

**TOWN OF SNOWMASS VILLAGE
TOWN COUNCIL**

**ORDINANCE No. 16
SERIES OF 2010**

AN ORDINANCE AMENDING AND RESTATING CERTAIN PROVISIONS OF CHAPTER 16A, LAND USE AND DEVELOPMENT CODE, OF THE TOWN OF SNOWMASS VILLAGE MUNICIPAL CODE.

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

WHEREAS, Chapter 10, Actions and Implementation, of the Comprehensive Plan summarized the actions and implementations intended to implement goals and policies found in the individual Comprehensive Plan chapters; and

WHEREAS, amendments to Chapter 16A of the Snowmass Village Municipal Code ("Municipal Code") are necessary to implement certain action items identified within the Comprehensive Plan; and

WHEREAS, on May 17, 2010, the Town Council directed staff to prepare amendments to Chapter 16A of the Municipal Code as appropriate to implement Items 2, 6 and 8, Built Environment, of Chapter 10 of the Comprehensive Plan; and

WHEREAS, staff has proposed additional amendments to Chapter 16A of the Municipal Code for consideration at this time; and

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

WHEREAS, the Planning Commission reviewed the amendments on August 18 and September 15, 2010; and

WHEREAS, on September 15, 2010, the Planning Commission adopted Resolution No. 6, Series of 2010, unanimously recommending approval of the proposed amendments; and

WHEREAS, the Town Council commenced review of the application on October 4, 2010 and further discussed the item on October 18, 2010; and

WHEREAS, the public hearing notice was published in the Snowmass Sun on September 22, 2010 for the Town Council meeting on October 18, 2010 to consider Town staff and Planning Commission recommendations and receive public comments; and

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

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

Section One: Amendments to Chapter 16A. The provisions of Chapter 16A of the Municipal Code are hereby amended and restated as set forth in Exhibit "A", attached hereto and incorporated herein by reference.

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

READ, APPROVED AND ADOPTED by the Town Council of the Town of Snowmass Village on First Reading on October 4, 2010 upon a motion by Council Member Mordkin, the second of Council Member Lewis, and upon a vote of 5 in favor and 0 opposed.

READ, APPROVED AND ADOPTED by the Town Council of the Town of Snowmass Village on Second Reading on October 18, 2010 upon a motion by Council Member Lewis, the second of Council Member Mordkin, and upon a vote of 5 in favor and 0 opposed.

TOWN OF SNOWMASS VILLAGE



Bill Boineau, Mayor

ATTEST:



Rhonda B. Coxon, Town Clerk

APPROVED AS TO FORM:



John C. Dresser, Jr., Town Attorney

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Amendments to Chapter 16A Town of Snowmass Village Municipal Code

The provisions of Chapter 16A of the Town of Snowmass Village Municipal Code are hereby amended and restated as follows:

1. **That all references to "Community Development Department" be amended to read "Planning Department".**
2. **That Section 16A-2-20, Definitions, be amended as follows:**
 - a. The following definition be added:

Hardscape means that part of a of a parcel's ground surface consisting of structures, such as plazas, patios, driveways and parking areas made with hard impervious materials.
 - b. The definition of "Open Space" be amended to read:

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.
3. **That the first paragraph of Section 16A-4-310(c), Reduction of Required Parking, is hereby amended and restated as follows:**
 - (c) Reduction of Required Parking. Parking may be proposed to be reduced by one or more of the following options:
4. **That Section 16A-5-50(a)(2), Complete application, is hereby amended and restated as follows:**
 - (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.
5. **That Table 5-2, Timing of required public notices, is hereby amended and restated as follows: (See Next Page)**

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**TABLE 5-2
TIMING OF REQUIRED PUBLIC NOTICES**

Application Type	Days Prior To Hearing That Public Notice Must Be Given		
	Published	Mailed	Posted
Amendment to Comprehensive Plan	30	No	No
Interpretation	No	No	No
Amendment to Text of Development Code	15	No	No
Amendment to Official Zone District Map	15	15	15
PUD Sketch Plan (Planning Commission)	10 ¹	No	No
PUD Sketch Plan (Town Council)	10	10	10
PUD Preliminary Plan	30	30	15
PUD Final Plan	No	No	No
PUD Amendment	15	30 (Major) 15 (Minor)	15
Special Review	15	15	15
Variance	30	30	15
Administrative Modification	No	15 ²	No
Subdivision Exemption	No	No	No
Subdivision	30	30	15
Subdivision Amendment	15	15	15
Annual Temporary Use	15	No	15
Administrative Temporary Use	No	No	No
Comprehensive Sign Plan	15	15	No

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.

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- 6. That the first paragraph of Section 16A-5-60(b)(3), Posting of notice, is hereby amended and restated as follows:**

(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.

- 7. That Section 16A-5-70(3), Amendment, is hereby added and shall be inserted to proceed Section 16A-5-70(3), Action, as follows:**

(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.

Current Section 16A-5-70(3), Action, through Section 16A-5-70(5), Inactive applications, shall be renumbered accordingly.

- 8. That the wording “shall submit a complete package of the requested materials to the Planning Director at least seven (7) days prior to the next scheduled meeting of that board.” in Section 16A-5-300(b)(3)b., Requests for additional information, is hereby amended and restated as follows: “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.”**
- 9. That Section 16A-5-300(c)(10), Adequate Public Facilities, is hereby added as follows:**

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(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.

10. That Section 16A-5-310(7), Adequate facilities, is hereby stricken and subsequent review standards are renumbered accordingly.

11. That renumbered Section 16A-5-310(8), Phasing, is hereby amended to read as follows:

(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.

12. That Section 16A-5-310(9), Construction Interruptions, is hereby added and shall be inserted to follow renumbered Section 16A-5-310(8), Phasing, to read as follows:

(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.

13. That Section 16A-5-340(b)(10), Necessary facilities, is hereby is hereby amended and restated as follows:

(10) Necessary facilities. Has the applicant provided detailed engineering plans and reports demonstrating the type, location and capacity of the water supply, sewage dis-

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posal, 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?

14. That Section 16A-5-340(b)(11), Pace and phasing, is hereby added and shall be inserted to follow Section 16A-5-70(b)(10), Necessary facilities, to read as follows:

(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?

Current Section 16A-5-340(b)(11), Restricted housing, through Section 16A-5-340(b)(16), Community welfare, shall be renumbered accordingly.

15. That Section 16A-5-340(c)(2)e.3., Block model, is hereby amended and restated as follows:

3. Block model. A block model illustrating the cubic volume and design of the above-ground 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.

16. That Section 16A-5-340(c)(2)e.4., Color and materials, is hereby added to read as follows:

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.

17. That the wording "as provided to the applicant prior to the submission." " in Section 16A-5-340(c)(2)g., Fiscal impact report, is hereby amended and restated as

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follows: “as provided to the applicant by the Planning Department prior to the submission.”

18. That Section 16A-5-340(c)(2)m., Water supply and sewage disposal, is hereby amended and restated as follows:

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.

19. That Section 16A-5-340(c)(2)o.4., Anticipated ridership, is hereby amended with the addition of: “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.”

20. That Section 16A-5-340(c)(2)t., Construction management plan, is hereby amended and restated as follows:

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.

21. That Section 16A-5-340(c)(2)u., Adequate Public Facilities Report, is hereby added hereby added to read as follows:

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:

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a. Identify the public facilities, service levels and carrying capacity that exist prior to the submission of the development application;

b. 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;

c. 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

22. That the wording "Within ten (10) days of the joint meeting, the Planning Commission shall hold a public hearing pursuant to Section 16A-5-70(2)..." in Section 16A-5-340(g), Planning Commission Public Hearing, is hereby amended and restated as follows: "Within twenty-one (21) days of the joint meeting, the Planning Commission shall hold a public hearing pursuant to Section 16A-5-70(2)..."

23. That Section 16A-5-360(c)(2)f., Landscape guarantee, is hereby added to read as follows:

f. Landscape guarantee. The landscape guarantee shall be in the form of a written agreement to ensure implementation of the landscape plan and maintenance of the landscaping. Such agreement shall include a pledge of security for performance of said agreement. The agreement 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 Section 16A-5-360(c)(2)(e), Subparagraphs 3a) and 3b).

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.

24. That Section 16A-5-360(c)(2)g., Development Agreement, is hereby added to read as follows:

g. Development Agreement. In connection with any discretionary development approval, the Town Council may enter into a development agreement with the applicant. Development agreements are voluntary contracts between the applicant and the Town that may include provisions clarifying the phasing of construction; the timing, location, and financing of public or private infrastructure; reimbursement for oversized infrastructure; vesting of property rights; assurances that adequate public facilities (including roads, water, sewer, fire protection, and emergency medical services) will be available as they are needed to serve the development; and mitigation of impacts of the development on the general public.

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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, location, 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 Municipal 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.

25. That Section 16A-5-360(c)(7), Recording of final plan, is hereby amended to read as follows:

- (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

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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, 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.

26. That Section 16A-5-390(1), Amendment of final PUD is hereby amended to read as follows:

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 and standards 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 Subsection (2), Procedures for Minor Amendment of Final PUD, 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 PUD, or any amendment to an approved PUD that does not comply with the provisions of Subsection (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 Section 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.

27. That Section 16A-5-390(2)f., Recording of amended plan, is hereby amended to read as follows:

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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 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.

28. That Section 16A-5-440(5), Adequate facilities, is hereby amended to read as follows:

(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.