

TOWN OF SNOWMASS VILLAGE

SPECIAL REVIEW FOR AEU APPLICATION

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.

Only those uses designated as a special review use in the underlying zone district in Article 3 of the Snowmass Village Municipal Code (the Code), 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, which approval shall be obtained by repeating the granting procedures herein provided.

GENERAL DATA REQUIREMENTS

Date:

Name of Owner:

Phone:

Address:

Name of Applicant (if different than owner):

Phone:

Address:

Physical Address of Property:

Legal Description:

EXISTING CONDITION INFORMATION

Present Use:

Present Zoning:

Lot Area (sq.ft.):

Allowable Floor Area Ratio per Zoning or PUD Plan:

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

Existing Building Height (if applicable):

of Parking Spaces and Bedrooms (if applicable):

PROPOSAL DATA

(Only fill in those that apply)

Proposed Use(s):

Proposed Building Setbacks:

Proposed Floor Area:

Proposed Building Height:

Other:

DESCRIBE YOUR PROPOSED SPECIAL REVIEW

PROVIDE THE FOLLOWING ADDITIONAL INFORMATION

1. **Name, Address, Telephone Number and Power of Attorney.** The applicant's name, address and telephone number. If the applicant is to be represented by an agent, a letter signed by the applicant granting power of attorney to the agent shall be submitted, authorizing the agent to represent the applicant and stating the representative's name, address and phone number.
2. **Disclosure of Ownership.** A certificate from a title insurance company or attorney licensed in the State which shall set forth the names of all owners of property included in the application and shall include a list of all mortgages, judgments, liens, contracts, easements or agreements of record that affect the property. At the Town's option, the holders or owners of such mortgages, judgments, liens, contracts, easements or agreements of record may be required to consent to the application before it is acted upon by the Town.
3. **Vicinity Map.** An eight and one-half inch by eleven inch (8 1/2" x 11") vicinity map locating the subject parcel within the Town of Snowmass Village.
4. **Site Plan.** A site plan, showing proposed features that are relevant to the special review application.
5. **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.
6. **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.
7. **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.

8. **Base Fee.** The application shall be accompanied by the applicable base fee from the Building and Planning Department's fee schedule. The applicant shall reimburse the Town for such amounts in excess of the base fee as determined by the Planning Director. The reimbursement to the Town by the applicant shall be due and payable within fifteen (15) days of the date of billing.

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

Sec. 16A-3-260. Accessory unit special review standards.

Any AEU requiring special review shall comply with the following standards:

- (1) **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.
- (2) **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.
- (3) **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.
- (4) **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.
- (5) **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.
- (6) **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. 10-2001, §1)

HOW DOES YOUR APPLICATION COMPLY WITH THE REVIEW STANDARDS

1. Community Need:

2. Mass and Scale:

3. Special Circumstances Exist:

4. Location:

5. Visibility:

6. Not Adversely Affect Neighborhood:

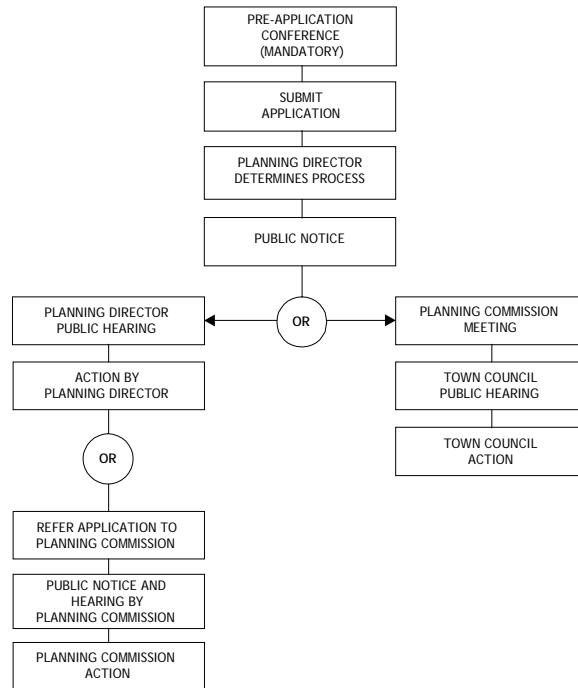
REVIEW PROCEDURE

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

**FIGURE 5-6
SPECIAL REVIEW APPLICATION PROCEDURES**



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.

MANNER AND TIMING OF PUBLIC NOTICE

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 conduct 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 application 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 proposed zone, as established in this Code.
 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 Community Development Department, and the name of the person to whom written comments should be directed prior to the public hearing.
- d. **Posting of notice.** Posting of notice shall be accomplished by the applicant. The applicant shall obtain a copy of the sign from the staff or shall 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)