the staff. The applicant shall enter onto the sign the date, time, location and purpose of the public hearing, and the name of the decision-making body conducting the hearing. The applicant shall post the sign in a conspicuous location on the subject property.

a. Dimensions. The dimensions of the sign shall be not less than twenty-two inches wide by twenty-six inches high (22" x 26"). Lettering on the sign shall be not less than one (1) inch in height.

b. Materials. The materials to which the notice form is affixed shall be sturdy and waterproof or shall have a waterproof covering. The applicant shall maintain the sign in a legible manner until the closure of the public hearing and shall remove it on the day following closure of the public hearing.

(4) Validity of notice. If the applicant follows the procedures indicated above in good faith, the failure of any particular property owner to receive notice shall not affect the validity of the proceedings which require such notice. By way of example, notice shall not be considered invalid because of unrecorded or subsequent transfers of title, or uncertainties concerning ownership not discernible from the tax assessment rolls.

(5) Proof of notice. At or before the actual public hearing, the applicant shall provide the Town with an affidavit certifying that notice was posted. A copy of the list of property owners to whom notice was mailed shall be attached to the affidavit. A photograph of the posted sign shall also be attached to the affidavit. (Ord. 4-1998 §1; Ord. 6-1999 §1; Ord. 10-1999 §1; Ord. 11-1999 §3; Ord. 15-2000 §1; Ord. 32-2004 §A-5; Ord. 16-2010 §1)

Sec. 16A-5-70. Action by decision-making body.

The decision-making body shall comply with the following procedures in taking action on the development application.

(1) Site inspection. As part of its consideration of the development application, the decision-making body may, as a group or through a committee appointed for that purpose, inspect the site of the proposed development. Upon reasonable request by the Planning Director, the applicant shall mark
the development site before the site visit is to occur to locate property boundaries, building envelopes and other key site development features.

(2) Conduct of public hearing. A public hearing shall be conducted in accordance with the following procedures:

a. Rights of all persons. Any person may appear at a public hearing and submit evidence, either individually or as a representative of an organization.

b. Order of proceedings. The order of the proceedings shall be as follows:

1. Description. The Planning Director shall present a narrative and/or graphic description of the application and a staff report on the application, which includes a written recommendation.

2. Applicant presentation. The applicant shall be prepared to present any information that has been previously submitted in the application or that is pertinent to the review body's consideration of the application. The Chairman conducting the public hearing may define the scope, topical nature and time frame within which the presentation shall be given. The burden shall be on the applicant to demonstrate through competent evidence that the application complies with all applicable provisions of this Development Code.


4. Applicant response. The applicant may respond to any testimony or evidence presented by the public.

5. Staff response. The Planning Director and any other staff member may respond to any statement made by the applicant or the public.

c. Exclusion of testimony. The Chairman conducting the public hearing may exclude testimony or evidence that is found to be irrelevant, immaterial or unduly repetitious. If any testimony or evidence is so excluded, the person offering such testimony or evidence shall have an opportunity to make a proffer in regard to such testimony or evidence for the record. Such proffer shall be made at the public hearing.

d. Continuance of public hearing. The body conducting the public hearing may, on its own motion or at the request of the applicant, continue the public hearing to a fixed date, time and place. An applicant shall have the right to request and be granted one (1) continuance. All subsequent continuances shall be granted at the discretion of the body conducting the public hearing only upon good cause shown.

e. Withdrawal of application. An applicant shall have the right to withdraw an application at any time prior to the action on the application by the decision-making body.

f. Record of public hearing. The body conducting the public hearing shall record the public hearing by any appropriate means, including transcription,
audiotape or videotape. The written or taped record of oral proceedings, including testimony and statements of personal opinions; the minutes of the Clerk; all applications, exhibits and papers submitted in any proceeding before the decision-making, administrative or advisory body; the staff report and the decision of the body shall constitute the record.

(3) Amendment. If an applicant wishes to amend a submission after a Planning Commission recommendation thereon, such request shall be made in writing and presented to the Town Council during the public hearing. The Town Council shall consider and make a determination as to whether the changes alter the nature of the project from that described in the original submission to such an extent that:

a. The amendment should not be allowed;

b. The amendment should be allowed, but the Planning Commission should have an opportunity to review the amendment and make a recommendation thereon; or

c. The amendment should be allowed, and the application should proceed without additional hearings or consideration thereof. If the amendment is not allowed, the Town Council shall continue to consider the application without the amendment in accordance with the provisions of this Section. If an additional Planning Commission recommendation is to be made, the Town Council may, at its discretion, table the application until it has received the Planning Commission's recommendation on the amendment.

Remand. An application may also be remanded to the Planning Commission when the Town Council determines that the application as amended has otherwise been altered in a significant manner following the Planning Commission's action on the preliminary PUD. The Town Council shall table the application until it has received the Planning Commission's recommendation on the changes.

(4) Action. After hearing the evidence and considering the comments of all persons interested in the matter, the decision-making body shall make its decision and findings and have them entered in its minutes. The decision-making body shall not be required to take final action on an application during the same meeting when testimony from interested persons is taken, but action shall be taken as promptly as is reasonable.

a. Findings. In its findings, the decision-making body shall report the facts, whether the application complies with the applicable review standards, and whether the application is approved, approved with conditions, recommended for approval by another body, tabled pending receipt of additional information or denied.

b. Copy to applicant. A copy of the decision-making body's decision shall be provided to the applicant within a reasonable period of time after the decision has been made.

(5) Re-application. An applicant may not resubmit an application for a project having been denied by a decision-making body for a period of one (1) year from the
date when said action was taken, unless there has been a clear, substantial and material change in the conditions or circumstances affecting the subject parcel and the surrounding neighborhood that supports reconsideration, as determined by the Planning Director, or where the new application substantively amends the project so as to essentially constitute a new development proposal.

(6) Inactive applications. The decision-making body may deny any application that remains inactive. An application may be deemed inactive and be denied when the moving the application towards final approval.

a. Determination of inactivity. A project shall be considered inactive if more than two (2) months have passed since a written request for additional information was made by the Planning Director or the review body, and the request has not been complied with, or more than three (3) months have passed since the last official contact between the applicant and the decision-making body.

b. Written notice. The Planning Director shall provide written notice, fifteen (15) days in advance, to the applicant stating the time, place and date when the decision-making body will consider denial of the application due to its inactivity. (Ord. 4-1998 §1; Ord. 15-2000 §1; Ord. 5-2001 §1; Ord. 16-2010 §1)

Sec. 16A-5-80. Appeals.

(a) General. Table 5-1, Summary of Development Review Procedures, identifies those types of actions by decision-making bodies that may be appealed. Appeals of actions by decision-making bodies shall comply with the following procedures.
(b) Written Appeal. An appeal of an action by a decision-making body shall be submitted in writing to the Planning Director within fifteen (15) days after the date of the decision being appealed. The written appeal shall state the basis of the appeal in detail, and the relief that is requested, and shall include any materials or evidence to support the appeal.

(c) Standing to Appeal. The following persons shall be deemed to have standing to submit an appeal:

(1) Applicant. The applicant or the owner of the property;

(2) Person who testified. Any parties in interest who testified at the public hearing on the application; or

(3) Person who submitted written comments. Any parties in interest who submitted written comments on the application before final action was taken, excluding persons who only signed petitions or form letters.

(d) Procedure. The appeal shall be heard by the body authorized to hear the appeal at a regularly scheduled meeting within thirty (30) days after the date of the filing of the written appeal. The Planning Director shall inform the applicant, the appellant, and anyone who testified at the public hearing or submitted written comments on the application of the date, time and place of the meeting. The body hearing the appeal shall either affirm, affirm with modifications or reverse the original action. The original action shall only be modified or reversed if it is determined that: (1) there is not substantial evidence in the record to support the original decision, or (2) the original action was inconsistent with the applicable provisions of this Land Use and Development Code. The decision of the appellate body shall be final and shall not be further appealed, but may be subject to review by the courts pursuant to law. (Ord. 4-1998 §1; Ord. 15-2000 §1)

Sec. 16A-5-90. Vested property rights.

(a) General. Consistent with the provisions of Section 24-68-101 et seq., C.R.S., a vested property right shall attach to and run with the applicable real property upon the approval of a site specific development plan.

(b) Site Specific Development Plan. A site specific development plan, for the purpose of vesting a property right under Section 24-68-102(4), C.R.S., shall specifically include the following:

(1) Final PUD plan. A final planned unit development plan approved pursuant to Article V, Division 3, Planned Unit Development.

(2) Subdivision. A final plat of a subdivision approved pursuant to Article V, Division 4, Subdivision Regulations.

(3) Special review. A special review use approved pursuant to Section 16A-5-230, Special Review.

Where none of the foregoing approvals is required by the nature of an application for any land use approval, the final approval granted by resolution of the Town Council shall be deemed a site specific development plan, except that under no circumstances shall a variance be deemed to be a site specific development plan. Furthermore, the establishment of a zoning designation or a zone district with respect to any real property, either original or by an amendment to the Official Zone District Map or to the text of this Development Code, shall not constitute a site specific development plan, unless the amendment is approved simultaneously with any of the specific types of approvals listed above.

(c) Conditional Approval. Approval of a site specific development plan may be made with or without condition, and the failure to fully abide by the terms of any conditional approval will result in a forfeiture of a vested property right.
(d) Term of Vested Right. Rights which have been vested as provided herein shall remain so vested for a period of three (3) years, unless extended by the Town Council in its complete discretion on a case-by-case basis. The Town Council shall consider both the needs of the Town and the property owner in determining to extend a vested property right beyond three (3) years. Any such extension shall be in the form of a development agreement duly authorized and executed by the landowner or landowners involved and approved by ordinance. The Town Council may impose reasonable conditions upon any such extension.

(e) Applicability of Other Town Codes. The establishment of a vested property right shall not exempt the property owner from requirements for building permits, other necessary permits or other approvals required subsequent to the approval of a site specific development plan. The establishment of a vested property right shall not preclude the application of the requirements of the building code, fire code, plumbing code, electrical code, mechanical code or other requirements necessary for the protection of the public health, safety and welfare.

(f) Judicial Review. Approval of a site specific development plan shall be subject to judicial review, and the period of time permitted by law for the filing of any such action shall begin to run from the date of site specific development plan approval.

(g) Approvals Granted Prior to June 1, 1988. The provisions of this Section shall not apply to any site specific development plan or other land use approval granted prior to June 1, 1988. The applicable law on the date of such prior approval shall apply to such projects. (Ord. 4-1998 §1; Ord. 15-2000 §1)
Division 2. Procedures for Review of Particular Applications

Sec. 16A-5-200. Purpose.

The purpose of Division 2 is to establish the procedures, submission contents and standards that apply to each type of development application within the Town. This Division addresses the following types of development applications: amendments to the text of the Land Use and Development Code, amendments to the Official Zone District Map, planned unit development (PUD), special review, variances, administrative modifications, subdivision exemptions, subdivision and temporary use permits. (Ord. 4-1998 §1; Ord. 15-2000 §1)


(a) Purpose. The purpose of this Section is to provide the means by which the Town Council may, from time to time, amend, supplement or repeal the text of this Land Use and Development Code.

(b) Initiation. An amendment to the text of this Development Code may be initiated by resolution of the Town Council, by the Planning Commission, by the Planning Director, by any person who holds a recognized interest in land within the Town or by any citizen or business owner within the Town.

(c) Procedure. The following procedures shall apply to an application for an amendment to the text of this Development Code. These procedures are illustrated in Figure 5-2, Text or Map Amendment Procedures.

(1) Pre-application conference. Attendance at a pre-application conference is optional, but recommended, prior to submission of an application for an amendment to the text of this Development Code.

(2) Submission of application. The applicant shall submit an application to the Planning Director that contains those materials specified in Section 16A-5-210(d), Submission Contents.

(3) Staff review. Staff review of the application shall be accomplished, as specified in Section 16A-5-50, Staff Review of Application.

(4) Planning Commission review. A complete copy of the application shall be forwarded to the Planning Commission, together with a copy of the staff's review. The Planning Commission shall review the application, considering the standards of Section 16A-5-210(e), Review Standards, and shall make its recommendations to the Town Council.

(5) Town Council first reading. The Planning Commission's recommendations shall be forwarded to the Town Council at a regular meeting, together with a complete copy of the application and a copy of the staff's review. The Town Council shall consider all relevant materials and shall adopt an ordinance on first reading amending the Development Code as recommended or with modifications, or shall adopt a resolution denying the application, citing specific reasons therefor.

(6) Public hearing. Prior to second reading of such ordinance, the Town Council shall hold a public hearing. Public notice of the hearing shall be given by publication of notice, pursuant to Section 16A-5-60(b), Manner and Timing of Notice. The Town Council shall consider the application, any relevant support materials, the staff report, the Planning Commission's recommendation and the public testimony given at the public hearing. Following closure of the public hearing, the Town Council shall either adopt the ordinance, adopt
the ordinance with modifications or deny the ordinance, considering the standards in Section 16A-5-210(e), Review Standards. If the Council shall make modifications to the ordinance prior to adoption it may, but need not, remand the application to the Planning Commission for further recommendations.

(d) Submission Contents. An application for amendment to the text of this Development Code 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) Precise wording. The precise wording of the proposed amendment.

(e) Review Standards. An application for an amendment to the text of the Development Code shall comply with the following standards:

(1) Consistent with purposes. The proposed amendment shall be consistent with the purposes of this Development Code.

(2) Not conflict with other provisions. The proposed amendment shall not conflict with any other applicable provisions of this Development Code.

(3) Consistent with Comprehensive Plan. The proposed amendment shall be consistent with the Town of Snowmass Village Comprehensive Plan.

(4) Public health, safety and welfare. The proposed amendment shall preserve the public health, safety, general welfare and environment and contribute to the orderly development of the Town.

Sec. 16A-5-220. Amendments to Official Zone District Map.

(a) Purpose. The purpose of this Section is to provide the means by which the Town Council may, from time to time, amend, supplement or repeal the contents of the Official Zone District Map. No rezoning of a specific parcel of real property by a change in zoning classification resulting in a change to the Official Zone District Map shall be valid unless approved by the Town Council pursuant to the provisions set forth herein.
(b) Initiation of Map Amendment. An amendment to the Official Zone District Map may be initiated by resolution of the Town Council, by the Planning Commission, by the Planning Director or by any person who holds a recognized interest in the land affected by the proposed amendment or their authorized agent.

(c) Procedure. The following procedures shall apply to an application for an amendment to the Official Zone District Map. These procedures are illustrated in Figure 5-2, Text or Map Amendment Procedures.

(1) Pre-application conference. Attendance at a pre-application conference is optional, but recommended, prior to submission of an application for an amendment to the Official Zone District Map.

(2) Submission of application. The applicant shall submit an application to the Planning Director that contains the applicable materials specified in Section 16A-5-210(d), Submission Contents.

(3) Staff review. Staff review of the application shall be accomplished, as specified in Section 16A-5-50, Staff Review of Application.

(4) Planning Commission review. A complete copy of the application shall be forwarded to the Planning Commission, together with a copy of the staff review. The Planning Commission shall review the application, considering the standards of Section 16A-5-220(e), Review Standards, and shall make its recommendations to the Town Council.

(5) Town Council first reading. The Planning Commission's recommendations shall be forwarded to the Town Council at a regular meeting, together with a complete copy of the application and a copy of the staff's review. The Town Council shall consider all relevant materials and shall adopt an ordinance on first reading amending the Official Zone District Map as recommended or with modifications, or shall adopt a resolution denying the application, citing specific reasons therefor.

(6) Public hearing. Prior to second reading and final adoption of such ordinance, the Town Council shall hold a public hearing. Public notice of the hearing shall be given by publication, mailing and posting of notice, pursuant to Section 16A-5-60(b), Manner and Timing of Notice. The Town Council shall consider the application, any relevant support materials, the staff report, the Planning Commission's recommendation and the public testimony given at the public hearing. Following closure of the public hearing, the Town Council shall either adopt the ordinance, adopt the ordinance with modifications or deny the ordinance, considering the standards in Section 16A-5-220(e), Review Standards.

(d) Submission Contents. An application for an amendment to the Official Zone District Map 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) Survey map. An accurate survey map of the property proposed for amendment, stating the area of the property proposed to be amended in square feet or acres.

(3) Zone districts. A map showing the present zone district designation(s) of the property and the zoning of all adjacent properties, as depicted on the Official Zone District Map.

(4) Existing uses. A description of the existing uses on the property and on all adjacent properties.
(5) Petition. Except as provided below, a petition in favor of the rezoning, signed by real property owners representing at least eighty percent (80%) of the land area included in the application, shall be submitted if property other than that owned by the applicant is included in the area of the proposed rezoning. An amendment to the Official Zone District Map may be initiated by a condominium association without said petition, provided that each unit owner within the association receives a notice of public hearing by United States mail postage prepaid in accordance with Section 16A-5-60 of this Code.

(6) Private applications. For any private application for an amendment to the Official Zone District Map, the application shall contain a development proposal for the entire parcel, submitted in conformance with Article V, Division 3, Planned Unit Development, or any other applicable section of this Article V.

a. Rezoning of a portion of a parcel. The Town Council may permit the rezoning of only a portion of a larger parcel when the Town Council has determined that said rezoning is consistent with the standards of Section 16A-5-220(e), Review Standards, and said action is necessary to promote the public health, safety and welfare.

b. Conditional approval. The application for rezoning will be considered for conditional approval subject to subsequent approval of a development proposal for the area to be rezoned.

(e) Review Standards. An application for an amendment to the Official Zone District Map shall comply with the following standards and, whenever applicable, shall also comply with the standards of Section 16A-5-220(f), Review Standards for Rezoning of Lands Zoned Open Space or Conservation.

(1) Consistent with Comprehensive Plan. The proposed amendment shall be consistent with the Town of Snowmass Village Comprehensive Plan.

(2) Consistent with purpose of zone district. The proposed amendment shall be consistent with the purpose of the zone district to which the property will be designated.

(3) Compatibility with surrounding zone districts and uses. The development permitted by the proposed amendment shall be compatible with surrounding zone districts, land uses and neighborhood character and shall result in a logical and orderly development pattern within the overall community.

(4) Necessary circumstances. The applicant shall demonstrate that the following circumstances exist:

a. Error. There has been a technical error in the boundaries shown on the Official Zone District Map; or

b. Changed conditions. There have been changed conditions affecting the subject parcel and the surrounding neighborhood that justify the proposed amendment; and

c. Community need. The proposed amendment addresses and helps to resolve a community need that is documented in or is consistent with the intent of the Comprehensive Plan.

(f) Review Standards for Rezoning of Lands Zoned Open Space or Conservation. Certain lands have previously been zoned Open Space or Conservation within Snowmass Village by the Town, with the approval of the property owner at the time of the zoning. The preservation of these parcels in their open and natural character has been determined to be in the best interest of the public welfare. There are, however, certain circumstances where a change of zoning may be
desirable in order to facilitate a development that is in the public interest. Any amendment to the Official Zone District Map that would change the zoning of any land designated Open Space or Conservation to any other zone district category established in Article III, Zone Districts, of this Development Code shall only be permitted when the application complies with the following standards:

(1) Areas of five (5) acres or less. An area of up to but not exceeding five (5) acres that is zoned Open Space or Conservation may be rezoned to another zone district established in Article III, Zone Districts, provided that such amendment to the Official Zone District Map is necessary to facilitate a development proposal that is determined to be in the public interest, and the application is approved by a two-thirds (2/3) vote of the entire Town Council.

(2) Areas in excess of five (5) acres. An area exceeding five (5) acres that is zoned Open Space or Conservation may be rezoned to another zone district established in Article III, Zone Districts, in order to facilitate a development proposal only when the developer shall rezone a suitable amount of land that is zoned other than Open Space or Conservation to Open Space. The suitability of the amount and location of land to be rezoned to Open Space by the developer shall be at the discretion of the Town Council. The objective shall be to ensure that there is not a diminishment of quality open space within the Town. The Town Council shall, prior to approving the application, find that the proposed amendment to the Official Zone District Map is in the public interest. Approval of the application shall require a two-thirds (2/3) vote of the entire Town Council.

(3) Election required. In an instance where the parcel to be rezoned from Open Space or Conservation to another category identified in Article III, Zone Districts, does not comply with the standards of Subsections (f)(1) or (2) above, said amendment to the Official Zone District Map shall only be permitted by the Town Council after such application is approved by a majority of the electors voting on the proposal in a special municipal election. (Ord. 4-1998 §1; Ord. 15-2000 §1; Ord. 32-2004 §A-6)

Sec. 16A-5-230. Special review.

(a) Purpose. There are certain uses which, because of their unusual character and potential impact upon the use and enjoyment of neighboring property, cannot be classified into a particular district or districts without site specific consideration of their impacts upon neighboring lands and upon the public need for the particular use at the particular location. These uses require special review of their location, design, intensity, density, configuration, operating characteristics and impacts on public facilities, and may require the imposition of appropriate conditions to ensure the use will be compatible at a particular location and mitigates its adverse impacts.

(b) Permit Required. Only those uses designated as a special review use in the underlying zone district in Article III, Zone Districts, may be approved by special review, after issuance of a permit in accordance with the procedures set forth herein. No approved special review use may be modified, structurally enlarged or expanded in ground area unless such modification, enlargement or expansion receives the prior approval of the Town.

(c) Procedure. The following procedures shall apply to an application for a special review permit. These procedures are illustrated in Figure 5-6, Special Review Application Procedures.

(1) Pre-application conference. Attendance at a pre-application conference is required prior to submission of an application for a special review permit. At this
meeting or within ten (10) days afterward, the Planning Director shall decide if the application can be processed administratively by staff or if it must be forwarded to the Planning Commission and Town Council as the decision-maker.

(2) Submission of application. The applicant shall submit an application to the Planning Director that contains those materials specified in Subsection (d), Application Contents.

(3) Administrative staff review. Staff review of the application shall be accomplished, as specified in Section 16A-5-50, Staff Review of Application. For applications being processed administratively, a public notice that the staff is considering an application for a special review use shall be given by publication, mailing and posting of notice, pursuant to Section 16A-5-60(b), Manner and Timing of Notice. Notice of the public hearing shall also be provided to the Planning Commission.

a. Public hearing. A complete copy of the application shall be forwarded to the Planning Director, together with a copy of the staff review. The Planning Director shall hold a public hearing to consider the application. The public hearing shall be conducted pursuant to Section 16A-5-70(2), Conduct of Public Hearing.

b. Action by Planning Director. Within three (3) days after the closure of the public hearing, the Planning Director shall approve, approve with conditions or deny the application, considering the relevant materials and testimony and the standards in Subsection (e), Review Standards. If, during the staff review or during the public hearing, any issues arise that cannot be resolved to the satisfaction of the Planning Director or the applicant, then the staff shall refer the application within thirty (30) days to the Planning Commission, which shall approve, approve with conditions or deny the application, based on the standards in Subsection (e), Review Standards. Public notice that an application for a special review use has been referred to the Planning Commission shall be given by publication, mailing and posting of notice, pursuant to Section 16A-5-60(b), Manner and Timing of Notice.

c. Appeal. A decision by the Planning Director or the Planning Commission on a special review application may be appealed, pursuant to Section 16A-5-80, Appeals. The appeal shall be referred to the Town Council, which shall consider the matter pursuant to Section 16A-5-80(d), Procedure.

(4) Action by decision-making body. The following procedure shall apply to an application for special review if, due to its scale or potential impacts upon surrounding properties due to the nature and intensity of the proposed activity or use, it is determined by the Planning Director to warrant referral to the Planning Commission and Town Council for final determination.

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

b. Planning Commission review. A complete copy of the application shall be forwarded to the Planning Commission, together with a copy of the staff review. The Planning Commission shall review the application, considering the relevant materials and testimony and the standards in Subsection (e), Review Standards, and shall make its recommendations to the Town Council.
(5) Action by Town Council. A complete copy of the application shall be forwarded to the Town Council, together with a copy of the staff review. Public notice that the Town Council will consider the application shall be given by publication, posting and mailing of notice, pursuant to Section 16A-5-60(b), Manner and Timing of Notice. The Town Council shall hold a public hearing to consider the application, which shall be conducted pursuant to Section 16A-5-70(2), Conduct of Public Hearing. The Town Council shall consider all relevant materials and testimony, shall consider the standards of Subsection (e), Review Standards, and shall approve, approve with conditions or deny the application.

(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) Site plan. A site plan, showing proposed features that are relevant to the special review application.

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

(e) Review Standards. An application for a special review use shall comply with the following standards:

(1) Consistent with Comprehensive Plan. The proposed use shall be consistent with the intent of the Town of Snowmass Village Comprehensive Plan.

(2) Comply with standards of Development Code. The proposed use shall comply with all other applicable standards of this Development Code, including, but not limited to:

a. Zone district standards. The purpose of the zone district in which it is located, the dimensional limitations of that zone district and any standards applicable to the particular use, all as specified in Article III, Zone Districts.


(d) Application Contents. A special review application shall contain the following:

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

(3) Compatible. The proposed use shall be appropriate to its proposed location and be compatible with the character of surrounding land uses in the area, and shall not adversely affect the future development of the surrounding area.

(4) Adequacy of access. Access to the site shall be adequate for the proposed use, considering the width of adjacent streets, their grades, intersection safety, visibility and entrance into the area to be developed. When appropriate, public transportation, or other public or private transportation services, and appropriate pedestrian facilities, shall be made available to serve the use.

(5) Design minimizes adverse impact. The design and operation of the proposed use shall minimize adverse impacts and shall not create a nuisance, considering such impacts as traffic congestion or traffic hazards, service delivery, parking and loading, trash removal, odors, noise, glare and vibration.

(6) Design minimizes environmental impact. The proposed use shall minimize environmental impacts and shall not cause significant deterioration of water and air resources, wildlife habitat, scenic resources and other natural resources.

(7) Facilities. There shall be adequate public facilities available to serve the proposed use, or the applicant shall propose necessary improvements to address service deficiencies that the use would cause. In particular, the applicant shall demonstrate that adequate water supply and sewage disposal service is available for the proposed use, including sufficient water pressure and proximity to fire hydrants to provide for fire protection needs.

(8) Parking. Sufficient off-street parking shall be provided for the proposed use.

(f) Conditions Authorized. The Planning Director, Planning Commission or the Town Council may, in approving the special review permit, impose such restrictions and conditions on such approval, the proposed use, and the premises to be developed or used pursuant to such approval, as it determines are required by the Comprehensive Plan and this Development Code to prevent or minimize adverse effects from the proposed use and development on surrounding land uses and on the general health, safety and welfare of the Town. The Town shall be authorized to set limits on the length of any special review permit that it issues and to obtain assurances that the ongoing operation of the use will comply with all of the applicant's representations and all conditions of approval, such as by requiring an annual compliance review. All conditions imposed in any special review approval, with the exception of conditions made applicable to such approval by the express terms of this Development Code, shall be set forth in the special review permit.

(g) Expiration. A special review permit shall be valid for three (3) years from the date of its issuance. If, within three (3) years, the applicant shall not have obtained a building permit to develop the special review use, or shall not have placed the special review use into operation, if the use does not require a building permit, then the permit shall expire.

(1) Extension. An applicant may request an extension of these expiration provisions. The request shall be submitted to the Planning Director and must be submitted prior to the date on which the permit is to expire. Submission of a request for an extension shall stay the expiration of the permit until such time as the extension request is approved or denied by the Town Council.

(2) Town Council authority. Authority to grant an extension of up to one (1) year shall be at the sole discretion of the Town Council, which shall consider whether it has been demonstrated that: (a) the applicant has diligently pursued the permit; (b) failure to proceed with the permit was beyond the applicant's control; and (c) there is a reasonable likelihood that the permit will be developed within the next year. (Ord. 4-1998 §1; Ord. 15-2000 §1)

Sec. 16A-5-240. Variances.

(a) Purpose. This Section sets forth the procedures and standards for obtaining a variance from the standards of the Land Use and Development Code. A variance is a deviation from the standards of the Development Code that is necessitated by special circumstances or conditions of the physical site (such as exceptional topography, or the narrowness, shallowness or shape of a particular piece of property), that would create practical difficulties for, or an unusual hardship upon, the owners of the land if the provisions of this Code were to be strictly enforced.

(b) Procedure. The following procedures shall apply to an application for a variance. These procedures are illustrated in Figure 5-7, Variance Application Procedures.

(1) Pre-application conference. Attendance at a pre-application conference is optional prior to submission of an application for a variance.

(2) Submission of application. The applicant shall submit an application to the Planning Director that contains the following materials:

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

b. Site plan. A site plan of the subject property, showing existing improvements and proposed development features that are relevant to the review of the proposed variance application.

c. Other information. The applicant shall submit such other written or graphic information as is necessary to describe and evaluate the proposed variance, such as proposed building elevations.

(3) Staff review. Staff review of the application shall be accomplished, as specified in Section 16A-5-50, Staff Review of Application.

(4) Action by Planning Commission. A complete copy of the application shall be forwarded to the Planning Commission, together with a copy of the staff review. Public notice that the Planning Commission will consider the application shall be given by publication, posting and mailing of notice, pursuant to Section 16A-5-60(b), Manner and Timing of Notice. The Planning Commission shall hold a public hearing to consider the application, which shall be conducted pursuant to Section 16A-5-70(2), Conduct of Public Hearing. The Planning Commission shall consider all relevant materials and testimony, shall consider the standards of Subsection (c), Review Standards, and shall approve, approve with conditions or deny the application.

(5) Appeal. A decision by the Planning Commission on a variance application may be appealed, pursuant to Section 16A-5-80, Appeals. The appeal shall be referred to the Town Council, which shall consider the matter pursuant to Section 16A-5-80(d), Procedure.
conditions are such that the strict application of the provisions of this Development Code would result in practical difficulties to and undue hardship upon the use of the land or building;

(4) Necessary to relieve practical difficulties. The granting of the variance is necessary to relieve the applicant of the practical difficulties and undue hardship in the use of the land or building and is the minimum variance that could be granted to achieve said relief;

(5) Not adversely affect neighborhood. The granting of the variance will not change the character or otherwise adversely affect the neighborhood surrounding the land where the variance is proposed, will not have a substantially adverse impact on the enjoyment of land abutting upon or across the street from the property in question, will not impair an adequate supply of light or air to adjacent property, will not increase the danger of fire or otherwise endanger public safety or the public interest and will not substantially diminish or impair property values within the neighborhood;

(6) Harmony with Development Code. The granting of the variance will be in harmony with the purposes and intent of this Development Code, including the intent of the underlying zone district. No variance shall be approved that permits the construction or enlargement of any building or decks and related structures for any use prohibited in the underlying zone district; and

(7) Consistent with Comprehensive Plan. The granting of the variance will be consistent with the intent of the Comprehensive Plan. (Ord. 4-1998 §1; Ord. 15-2000 §1)
Sec. 16A-5-250. Administrative modifications.

(a) Purpose. This Section sets forth the procedures and standards for obtaining an administrative modification. An administrative modification is a staff-level review procedure that allows minor changes to be made to certain dimensional limitations or other design features in order to address technical constraints or unanticipated circumstances that arise prior to or during final design and actual construction. An administrative modification shall only be granted for the following types of activities:

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Submission of application. The applicant shall submit an application to the Planning Director that contains the following materials:

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

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

c. Improvement survey. An improvement 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 or proximate to the project area shall be required as may be determined necessary by the Planning Director to ensure adequate review of the application.

d. Other information. The Planning Director may request the applicant to submit such other information as is necessary to evaluate the impacts of the administrative modification application. Examples of the information that may be requested are elevations of proposed new or remodeled structures, analysis of the traffic impacts of the proposed use or evaluation of the environmental or fiscal impacts of the proposed use.
e. List of adjacent owners. Applicants proposing to adjust a building envelope, extend an on-grade or below-grade structure into a required setback, obtain interim SPA (SPA-1 and SPA-2) authorization or to amend a use in an approved PUD shall submit a list of all owners of property that is located within three hundred (300) feet of the subject property. The list of persons shall be compiled pursuant to Section 16A-5-60(b)(2)a, Source of List.

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

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

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

b. Insufficient impacts. Any adverse impacts on surrounding properties from the proposed modification shall be insubstantial.

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

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

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

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

(Ord. 4-1998 §1; Ord. 1-1999 §1; Ord. 10-1999 §1; Ord. 15-2000 §1; Ord. 32-2004 §A-7)

Sec. 16A-5-260. Temporary uses.

(a) Purpose and Authority. This Section is intended to provide a mechanism for the Town to consider activities of a temporary or short-term nature that provide or facilitate an overall benefit to the community or further an official policy or objective of the Town, such as temporary activities of a civic, educational or cultural nature or entertainment-oriented activities.

(1) Administrative temporary use permit. An administrative temporary use permit may be issued to any short-term use not allowed as a use by right, or as an accessory use or special review use in the particular zone district where the use is proposed, provided that the individual activity or event shall last for a period of time not to exceed ten (10) days.

(2) Annual temporary use permit. An annual temporary use permit may be issued to any short-term use not allowed as a use by right, or as an accessory use or special review use in the particular zone district where the use is proposed, or that involves the construction of any structure, provided that the individual activity or event lasts for a period of time in excess of ten (10) days, but not to exceed one (1) year.

(b) Review Procedure. The following procedures shall apply to an application for an annual or an administrative temporary use permit. These procedures are illustrated in Figure 5-11, Temporary Use Application Procedures.

(1) Pre-application conference. Attendance at a pre-application conference is optional prior to submission of an application for an annual or an administrative temporary use permit. The topics of discussion at the pre-application conference shall include, but not be limited to:

a. Use and timing. The nature of the use in question and the time frame for which the temporary use permit is proposed to be in effect.

b. Site characteristics. Physical characteristics of the site and surrounding area that will influence the determination of the suitability of the site for the proposed temporary use.

c. Applicable provisions. The provisions of this Section that apply to the proposal, including the applicable review procedures, submission requirements and review standards.

e. Water and sanitation. Necessity for and availability of drinking water and sanitary facilities.

f. Food and beverage service. If food and beverage service is to be provided, a plan to provide such services and evidence of other necessary approvals or licenses.

g. Parking and transportation. A parking and transportation plan and the necessity for police assistance.

h. Admissions schedule. A rate, fee or admissions schedule for all or a portion of the activity, if applicable.

i. Unique concerns. Any other concerns unique to the particular activity.

(2) Submission of application. The applicant shall submit an application to the Planning Director that contains those materials specified in Subsection (c), 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) Action by decision-making body. A complete copy of the application shall be forwarded to the decision-making body, together with a copy of the staff review.

a. Administrative temporary use. If the application is for an administrative temporary use permit, or is for the renewal of a previously issued annual temporary use permit that will remain substantially as previously approved, then the Planning Director shall issue a written decision notice approving, approving with conditions or denying the application, based on the standards in Subsection (d), Review Standards. Prior to issuance of any administrative temporary use permit, the Planning Director shall forward a complete copy of the application to the Town Council, to notify the Council members of the pending action.

b. Annual temporary use permit. If the application is for an annual temporary use permit, then the Planning Commission shall review the application, considering the standards of Subsection (d), Review Standards, and shall make its recommendations to the Town Council. Public notice that the Town Council will consider the application shall be given by publication and posting of notice, pursuant to Section 16A-5-60(b), Manner and Timing of Notice. The Town Council shall hold a public hearing to consider the application. The public hearing shall be conducted pursuant to Section 16A-5-70(2), Conduct of Public Hearing. The Town Council shall consider all relevant materials and testimony, shall consider the standards in Subsection (d), Review Standards, and shall, by resolution, approve, approve with conditions or deny the application.

(5) Actions subsequent to approval.

a. Appeal of administrative temporary use permit. A decision by the Planning Director concerning an application for an administrative temporary use permit may be appealed, pursuant to the provisions of Section 16A-5-80, Appeals. The appeal shall be referred to the Town Council, which shall consider the matter pursuant to Section 16A-5-80(d), Procedure.
b. Changes or modifications. Any proposed changes or modifications to an approved temporary use permit may be approved by the Planning Director, provided such changes or modifications are insubstantial in nature and are generally consistent with the original approval. All other proposed changes shall require repetition of the procedures for obtaining the temporary use permit.

c. Expiration. An administrative temporary use permit shall expire at the conclusion of the event or activity for which it was granted, and shall not be extended or continued.

(c) Application Contents. An application for an annual or an administrative temporary use permit 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) Site drawing. A drawing illustrating the characteristics of the site and surrounding area that are pertinent to the application, including its location, significant natural and man-made features, with particular attention to natural hazards, resources or other special areas of concern, the size and accessibility of the site and surrounding development and land use.

(3) Notice of traffic disruption. Should the event involve major disruptions in normal traffic flow, the applicant shall provide evidence as to how the event will be brought to the attention of the general public, specifically outlining the areas where any rerouting will occur.

(4) Liquor license. Evidence that a liquor license or any other necessary Town application has been submitted to the Town Clerk, whenever applicable.

(5) Approval by landowner. If the applicant is not the landowner, then the applicant shall present evidence to show approval of the landowner for the particular use.

(d) Review Standards. An application for an annual or an administrative temporary use permit shall comply with the following standards.

(1) Use shall be appropriate. The proposed temporary use shall be appropriate in the particular location, taking into consideration the nature of the use, its relationship to surrounding land uses and its impact with respect to environmental, social and economic matters.
(2) Use shall comply with policies and regulations. The proposed temporary use shall comply with the Town's adopted policies and regulations, and shall not violate any applicable state, county or federal laws.

(3) Applicant's skills and experience. The applicant shall demonstrate that he or she possesses the requisite skill and experience to ensure that the particular activity will be conducted in a safe and orderly manner.

(4) Written approval. The applicant shall obtain written approval from all reviewing agencies having jurisdiction over the proposed temporary use.

(e) Conditions Authorized. In granting a temporary use, the Planning Director or Town Council may impose reasonable conditions upon the permit, but shall in any event require the applicant to abide by at least the following conditions:

(1) Disruptions in traffic. Should the event involve major disruptions in normal traffic flow, the applicant shall bring notice of the event to the attention of the general public. Said notice shall specifically outline the areas where any rerouting will occur.

(2) Liquor license. Should the event involve obtaining a liquor license, the applicant shall comply with all applicable Town liquor license requirements.

(3) Other considerations. Such other considerations as may be necessary including, but not limited to, provision for a damage or clean-up deposit, additional fees, hours of operation, sanitation requirements, traffic control, parking, transportation and provisions for utility service.

(f) Penalties. Violation of any term or condition of an annual or an administrative temporary use permit by the permittee, its agents or employees shall subject the permittee to the penalties set forth in Section 1-72 of the Municipal Code. In addition, where probable cause exists to suspect that a violation of any term or condition of a temporary use permit will pose a threat to public health, safety or welfare, the Chief of Police is hereby authorized to revoke a temporary use permit and to require that any activity authorized thereby cease and desist immediately. (Ord. 4-1998 §1; Ord. 15-2000 §1)

Sec. 16A-5-270. Zoning plan review.

(a) Purpose. The purpose of zoning plan review is to allow detailed administrative review of development proposals that would not otherwise require submission of a development application, in order to ensure compliance of the proposal with the provisions of this Land Use and Development Code.

(b) Applicability. Zoning plan review shall be required for the following types of activities:

(1) Construction. All construction, reconstruction, exterior renovation, conversion, expansion, enlargement, structural alteration, relocation, change in use, or change in intensity of use of any, multi-family, hotel, or commercial or other non-residential dwelling, structure or property. The construction, reconstruction or addition of site or structural retaining walls within single-family residential property shall also require zoning plan review.

(2) Grading. All grading, berming, filling, clearing, excavating, site preparation or significant vegetation removal or landscaping for any property used or to be used for any single-family, multi-family, hotel or commercial or other nonresidential dwelling, structure or property.
(3) PUD. Any development proposed to a property designated Planned Unit Development (PUD) on the Official Zone District Map or any development proposed to property within a previously approved PUD that would not otherwise require submission of a PUD or PUD amendment application. Zoning plan review shall not be required for any single-family dwelling or duplex dwelling within a previously approved PUD except as may be required by Subparagraphs (1) and (2) above.

(c) Procedure. The following procedures shall apply to an application for zoning plan review. The procedures are the same as the steps illustrated in Figure 5-8, Administrative Modification Application Procedures.

(1) If building permit required. Zoning plan review for development involving construction, grading or landscaping submitted to be reviewed pursuant to Chapter 18, Building Regulations, of the Snowmass Village Municipal Code shall be reviewed as part of the building permit process. The building permit plans shall be sufficiently detailed to show the extent of the development proposed and shall contain the information specified in Section 16A-5-270(d), to the extent that the information is applicable to the proposed development. Zoning plan approval may be granted if it is determined:

a. The development proposed within the building permit plans comply with all applicable standards of the Land Use and Development Code, including but not limited to, the Development Evaluation Standards; and

b. Any applicable terms and conditions imposed by the Town on any prior approval granted to the property have been satisfied.

(2) If building permit not required. The following procedures shall apply to an application for zoning plan review of any development not reviewed pursuant to Chapter 18, Building Regulations, of the Snowmass Village Municipal Code:

a. Pre-application conference. Attendance at a pre-application conference is optional prior to submission of an application for site plan review. Applicants are encouraged to attend the pre-application conference to discuss whether any other application procedures apply to the proposed development and to determine which of the submission contents for site plan review will apply to the application.

b. Submission of application. The applicant shall submit an application to the Planning Director that contains the following applicable materials:

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

2. Site plan. A site plan of the subject property. The site plan shall be sufficiently detailed to show the extent of the development proposed. The site plan shall contain the information specified in Section 16A-5-270(d), as that information is applicable to the proposed development.

3. Other reports and plans. Any other reports or plans that the Planning Director determines are necessary to demonstrate the proposal's conformance with the Town's Development Evaluation Standards contained in Article IV of the Land Use and Development Code.
c. Staff review. Staff review of the application shall be accomplished, as specified in Section 16A-5-50, Staff Review of Application.

d. Action by Planning Director. Following staff review of the application, the Planning Director shall determine whether the application complies with the standards of this Section. Based on this determination, the Planning Director shall issue a written decision notice approving the application, approving the application with conditions or denying the application. Provided, however, that the Planning Director may determine that the scope and nature of the development proposed in the zoning plan may create impacts that would be of significance to the community, or may determine that issues have arisen that cannot be resolved between staff and the applicant, and may refer the application to the Planning Commission, or to the Planning Commission for recommendation to the Town Council. The standards for zoning plan review by the Planning Director, Planning Commission or Town Council are as follows:

1. Compliance with Code. The zoning plan shall comply with all applicable standards of the Land Use and Development Code, including but not limited to, the Development Evaluation Standards; and

2. Compliance with prior conditions. The zoning plan shall comply with any applicable terms and conditions imposed by the Town on any prior approval granted to the property.

e. Appeal. A decision by the Planning Director or Planning Commission on a zoning plan may be appealed, pursuant to Section 16A-5-80, Appeals. The appeal shall be referred to the Town Council, which shall consider the matter pursuant to Section 16A-5-80(d), Procedure.

f. Recording. When required as a condition of zoning plan approval, the applicant shall submit two (2) Mylar copies of the zoning plan, together with any other documents that are to be recorded. The required documents shall be submitted within ninety (90) days of the date of the site plan's approval. The Planning Director shall review the documents to ensure they comply with the terms and conditions of the approval, shall obtain signatures for all of the applicable certificates on the zoning plan and shall return the documents to the applicant. The applicant shall promptly cause the documents to be recorded in the records of the County Clerk and Recorder, at the applicant's expense.

g. Amendments. An amendment to an approved zoning plan shall be reviewed by the Planning Director, who may approve the application, approve it with conditions or deny it, based on whether the proposed amendment complies with the standards for site plan review, above.

(d) Submission Contents for Zoning Plan. The zoning plan shall contain the materials listed below. The information may be provided on a single sheet or a set of sheets, as appropriate. The Planning Director is authorized to waive any of these requirements if the material would not be applicable to the proposed development. The Planning Director is also authorized to allow an applicant who wishes to obtain zoning plan approval for a particular phase of development to seek approval for just that phase. For example, an applicant who proposes to grade a site or to install utilities might only be required to submit the applicable grading or utilities plan.
(1) Site information.

a. Boundaries. Perimeter boundary of the subject site and lot lines, if the application is for multiple lots.

b. Natural features. Natural site features, including watercourses, one-hundred-year flood plain, wetlands, riparian areas, sensitive wildlife habitat areas, geologic hazard areas and ridgeline protection areas. Topography shall be depicted at two-foot contour intervals.

c. Easements and building envelopes. All easements affecting the property, and any building envelopes that may have previously been designated for the property.

(2) Proposed development.

a. Footprints and setbacks. Proposed footprints of all principal and accessory structures. The setbacks from structures to property lines shall be dimensioned. Any required setbacks to flood plain, riparian, wetland or ridgeline areas shall also be dimensioned.

b. Streets, parking areas and utilities. Location and width of any existing or proposed streets, driveways, points of access, sidewalks and trails. Existing and proposed parking areas shall be shown, including the location and dimensions of all parking spaces and driving aisles. The location of existing and proposed water lines, fire hydrants, sewer lines, drainage facilities and other utilities shall also be shown.

c. Public spaces. Locations of any public spaces, plazas, outdoor seating areas, trash enclosures, recycling facilities and loading docks.

d. Landscape plan. A landscape plan depicting the type, amount, size, species and location of all plant materials, with a planting schedule. Plans for irrigating landscaped areas shall be provided, if applicable. The plan shall show the location of all existing trees with a trunk circumference of fourteen (14) inches or more measured four and one-half (4½) feet above the ground shall indicate which trees are proposed to be removed. Where large groves of trees are to remain undisturbed, single trees need not be located. The landscape plan shall also show the location of proposed light fixtures and the location and dimensions of all snow storage areas.

e. Building elevations. Building elevations at a vertical scale of not less than one-eighth inch equals one foot (\(1/8" = 1\)) or larger of all significant facades of the proposed buildings. Building elevations shall be of sufficient detail to indicate building openings, materials proposed for the roof and exterior of the buildings, decks and other architectural features of the building, including chimneys and mechanical areas and features affecting the roof lines of all proposed buildings.

f. Grading plan. Existing and proposed grades at a contour interval of two (2) feet or less, based on field survey controls, including location with proposed grades and elevations for all buildings, roads, walks, storm sewers and other drainage structures and devices, retaining walls and other landscape features. The plan shall provide designs for sediment control devices to be employed, including specifications of how graded areas will be stabilized and revegetated after construction is completed. (Ord. 15-2000 §1)
Division 3. Planned Unit Development

Sec. 16A-5-300. Purpose; overview; general restrictions.

(a) Purpose. The purpose of the planned unit development (PUD) process is to permit variations from the strict application of certain standards of the Town’s zone districts in order to allow flexibility for landowners to creatively plan for the overall development of their land and thereby, to achieve a more desirable environment than would be possible through the strict application of the minimum standards of this Development Code. Specifically, it is the purpose of the planned unit development process to:

(1) Allow creativity. Allow a creative approach to the development and use of land and related physical facilities to produce better developments and to obtain amenities for residents of the PUD and the public in general.

(2) Allow variations. Allow a developer variations from certain requirements of the underlying zone district, provided such variations are consistent with the Comprehensive Plan, and will result in benefits for the community.

(3) Maximize choice. Maximize choice in the type of developments available to the public.

(4) Preserve natural features. Create patterns of development that preserve valued environmental resource lands and avoid the development of natural hazard areas.

(5) Create efficient land use patterns. Relate residential, commercial and community facilities in a manner that promotes cost effective transportation systems and population distribution, and enhances pedestrian access and movement that might not otherwise be achieved under the strict application of the requirements of underlying zoning.

(6) Ensure public input. Ensure appropriate levels of public input to the planning process, so that sensitive areas of the community can be developed in accordance with community goals and objectives.

(7) Increase community value. Allow flexibility for landowners to beneficially plan for the overall development of their land to the extent that the final product presents a net positive result for the community.

(b) Overview of PUD Procedure. A PUD application shall be reviewed pursuant to the procedures and standards of this Section.

(1) Major or minor PUD. The procedures applicable to a particular PUD are dependent on whether the project is classified as a minor or a major PUD. The criteria for classifying projects as major or minor are described in Table 5-3, Criteria for Classifying PUD’s as Major or Minor. If a proposed development activity does not fit within the criteria listed in the table, then the Planning Director shall determine whether the proposal should be classified as a major or minor development, taking into consideration whether or not it would be beneficial for the Town to review a sketch plan of the proposed development.
### Table 5-3
Criteria for Classifying PUD as Major or Minor

<table>
<thead>
<tr>
<th>Major PUD</th>
<th>Minor PUD</th>
</tr>
</thead>
<tbody>
<tr>
<td>A major PUD is a project that meets any of the following criteria:</td>
<td>A minor PUD is a project that meets all of the following criteria:</td>
</tr>
<tr>
<td>New Development</td>
<td></td>
</tr>
<tr>
<td>Contains more than four (4) dwelling/hotel/lodge or other residential units.</td>
<td>Contains no more than four (4) dwelling/hotel/lodge or other residential units.</td>
</tr>
<tr>
<td>Contains more than four thousand (4,000) sq. ft. of nonresidential space.</td>
<td>Contains no more than four thousand (4,000) sq. ft. of nonresidential space.</td>
</tr>
<tr>
<td>Additions/Re-Development</td>
<td></td>
</tr>
<tr>
<td>Adds more than six (6) dwelling/hotel/lodge or other residential units.</td>
<td>Adds no more than six (6) dwelling/hotel/lodge or other residential units.</td>
</tr>
<tr>
<td>Increases the existing floor area or the footprint of a nonresidential building by more than ten percent (10%).</td>
<td>Increases the existing floor area or footprint of a nonresidential building by no more than ten percent (10%).</td>
</tr>
</tbody>
</table>

(2) Steps in PUD review process. A major PUD shall be processed according to the following review steps, as further described herein:

   a. Sketch PUD plan review by the Planning Commission and Town Council.

   b. Preliminary PUD plan review by the Planning Commission.

   c. Preliminary PUD plan review by the Town Council.

   d. Final PUD plan review by the Town Council.

A minor PUD shall be processed according to the same review steps as a major PUD, except that a minor PUD shall not be required to proceed through sketch PUD plan review.

(3) One (1) major PUD under review. Unless otherwise authorized by resolution of the Town Council, there shall only be one (1) major PUD application under review by the Planning Commission and one (1) other major PUD application under review by the Town Council at any time. The Planning Director shall establish procedures to administer this policy, based on the following provisions:

   a. Priority to first complete application. Scheduling priority shall be given to the first complete major PUD application received, provided that:

      1. Any project that has received sketch plan approval shall receive scheduling priority upon submission of its preliminary and final plan applications; and

      2. Any major PUD application that the Town Council determines serves a public purpose shall receive scheduling priority over all other development applications.

   b. Requests for additional information. In order to allow for development review to proceed in a timely and fair manner, applicants who are requested by the Planning Commission or Town Council to submit additional information or to amend their application which are necessary for the uninterrupted continuous review shall submit a complete package of the requested materials to the Planning Director at least fourteen (14) days prior to the next scheduled meeting of that board. If an applicant does not submit the requested materials in a timely manner or if the applicant requests that the processing of their application be delayed, the next prioritized application will be scheduled before that review board. However,
once the applicant submits a complete package of the requested materials to the Planning Director or the applicant has requested that the review of their application recommence, the application shall receive the next available scheduling priority, as determined by the Planning Director, over all other development applications. The provisions of this paragraph shall also apply to a submission being processed under the provisions of Chapter 16.

c. Sketch plan review accommodation. If the processing status of an existing application with scheduling priority allows, the Planning Director may schedule a new sketch plan application for review before the Planning Commission or the Town Council at meetings that do not delay the processing of the existing application.

(c) General Restrictions. Although one (1) of the purposes of these PUD regulations is to provide flexibility in the land development process, this Section is intended to define the limits of that flexibility. The following restrictions shall apply to all PUDs:

(1) Minimum land area. There shall be no minimum land area qualification in order to be eligible to apply for a PUD, provided that PUD approval shall not be granted solely to permit variations to develop a single lot, building or use.

(2) Location. A PUD may be developed on any land located within the Town.

(3) Uses. The land uses permitted in a PUD shall be limited to those uses that are allowed, or are allowed by special review, in the underlying zone district.

(4) Maximum buildout. The Comprehensive Plan contains an analysis of future buildout of single-family subdivisions and other developments within the Town limits. It identifies the maximum number of future lots/units and commercial/other space that may be developed within each subdivision, parcel or other development. The Unit Equivalency Chart, found in Table 5-4, defines what constitutes a unit by distinguishing between the various dwelling types and sizes and specifying an equivalency factor to be utilized to establish the number of existing units within a currently developed parcel and/or the future buildout units that will be generated by the proposed new development. The buildout analysis, for the purpose of determining maximum buildout, shall be conducted as follows:

a. Undeveloped parcels. For undeveloped parcels containing no dwelling units, the Comprehensive Plan future buildout chart shall be used to establish the maximum number of future lots/units and commercial/other space that may be developed within the parcel, and the Unit Equivalency Chart shall be used to determine the number of future buildout units that are being proposed by the new development.

b. Partially developed parcels. For partially developed parcels, each existing dwelling unit or residential lot shall first be counted as one (1) unit. The total number shall then be subtracted from the future buildout number specified within the Comprehensive Plan buildout chart to establish the available buildout unit amount. The Unit Equivalency Chart shall then be used to evaluate the existing development and to establish the existing
buildout unit amount. The total of the available and existing unit/lot amounts shall then be considered as the future buildout unit amount used for determining maximum buildout, and the Unit Equivalency Chart shall be used to determine the number of future buildout units that are being proposed by the new development.

c. Fully developed parcels. For parcels where the total number of the existing dwelling units, where each dwelling unit or residential lot is counted as one (1) unit, equals the future buildout number specified within the Comprehensive Plan buildout chart, the Unit Equivalency Chart shall be used to evaluate the existing development and to establish the existing buildout unit amount. The existing buildout unit amount shall then be considered as the future buildout unit amount for determining maximum buildout, and the Unit Equivalency Chart shall be used to determine the number of future buildout units that are being proposed by the new development.

If the Town Council determines that the PUD complies with the applicable provisions of this Subsection (c), General Restrictions, the standards of Section 16A-5-310, Review Standards, and any other applicable provisions of this Code, then a PUD may develop up to, but not more than, sixty-five percent (65%) of the maximum number of future lots/units and commercial/other space identified for that subdivision or other development in the buildout analysis. The Town Council may approve a buildout that is less than or greater than sixty-five percent (65%), based on the following standards:

a. Lesser buildout. A lesser buildout may be approved by the Town if, during the evaluation of the compliance of the PUD with the applicable review standards, it is determined that there are site specific physical constraints on the property that would limit its appropriateness for buildout (such as the presence of wetlands, flood plains, steep slopes or wildlife habitat), or the applicant has been unable to adequately provide public improvements or services necessary for the development, or the buildout would be incompatible with surrounding land uses or with the character of the community as described in Section 16A-4-340, Building Design Guidelines to Preserve Community Character, or if other pertinent limitations are identified.

b. Greater buildout. A greater buildout may be approved if the Town Council finds that the PUD achieves one (1) or more of the purposes described in Subsection (c)(6), Community Purposes for PUDs, and the PUD complies with the other applicable provisions of this Subsection (c), General Restrictions, the standards of Section 16A-5-310, Review Standards, and any other applicable provisions of this Code. No buildout may be permitted to exceed one hundred percent (100%) of the maximum number of future lots/units and commercial/other space listed for that subdivision, parcel or other development, except that under unique and exceptional circumstances where it can be sufficiently demonstrated by the applicant that the resulting development will, for good cause shown, exceed the PUD review criteria standards, a reconsideration and amendment of the future buildout analysis chart allocation for that subdivision, parcel or other development may be considered. The Town Council shall then adopt an ordinance, approved by at least three-quarters (¾) of the members of the Town Council present and voting, amending the future buildout analysis chart and identifying the reasons why the amendment is warranted.
(5) Dimensional limitations. Certain dimensional limitations applicable to the property may be varied within a PUD. The limitations that may be varied are those of the underlying zone district; or, for properties for which a PUD or other development plan has previously been approved, the limitations set by that approval. For any property designated PUD or SPA without an underlying zone district, the applicant shall submit an application for an amendment to the Official Zone District Map to designate the underlying zone district for the property. This application shall be submitted in conjunction with the preliminary PUD application and shall be used to rezone the property at the time of final PUD approval to a zone district containing dimensional limitations in order to establish the applicable dimensional limitations for the property. Only the following dimensional limitations may be varied:

a. Maximum allowable height of any structure within the PUD;

b. Minimum open space requirement for the PUD;

c. Maximum allowable floor area of the PUD;

d. Minimum area of lots within the PUD; and

e. Minimum setbacks for buildings within the PUD.

A dimensional limitation may be varied when the Town Council finds that the PUD achieves one (1) or more of the applicable purposes listed in Subsection (c)(6), Community Purposes for PUDs, that granting of the variation is necessary for that purpose to be achieved, and that the resulting development will be consistent with the provisions of Subsection (c)(7), Standards for Granting of Variations, and Section 16A-5-310, Review Standards.
(6) Community purposes for PUDs. The Comprehensive Plan identifies certain purposes the community intends to achieve as it develops. The following purposes shall be used in determining whether the buildout for a PUD may exceed sixty-five percent (65%) of that identified in the buildout analysis and whether any of the parcel's dimensional limitations should be varied:

a. Provision of restricted housing. A parcel's maximum buildout may be achieved and its dimensional limitations may be varied to offer an incentive to applicants to provide more restricted housing within the PUD than would otherwise be required by this Development Code, particularly in those priority locations for such housing identified within the Comprehensive Plan.

b. Encourage sustainable development. A parcel's maximum buildout may be achieved and its dimensional limitations may be varied to encourage sustainable development within the Town that diversifies the mix of lodging, retail and dining uses and that is consistent with the intent of the Comprehensive Plan. Sustainable development may be of the type that creates a sense of place where one can live and work within a small defined service area as well as where recreation, public transportation, open space, personal services and shopping are within reasonable walking distance. It may also be where the development includes positive social, environmental or economic benefits that significantly contribute to, greatly enhance or are determined necessary for the sustainability of the community as a whole.

c. Provide open space and/or avoid wildlife habitat. A parcel's maximum buildout may be achieved and its dimensional limitations may be varied to provide necessary site planning flexibility to enable the development to provide more and higher quality open space or to conserve critical wildlife habitat lands. This shall be accomplished in such a way as to maintain these lands as large, contiguous areas. Such lands shall not be fragmented into small, unconnected areas by development, unless the applicant demonstrates that this arrangement will result in the most suitable development pattern for the property, and that the lands providing valued open space or critical wildlife habitat have been protected. Where applicable, connections of such lands on the site to such lands on adjacent properties shall be accomplished.

d. Encourage better design. A parcel's dimensional limitations may be varied (but its maximum buildout may not be achieved) to allow for greater variety in the type, design and layout of buildings. Structures shall be designed to be compatible, in terms of height, mass, scale, orientation and configuration, with other buildings in the PUD and with surrounding uses, yet shall avoid uniformity of design. Various types of residential uses may be combined within the PUD (when allowed by the underlying zone district), to promote more efficient land use patterns and increased open space.

e. Develop necessary public facilities. A parcel's maximum buildout may be achieved and its dimensional limitations may be varied to provide an incentive for an applicant to develop, or contribute to the development of, necessary public facilities, such as public parking and transportation facilities, public recreation facilities and other public facilities consistent with the
intent of the Comprehensive Plan and the Town's goals and objectives. The facilities may be located within or outside of the PUD, but shall be facilities beyond the required mitigation for the project that meet the needs not only of project residents, but also of other residents of and visitors to the Town and shall promote, generally, the public health, safety and welfare.

Achieving one (1) or more of the applicable purposes listed above does not, by itself, grant any development entitlement for the buildout of a PUD to exceed sixty-five percent (65%) of that identified in the buildout analysis or for any of the parcel's dimensional limitations to be varied.

(7) Standards for granting of variations. Any PUD dimensional limitation variation authorized in Subsection (c)(5), Dimensional limitations, may be granted by the Town Council, provided that it complies with the following standards:

a. Height. Variations to increase the maximum allowable height of structures may be obtained pursuant to the following provisions:

1. A request to grant a variation to increase the maximum allowable height for any individual structure may be granted by the Town Council, provided that at least fifty percent (50%) of the structure for which the variation is sought, as measured utilizing the structure's footprint, conforms to the height limits of the underlying zone district, provided further that no portion of the structure exceeds the height limit of the underlying zone district by more than seventy-five percent (75%).

2. In exceptional and special circumstances, a request to grant a variation to increase the maximum allowable height for individual structures may be permitted to exceed the fifty-percent or seventy-five-percent limitation described in the preceding paragraph, if the applicant is able to sufficiently demonstrate to the satisfaction of the Town Council that:

a) Views from surrounding properties, as determined through the use of detailed view plane analysis, which may include computer-generated visualizations, story poles and other methods acceptable to the Planning Director, will not be substantially adversely affected. The surrounding properties to be considered will include those immediately adjacent to the PUD and those that are identified by the Planning Commission and the Town Council during their respective review and public comment periods.

b) The proposed structure will be compatible, in terms of height, mass, scale, orientation and configuration, with other structures in the PUD and with adjacent structures.

If the variation exceeds the fifty-percent or seventy-five-percent limitations described in the preceding paragraph, the variation and the Preliminary PUD Plan resolution must be approved by at least three-quarters (¾) of the Town Council members present and voting, for good cause shown and by identifying the reasons why the height variation is warranted.
3. For the purposes of administering paragraph (7)a, the Town Council may grant by simple majority vote, a height variation for certain structures, such as flagpoles, antennas and other similar structures which have only a nominal footprint. Ski-lift towers and related facilities are exempt from requiring height variation approval.

4. In circumstances where two (2) structures have been connected by an enclosed walkway, corridor, atrium or other enclosed space whose width or height is less than fifty percent (50%) of either the width or height of either of the otherwise separate structures measured from the side being connected, the provisions of paragraph (7) shall be applied to each structure separately rather than as one (1) structure.

b. Open space and minimum lot area. A variation to reduce the minimum open space requirement or to reduce minimum lot area (in order to cluster lots) may be permitted if:

1. Such variation will not be detrimental to the character of the proposed development or to surrounding properties;

2. The proposed development shall include open space for the mutual benefit of the entire development; and

3. The open space that is provided is accessible and available to at least all dwelling units and lots for which the open space is intended.

c. Minimum building setbacks. Minimum building setbacks shall be established by the PUD plan, provided adequate distance shall be left between buildings for necessary access and fire protection, and to ensure proper ventilation, light, air and snowmelt between buildings, and to minimize the effects of transmission of noise between units and between buildings.

(8) Parking. The number of parking spaces in the PUD shall be that required for the underlying zone district, unless a reduction in that requirement is granted, pursuant to Section 16A-4-310(c), Reduction of Required Parking.

(9) Road standards. A PUD may be permitted to deviate from the Town's road standards, to enable the development to achieve greater efficiency of infrastructure design and installation through clustered or compact forms of development or to achieve greater sensitivity to environmental features, when the following minimum design principles are followed:

a. Safe, efficient access. The circulation system shall be designed to provide safe, convenient access to all areas of the proposed development using the minimum practical roadway length. Access shall be by a public right-of-way, private vehicular or pedestrian way or a commonly owned easement.

b. Internal pathways. Internal pathways shall be provided to form a logical, safe and convenient system for pedestrian access to dwelling units and common areas, with appropriate linkages off-site.

c. Emergency vehicles. Roadways shall be designed to permit access by emergency vehicles to all lots or units. An access easement shall be granted for emergency and utility vehicles, as applicable, to use private roadways in the development for the purpose of providing emergency services and for installation, maintenance and repair of utilities.
d. Principal access points. Principal vehicular access points shall be designed to provide for smooth traffic flow, minimizing hazards to vehicular, pedestrian or bicycle traffic. Where a PUD abuts a major collector, arterial road or highway, direct access to such road or highway from individual lots, units or buildings shall be prohibited when other reasonable access options are available.

e. Snow storage. Adequate areas shall be provided to store snow removed from the internal street network and from off-street parking areas. (Ord. 4-1998 §1; Ord. 13-1998 §1; Ord. 1-1999 §1; Ord. 6-1999 §1; Ord. 15-2000 §1; Ord. 05-2004 §1; Ord. 08-2004 §1)

Sec. 16A-5-310. Review standards.

In addition to demonstrating compliance with the provisions of Section 16A-5-300(c), General Restrictions, and with all other applicable provisions of this Code, a proposed PUD shall also comply with the following review standards.

(1) Consistency with Comprehensive Plan. The PUD shall be consistent with the intent of the Town’s Comprehensive Plan.

(2) Preservation of community character. The development proposed for the PUD shall be consistent with the standards of Section 16A-4-340, Building Design Guidelines to Preserve Community Character, shall be compatible with, or an enhancement of, the character of existing land uses in the area and shall not adversely affect the future development of the surrounding area.

(3) Creative approach. The development proposed for the PUD represents a creative approach to the development and use of land and related physical facilities to produce better developments and to provide amenities for residents of the PUD and the public in general.

(4) Landscaping. Proposed landscaping for the PUD shall provide sufficient buffering of uses from one another (both within the PUD and between the PUD and surrounding lands) to minimize noise, glare and other adverse impacts, shall create attractive streetscapes and parking areas and shall be consistent with the character of the Town.

(5) Comply with development evaluation standards. The PUD shall comply with all applicable provisions of Article IV of this Development Code, Development Evaluation Standards.

(6) Suitability for development. The property proposed for the PUD shall be suitable for development, considering its topography, environmental features and any natural or man-made hazards that affect its development potential.

(7) Adequate facilities. The applicant shall show that:

a. Adequate facilities will be provided to the PUD for water supply, sewage disposal, solid waste disposal, electrical supply, fire protection, roads and pedestrian circulation;

b. The PUD has been located so as to be reasonably convenient in relation to police and fire protection, emergency medical services and schools; and

c. The PUD will accommodate the efficient provision of transit facilities and services.
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d. Principal access points. Principal vehicular access points shall be designed to provide for smooth traffic flow, minimizing hazards to vehicular, pedestrian or bicycle traffic. Where a PUD abuts a major collector, arteral road or highway, direct access to such road or highway from individual lots, units or buildings shall be prohibited when other reasonable access options are available.

e. Snow storage. Adequate areas shall be provided to store snow removed from the internal street network and from off-street parking areas.

(10) Adequate public facilities. A final plan shall not be approved unless the Town Council determines that public facilities will be adequate to support and service the area of the proposed development or that needed public facilities and services will be made available concurrently to offset the potential impacts of such development. Public facilities and services to be examined will include, but not be limited to: storm drainage, roads and their maintenance, public transportation service and facilities, pedestrian circulation, sewerage and sanitary facilities, water availability and serviceability, solid waste disposal, fire and emergency medical services and electrical service. The applicant shall show that:

   a. Adequate facilities and carrying capacity exist at the time of development or will be provided to the PUD and affected areas prior to completion of each building or phase of the development necessitating the demand for said facilities or capacity;

   b. The PUD has been located so as to be reasonably convenient in relation to police and fire protection, emergency medical services and schools;

   c. The PUD will accommodate the efficient provision of local and regional transit facilities and services. (Ord. 4-1998 §1; Ord. 13-1998 §1; Ord. 1-1999 §1; Ord. 6-1999 §1; Ord. 15-2000 §1; Ord. 05-2004 §1; Ord. 08-2004 §1; Ord. 16-2010 §1)

Sec. 16A-5-310. Review standards.

In addition to demonstrating compliance with the provisions of Section 16A-5-300(c), General Restrictions, and with all other applicable provisions of this Code, a proposed PUD shall also comply with the following review standards.

   1) Consistency with Comprehensive Plan. The PUD shall be consistent with the intent of the Town's Comprehensive Plan.

   2) Preservation of community character. The development proposed for the PUD shall be consistent with the standards of Section 16A-4-340, Building Design Guidelines to Preserve Community Character, shall be compatible with, or an enhancement of, the character of existing land uses in the area and shall not adversely affect the future development of the surrounding area.

   3) Creative approach. The development proposed for the PUD represents a creative approach to the development and use of land and related physical facilities to produce better developments and to provide amenities for residents of the PUD and the public in general.
(4) Landscaping. Proposed landscaping for the PUD shall provide sufficient buffering of uses from one another (both within the PUD and between the PUD and surrounding lands) to minimize noise, glare and other adverse impacts, shall create attractive streetscapes and parking areas and shall be consistent with the character of the Town.

(5) Comply with development evaluation standards. The PUD shall comply with all applicable provisions of Article IV of this Development Code, Development Evaluation Standards.

(6) Suitability for development. The property proposed for the PUD shall be suitable for development, considering its topography, environmental features and any natural or man-made hazards that affect its development potential.

(7) Spatial pattern shall be efficient. The PUD shall be located to avoid creating spatial patterns that cause inefficiencies in the delivery of public services, or that require duplication or premature extension of public facilities.

a. Roads. Any new road developed to serve the PUD shall be continuous and in alignment with existing platted streets to which the street is to be connected. Where appropriate, new streets shall be planned so that they can create an interconnected Town road network, with provision for adequate road and utility easements. Where cul-de-sacs are used in the development, the applicant is encouraged to provide a trail or similar pedestrian link between them.

b. Water and sewer lines. Any water or sewer line extension necessary to serve the PUD shall be consistent with the Snowmass Water and Sanitation District's service plan and the Town's Comprehensive Plan.

(8) Phasing. If the PUD is to be developed in phases, then each phase shall contain the required streets, utilities, landscaping and other public facilities or improvements that are necessary and desirable for residents of the project. If the PUD incorporates any amenities for the benefit of the Town, such as trail connections, these shall be constructed within the first phase of the project, or, if this is not possible, then as early in the project as is reasonable. The pace and phasing shall be evaluated with regard to construction impacts along with possible interruption of construction as it would affect the community as a whole.

(9) Construction interruptions. The development application shall provide a reasonable restoration and/or remediation contingency plan to mitigate impacts resulting from any potential extended interruption of construction affecting the community as a whole. Surety or security may be necessary to ensure implementation of the plan. (Ord. 4-1998 §1; Ord. 13-1998 §1; Ord. 1-1999 §1; Ord. 15-2000 §1; Ord. 16-2010 §1)

Sec. 16A-5-320. Sketch plan.

(a) Purpose. The sketch plan review is an opportunity for the Town and the applicant to engage in an exploratory discussion of a development proposal, to raise issues and concerns and to examine alternative approaches to development of the property. The applicant is encouraged to provide a written or graphic description of any alternative ideas that were considered as the sketch plan was being prepared. It should be expected that the development proposal may evolve during the course of sketch plan review.

(b) Sketch Plan Review Intent and Issues. To encourage the consideration of alternatives and to allow the sketch plan to evolve, overly detailed preliminary plan level sketch plans will not be considered. The questions the Planning
Commission and Town Council should consider in a conceptual manner during review of the sketch plan (depending upon the size and complexity of the proposal) include the following:

(1) Use. Is the use proposed for the property generally appropriate in this location? Is it consistent with the intent of the underlying zone district and the character of surrounding uses?

(2) Comprehensive Plan. Is the proposed development generally consistent with the Town's Comprehensive Plan? Is the proposed buildout within the range anticipated for the property? If the applicant proposes a buildout in excess of sixty-five percent (65%) of that identified in the Comprehensive Plan, then are the community purposes the applicant proposes to achieve the appropriate ones for this development to accomplish?

(3) Architecture and landscaping. Are the buildings proposed to be developed in appropriate locations? Is the mass, scale and density of the buildings generally compatible with the character of the community and that of surrounding buildings? How much of the site is proposed to be common or dedicated open space? Is this an adequate amount of open space and does it appear to be in the appropriate locations?

(4) Natural resource and hazard areas. What are the natural resource and hazard areas on the property? Is mitigation appropriate?

(5) Access and circulation. Is the conceptual location, alignment and type of entry roads and the primary on-site roads acceptable? Should the applicant provide transportation options for residents, visitors, guests and employees and, if so, what type of options may be most appropriate?

(6) Parking. Should the applicant provide on-site parking for the development in compliance with the standards of this Code, or should the applicant reduce parking below these standards, as provided in Section 16A-4-310, Off-Street Parking Standards?

(7) Timetable. What is the proposed timetable for the development? Is it most appropriate for the development to occur all at once or in phases? If phasing is appropriate, then which portions of the project should proceed first?

(8) Community welfare. Do the concepts contained in the proposed development promote the public health, safety and welfare?

(c) Sketch Plan Review Procedure. The following procedures shall apply to an application for review of a sketch PUD plan. These procedures are illustrated in Figure 5-3, Sketch PUD Application Procedures.

(1) Pre-application conference. Attendance at a pre-application conference is mandatory prior to submission of an application for sketch PUD plan review.

(2) Submission of application. The applicant shall submit an application to the Planning Director that contains the following materials:

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

   b. Location map. A scale map showing the location and size of the site, and existing land uses, zone districts and major roads within three hundred (300) feet of the
site. The name, location and boundaries of any subdivisions that are part of the larger tract shall also be shown.

c. Statement of objectives. A written description of the proposed development. This shall include a statement of the objectives to be achieved by the planned unit development and a conceptual description of any proposed variations from the standards of the underlying zone district that are being requested.

d. Sketch plan. A sketch development plan, which shall include the following:

1. General. The property boundaries of the site, title of the proposed development, date of preparation, bar-type or graphic scale and north arrow (designated as true north).

2. Site characteristics. Existing site characteristics, showing existing groves of trees and other major types of vegetation, structures within the site, the location of roads and structures within three hundred (300) feet of the site, wildfire hazard areas, wildlife habitat areas, streams, flood plains, drainage ways, topography (depicted at a minimum of ten-foot contour intervals), areas of natural and disturbed slopes in excess of thirty-percent grade, prominent ridgelines, avalanche areas and any other prominent geologic hazards or features.
3. Utilities. Approximate locations of existing major utility lines and easements, irrigation ditches, bridges and similar physical features, and existing development on adjacent property. Conceptual plans for water supply, sewage disposal, fire protection and drainage facilities shall also be provided, which plans may be in a prose format.

4. Proposed land use. General location and configuration of proposed land use types, including setbacks and common and public open space. The plan shall show the proposed lots or development tracts and street layout, indicating the approximate area of individual lots or tracts, access to the property, connection of proposed streets to existing streets and plans for pedestrian circulation and trails. If the applicant intends to develop the PUD in phases, then the sketch plan shall provide a land use master plan for the applicant's entire land ownership, unless the applicant shall demonstrate to the Town Council, at its sole discretion, that preparation of a land use master plan for the entire ownership would place an unreasonable burden on the applicant or would be premature at this time. Following approval of the sketch plan, the applicant may, if so authorized by the Town Council, submit the preliminary plan in phases and need not submit detailed land use information for the entire ownership in order to be deemed to have submitted a complete preliminary plan.

5. Landscaping. A simple conceptual depiction and/or narrative description of the intended revegetation and landscaping components of the plan.

   e. Simple sketches. Simple sketches, massing diagrams or models, that are not required to show detailed fenestration or architectural details, which show building mass, scale and height in a conceptual manner in relation to natural features, and the relationship of the various development components to their respective sites, the surrounding area and each other. A sketch or narrative description should be included that adequately expresses the typical or overall intended architectural theme, character and fenestration for the project.

   f. Summary. A sketch plan summary containing the following:

      1. Type. A description of the type of dwelling units and other buildings or structures.

      2. Size. The average square footage of all dwelling units, buildings and other structures proposed by type of unit, the total square footage of all structures by type, the approximate number of bedrooms and the gross residential density in units per acre.

      3. Floor area. The ratio of the total floor area of all proposed structures, by type, to the area of land within the development.

      4. Population. The anticipated population to be generated by the development (permanent residents, employees and tourists).

      5. Market. A general statement of the target market and form of ownership for the dwelling units.

      6. Open space. The amount of common and/or public dedicated open space.

      7. Height. The maximum and average height of all buildings and structures, by type.
8. Employees. The number of employees required to operate the proposed development, together with a calculation of employee housing requirements and a conceptual proposal for how required employee housing will be provided.


10. Access and easements. Evidence of the existence of legal access to the property, together with a description of any existing easements and covenants affecting any land within the subject property.

11. Parking, circulation and transit. The anticipated number of parking spaces, the proposed locations of these spaces and a statement of whether the project will comply with the underlying zone district standards or is requesting a variance from those standards. Additionally, a conceptual plan setting forth on- and off-site circulation patterns and any transit facilities associated with the project.

12. Timetable. The proposed timetable and phasings for the development, identifying the number of anticipated PUD filings.

(3) Staff review. Staff review of the application shall be accomplished, as specified in Section 16A-5-50, Staff Review of Application. Staff shall then meet with the applicant to provide preliminary comments, discuss issues and concerns, request additional information necessary to adequately evaluate the proposal and make recommendations regarding the application. The applicant will then have the opportunity to amend their application or provide additional information in response to the staff comments. Upon receipt of the requested information, or within ten (10) days of the staff meeting, whichever occurs first, a public notice that the Planning Commission and Town Council will hold a joint hearing to consider the application shall be given by publication, mailing and posting of notice, pursuant to Section 16A-5-60(b), Manner and Timing of Notice.

(4) Joint meeting. A complete copy of the application shall be forwarded to the Planning Commission and Town Council, together with a copy of the staff review. The Planning Commission and Town Council shall hold one (1) joint meeting to hear the initial presentation of the application by the applicant. Thereafter, the Planning Commission shall conduct its review of the application.

(5) Resolution. Upon completion of its review of the application, the Planning Commission shall, by resolution, provide direction to the applicant on the sketch plan. The resolution shall either authorize the applicant to submit a preliminary plan or shall state that the applicant must submit a new sketch plan prior to proceeding to preliminary plan review. When preparing the resolution, the Planning Commission shall consider all relevant materials and testimony, and whether the application is generally consistent with Section 16A-5-300(c), General Restrictions, and Section 16A-5-310, Review Standards.

a. Resolution authorizing preliminary plan. If the resolution authorizes the applicant to submit a preliminary plan, then the resolution shall identify any aspects of the sketch plan that should be modified for the preliminary plan to be acceptable to the Town, and the types of modifications the applicant should consider. The resolution shall also identify any other issues the applicant should consider when preparing the preliminary plan, the materials the applicant will be required to submit and the studies the applicant will be required to conduct.
b. Resolution requiring new sketch plan. If the resolution states that the applicant must submit a new sketch plan prior to proceeding to preliminary plan review, then the resolution shall identify any areas of disagreement between the Town and the applicant, including those standards of the Development Code or elements of the Comprehensive Plan with which the sketch plan failed to comply.

(6) Town Council action. The Planning Commission's resolution shall be forwarded to the Town Council. The Town Council shall hold a public hearing to consider the application and the Planning Commission's resolution. The public hearing shall be conducted pursuant to Section 16A-5-70(2), Conduct of Public Hearing. The Town Council shall prepare its own resolution taking action on the application that may accept the Planning Commission's resolution, or that may modify any aspect of said resolution. When preparing the resolution, the Town Council shall consider all relevant materials and testimony, and whether the application is generally consistent with Section 16A-5-300(c), General Restrictions, and Section 16A-5-310, Review Standards.

(7) Effect of resolution. Adoption of the sketch plan resolution by the Town shall not constitute approval of a PUD, or permission to proceed with construction of any aspect of the development. Such action shall only constitute authorization for the applicant to submit a preliminary PUD, in accordance with the representations made by the applicant and in response to the direction on the sketch plan provided by the Town in the resolution.

(8) Expiration. The applicant shall be required to submit the preliminary plan application within twelve (12) months after the date of approval of the resolution. Failure to submit the application within this time period shall render the resolution null and void, and require the applicant to submit a new sketch plan for review by the Town. The Town Council may, at its sole discretion and for good cause shown, grant an extension of the deadline to submit a preliminary plan application, provided that the applicant requests the extension in writing no less than thirty (30) days prior to such lapse and said extension is approved by at least three-quarters (¾) of the Town Council members of the Town Council present and voting.

(Ord. 4-1998 §1; Ord. 1-1999 §1; Ord. 6-1999 §1; Ord. 15-2000 §1)

(a) Purpose. The purpose of preliminary plan review is for the applicant to formulate detailed, properly designed/engineered solutions to the issues and concerns identified during sketch plan review, and to address, in a detailed manner, all other issues that are relevant to the preliminary plan. For minor PUD applications, where no sketch plan was submitted, the purpose of the preliminary plan is to present detailed, properly designed/engineered plans for consideration by the Town and the public. The burden at the preliminary plan stage is on the applicant to provide detailed information and mitigation proposals to be evaluated by the Town and the public. For any PUD application that also involves subdivision or that requires approval of an amendment of the Official Zone District Map, the application for subdivision or rezoning shall be submitted with, and considered at the same time as, the preliminary PUD plan review.

(b) Preliminary Plan Review Intent and Issues. The questions the Planning Commission and Town Council should consider in a detailed manner during review of the preliminary plan (depending upon the size and complexity of the proposal) include the following:

(1) Response to sketch plan issues and concerns. Has the applicant provided detailed, sufficient and appropriate responses to each of the issues and concerns identified during the sketch plan review?

(2) Zone district limitations. Does the proposed development comply with all of the limitations of the underlying zone district? If the applicant proposes to vary any of the property’s dimensional limitations, then does the application comply with all of the applicable standards for granting of the variation?

(3) Comprehensive Plan. Is the proposed development consistent with all relevant policies and recommendations of the Town’s Comprehensive Plan? If the applicant proposes a buildout in excess of sixty-five percent (65%) of that identified in the Comprehensive Plan, then will the community purposes that are most appropriate to be accomplished by the proposed development be achieved?

(4) Architectural plans. Are the proposed mass, scale, height, density, volume, materials, colors and detailed design elements of the buildings compatible with, appropriate for or an enhancement of the character of the community and with surrounding buildings?

(5) Landscaping and open space. Is the type, amount, size, species and location of proposed landscaping adequate and suitable for the development? Has adequate landscaping been provided as a buffer between uses and around the perimeter of the development? Has the applicant demonstrated that existing vegetation and trees on the site that should be protected will be so protected? Which specific areas of the site will be designated as open space; what is the proposed size, use and landscaping of each area? What are the preliminary plans for the homeowner’s association or condominium association to maintain said open space?

(6) Natural hazard areas. What is the site-specific location and characteristics of any geologic hazards, steep slopes, flood plains and similar hazards on the property? Will any of these natural areas pose a potential threat to life or property? If so, what specific measures will be employed to avoid, minimize or mitigate these dangers?

(7) Natural resource areas. What is the site-specific location and characteristics of any wildlife habitat areas, riparian areas, wetlands and other valued natural features on the property? What are the anticipated impacts of the proposed development on these features? Has the proposed development been designed so it will comply with the standards of this Development Code that apply to these natural resource areas?
(8) Grading and drainage. What is the extent of soil and vegetation disturbance planned for the site? How will disturbed areas be stabilized both during construction and following completion of the project? Where will excavated materials be stockpiled? Will any retaining structures be employed and, if so, what will be their design specifications and materials? How will storm water be handled both during construction and following completion of the project?

(9) Transportation impact. How many vehicle trips will be generated, and what is the anticipated public transportation ridership from the proposed development? What is the capacity of the intersections that the proposed development will impact? What will be the impacts of the proposed development on the Town's public transportation system, road capacities and parking facilities and how will these impacts be mitigated? What measures will the project employ to ensure that following development roadways within the Town will continue to function at the adopted level of service standard? Have roads on- and off-site been designed in a safe and efficient manner, to connect the site to other activity areas and destination points?

(10) Necessary facilities. Has the applicant provided detailed engineering plans and reports demonstrating the type, location and capacity of the water supply, sewage disposal, solid waste disposal, fire protection and other necessary facilities that will be constructed to serve the project? Will needed public facilities and services be made available concurrently to offset the potential impacts of such development?

(11) Pace and phasing. Has the applicant provided a sufficiently detailed phasing proposal to ensure that the development phasing will occur in an efficient and orderly manner with consideration given to construction and other impacts to the community? Have all phases, including the initial phase, been designed to sustain itself and function as a complete development not reliant on subsequent phases to operate in an efficient and orderly manner? Has the applicant provided a reasonable contingency plan to mitigate impacts resulting from any possible interruption of construction as it would affect the community as a whole?

(12) Restricted housing. What is the specific mix and configuration of housing that will be provided to meet the Town's restricted housing requirements? What guarantees has the applicant agreed to provide to ensure that such housing will be available at the time it has been required by the Town?

(13) Fiscal impact. Will the proposed development have a positive or negative fiscal impact upon the Town and other taxing districts that provide services to it? If the proposal is shown to have a negative fiscal impact, then what measures will the applicant employ to mitigate those costs?

(14) Energy conservation. What will be the energy utilization of the significant energy-consuming elements of the project (such as heating systems, swimming pools, saunas, Jacuzzis, etc.). What specific active and passive techniques will the development employ to promote energy conservation and take advantage of solar and alternative energy source opportunities?

(15) Air quality. What will be the primary sources of air pollution from the project? What will be the quantity and composition of pollutants that will be discharged on a daily and seasonal basis and what are the dispersal qualities of the site that will affect
the pollutants that are generated? What geographic area will be impacted by these pollutants? What techniques will the development employ to reduce the impacts of these pollutants?

(16) Construction management plan. What is the proposed plan for phasing of the project? What is its construction schedule? What measures will be employed to mitigate construction impacts?

(17) Community welfare. Does the proposed development in its totality promote the public health, safety and welfare?

(c) Preliminary Plan Review Procedure. The following procedure shall apply to an application for review of a preliminary PUD plan. This procedure is illustrated in Figure 5-4, Preliminary PUD Application Procedures.

(1) Pre-application conference. Attendance at a pre-application conference is mandatory prior to submission of an application for PUD preliminary plan review.

(2) Submission of application. The applicant shall submit an application to the Planning Director that contains the following materials:

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

b. Preliminary development plan. A preliminary development plan, which shall include the following:

1. General. The property boundaries of the site, title of the proposed development, date of preparation, bar-type or graphic scale, north arrow (designated as true north) and legal description of the property.

2. Proposed development. The preliminary plan shall show the proposed dimensions and locations of all buildings, public and private roadways, existing and proposed utility lines and fire hydrants, service areas, emergency vehicle access areas, parking facilities, pedestrian pathways, trails and use areas, common open areas, public open spaces, public transportation facilities, drainage facilities and detention areas, snow storage/removal areas, trash storage areas and other information necessary to allow detailed review of the project design. Existing and proposed contours shall be shown at two-foot intervals, or less.

3. Surrounding structures. The preliminary plan shall depict structures and landmarks within three hundred (300) feet of the site, so as to show the relationship of the proposed development to its surroundings.

4. Chart. The preliminary plan shall contain a chart of proposed land uses by acreage, including the percentage of land coverage by each type of use, together with a detailed listing of the following development parameters:

a) Dimensions. Proposed square footage and height of buildings.

b) Dwelling units. Proposed number of bedrooms; square footage of dwelling units by type of unit; proposed number of dwelling units per acre.

c) Size of commercial space. Proposed square footage of commercial space.
d) Floor area. Proposed maximum allowable floor area (FAR).

e) Parking. Proposed number of parking spaces.

f) Open space. Proposed amount of open space.

g) Restricted housing. Proposed number of restricted housing units, with number of bedrooms and amount of square footage.

c. Comparison to sketch plan. When applicable, a statement shall be provided comparing the preliminary plan to the sketch plan, noting any changes, including those made in response to comments provided by the Town in its review of the sketch plan.

d. Listing of proposed variations. A statement identifying each proposed variation from the underlying zone district standards, describing how the variations conform with those authorized for a PUD.

e. Architectural plans. Preliminary architectural plans for all multiple-family and single-family attached dwellings, hotels and lodges, and other nonresidential buildings. These plans shall include:

1. Elevations. Elevations at a vertical scale of not less than one-eighth inch equals one foot (\(\frac{1}{8}'' = 1'\)) of all significant facades of the proposed buildings. Building elevations shall be of sufficient detail to indicate building openings, alternate materials proposed for the roof and exterior of the buildings, decks and other architectural features of the buildings, including chimneys and mechanical areas and features affecting the roof lines of all proposed buildings.

2. Floor plans. Proposed floor plans drawn at a scale of one-eighth inch equals one foot (\(\frac{1}{8}'' = 1'\)) or larger of all floors of the proposed buildings showing all living, sleeping, cooking, bathroom and storage areas. Typical floor plans with a floor layout plan may be substituted.

3. Block model. A block model illustrating the cubic volume and design of the aboveground portion of all proposed major structures included in the development. The descriptive materials shall also be sufficient to demonstrate the relationship, in terms of cubic volume, between such proposed structures in the development and other major structures encompassing a significant portion of existing development surrounding the development. The Planning Director may accept computer-generated three-dimensional or other visual imagery in place of the block model if it is felt that it would better aid the public and reviewing bodies to visually understand the spatial, mass, scale and visual relationships of the development to surrounding properties. A model may still be required during the course of the review process if determined necessary to adequately evaluate the development proposal. Before preparing the block model or visual imagery, the applicant shall confer with the Planning Director to determine the contextual boundary needed and level of detail required for properties surrounding the subject property in order to provide a neighborhood context for the proposed development. The visual imagery and/or model shall roughly depict the building colors and materials proposed for the development.
4. Color and materials. A color and materials sample board or sufficiently detailed visual imagery to represent the materials and colors for the buildings and other architectural features being proposed.

f. Landscape plan. A detailed landscape plan, depicting the type, amount, size, species and location of all plant materials, with a planting schedule. The plan shall also include conceptual irrigation plans for landscaped areas if applicable. The plan shall show the location of all existing trees with a trunk circumference of fourteen (14) inches or more measured four and one-half (4½) feet above the ground and shall indicate which trees are proposed to be removed. Where large groves of trees are to remain undisturbed, single trees need not be located.

g. Fiscal impact report. A report analyzing the anticipated fiscal impacts of the proposed development upon the Town, school district and other taxing districts that provide services to the development. This report shall be based on criteria and assumptions established in advance by the Town, as provided to the applicant by the Planning Department prior to the submission.

h. Solid waste disposal plan. A proposed solid waste disposal plan, including the anticipated volume (cubic yards) of solid waste that will be generated by the development, proposed trash container size and location of said facilities.

i. Energy conservation plan. A comprehensive energy conservation plan demonstrating how the development will comply with the provisions of Section 16A-4-330, Energy Conservation, together with a detailed description of the use of solar and other alternative energy resources, including an energy utilization analysis in relation to heating systems, swimming pools, saunas, Jacuzzis and other significant energy-consuming project elements.

j. Development in proximity to ski lift. A report, plan or other documentation showing that any development located in proximity to any existing or proposed ski lift complies with all appropriate rules and regulations governing said lifts, including those of the Colorado Tramway Board.

k. Open space map. A map shall be submitted showing all areas to be designated as common open space and the proposed use of each common open space area, including size of each area in acres and the size of the total common open space in acres and as a percentage of the total site. In addition, the type, size and general location of the planting and other screening techniques to be used in the perimeter buffer area shall be shown on this map and the landscape plan.

l. Homeowner's or condominium association documents. Whenever there is common open space within a proposed development, the following documents shall be submitted in a preliminary form, describing how the homeowner's or condominium association will maintain said open space.

1. Articles of incorporation. The form of articles of incorporation of any homeowner's association or other organization to maintain common open space within the development.

2. Bylaws. The form of bylaws of any such organization, defining its rights, duties and responsibilities.
3. Master deed. A copy of the master deed detailing the rights and privileges of individual owners in the common open space areas.

4. Covenants. The language of covenants or easements restricting the use of common open space, together with the language of covenants or agreements requiring homeowners or residents to pay any organization for maintenance of common space, and the language of deed restrictions or other covenants running with the land which provide for the maintenance of common space.

m. Water supply and sewage disposal. Detailed plans and reports, prepared by a registered professional engineer or water supply expert acceptable to the Snowmass Water and Sanitation District, describing the location, type and timing of proposed water supply and sewage disposal facilities and lines to be constructed. The report shall describe water conservation methods to be employed and shall provide a detailed estimate of the project's average daily and maximum water requirements and sewer impacts. This report shall be based on criteria and assumptions established and provided by the District prior to the submission of the report. The applicant shall then obtain from the District a confirmation that, based upon the data submitted for this review, the assumptions, conclusions and calculations remain valid. In the alternative, the District shall identify those changes or revisions to the conceptual water and sewer reports required as a result of the District's analysis of the preliminary submission.

n. Clearing, grading and drainage plans. A detailed report identifying plans for clearing, grading and drainage including:

1. Limits of clearing. The location and defined limits of all clearing and/or removal of vegetation cover.

2. Grading plan. Existing and proposed grades at a contour interval of two (2) feet or less, based on field survey controls, including location with proposed grades and elevations for all buildings, roads, walks, storm sewers and other drainage structures and devices, retaining walls and other landscape features. The plan shall provide designs for sediment control devices to be employed, including specifications of how graded areas will be stabilized and revegetated after construction is completed. Any changes from the grading and drainage plan submitted with the sketch plan shall be described.

o. Transportation impact analysis. All development proposals shall analyze the impact of the proposal on the Town's transportation system, road capacities and parking facilities. The Planning Director may, however, waive this requirement for proposed development that contains less than five (5) dwelling units, or less than two thousand (2,000) square feet of nonresidential space, or an addition to a ski area if it is determined that the transportation impacts generated by the development are negligible and that requiring a detailed analysis is not warranted. If required, the applicant shall submit the following information in a manner that permits the Town to evaluate the impacts of the proposed development:

1. Daily traffic counts. All total daily traffic counts shall be actual machine counts and not based on factored peak hour sampling. All raw traffic count data, including average daily volumes and peak hour turning movements, shall be provided in the appendices of the report.
2. Trip generation rates. The applicant shall use the following vehicular trip generation rates to calculate the development’s impact on the Town road network:

<table>
<thead>
<tr>
<th>Type</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family detached dwelling</td>
<td>8.0 trips/dwelling</td>
</tr>
<tr>
<td>Two-family dwelling</td>
<td>8.0 trips/dwelling</td>
</tr>
<tr>
<td>Multi-family dwelling</td>
<td>5.0 trips/dwelling</td>
</tr>
<tr>
<td>Hotel/lodge</td>
<td>4.0 trips/dwelling</td>
</tr>
<tr>
<td>Commercial</td>
<td>40.0 trips/1,000 net sq. ft.</td>
</tr>
<tr>
<td>Ski area</td>
<td>To be determined during PUD review</td>
</tr>
<tr>
<td>Uses Not Listed Above</td>
<td>To be determined by Planning Director</td>
</tr>
</tbody>
</table>

The Planning Director shall determine the trip generation rates for uses not listed above by consulting recognized professional publications, or studies completed for resort communities similar to the Town.

The Town Council may, upon request by the applicant, accept different trip generation rates than those listed above, considering whether any special transit features are planned for the development, or if there are unusual land use, occupancy or other features of the development.

3. Existing conditions. The report shall identify the exact limits of the study area, which should be determined based on engineering judgment and an understanding of existing traffic conditions at the site. Within the study area, the applicant shall describe existing roadways and intersections, including geometry and traffic control. The report shall describe existing traffic volumes and the existing level of service at intersections and roadway segments. Daily and peak hour traffic counts shall be obtained by the applicant at locations determined by the Town.

4. Anticipated ridership. A determination of the anticipated public transportation ridership, using data supplied by the Town's Transportation Department for similar projects with the Town, and the potential cost to the Town for providing public transportation services to the development. The report shall also analyze the proposal's impact on the Town's transportation system and provide a description of shuttle stop improvements that may be necessary to safely and effectively provide service to the development.

5. Trip generation and design hour volumes. A summary table shall be provided listing each type of land use, the number of units or the amount of nonresidential square footage involved, the average trip generation for each use (total daily traffic and a.m. and p.m. peaks) and the resultant total trips generated.

6. Trip distribution. The direction of approach for site-generated traffic shall be presented in the report. The technical analysis steps, basic methods and assumptions used shall be clearly stated.

7. Trip assignments. Internal trips shall not exceed ten percent (10%) without analytical support to demonstrate how the larger figures were determined. Nongenerated passby traffic reductions in generation volumes may be considered if applicable. The trip assignment shall include filling out a copy of the Trip Table (provided by the Planning Department) for links in the transportation network.
8. Existing and projected traffic volumes. The report shall include the following illustrations:

   a) Peak hour traffic. Illustrations of current a.m. and p.m. peak hour site traffic (in and out), including turning movements.

   b) Future peak hour traffic. Illustrations of future a.m. and p.m. peak hour site traffic (in and out), including turning movements for current conditions and future buildup of the project, with background traffic projected five (5) years into the future.

   c) Other peak hours. Illustrations of other peak hours that may be critical to site traffic and the road system in the study area. Other peak hours will be mutually agreed upon by the Town and the applicant.

9. Capacity analysis. The report shall include a capacity analysis for all public street intersections impacted by the proposed development and for all private property access points to streets adjacent to the proposed development identified in the previously defined study area. The a.m., p.m. and any other possible peak periods shall be tested to determine which peak hours need to be analyzed. Capacity calculations (intersection and roadway segments) shall be based upon the techniques described in the "1985 Highway Capacity Manual," Transportation...
Research Board, Special Report 209. All capacity analysis work sheets shall be included in the appendices of the report.

10. Level of service. Level of service "C" or better on all but the ten (10) peak traffic days of the year has been determined to be the acceptable design standard for all intersection and roadway segment operations. The applicant shall propose mitigation measures that are consistent with the Comprehensive Plan, including illustrations of each improvement showing the length, width and other pertinent geometric features for any operation in the transportation network that is caused to exceed a level of service "C" by the proposed development.

11. Traffic accidents. Traffic accident data for affected street corridors may be required for the study. The study period will normally be three (3) years. Such locations will be specified by the Town. Where this is necessary, estimates of increased or decreased accident potential shall be evaluated for the development, particularly if the proposed development might impact existing traffic safety problems in the study area. Safety improvements shall be proposed where necessary.

12. Conclusions. The report shall contain a clear and concise executive summary, describing the study's findings. If the analysis indicates unsatisfactory levels of service, a description of proposed improvements to remedy deficiencies shall be included in the executive summary.

p. Air quality analysis. All development proposals shall conduct an analysis of the proposed development's impacts on air quality. The Planning Director may, however, waive this requirement for proposed development that contains less than five (5) dwelling units, or less than two thousand (2,000) square feet of nonresidential space if it is determined that the air quality impacts generated by the development are negligible and that requiring a detailed analysis is not warranted. If required, analysis shall be prepared by a recognized expert in air pollution and shall include examinations and recommendations concerning those characteristics of the site and the proposed development that could affect air quality, including, but not necessarily limited to, the following:

1. Dispersal qualities. Dispersal qualities of the site and the extent to which those qualities are expected to provide for the efficient dispersal of air pollutants generated directly by on-site activities, including such sources as space heating, fireplaces, restaurants, etc., or indirectly by traffic within and around the proposed development site.

2. Pollutants to be discharged. Quantity and composition of pollutants expected to be discharged within the site and daily (including peak period portions thereof) or seasonal variation in these characteristics.

3. Trip generation and impacts. Estimated current and future trip characteristics, including average daily traffic and peak volumes for each mode on each route linking the site to significant related destinations within the relevant air shed and implied pollutant emissions. Dispersal qualities of routes related to the proposed development site and anticipated effects of any added traffic on air quality on and along such routes or their damages.
4. Construction impacts. Anticipated air pollution caused by construction of the proposed project, including impacts caused by machinery, clearing of vegetation, rock and earth moving, paving operations, preparation of materials such as gravel, hot mix and cement, and any methods proposed to mitigate such pollution and its effect.

5. Special mitigation techniques. A statement regarding any special mitigation related to design, construction methods, operating policies or public or private improvements that would reduce the quantitative or qualitative impacts of pollutants produced by the proposed development and use of the proposed site and their estimated effectiveness and costs to proponents and the public.

6. Improvement of site characteristics. A statement regarding any special design construction methods, operating policies or public or private improvements that could improve the proposed development site characteristics relative to air quality of the site and of the estimated effectiveness and costs to the applicant and the public.

7. Conform with regulations. A statement regarding the extent to which the proposal and resultant air quality levels (on the proposed development site and other portions of the relevant air sheds) will conform with existing federal, state and local air quality regulations and standards with and without any special design features, construction methods, operating policies or public or private improvements.

8. Description of area to be impacted. A geographic description of the area expected to be most significantly impacted by air pollutants generated on the proposed development site or generated by increased transportation and other activities related to its development and use.

q. Geologic report. A report evaluating geologic and soils conditions, including:

1. Potential geologic hazards. A site specific analysis of the geologic characteristics on, or in the vicinity of, the site that could have a significant impact on the proposed development shall be conducted. It shall be prepared by a geologist or engineer who is qualified to map and evaluate geologic hazards and to assess their potential impacts on the development. It shall discuss any recent activity associated with the geologic hazards and shall provide an expert opinion as to the degree of severity of the potential geologic hazards. It shall also include recommendations as to how the development will avoid or mitigate any dangers posed to life or property from these hazards.

2. Soils study. A study prepared by a qualified professional describing existing surface and sub-surface soil characteristics on the site, and evaluating the suitability of such soils for the planned construction.

r. Brush Creek impact report. A site specific analysis shall be prepared for lands within the boundaries of the Brush Creek Impact Area, and for lands located outside of the Brush Creek Impact Area whose development is determined to have the potential to impact Brush Creek and its associated riparian habitat. The analysis shall be prepared to comply with the provisions of Section 16A-4-30(d), Brush Creek Impact Report.
s. Wildlife habitat analysis. A site specific analysis shall be prepared for lands designated as sensitive wildlife habitat on the Environmental Sensitivity Map in the Comprehensive Plan and for lands not so designated on the map that are determined to be sensitive wildlife habitat. The analysis shall be prepared to comply with the provisions of Section 16A-4-20(d), Wildlife Habitat Analysis.

t. Construction management plan. A detailed construction management plan describing development phasing, construction schedules and measures for mitigating impacts associated with all aspects of the project. This would include a reasonable contingency plan to mitigate visual, safety and public welfare impacts resulting from any interruption of construction as it would affect the community. Surety or security may be necessary to ensure implementation of the plan.

u. Adequate public facilities report. A detailed public facilities report demonstrating that public facilities will be adequate to support and service the area of the proposed development or that needed public facilities and services will be made available concurrently to offset the potential impacts of development as such impacts commence. Public facilities and services to be examined will include, but not be limited to: storm drainage, roads and their maintenance, public transportation service and facilities, pedestrian circulation, sewerage and sanitary facilities, water availability and serviceability, solid waste disposal, fire and emergency medical services and electrical service. The report may summarize the applicable capacity and demand analysis information and recommendations contained within other submission reports and shall:

1. Identify the public facilities, service levels and carrying capacity that exist prior to the submission of the development application;

2. Specifically identify and describe the additional public facilities, service levels and carrying capacity that will be necessary and provided to the PUD and affected areas prior to completion of each phase and/or building within the development necessitating the demand for said facilities, services or capacity;

3. Describe the intended provisions to be made for the timing, location and financing of the public facilities, service levels and carrying capacity that will be needed to adequately support and service the area of the proposed development.

(d) Joint Meeting.

(1) A complete copy of the application shall be forwarded to the Planning Commission and Town Council. The Planning Commission and Town Council shall hold one (1) joint meeting to hear the initial presentation of the application by the applicant. This joint meeting may occur while referral comments are being collected by the staff. It is the intent of this meeting to simultaneously inform the Town Council and Planning Commission as to what is being submitted in the Preliminary Plan application. Following the presentation or at a subsequent regularly scheduled meeting, the Town Council shall
identify the specific components within the application, including project elements, specific areas of the Land Use and Development Code or core issues, that the Planning Commission should focus upon during the course of its review.

(2) The Town Council determination and direction shall occur by adopting a resolution at a regularly scheduled meeting. Thereafter, the Planning Commission and Town Council shall commence conducting their reviews of the application.

(3) The Town Council may determine that some minor PUD applications, due to the reduced scale, negligible potential impacts upon surrounding properties and limited nature or intensity of the proposed development, do not warrant referral to the Planning Commission and shall proceed directly to the Town Council and be processed in accordance with Subsections (h) and (i) below.

(e) Staff Review. Staff review of the application shall be accomplished as specified in Section 16A-5-50, Staff Review of Application. Staff shall then meet with the applicant to provide preliminary comments, discuss issues and concerns, request additional information necessary to adequately evaluate the proposal and make recommendations regarding the application. The applicant will then have the opportunity to amend their application or provide additional information in response to the staff comments. Upon receipt of the requested information and following its review by staff, a complete copy of the requested supplemental application information shall be forwarded to the Planning Commission and Town Council, together with a copy of the completed staff review.

(f) Concurrent Town Council and Planning Commission Review. Following the joint meeting, the Planning Commission and Town Council may begin reviewing the development application in accordance with Subsections (g), (h), (i) and (j) below. The Planning Commission shall direct its review to those areas identified at the joint meeting as components upon which the Town Council wanted detailed recommendations, as well as other components on which the Planning Commission wishes to make recommendations to the Town Council. The Town Council may review the remaining project components until the Planning Commission has concluded its review. The Town Council may request that the Planning Commission forward to the Town Council their recommendations in reasonable segments. In such a case, the Town Council may move forward with their review of those sections of the application which have Planning Commission recommendations.

(g) Planning Commission Public Hearing. Within twenty-one (21) days of the joint meeting, the Planning Commission shall hold a public hearing pursuant to Section 16A-5-70(2) to receive and consider public input regarding those portions of the application upon which Town Council has requested its review and those portions of the application upon which the Planning Commission chooses to make comment. The Planning Commission shall specifically consider those components within the application, including project elements, specific areas of the Land Use and Development Code or core issues, that the Town Council requested that the Planning Commission direct its attention to. It shall consider all relevant materials and testimony. Following closure of the hearing, the Planning Commission shall, by resolution, provide recommendations to the Town Council as described within the joint meeting resolution described in Subsection (d) above as well as any other matters upon which the Planning Commission chooses to comment. Notice that the Planning Commission will hold a public hearing under this Section shall be given by publication, mailing and posting of notice, pursuant to Section 16A-5-60(b), Manner and Timing of Notice.
(h) Public Notice. Public notice that the Town Council will hold a public hearing during the course of its review to receive and consider public input regarding the application shall be given by publication, mailing and posting of notice, pursuant to Section 16A-5-60(b), Manner and Timing of Notice. A complete copy of the application shall be forwarded to the Town Council, together with a copy of the staff review and a copy of the Planning Commission's recommendation when completed.

(i) Town Council Public Hearing. A public hearing shall be conducted during the course of its review pursuant to Section 16A-5-70(2), Conduct of Public Hearing. The Town Council shall consider: all relevant materials and testimony; the Planning Commission's recommendation if and when available; whether the application complies with Section 16A-5-300(c), General Restrictions and Section 16A-5-310, Review Standards; and, as applicable, whether the preliminary plan has responded to the direction given by the Town concerning the sketch plan. Following closure of the hearing, the Town Council shall, by resolution, either approve, approve with conditions or deny the application. If the Town Council approves the preliminary plan, it may require, as a condition of that approval, that the final plan be reviewed by the Planning Commission before it is reviewed by the Town Council. The Planning Commission's review of the final plan shall be accomplished pursuant to Section 16A-5-360(c)(4), Planning Commission Review.

(j) Further Review by the Planning Commission. At any time during its review, the Town Council may request further review by the Planning Commission on any matter of the application. The Town Council may continue to consider the application in accordance with the provisions of this Section while the Planning Commission is given an opportunity to review the supplemental request and make a recommendation thereon, or the Town Council may, at its discretion, table the application until it has received the Planning Commission's supplemental recommendation.

(k) Amendment. If an applicant wishes to amend a submission after a Planning Commission recommendation thereon, such request shall be made in writing and presented to the Town Council during the public hearing. The Town Council shall consider and make a determination as to whether the changes alter the nature of the project from that described in the original submission to such an extent that:

1. The amendment should not be allowed;

2. The amendment should be allowed, but the Planning Commission should have an opportunity to review the amendment and make a recommendation thereon; or

3. The amendment should be allowed, and the application should proceed without additional hearings or consideration thereof. If the amendment is not allowed, the Town Council shall continue to consider the application without the amendment in accordance with the provisions of this Section. If an additional Planning Commission recommendation is to be made, the Town Council may, at its discretion, table the application until it has received the Planning Commission's recommendation on the amendment.

(l) Remand. An application may also be remanded to the Planning Commission when the Town Council determines that the application has otherwise been altered in a significant manner following the Planning Commission's action on the preliminary PUD. The Town Council shall table the application until it has received the Planning Commission's recommendation on the changes.
(m) Effect of Preliminary Plan Approval. Approval of the preliminary plan shall not constitute approval of a PUD or permission to proceed with construction of any aspect of the development. Such action shall only constitute authorization for the applicant to prepare and submit a final PUD, in accordance with the representations made by the applicant and any conditions applied by the Town upon the preliminary plan approval.

(n) Expiration. The applicant shall be required to submit the final plan application within twelve (12) months after the date of preliminary plan approval. Failure to submit the application within this time period shall render the preliminary plan null and void, and require the applicant to submit a new sketch plan for review by the Town. The Town Council may, at its sole discretion and for good cause shown, grant an extension of the deadline to submit a final plan application, provided that the applicant requests such an extension in writing no less than thirty (30) days prior to such lapse and said extension is approved by at least three-quarters (¾) of the Town Council members of the Town Council present and voting.

(Ord. 4-1998 §1; Ord. 15-2000 §1; Ord. 7-2003 §1; Ord. 16-2010 §1)
Sec. 16A-5-360. Final plan.

(a) Purpose. The purpose of final plan review is for the applicant to provide the Town with documentation of how the PUD will comply with all of the representations made during the application process, and will address all issues or concerns raised during that process. This documentation shall include a final development plan, a guarantee of public improvements and covenants, as applicable. The final development plan shall specify the zone district limitations and development regulations that will guide the future development of the property. This may be referred to as the “PUD Guide.”

(b) Final Plan Review Intent and Issues. The questions the Planning Commission (if required) and Town Council should fully resolve during review of the final plan (depending upon the size and complexity of the proposal) include the following:

(1) Response to preliminary plan conditions. Has the applicant provided detailed, sufficient and appropriate responses to each of the conditions identified in the preliminary plan?

(2) Agreements and guarantees. Has the applicant submitted an adequate subdivision improvements agreement and pledge of security to guarantee the performance of any public improvements required by the Town?

(3) Other plans and documents. Has the applicant submitted such other documents (final development plan, final landscaping plan, final grading plan, final utility plan and final architectural plan) that set out the specifications for all relevant features of the development proposal? Has a final version of the homeowner’s association or condominium association documents or covenants been submitted, describing how the association will maintain any common open space?

(c) Final Plan Review. The following procedures shall apply to an application for review of a final PUD plan. These procedures are illustrated in Figure 5-5, Final PUD Application Procedures.

(1) Pre-application conference. Attendance at a pre-application conference is optional, but recommended, prior to submission of an application for final PUD plan review.

(2) Submission of application. The applicant shall submit an application to the Planning Director that contains the following materials:

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

b. Final plat. A final subdivision plat that conforms to the specification of Section 16A-5-430(3), Plat.

c. Other drawings. Final versions of such other drawings as may be required to document the approved final PUD plan, such as the final development plan, final landscaping/grading plan, final architectural plan and final utility plan. The final development plan shall specify the zone district limitations and development regulations that will guide the future development of the property. This may be referred to as the “PUD Guide.”

d. Covenants. A final version of the homeowner’s association or condominium association documents or covenants, as applicable, describing how the association will maintain any common open space.
e. Guarantee of public improvements.

1. Applicant is responsible for public improvements. The applicant shall be responsible for constructing or providing public improvements that are necessary for the development. The applicant shall also be responsible for submitting a guarantee for said improvements, in a form and amount satisfactory to the Town.

2. Required public improvements. Required public improvements include: permanent survey monuments, range points and lot pins; paved streets; curbs, gutters, sidewalks, trails and other pedestrian ways; paved alleys; traffic-control signs, signals or devices; street lights; street name signs in accordance with Town design standards; water lines and fire hydrants; bridges or culverts; storm drainage improvements and storm sewers; sanitary sewers; electrical lines; telephone lines; natural gas lines; and landscaping. In the event that additional improvements or items are required, they shall also be guaranteed in the manner provided below.

3. Subdivision improvements agreement. The guarantee of public improvements shall be in the form of a written subdivision improvements agreement and pledge of security for performance of such agreement. The subdivision improvements agreement shall obligate the applicant to make and install, according to a specific schedule, any improvements required by the Town.

a) Security. The applicant shall secure the faithful and diligent performance of its obligations under such agreement with a pledge of security sufficient to provide a reasonable guaranty of not less than one hundred percent (100%) of the current estimated cost of the improvements described in the agreement, which estimate shall be approved by the Town Engineer.

b) Form of security. The pledge of security may, at the option of the Town, be in the form of a mortgage on real property, cash escrow, security bond, irrevocable letter of credit from a financially responsible lending institution, adequate construction loan commitment on which the Town is permitted to draw, evidence of fully prepaid construction contracts, or any combination of the above satisfactory to the Town; provided that the Town shall have the unconditional and irrevocable right upon default by the applicant to withdraw or acquire funds upon demand to partially or fully complete and/or pay for any improvements. In no case shall the Town be obligated, pursuant to any subdivision improvements agreement, to complete any improvements due to the applicant's default if the security should be determined inadequate.

c) Agreement to repair. The subdivision improvements agreement shall contain language by which the applicant agrees to repair any existing improvements damaged during construction and such other items as the Town Council deems appropriate.

d) Partial release of security. The subdivision improvements agreement may provide for the partial release of security as portions of the improvements are
completed, provided that no such partial or final release shall be
granted until the improvements guaranteed have been inspected and
accepted by the Town Engineer and a report of such inspection and
acceptance is filed with the Planning Director. The Town Council
shall release the amount held for the completed items. The agree-
ment shall make provisions for the Town to retain an appropriate
amount in the event of partial releases.

e) Recording. The agreement and pledge of security shall be re-
corded in the records of the County Clerk and Recorder together with
the final plat.

4. Warranty. The applicant shall warrant the quality, workmanship and
function of all improvements dedicated to the Town, the public or a utility for a
period of two (2) years, or until July 1 of the year during which the second
winter terminates after acceptance by the Town, whichever is greater.

5. Default. In the event of default by the applicant, under the terms of any
subdivision improvement agreement, no building permit or certificate of occu-
pancy shall be issued within the subdivi-
sion until the default is corrected.

f. Landscape Guarantee. The land-
scape guarantee shall be in the form of a
written agreement to ensure implementa-
tion of the landscape plan and mainte-
nance of the landscaping. Such agree-
ment shall include a pledge of security for
performance of said agreement. The agree-
ment shall obligate the applicant to
purchase and install the landscaping
improvements and irrigation according to
the specific planting schedule, landscape
and irrigation plan and to guarantee the
continued maintenance and replacement
of the landscaping for a period of two (2)
years after installation. The amount and
form of the security shall be as described
in Subparagraph 16A-5-360(c)(2)e.3.a)
and b). Such agreement shall provide that
an appropriate amount shall be retained
until the fully completed improvements
have been maintained in a satisfactory
condition for two (2) years.

g. Development Agreement. In con-
nection with any discretionary develop-
ment approval, the Town Council may
enter into a development agreement with
the applicant. Development agreements
are voluntary contracts between the appli-
cant and the Town that may include
provisions clarifying the phasing of con-
struction, the timing, location and
financing of public or private infrastruc-
ture, reimbursement for oversized infra-
structure, vesting of property rights,
assurances that adequate public facilities
(including roads, water, sewer, fire pro-
tection and emergency medical services)
will be available as they are needed to
serve the development and mitigation
impacts of the development on the general
public. Development agreements may,
without limitation, contain the following:

1. Provisions for the reservation or
dedication of land for public purposes;

2. Provision for the timing, loca-
tion and financing of public facilities
(including roads, water, sewer, fire
protection and emergency medical
services);

3. Provision for the timing, location
and maintenance of private on-site
improvements, including landscaping
of common open space, trails and amenities for residents, users or the public;

4. Provisions for the reimbursement of oversized infrastructure or other facilities;

5. Proposed timing and phasing of public and/or private construction;

6. Provisions to mitigate the impacts of the proposed development on the general public or nearby properties, including off-site improvements and the protection of environmentally sensitive lands;

7. Provisions for public benefits or improvements in excess of what is required by current Municipal Code;

8. Terms for subsequent discretionary actions, provided such terms shall not prevent the development of the property for the uses set forth in the agreement;

9. Provisions that construction shall begin by a specified date or that certain phases shall be completed within a specified time;

10. Provisions for the implementation of a reasonable contingency plan to mitigate visual, safety and public welfare impacts resulting from any possible extended interruption of construction as it would affect the community as a whole;

11. Provisions for the vesting of property rights pursuant to Section 16A-5-90 of the this Code;

12. A termination date for the development agreement; and/or

13. Any other provisions appropriate to guide the completion of the development as approved.

(3) Staff review. Staff review of the application shall be accomplished, as specified in Section 16A-5-50, Staff Review of Application. Staff shall then meet with the applicant to provide preliminary comments, discuss issues and concerns, request additional information necessary to adequately evaluate the proposal and make recommendations regarding the application. The applicant will then have the opportunity to amend their application or provide additional information in response to the staff comments. Upon receipt of the requested information, or within ten (10) days of the staff meeting, whichever occurs first, the Planning Commission and/or Town Council meeting(s) shall be scheduled by the Planning Director.

(4) Planning Commission review. If, as a condition of its preliminary plan approval, the Town Council has required that the final plan be reviewed by the Planning Commission, then a complete copy of the application shall be forwarded to the Planning Commission, together with a copy of the staff review. The Planning Commission shall consider: all relevant materials and testimony; whether the application complies with Section 16A-5-300(c), General Restrictions, and Section 16A-5-310, Review Standards; and whether the final plan is consistent with the approved preliminary plan, and shall, by resolution, recommend that the Town Council approve, approve with conditions or deny the application.

(5) Town Council public hearing and action.

a. Public notice and public hearing. The Town Council shall hold a public hearing to consider a major amendment to
an approved PUD, Section 16A-5-390(1c), only. Public notice that the Town Council will consider the application shall be given by publication, posting and mailing of notice, pursuant to Section 16A-5-60(b), Manner and Timing of Notice. The Town Council shall hold a public hearing to consider the application. The public hearing shall be conducted pursuant to Section 16A-5-70(2), Conduct of Public Hearing.

b. 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; whether the application complies with Section 16A-5-300(c), General Restrictions, and Section 16A-5-310, Review Standards; whether the final plan is consistent with the approved preliminary plan; and, when applicable, the Planning Commission’s recommendations, and shall, by ordinance, approve, approve with conditions or deny the application.

(6) Effect of final PUD approval. Approval of the final PUD plan shall confer upon the owner of all or a portion of such property the right to apply for a building permit for development that is consistent with the limitations, restrictions, conditions and parameters set forth in the final PUD plan. Following recording of the final plat, the applicant shall be authorized to convey individual ownership interests. Final PUD plan approval shall remain in effect for a period of up to but not more than three (3) years, unless the time frame is extended by the Town Council.

(7) Recording of final plan. Within ninety (90) days of the date of approval of the final PUD plan, the applicant shall submit three (3) copies of the final plan to the Planning Director, together with any other documents that are to be recorded, at minimum including the site plan together with the PUD Guide or land use summary chart or table. All documents shall be executed and suitable for recording. The final PUD plan, maps and plat shall also be submitted in a digital form acceptable to the Planning Director, for incorporation in the Town’s geographic information system (GIS) and archival storage.

a. Planning Director review. The Planning Director shall review the documents to ensure they comply with the terms and conditions of approval, and shall obtain Town signatures for all of the applicable certificates on the final plan and documents.

b. Recording of final documents. The Planning Director shall thereafter cause the documents to be recorded in the records of the County Clerk and Recorder, at the applicant’s expense.

FIGURE 5-5
FINAL PUD APPLICATION PROCEDURES

PRE-APPLICATION CONFERENCE (OPTIONAL)

SUBMIT APPLICATION

STAFF REVIEW

PLAN. COMM. ACTION (IF REQUIRED)

TOWN COUNCIL ACTION

(Ord. 4-1998 §1; Ord. 11-1999 §3; Ord. 15-2000 §1; Ord. 16-2010 §1)
Sec. 16A-5-380. Enforcement of approved PUD plan.

(a) Provisions run in favor of Town. To further the mutual interests of the residents, occupants and owners of a PUD, and of the public in the preservation of the integrity of the final PUD plan, the provisions of the plan relating to the use of land and the location of common open space shall run in favor of the Town and shall be enforceable at law or in equity by the Town without limitation on any power or regulation otherwise granted by law.

(b) Provisions run in favor of residents. All provisions of the final PUD plan shall run in favor of the residents, occupants and owners of the planned unit development, but only to the extent expressly provided in the plan and in accordance with its terms and, to the extent, said provisions, whether recorded by plat, covenant, easement or owners acting individually, jointly or through an organization designated in the plan to act in their behalf. However, no provisions of the plan shall be implied to exist in favor of residents, occupants and owners except as to those portions which have been finally approved.

(c) Rights to maintain and enforce remain in effect. No modification, removal or release of the provisions of the final plan by the Town, pursuant to the provisions of this Code, shall affect the rights of residents, occupants and owners of the PUD to maintain and enforce those provisions at law or in equity, subject to the limitations contained in the plan and Subsection (b), Provisions Run in Favor of Residents. (Ord. 4-1998 §1; Ord. 15-2000 §1)

Sec. 16A-5-390. Amendment of final PUD.

An applicant may amend an approved final PUD by complying with the following procedures and standards.

(1) Overview of amendment procedures. There are three (3) types of amendments, with corresponding procedures, that an applicant may propose to a PUD. The Planning Director shall determine whether the amendment proposal should be classified as an administrative, major or minor amendment, taking into consideration the totality of the circumstances of the proposed amendment together with the procedures set forth in this Article. The determination of the Planning Director may be immediately appealed by the applicant to the Town Council pursuant to the provisions of Section 16A-5-80, Appeals. The applicable procedures for each type of amendment are as follows:

a. Administrative amendment. An administrative amendment to an approved PUD may be considered pursuant to Section 16A-5-250, Administrative Modifications.

b. Minor amendment. A minor amendment to an approved PUD shall comply with the procedures of Paragraph (2), Procedures for minor amendment of final PUD, and with the standards of Paragraph (3), Review standards.

c. Major amendment. A major amendment that would substantially modify all or a part of an approved PUD, or any amendment to an approved PUD that does not comply with the provisions of Paragraph (3), Review standards, shall require a full PUD process. During the full PUD process, the Town shall determine whether the application complies with the standards of Subsection 16A-5-300(c), General Restrictions, and Section 16A-5-310, Review Standards, and shall also consider (but not be bound by) whether the application complies with the standards of Subsection (3), Review standards.
Art. V, Div. 3, Planned Unit Development

§16A-5-390(2)

(2) Procedures for minor amendment of final PUD.

   a. Pre-application conference. Attendance at a pre-application conference is mandatory prior to submission of an application for a minor amendment to a final PUD.

   b. Submission of application. The applicant shall submit an application to the Planning Director that contains the following materials:

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

      2. Written statement. A written statement describing those elements of the original PUD that are proposed to be modified.

      3. Other information. The applicant shall submit such other written or graphic information as is necessary to describe and evaluate the proposed amendment, such as revised building elevations, or a marked-up copy of the final development plan.

      4. Amendment of PUD approved under prior code. An applicant proposing to amend a PUD approved prior to the effective date of this Development Code shall, as part of the application, propose any other amendments that are necessary to make the PUD conform with the provisions of this Division 3, Planned Unit Development.

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

   d. Action by Planning Commission. A complete copy of the application shall be forwarded to the Planning Commission, together with a copy of the staff review. The Planning Commission shall review the application, considering the standards of Subsection (3), Review Standards, and shall make its recommendations to the Town Council.

   e. Public hearing. Public notice that the Town Council will consider the application shall be given by publication, posting and mailing of notice, pursuant to Section 16A-5-60(b), Manner and Timing of Notice. The Town Council shall hold a public hearing to consider the application. The public hearing shall be conducted pursuant to Section 16A-5-70(2), Conduct of Public Hearing. 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 the standards of Section 16A-5-390(3), Review Standards, and shall, by ordinance, approve, approve with conditions or deny the application.

   f. Recording of amended plan. Within ninety (90) days of the date of approval of the amendment, the applicant shall submit three (3) copies, suitable for recording, of the amended plan to the Planning Director, together with any other documents that are to be recorded at a minimum including the site plan together with the revised PUD Guide or land use summary chart or table. All documents shall be executed and suitable for recording. The Planning Director shall review the documents to ensure that they comply with the terms and conditions of approval, shall obtain Town signatures for all of the
applicable documents and shall record the documents in the records of the County Clerk and Recorder, at the applicant's expense. The final amended plan maps and documents shall also be submitted in a digital form acceptable to the Planning Director, for incorporation in the Town's geographic information system (GIS) and archival storage.

(3) Review standards. An application for a minor amendment to a final PUD shall comply with the following standards:

   a. Consistent with original PUD. The proposed amendment shall be consistent with, or an enhancement of, the original PUD approval.

   b. No substantially adverse impact. The proposed amendment shall not have a substantially adverse effect on the neighborhood surrounding the land where the amendment is proposed, or have a substantially adverse impact on the enjoyment of land abutting upon or across the street from the subject property.

   c. Not change character. The proposed amendment shall not change the basic character of the PUD or surrounding areas.

   d. Comply with other standards. The proposed amendment shall comply with the other applicable standards of this Division 3, Planned Unit Development, including but not limited to Section 16A-5-300(c), General Restrictions, and Section 16A-5-310, Review Standards. (Ord. 4-1998 §1; Ord. 13-1998 §1; Ord. 1-1999 §1; Ord. 6-1999 §1; Ord. 15-2000 §1; Ord. 16-2010 §1)
Division 4. Subdivision Regulations

Sec. 16A-5-400. Applicability.

This Section shall apply to the subdivision of all land in the Town, unless exempted pursuant to Article V, Division 5, Subdivision Exemptions. (Ord. 4-1998 §1; Ord. 15-2000 §1)

Sec. 16A-5-410. General prohibitions.

(a) No land shall be transferred, conveyed, sold or subdivided. No lot or parcel of land, nor any interest therein, shall be transferred, conveyed, sold, subdivided or acquired either in whole or in part, so as to create a new nonconforming use or to avoid, circumvent or subvert any provision of this Section, or the provisions of any final PUD plan.

(b) No lot line shall be altered. No structure shall be constructed, nor building permit issued for a structure, on any parcel of land within a subdivision approved pursuant to this Section except where such structure is to be constructed upon a lot separately designated on the plat of such approved subdivision. The lot lines established in such approved subdivision shall not be altered by conveyance of a part of any lot, nor shall any part of any lot be joined with a part of any other lot for conveyance or construction without approval of the Town Council as a subdivision or subdivision exemption.

(c) No dwelling unit shall be occupied. No dwelling unit shall be occupied or used in violation of any of the provisions of this Section.

(d) Action in event of violation.

(1) Action to enjoin. The Town Council shall have the power to bring an action to enjoin any subdivider from selling or otherwise conveying, before full compliance with the provisions of this Section, any parcel of land or other interest, which activity would constitute a subdivision.

(2) Permits shall not issue. The Building Official shall not issue permits of any kind for the construction of any building or other improvements upon any land for which an approved final plat is required, unless and until the requirements of this Section have been complied with.

(3) Town Council may withdraw approval. The Town Council may withdraw any approval of a plat if and when it is determined that information provided by the subdivider in the application upon which such decision was based is false, materially inaccurate, or the subdivider has failed to comply with the terms of the approval, or with the provisions of Section 16A-5-420(7), Recording of Final Plat. The Town Council shall cause written notice to be served upon the subdivider or his or her agents, directing the subdivider to appear at a certain time and place for a hearing before the Town Council not less than thirty (30) nor more than sixty (60) days after the date of service of such notice. At the hearing, the allegations shall be examined by the Town Council, which shall have the power, upon good cause being shown, to withdraw any previous approval or to require such corrective or additional measures to be taken by the subdivider as are found to be proper. (Ord. 4-1998 §1; Ord. 15-2000 §1)

Sec. 16A-5-420. Procedure.

The following procedures shall apply to a subdivision application. These procedures are illustrated in Figure 5-10, Subdivision Application Procedures.

(1) Pre-application conference. Attendance at a pre-application conference is mandatory prior to submission of a subdivision application.
(2) Submission of application. The applicant shall submit an application to the Planning Director that contains those materials specified in Section 16A-5-430, Application Contents.

(3) Staff review. Staff review of the application shall be accomplished, as specified in Section 16A-5-50, Staff Review of Application. A complete copy of the application shall be forwarded to the Planning Commission, together with a copy of the staff review.

(4) Planning Commission review. The Planning Commission shall consider the application. The Planning Commission shall consider all relevant materials and testimony, and whether the application complies with Section 16A-5-440, Review Standards, and shall recommend to the Town Council that the application either be approved, approved with conditions or denied.

(5) Public notice. Public notice that the Town Council will hold a hearing to consider the application shall be given by publication, mailing and posting of notice, pursuant to Section 16A-5-60(b), Manner and Timing of Notice. A complete copy of the application shall be forwarded to the Town Council, together with the staff review and the Planning Commission recommendation.

(6) Town Council public hearing. The Town Council shall hold a public hearing to consider the application. The public hearing shall be conducted pursuant to Section 16A-5-70(2), Conduct of Public Hearing. The Town Council shall consider all relevant materials and testimony, the Planning Commission's recommendation and whether the application complies with Section 16A-5-440, Review Standards. Following closure of the hearing, the Town Council shall, by resolution, either approve, approve with conditions or deny the application.

(7) Recording of final plat. Within ninety (90) days of the date of approval of the subdivision, the applicant shall submit three (3) Mylar copies of a final plat to the Planning Director. The final plat shall also be submitted in a digital form acceptable to the Planning Department, for incorporation in the Town's geographic information system (GIS).

a. Planning Director review. The Planning Director shall review the final plat to ensure it complies with the terms and conditions of approval, shall obtain signatures for all of the applicable certificates on the plat and shall return the exemption plat to the applicant.

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

(8) Effect of final plat approval. Recording of the final plat shall confer upon the applicant the right to establish individual ownership interests, according to the final plat, within the area defined in said final approval, subject to any conditions imposed as part of the final approval and subject to the provisions of this Development Code, and any other applicable municipal ordinances and regulations.

(9) Consolidation with PUD review. If the application requests both subdivision and planned unit development approval, then in lieu of the above procedures, the subdivision application shall be considered at the same time and following the same procedures as preliminary PUD plan review by the Planning Commission and final PUD plan review by the Town Council.
Sec. 16A-5-430. Application contents.

An application for subdivision shall include the following information:

(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 proposed subdivision.

(3) Plat. A proposed subdivision plat, which shall have accurate dimensions for all lines, angles and curves used to describe boundaries, streets, setbacks, alleys and easements. Areas to be reserved or dedicated for public or common use or other important features shall be shown with appropriate dimensions. All curves shall be circular arcs and shall be defined by the radius, central angle, tangent, arc and chord distances. All dimensions, both linear and angular, are to be determined by an accurate control survey on the field which must balance and close within a limit of one (1) in ten thousand (10,000). The plat shall depict the following information:

a. Lots, blocks and streets. A systematic identification of all lots and blocks and names for all streets.

b. Adjoining subdivisions. Names of all immediately adjoining subdivisions with dotted lines of abutting lots. If adjoining land is unplatted, it shall be shown as such.

c. Public areas and facilities. An identification of the streets, alleys, parks and other public areas or facilities as shown on the plat, and a dedication thereof to the public use, when required. An identification of the easements as shown on the plat and a grant thereof to those persons identified on the plat. Areas reserved for future public acquisition shall also be shown on the plat.
d. Survey description. A written survey description of the area, including the total acreage and a description of areas to be dedicated.

e. Survey monuments. A description of all survey monuments, both found and set, which mark boundaries of the subdivision, and a description of all monuments used in conducting the survey. The Colorado Coordinate System may be used.

f. Surveyor's certificates. A certificate of a registered land surveyor explaining how bearings, if used, were determined. A certificate by the registered land surveyor as to the accuracy of the survey and plat, stating that the survey was performed by him or her in accordance with Title 38, Article 51, C.R.S.

g. Certificate by attorney or title insurer. A certificate by an attorney admitted to practice in the State, or corporate title insurer, that the person or persons dedicating the public rights-of-way, areas or facilities as shown thereon are the owners thereof in fee simple, free and clear of all liens and encumbrances that would adversely affect the intended use of the property to which dedications are made to the public.

h. Town signature blocks. Certificates providing for "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Planning Director and a certificate providing for approval of the plat and acceptance of dedications and easements by the Town Council, with signature by the Mayor and attestation by the Town Clerk.

i. Clerk and Recorder's Certificate. A certificate of recording for the County Clerk and Recorder.

(4) Additional material. The application shall also contain the following material:

a. Engineering plans. Complete engineering plans and specifications for all public improvements on- and off-site, including roads, trails, bridges and storm drainage improvements. Plans and specifications for improvements to be designed and constructed by special districts or utility companies shall not be required.

b. Landscape plan. A detailed landscape plan showing locations, size and type of landscape features and planting schedule.

c. Monument records. Copies of any monument records required of the land surveyor in accordance with Title 38, Article 53, C.R.S.

d. Agreements. Any agreements with utility or ditch companies, when applicable. (Ord. 4-1998 §1; Ord. 15-2000 §1)

Sec. 16A-5-440. Review standards.

The proposed subdivision shall comply with the following review standards.

(1) Consistency with Comprehensive Plan. The proposed subdivision shall be consistent with the intent of the Comprehensive Plan.

(2) Compatibility with surrounding land uses. The proposed subdivision shall be compatible with the character of existing land uses in the area and shall not adversely affect the future development of the surrounding area.

(3) Comply with other applicable provisions. The proposed subdivision shall comply with all other applicable provisions of this
Development Code, including, but not limited to, the applicable standards of Article III, Zone Districts, and Article IV, Development Evaluation Standards.

(4) Suitability for development. The property proposed to be subdivided shall be suitable for development, considering its topography, environmental features and any natural or man-made hazards that may affect its development potential.

(5) Adequate public facilities. The proposed subdivision shall not be approved unless the Town Council determines that public facilities will be adequate to support and service the area of the proposed development or that needed public facilities and services will be made available concurrently to offset the potential impacts of such development. Public facilities and services to be examined will include, but not be limited to: storm drainage; roads and their maintenance; public transportation service and facilities; pedestrian circulation, sewerage and water service; solid waste disposal, fire and emergency medical services; and electrical service. The applicant shall show that:

a. Adequate facilities and carrying capacity exist at the time of development or will be provided to the subdivision and affected areas prior to the issuance of a building permit for any lot or phase of the development necessitating the demand for said facilities or capacity.

b. The subdivision has been located so as to be reasonably convenient in relation to police and fire protection, emergency medical services and schools.

c. The subdivision will accommodate the efficient provision of local and regional transit facilities and services.

(6) Spatial pattern shall be efficient. The proposed subdivision shall be located so as not to create spatial patterns that cause inefficiencies in the delivery of public services, or that require duplication or premature extension of public facilities.

   a. Roads. Any new road developed to serve the proposed subdivision shall be continuous and in alignment with existing platted streets to which the street is to be connected. Where appropriate, new streets shall be planned so that they can create an interconnected Town road network, with provision for adequate road and utility easements. Where cul-de-sacs are incorporated in a subdivision, the applicant is encouraged to provide a trail or similar pedestrian link between them.

   b. Water and sewer lines. Any water or sewer line extension necessary to serve the proposed subdivision shall be consistent with the Snowmass Water and Sanitation District’s service plan and with the Town’s Comprehensive Plan.

(7) Phasing. If the proposed subdivision is to be developed in phases, then each phase shall contain the required streets, utilities, landscaping and other improvements that are necessary and desirable for residents of the project. If the subdivision incorporates any amenities for the benefit of the Town, such as trail connections, these shall be constructed within the first phase of the project, or, if this is not possible, then as early in the project as is reasonable. (Ord. 4-1998 §1; Ord. 15-2000 §1; Ord. 16-2010 §1)

Sec. 16A-5-450. Amendment of final plat.

An applicant may amend an approved final subdivision plat by complying with the following procedures and standards.
(1) Overview of amendment procedures. There are three (3) types of amendments that an applicant may propose to an approved subdivision. The applicable procedures for each type of amendment are as follows:

a. Administrative amendment. An administrative amendment to an approved subdivision may be considered pursuant to Section 16A-5-250, Administrative Modifications.

b. Minor amendment. A minor amendment to an approved subdivision shall comply with the procedures of Subsection (2), Procedures for Minor Amendment of Final Plat, and with the standards of Subsection (3), Review Standards.

c. Major amendment. A major amendment that would substantially modify all or a part of an approved subdivision, or any amendment to an approved subdivision that does not comply with the provisions of Subsection (3), Review Standards, shall require a full subdivision process. During the full subdivision process, the Town shall determine whether the application complies with the standards of Section 16A-5-440, Review Standards, and shall also consider (but not be bound by) whether the application complies with the standards of Subsection (3), Review Standards.

(2) Procedures for minor amendment of final plat.

a. Pre-application conference. Attendance at a pre-application conference is mandatory prior to submission of an application for a minor amendment to a final plat.

b. Submission of application. The applicant shall submit an application to the Planning Director that contains the following materials:

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

2. Written statement. A written statement describing those elements of the original subdivision approval that are proposed to be modified.

3. Other information. The applicant shall submit such other written or graphic information as is necessary to describe and evaluate the proposed amendment, such as a marked-up copy of the final plat.

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

d. Public notice. A complete copy of the application shall be forwarded to the Town Council, together with a copy of the staff review. Public notice that the Town Council will consider the application shall be given by publication, posting and mailing of notice, pursuant to Section 16A-5-60(b), Manner and Timing of Notice.

e. Town Council action. The Town Council shall hold a public hearing to consider the application. The public hearing shall be conducted pursuant to Section 16A-5-70(2), Conduct of Public Hearing. The Town Council shall consider all relevant materials and testimony and the standards in Subsection (3), Review Standards, and shall, by resolution, approve, approve with conditions or deny the application.

f. Recording of amended plat. Within ninety (90) days of the date of approval of the amendment, the applicant shall submit
three (3) Mylar copies, suitable for recording, of the amended plat to the Planning Director, together with any other documents that are to be recorded. The Planning Director shall review the documents to ensure that they comply with the terms and conditions of approval, shall obtain signatures for all of the applicable certificates on the final plan and shall return the documents to the applicant. The applicant shall thereafter cause the documents to be recorded in the records of the County Clerk and Recorder, at the applicant's expense.

(3) Review standards. An application for a minor amendment to a final plat shall comply with the following standards:

a. Consistent with original subdivision. The proposed amendment shall be consistent with or an enhancement of the original subdivision approval.

b. No substantially adverse impact. The proposed amendment shall not have a substantially adverse effect on the neighborhood surrounding the land where the amendment is proposed, or have a substantially adverse impact on the enjoyment of land abutting upon or across the street from the subject property.

c. Not change character. The proposed amendment shall not change the basic character of the subdivision or surrounding areas.

d. Comply with other applicable standards. The proposed amendment shall comply with the applicable standards for review of a subdivision application, as specified in Subsection (3), Review Standards. (Ord. 4-1998 §1; Ord. 1-1999 §1; Ord. 15-2000 §1)

Sec. 16A-5-460. Vacation of recorded plat.

Vacation of a recorded plat, or portion thereof, such as a public right-of-way or a dedicated easement, shall only be approved by the adoption of an ordinance by the Town Council. The following procedures shall apply to an application to vacate a recorded plat or portion thereof:

(1) Pre-application conference. Attendance at a pre-application conference is optional, but recommended, prior to submission of an application to vacate a recorded plat or portion thereof.

(2) Submission of application. The applicant shall submit an application to the Planning Director that contains the minimum contents for any application, as specified in Section 16A-5-40(b), Minimum Contents, together with a copy of the recorded plat, indicating the portions of the plat proposed to be vacated.

(3) Staff review. Staff review of the application shall be accomplished, as specified in Section 16A-5-50, Staff Review of Application. A copy of the staff review shall be forwarded to the Town Council, together with a complete copy of the application.

(4) Town Council action. Town Council action on the proposed vacation shall comply with the Town’s procedures for adoption of an ordinance. The Town Council shall consider the following standards in determining whether to approve, approve with conditions or deny the application:

a. Access to a public road. No roadway shall be vacated so as to leave any adjoining land without a means of access to another public road.

b. Easements. When vacating a public road, the Town may reserve easements for the installation or maintenance of utilities, ditches and similar improvements.
c. Transfers or sales of lots. A subdivision plat may be vacated if none of its lots have been sold or transferred, or if there have been sales or transfers, then if there has been no development on any lots in the subdivision and all of the owners agree to the vacation of the plat.

d. Comprehensive Plan. The proposed vacation shall be consistent with the Comprehensive Plan.

(5) Actions following approval.

a. Documentation. The applicant shall record the documentation of the approved vacation in the office of the County Clerk and Recorder. The documentation shall also be submitted in a digital form acceptable to the Planning Department, for incorporation in the Town's geographic information system (GIS).

b. Quit claim deeds. Whenever the Town shall approve an application vacating a public right-of-way, abutting land owners shall be provided with a quit claim deed for the vacated lands. Each abutting land owner shall be deeded that portion of the vacated right-of-way to which the owner's land is nearest in proximity. (Ord. 4-1998 §1; Ord. 15-2000 §1; Ord. 16-2010 §1)
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.

(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. seg., 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 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. (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