

*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)

**Sec. 16A-5-210. Amendments to text of
Development Code.**

(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 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:

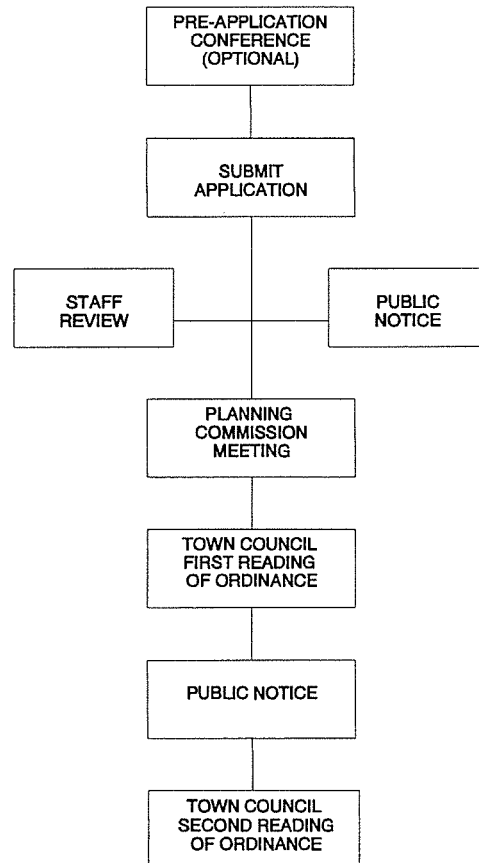
(1) Consistent with purposes. The proposed amendment shall be consistent with the purposes of this Development Code.

(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.

FIGURE 5-2
TEXT OR MAP AMENDMENT PROCEDURES



(Ord. 4-1998 §1; Ord. 1-1999 §1; Ord. 23-1999 §1; Ord. 15-2000 §1)

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 ($\frac{2}{3}$) 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 ($\frac{2}{3}$) 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:

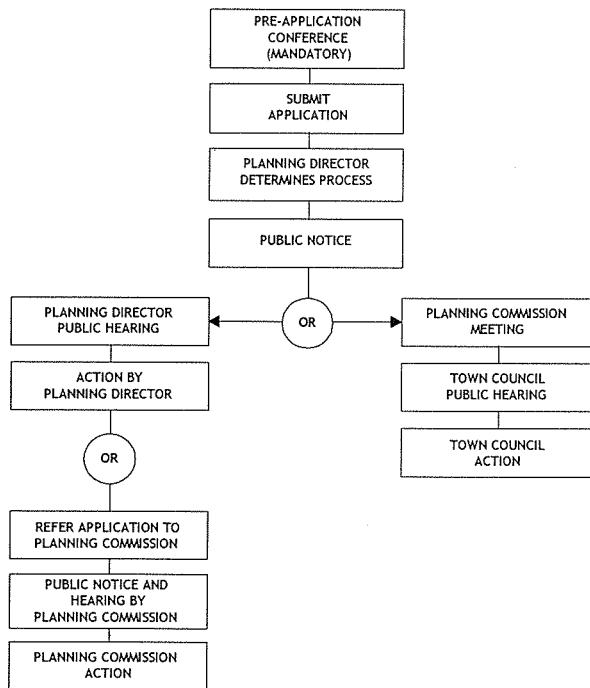
(1) Consistent with Comprehensive Plan. The proposed use shall be consistent with the intent of the Town of Snowmass Village Comprehensive Plan.

(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.

b. Development evaluation standards. The applicable standards specified in Article IV, Development Evaluation Standards.

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



(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.

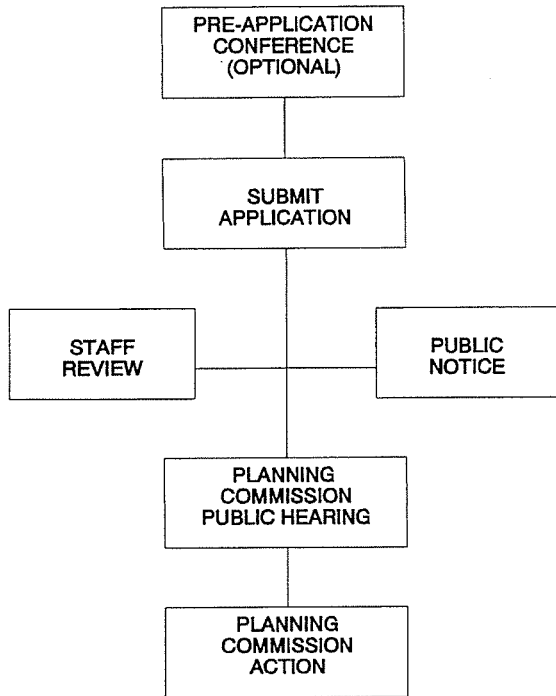
c. Other information. The applicant shall submit such other written or graphic information as is necessary to describe and evaluate the proposed variance, such as proposed building elevations.

(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.

**FIGURE 5-7
VARIANCE APPLICATION PROCEDURES**



(c) Review Standards. An application for a variance shall comply with all of the following standards:

- (1) Special circumstances exist. There are special circumstances or conditions, such as exceptional topography, or the narrowness, shallowness or shape of the property, that are peculiar to the land or building for which the variance is sought, and do not apply generally to land or buildings in the neighborhood;
- (2) Not result of applicant. The special circumstances and conditions have not resulted from any act of the applicant;
- (3) Strict application causes practical difficulties. The special circumstances and

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. Insubstantial 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.

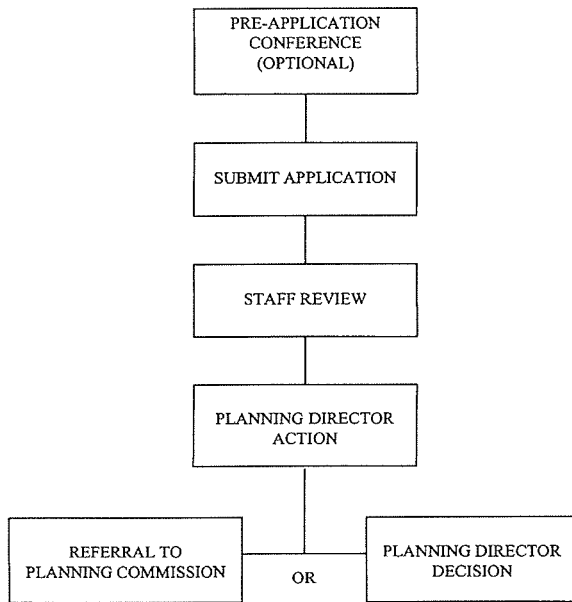
(6) Appeal. A decision by the Planning Director on an administrative modification may be appealed, pursuant to Section 16A-5-80, Appeals. The appeal shall be referred to the Town Council, which shall consider the matter pursuant to Section 16A-5-80(d), Procedure.

(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.

**FIGURE 5-8
ADMINISTRATIVE MODIFICATION
APPLICATION PROCEDURES**



(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.

d. Emergency plans. Provisions and plans for dealing with potential emergency situations.

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.

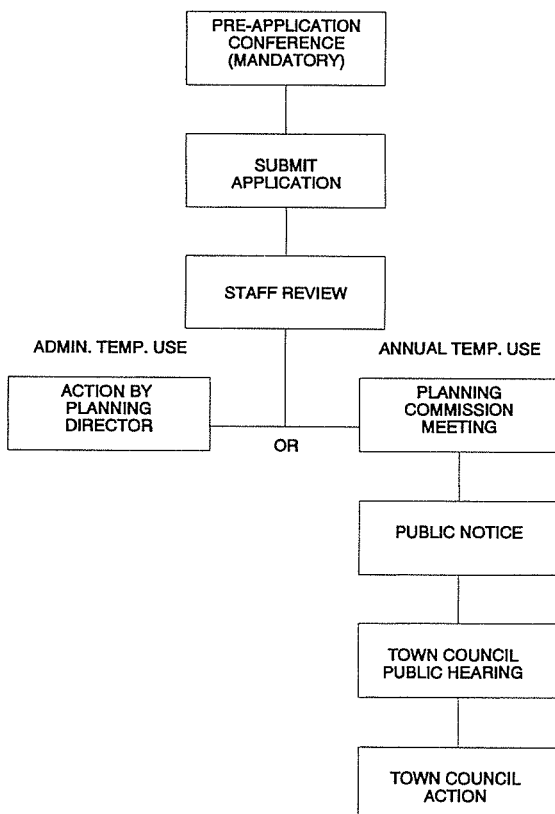
(4) Liquor license. Evidence that a liquor license or any other necessary Town application has been submitted to the Town Clerk, whenever applicable.

(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.

FIGURE 5-11
TEMPORARY USE APPLICATION PROCEDURES



(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 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. 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)