



AGENDA

Planning Commission Meeting

Wednesday, August 28, 2024

Town Hall / Council Chambers - 302 Pine St Minturn, CO

The agenda is subject to change, including the addition of items 24 hours in advance or the deletion of items at any time. The order of agenda items listed are approximate.

This agenda and meetings can be viewed at www.minturn.org.

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION:

This will be an in-person meeting with access for the public to attend in person or via the Zoom link included. Zoom Link: <https://us02web.zoom.us/j/81040253148>

Zoom Call-In Information: 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 810 4025 3148

Please note: All virtual participants are muted. In order to be called upon an unmuted, you will need to use the “raise hand” feature in the Zoom platform. When it’s your turn to speak, the moderator will unmute your line and you will have five (5) minutes for public comment.

Public Comments: If you are unable to attend, public comments regarding any items on the agenda can be submitted to Madison Harris, Planner 1, prior to the meeting and will be included as part of the record.

- 1. CALL TO ORDER - 5:30 PM**
- 2. ROLL CALL AND PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF REGULAR AGENDA**
Opportunity for amendment or deletions to the agenda.
- 4. APPROVAL OF MINUTES**
[A.](#) August 14, 2024
- 5. DECLARATION OF CONFLICTS OF INTEREST**
- 6. PUBLIC COMMENT**

Citizens are invited to comment on any item not on the regular Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person unless arrangements have been made

for a presentation with the Town Planner. Those who are speaking are requested to state their name and address for the record.

7. SPECIAL PRESENTATIONS

Presentations are limited to 5 minutes unless prior arrangements are made with the Town Planner.

8. DESIGN REVIEW AND LAND USE PUBLIC HEARINGS

A. 161 Main Street and 161 Nelson Avenue - Variance Request for Relief from Rear Setback

B. Ordinance TBD - Series 2024 An Ordinance Amending Chapter 16 - Zoning and Chapter 19 - Historic Preservation of the MMC

9. DISCUSSION / DIRECTION ITEMS

A. Minturn Forward: Draft Article 5 - Land Use Application Requirements & Procedures

10. STAFF REPORTS

A. Manager's Report

B. Planning Department Update

11. PLANNING COMMISSION COMMENTS

12. FUTURE MEETINGS

A. September 11, 2024

B. September 25, 2024

13. ADJOURN



OFFICIAL MINUTES Planning Commission Meeting

Wednesday, August 14, 2024

Town Hall / Council Chambers - 302 Pine St Minturn, CO

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MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION:

This will be an in-person meeting with access for the public to attend in person or via the Zoom link included. Zoom Link: <https://us02web.zoom.us/j/85787325771>

Zoom Call-In Information: 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 857 8732 5771

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Public Comments: If you are unable to attend, public comments regarding any items on the agenda can be submitted to Madison Harris, Planner 1, prior to the meeting and will be included as part of the record.

1. CALL TO ORDER - 5:30 PM

Lynn Teach called the meeting to order at 5:30 p.m.

2. ROLL CALL AND PLEDGE OF ALLEGIANCE

Those present at roll call: Planning Commission Chair Lynn Teach, and Planning Commission Members Jeff Armistead, Michael Boyd, Eric Rippeth, and Darell Wegert.

Staff members present: Planning Director Scot Hunn and Planner I Madison Harris.

Note: Amanda Mire is excused absent.

3. APPROVAL OF REGULAR AGENDA

Opportunity for amendment or deletions to the agenda.

Motion by Jeff A., second by Eric R., to approve the agenda as presented. Motion passed 5-0.

Note: Amanda M. is excused absent.

4. APPROVAL OF MINUTES

A. July 24, 2024

Motion by Darell W., second by Michael B., to approve the minutes of July 24, 2024 as presented. Motion passed 5-0.

Note: Amanda M. is excused absent.

5. DECLARATION OF CONFLICTS OF INTEREST

No conflicts of interest

6. PUBLIC COMMENT

Citizens are invited to comment on any item not on the regular Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person unless arrangements have been made for a presentation with the Town Planner. Those who are speaking are requested to state their name and address for the record.

No public comment.

7. SPECIAL PRESENTATIONS

Presentations are limited to 5 minutes unless prior arrangements are made with the Town Planner.

8. DESIGN REVIEW AND LAND USE PUBLIC HEARINGS**A. 0017 Miles End Lane - New Single Family Residence**

Note: Amanda M. arrived at 5:32 pm.

Madison H. introduced the agenda item. This is a three-bedroom, 3,429 square foot single family home measured to the midpoint of the roof at 25 feet 11 and 7/8 inches under the 28 foot height limit. Parking is adequate, with four off-street spaces, two of which are provided in the garage which is allowed per the approved PUD Guide. All setbacks are respected and the proposal is under the allowable lot and impervious coverage limitations. They have more snow storage than is required by the code at 407 square feet. Staff has identified no issues and recommends approval of the plans.

Public comment opened.

No public comment.

Public comment closed.

Motion by Michael B., second by Darell W., to approve 0017 Miles End Lane – New Single Family Residence as presented. Motion passed 5-0.

Note: Eric R. is attending in his status as an alternate.

B. 0031 Miles End Lane - New Single Family Residence

Madison H. introduced the agenda item. This is a four-bedroom, 4,356 square foot single family home measured to the midpoint of the roof at 27 feet 4 and 5/8 inches under the 28 foot height limit. Parking is adequate, with four off-street spaces, two of which are provided in the garage which is allowed per the approved PUD Guide. All setbacks are respected and the proposal is under the allowable lot and impervious coverage limitations. They have more snow storage than is required by the code at 445 square feet. Staff has identified no issues and recommends approval of the plans.

Public comment opened.

No public comment.

Public comment closed.

Motion by Michael B., second by Darell W., to approve 0031 Miles End Lane – New Single Family Residence as presented. Motion passed 5-0.

Note: Eric R. is attending in his status as an alternate.

C. 0171 Miles End Lane - New Single Family Residence

Madison H. introduced the agenda item. This is a four-bedroom, 3,708 square foot single family home measured to the midpoint of the roof at 27 feet 3 and 1/2 inches under the 28 foot

height limit. Parking is adequate, with four off-street spaces, two of which are provided in the garage which is allowed per the approved PUD Guide. All setbacks are respected and the proposal is under the allowable lot and impervious coverage limitations. They have more snow storage than is required by the code at 383 square feet. Staff has identified no issues and recommends approval of the plans.

Public comment opened.

No public comment.

Public comment closed.

Motion by Darell W., second by Amanda M., to approve 0171 Miles End Lane – New Single Family Residence as presented. Motion passed 5-0.

Note: Eric R. is attending in his status as an alternate.

D. 0176 Miles End Lane - New Single Family Residence

Madison H. introduced the agenda item. This is a four-bedroom, 3,560 square foot single family home measured to the midpoint of the roof at 27 feet 11 and 1/2 inches under the 28 foot height limit. Parking is adequate, with four off-street spaces, two of which are provided in the garage which is allowed per the approved PUD Guide. All setbacks are respected and the proposal is under the allowable lot and impervious coverage limitations. They have more snow storage than is required by the code at 402 square feet. Staff has identified no issues and recommends approval of the plans.

Public comment opened.

No public comment.

Public comment closed.

Motion by Eric R., second by Amanda M., to approve 0176 Miles End Lane – New Single Family Residence as presented. Motion passed 5-0.

Note: Eric R. is attending in his status as an alternate.

E. 0201 Miles End Lane - New Single Family Residence

Madison H. introduced the agenda item. This is a four-bedroom, 3,736 square foot single family home measured to the midpoint of the roof at 27 feet and 1/8 inches under the 28 foot height limit. Parking is adequate, with four off-street spaces, two of which are provided in the garage which is allowed per the approved PUD Guide. All setbacks are respected and the proposal is under the allowable lot and impervious coverage limitations. They have more snow storage than is required by the code at 365 square feet. Staff has identified no issues and recommends approval of the plans.

Darell W. asked for an update on the wood mulch under the decks

- Mr. Eggers said that currently that is what is proposed because there's no restrictions, and they are looking into changing it but there might be costs prohibiting.

Amanda M. asked if the exterior firepit is gas.

- Mr. Eggers said that it is.

Scot H. gave an update on Wildland Urban Interface.

- Mr. Eggers said that Eagle County has a good basis to pull from.

Public comment opened.

No public comment.

Public comment closed.

Motion by Amanda M., second by Jeff A., to approve 0201 Miles End Lane – New Single Family Residence as presented. Motion passed 5-0.

Note: Eric R. is attending in his status as an alternate.

- F. Ordinance TBD - Series 2024 An Ordinance Amending Chapter 16, Article 17 of the Minturn Municipal Code Regarding Lighting Standards**
 Scot H. introduced the agenda item. Ordinance No. TBD, Series 2024 is being presented to the Planning Commission as an amendment to the Town's existing exterior lighting regulations, Section 16-17-180 – *Exterior illumination standards*. Section 16-17-180(f) includes "exemptions" from the Town's exterior lighting standards (which otherwise prohibit uplighting) for things like illumination of the United States Flag; for holiday or ornamental lighting; and for lighting associated with Town of Minturn events. The Town recently conducted a town survey wherein respondents expressed support for certain Town led initiatives such as seasonal, aesthetic lighting of the Minturn Water Tank, a historically designated and iconic structure within the Town. For these reasons, the Town desires to provide professionally designed lighting of the water tank for seasonal celebrations and events. Therefore, the proposed amendments to the lighting standards aim to clarify that, in addition to Town events, exemptions that may be granted to the Town of Minturn include lighting for "displays." Such exemptions would be allowable or granted on a "seasonal" or "periodic" basis. The proposed expansion of the exemption provisions will allow the Town the flexibility to illuminate the water tank on a seasonal, periodic basis for public purposes related to and in conformance with the tank's historic designation; to enhance community character and celebrate those things that "keep Minturn, Minturn;" for economic development; and to promote the general health, safety, and welfare of the Town.

Lynn T. asked if there would be a timer on the water tank lighting.

Amanda M. asked if we've consulted with USFS/CPW on how this might affect the wildlife.

Public comment opened.

No public comment.

Public comment closed.

Motion by Michael B., second by Darell W., to forward a recommendation of approval to the Town Council of Ordinance TBD - Series 2024 An Ordinance Amending Chapter 16, Article 17 of the Minturn Municipal Code Regarding Lighting Standards. Motion passed 5-0.

Note: Eric R. is attending in his status as an alternate.

9. DISCUSSION / DIRECTION ITEMS

- A. Minturn Forward: Draft Article 5 - Land Use Application Requirements & Procedures**
 Scot H. and Matt Farrar, Western Consulting went through the changes proposed to the Land Use Application Requirements and Procedures. The goal is to create a standard way for how to accept and review applications in easy to understand language.
- Sec. 16-5-10: General Provisions
 - Amanda M. questioned if there is any scenario where an application would not be made public.
 - Scot H. does not believe so, but will check with Mike Sawyer.
 - Amanda M. asked if we keep things private even though the applicant might be advertising it.
 - Scot H. said this is to protect the process and the applicant.
 - Amanda M. made the comment that she's unsure about the written record, wants to ensure that it encompasses electronic delivery.
 - Michael B. would like to ensure that the Town Engineer's comments are more addressed before they get to Planning Commission.

- Mr. Farrar said that we can add additional items within reason to ensure that everyone is getting the information they need to make an informed decision
 - Lynn T. asked if we would be going through the definitions soon.
 - Mr. Farrar said that we would be going through the definitions last so that the update can address definitions all at once. We can work on pulling together a copy of the existing definitions for the Planning Commission.
- Sec. 16-5-20: Land Use Application Types & Review Procedures
 - Amanda M. asked what had changed between the code assessment table and this table. She also asked about the “Agreement to Pay Review Costs” section. She asked about the requirement for “preliminary environmental assessment” as a minimum content of application.
 - Jeff A. also has concerns about the “list of mineral estate owners and lessees” so that it doesn’t run afoul of the state statute.
 - Lynn T. asked why public notice has been shrunk from 250 ft to 100 ft.
- Sec. 16-5-30: Public Notice Requirements
 - Jeff A. pointed out the discrepancy of C(2) still says 250 feet.
 - Lynn T. asked for clarification on the posting requirements for town initiated rezonings. Would like to suggest that mailing notices be required.
 - Eric R. suggested that if there are no properties within 100 feet that they go out to the nearest property.
 - Amanda M. would like to add public notice requirements for Minor PUD Amendments.
- Sec. 16-5-40: Public Hearing Requirements
 - Jeff A. suggested referencing that there is a policy in Section B.
 - Amanda M. asked if the applicant is responsible for public notice, then how do we handle the request to receive notice of public hearings.
 - Mr. Farrar said that this is a general statement that encourages people to sign up to the Town’s eblast.
 - Amanda M. recommended that we clarify this language.
- Sec. 16-5-50: Code Amendment
 - Michael B. asked for an example of the waiver of application submittal requirements.
 - Mr. Farrar said that if a code amendment doesn’t affect the environment, then the Planner could waive the environmental assessment.
 - Amanda M. recommends in D(3) that the authorized waiver be put in writing.
- Sec. 16-5-60: Conditional Use
 - Jeff A. clarified that conditional uses can have time limits on them.
 - Michael B. clarified what C(1)(d)(ii) means.
 - Lynn T. asked about the allowance of sub-leasing.
 - Scot H. recommended that we look into an abandonment clause.
 - Amanda M. said that in D(3)(a) it should be specified “in writing”.

Note: 5 minute recess called at 7:50 pm.

- Sec. 16-5-70: Design Review
 - Jeff A. would like a definition for what is not major construction.
 - Mr. Farrar said that anything that doesn’t meet the definition for major construction, then it goes through the minor design review process.
 - Scot H. said that we should add the clause that Council can call up DRB decisions.
 - Amanda M. would like the definition of major construction tightened up.

- Michael B. would like flag the building height definition to discuss in the future.
 - Lynn T.: D(2)(a) ensured that it was written right.
- Sec. 16-5-80: Minor Design Review
 - Amanda M. said that Planning Commission should be able to call up staff decisions like Council can Planning Commission decisions.
- Sec. 16-5-90: Limited Review Use
 - Jeff A. asked for examples of limited uses.
- Sec. 16-5-100: Rezoning (Amendment to Zoning Map)
 - Jeff A. and Lynn T. would like to have something additional to public notice for Town initiated comprehensive rezonings
- Sec. 16-5-110: Temporary Use
 - Amanda M. clarified special event vs. temporary use.
 - Mr. Farrar suggested clarifying that special events are not temporary uses.
- Sec. 16-5-120: Zoning Variance
 - Jeff A. votes that Planning Commission still weigh in on variances as well as Town Council.
 - Michael B. agrees with Jeff A.
 - Lynn T. agrees with Jeff A. and Michael B.
 - Eric R. and Amanda M. agree.
 - Scot H. responded that staff is recommending this because it's a more streamlined, predictable process. However, we don't deal with that many variances so it might not be that big a deal.
 - Jeff A. wants to make sure that someone isn't getting denied a hearing based on the application not meeting the review criteria.
 - Lynn T. would like to clarify hardship, maybe add a due diligence comment.
 - Amanda M. questioned whether this should be tied to a DRB application.

10. STAFF REPORTS

A. Manager's Report

Bulb Outs

Temporary bollards will be installed in the coming weeks as part of the bulb out program to increase line of sight for pedestrians and vehicles utilizing side streets adjoining Main Street. Bulb outs were recommended in the Imagine Minturn Community Plan and have been requested by multiple residents. With this effort comes change, which has not been supported by all. There are some businesses on Main Street who have expressed concern about the loss of parking and the inability of customers to find parking, hence, not utilizing their establishments. As was stated when the program began, this is a temporary measure that will be reviewed by Council for considering the benefits vs drawbacks and addressed accordingly.

Community Events

With the results of the Community Survey, staff has reevaluated the community events to ensure the events being offered by the town are in alignment with the interests of the community. A brief survey was published to seek resident feedback on desired new community events. Included is a summary of the survey results. With Council's support and given the short turnaround for a "fall harvest" type event, staff looks to support Minturn's local businesses in scheduling a few "First Friday" events for the community.

Safe Streets 4 All (SS4A)

Staff are preparing for the kickoff meeting of the Safe Streets for All planning grant. All contracts and paperwork have been signed and residents have volunteered to take part in the initial stakeholder group. More to come.

Railroad Avenue Pedestrian Improvements

The initial Public Utilities Commission application has been submitted for review to allow for pedestrian access over the (already paved) railroad at Railroad Avenue and Taylor St. Once approved by the PUC, staff will put the project out to RFP and come before Council for contract approval before work can begin, hopefully later this fall.

11. PLANNING COMMISSION COMMENTS

Amanda M. questioned if we are still meeting at 5:30 pm.

Jeff A. invited everyone to see the last summer concert tomorrow.

12. FUTURE MEETINGS

A. August 28, 2024

B. September 11, 2024

a. Darell W. will not be here.

13. ADJOURN

Motion by Jeff A., second by Michael B., to adjourn the regular meeting of August 14, 2024 at 9:08 p.m. Motion passed 5-0.

Note: Eric R. is attending in his status as an alternate.

Lynn Teach, Commission Chair

ATTEST:

Scot Hunn, Planning Director

Minturn Planning Department
Minturn Town Center
302 Pine Street
Minturn, Colorado 81645



Minturn Planning Commission
Chair – Lynn Teach
Jeff Armistead
Michael Boyd
Amanda Mire
Eric Rippeth
Darell Wegert

Design Review Board Hearing

Eagle River Whisky Variance Request 161 Main Street and 161 Nelson Avenue

Hearing Date:	August 28, 2024
File Name and Process:	Eagle River Whisky Variance Request
Owner/Applicant:	Spence & Stefanie Neubauer
Representative:	Robert D Creasy Architecture
Legal Description:	Mackedon & Rathburns Block C Lot 1 and Part of Lot 2
Address:	161 Main Street and 161 Nelson Avenue
Zoning:	Old Town Character Area – 100 Block A Zone District
Staff Member:	Madison Harris, Planner I Scot Hunn, Planning Director
Recommendation:	Approval

Staff Report

I. Summary of Request:

The Applicants, Spence and Stefanie Neubauer, request review of a request for relief from the thirty foot (30’) rear setback at 161 Main Street and 161 Nelson Avenue in the Old Town 100 Block A Zone District. The Applicant’s Representative Robert Creasy has been proactive in meeting with Town staff prior to submitting the variance request.

Background

The 100-Block Design Guidelines within Appendix B of Chapter 16 were adopted in 2023. At that time, the purpose and intent of requiring the rear setbacks along Eagle and Williams streets was to ensure the provision of parking for residential uses (in mixed use buildings) and, in the case of Williams Street, to create the physical conditions necessary to promote a “Woonerf” concept which allows for vehicular and pedestrian use within the same travel corridor.

Since adoption, the Guidelines – specifically the rear yard setback requirement – have not been implemented as there have been no new building or major redevelopment proposals. Additionally, staff suggest that upon adoption, the rear yard setback requirement did not contemplate 100 percent commercial use (parking requirements for commercial uses were eliminated at the time the Guidelines were adopted to incentivize commercial, sales tax generating uses). Rather, the intent of the generous rear setbacks along Eagle and Williams Street - 25 to 30 feet - captured a concern by the Planning Commission and Town Council that adequate parking for residential purposes, along with adequate maneuverability space be provided along these corridors.

Appendix B, Section 4, Site Design Policy SD.1 (D-E) and Site Design Policy SD.5 (A, C, and D) of the Minturn Municipal Code (MMC) is applicable with regard to improvements within the rear setback:

SD.1 Street Design

- D. Williams Street and Eagle River Street shall be designed as a "woonerf"—or shared streets—including a fifteen-foot clear public right-of-way that is shared between vehicles and pedestrians.*
- E. Setbacks along Williams and Eagle River Street shall be designed to contribute to the placemaking of the street. The area may be used for parking or activation of the street with uses like outdoor dining or patio space.*

SD.5 Parking/Loading

- A. Parking shall not be accessed from Main Street and shall be set back a minimum of forty (40) feet from Main Street. Parking shall be accessed from Nelson, Toledo, Williams, or Eagle River Streets.*
- C. Parking shall be provided along Williams and/or Eagle River Streets within the required building setback area in 100 Block: A. Along Williams (north of Nelson) and Eagle River Streets, a twenty-foot space shall be provided for thirty-degree parking access. Along Williams (south of Nelson) a twenty-three-foot space shall be provided for ninety-degree parking access.*
- D. Parking shall be marked as private parking and dedicated to residential uses, if applicable. If no residential uses are provided on-site, parking shall be provided for commercial uses.*

As referenced in the code sections above, the only apparent improvements permitted within the rear setback area are parking or activation of the street with uses like outdoor dining or patio space. Staff does not believe the MMC contemplates situations such as the one presented at the Eagle River Whisky lots where 1) the proposed use is 100% commercial, 2) there may be a valid need for an expanded first floor area due to federal regulations, and 3) an inability to utilize the full capacity for building height and massing due to those federal regulations.

Per the application's Letter of Intent it states:

“Because of the weight of equipment and full barrels of whisky, the distillery requires a maximum ground floor area in order to be a viable business, but the building does not need

multiple stories, nor the height & massing allowed by current codes for this lot. Our variance request stems from the excessive rear lot set back that current zoning places on this lot... Existing code allows for upper floor balconies to extend up to 10' into the rear setback (similar to our 20' "second" story setback) and it allows for an open terrace up to 48" tall to extend all the way to within 5' of the rear property line which would crowd the Williams St ROW...By stepping the height of our proposed rear setbacks, we bring the building down to a more human scale and increase the access to light and air at the street level. Additionally, by reducing the paved area of parking along Williams Street from over 70' to less than 50' wide, we more successfully create the "woonerf" ambiance that the town's Design Framework Principals envisioned for William's Street where pedestrians share the street with vehicles within an animated street scape."

Proposed Plans

Staff has been working with the Applicant and their architect for several months on potential plans for a new commercial building. As summarized above, one of the more prescriptive restrictions within the 100-Block Design Guidelines is the requirement for a 30 feet setback along Williams Street south of Nelson Avenue, while the Guidelines require 25 feet along Eagle and the rest of Williams.

In an effort to work within the spirit and intent of the Guidelines, and to otherwise reduce the amount of relief (from the rear setback) requested to achieve the project design goals, the Applicant is proposing reducing the rear setback from 30 feet to 10 feet for the first floor of the building and from 30 feet to 20 feet for the second floor of the building. The first floor on the rear would be capped at a 14-foot eave height, and the second floor would be capped at a 20-foot eave height.

Conceptual building plans and massing models are provided with the application to help staff, the Planning Commission, and Town Council make an informed decision regarding the request.

Staff is **recommending approval** of the variance request from the strict interpretation and application of the Town's Setback requirements.

II. Zoning Analysis:

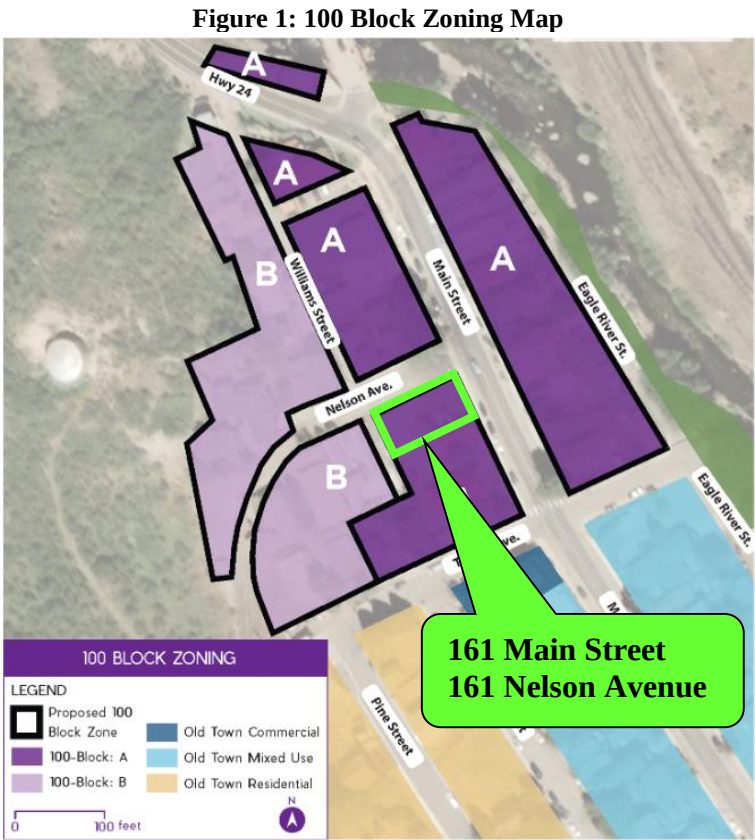
Zoning

The subject property is located within the "Old Town Character Area" 100 Block A Zone District, described as follows:

- (a) The 100 Block Commercial Zones are characterized by a compact retail/commercial core area bisected by Highway 24. The area consists of businesses and residences with an identity of the historic commercial core that is distinct from other parts of the community.*
- (b) **The purpose of this area is to provide convenient commercial services to residents and visitors and to promote the development of the Town's primary retail commercial district.** Accommodation of sales tax-generating commercial uses and non-street level residential units can enhance Old Town vitality while maintaining the visual character and scale. **Street level space within the 100 Block Commercial Zones shall be dedicated to retail uses.** Non-street level space within the 100 Block*

- Commercial Zones may be used for compatible retail, office, and residential uses.
- (c) **The 100 Block Commercial Zones should function as a pedestrian shopping corridor.** Buildings shall orient toward sidewalks and pedestrian areas with storefront windows and main entrance doors. **The scale of buildings both in terms of height and width should encourage transparency, pedestrian engagement, and facilitate pedestrian movement not only along Highway 24 but also between Highway 24, Williams Street and Eagle Street and along all streets in the 100 Block.**
 - (d) The small town historic main street character will be maintained by keeping in scale with the original plat of twenty-five-foot by one hundred-foot lots and one- to two-story building frontages along Highway 24. Large monolithic buildings and "strip" retail areas are not allowed. New development in the 100 Block shall follow the standards and guidelines provided in Appendix B which seeks to ensure new structures maintain compatibility with historic structures while bringing new uses to increase vitality.

- Town of Minturn Town Code Section 16-6-35



III. Applicable Standards and Design Guideline Criteria:

Variance

The Minturn Municipal Code provides the following purpose, intent and criteria for the approval of a variance:

Sec. 16-21-690. - Variances.**(a) Purpose of provisions; limitations.**

- (1) In order to prevent or to lessen such practical difficulties and unnecessary physical hardships inconsistent with the objectives of this Chapter as would result from strict or literal interpretation and enforcement, variances from certain regulations may be granted. Cost or inconvenience to the applicant of strict or literal compliance with a regulation shall not be a reason for granting a variance.
- (2) Variances may be granted only with respect to the development standards prescribed for each zone, including lot area and site dimensions, setbacks, distances between buildings, height, density, site coverage, usable open space, landscaping, site development and parking and loading requirements.
- (3) The power to extend variances does not extend to the use regulations prescribed for each district because the flexibility necessary to avoid results inconsistent with the objectives of this Chapter is provided by Sections 16-21-620, Conditional Use Permits, and Division 3 of this Article, Amendments to text of Land Use Regulations or Character Area and Zone District Map.”

(c) Approval criteria. Before acting on a variance application, the Planning Commission and the Zoning Board of Appeals shall consider the following factors with respect to the requested variance:

- (1) The relationship of the requested variance to other existing or potential uses and structures in the vicinity;
- (2) The degree to which relief from the strict or literal interpretation and enforcement of a specified regulation is necessary to achieve compatibility and uniformity of treatment among sites in the vicinity, or to attain the objectives of this Chapter without grant of special privilege;
- (3) The effect of the requested variance on light and air, distribution of population, transportation and traffic facilities, public facilities and utilities and public safety; and
- (4) Such other factors and criteria as the Planning Commission and Zoning Board of Appeals deem applicable to the proposed variance.

(d) Findings required. The Planning Commission and Zoning Board of Appeals shall make the following findings before granting a variance:

- (1) There are exceptional or extraordinary circumstances or conditions applicable to the site of the variance that do not apply generally to other properties in the same zone;
- (2) The exceptional or extraordinary circumstances of the site create a situation in which the strict, literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this Chapter;
- (3) That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity and will not result in substantial impairment to the purposes of this Chapter.
- (4) There is no substantial impairment to the public that would result from the granting of the variance.”

Staff Response:

As noted above, the Planning Commission must make positive findings for all four variance criteria. Although no one criterion should be weighted differently or considered more important, the first two criteria are typically the most difficult to establish.

In this instance, the Applicant will be required to demonstrate an ‘extraordinary circumstance,’ ‘physical hardship,’ and/or ‘practical difficulty’ when the regulations are applied strictly and literally to their property.

The Applicant has reduced the total amount of relief requested as evidenced by the building design which steps up in mass and form from first floor to second floor remaining cognizant of the impacts on the pedestrian experience, and in keeping with the overall intent of the Design Guidelines. Staff does not believe that this will have a negative impact on light or air, and in fact is respectful of the shading effects on walkways around the building based on the massing presented. The proposed design does not contemplate perpendicular parking along Williams Street except for a loading dock area, and so there should be minimal conflict with the parking across the street at the Molly G Building.

Staff suggests that the intention of the 30-foot rear setback is to ensure enough area within a lot to provide adequate parking area for any second story and above residential uses. As stated within the Applicant’s letter of intent “since federal rules do not allow residential use above a distillery, we cannot utilize the code allowed height for other uses.”

With no residential uses allowed within the proposed building per federal regulations; the prioritization of economic viability and welfare within the downtown corridor by the Minturn Municipal Code Old Town Character Area purpose and intent, the 2023 Imagine Minturn Community Plan, and Town of Minturn Town Council 2023-2025 Strategic Plan; and the proposed design of the building, which otherwise complies with the Design Guidelines and goals for activation on Williams Street, there may be a case for physical hardship and/or practical difficulty to allow for the requested relief from the rear setback.

For reference the following statements from the referenced above documents are relevant to this review:

Article 6 – Old Town Character Area

Sec. 16-6-10. – Character Area characteristics.

*“The intent of the Community Plan is that the Old Town Character Area maintain its unique and friendly small town character while providing for a **compatible mix of retail/commercial** and residential uses. Old Town provides for low-impact retail/commercial and residential uses that support and enhance the friendly small town character. Small town main street characteristics such as walkability, window fronts, main entrances fronting sidewalks, and **smaller scale buildings are to be promoted.** **The intent is to concentrate retail/commercial uses on Main Street and Williams Street** and discourage retail/commercial uses on secondary streets when they would conflict with existing residential uses. **The Old Town Character Area is to function as the primary retail/commercial core that encourages compatible retail/commercial activity and economic vitality.** Subdivisions and planned unit development occurring within the Old*

Town Character Area need to comply with the zoning code and promote the objectives in the Design Guidelines.”

2023 Imagine Minturn Community Plan
Chapter 2: A Thriving 100 Block

*“Objective 2.1 Implement a framework for **redevelopment and growth** in the 100 Block that contributes to Minturn’s character and **economic development**.”*

*“Objective 2.6 **Invest in continuous placemaking improvements to support the 100 Block as a vibrant, central community gathering place**; improve connectivity to the riverfront area and nearby amenities.”*

Chapter 3: An Economically Vibrant Community: Commercial Development & Industry

*“Objective 3.3 **Pursue land use changes that support Minturn’s tax base and economic growth**; plan future development on important catalyst sites, including Dowd Junction.”*

*“Objective 3.6 **Ensure that the Town’s zoning and development code supports and encourages commercial development and redevelopment in key commercial districts while preserving historic character**.”*

2023-2025 Strategic Plan Vision Statement

*“Preserve Minturn’s **long-term viability**, its unique character and genuine mountain town community”*

For these reasons, granting of the variance should not result in any detrimental effects on the welfare of the Town or the substantial impairment to the purposes of the Design Guidelines and Chapter 16 of the MMC, overall.

IV. Staff Recommendation and Suggested Conditions:

Staff recommends that the Applicant’s request for a variance for relief from the strict application of the Town’s Rear Setback limits at 161 Main Street and 161 Nelson Avenue may be granted as the request generally meets all variance criteria, particularly for practical difficulty.

Staff is **recommending approval** of the variance request.



VARIANCE APPLICATION

Section 8, Item A.

TOWN OF MINTURN PLANNING AND ZONING DEPARTMENT

P.O. Box 309 302 Pine Street Minturn, Colorado 81649-0309
Phone: 970-827-5645 Fax: 970-827-5545 Email: planner@minturn.org

Project Name:

Minturn Whisky Company - a new ground up construction of a sustainably designed distillery and tasting room

Project Location

Street Address: 161 Main Street, Minturn, CO 81645
161 Nelson St, Minturn, CO 81645

Zoning: Old Town Character Area - Commercial 100 Block A zone

Parcel Number(s): 2103-263-002&003

Application Request:

Reduce the rear setback from 30' to 10' for "single" story structure. (maximum eave height at new setback: 14'-0" AFG)
Reduce the rear setback from 30' to 20' for "second" story structure. (maximum eave height at new setback: 20'-0" AFG)

Applicant:

Name: Robert D Creasy Architecture

Mailing Address: PO Box 819, Minturn, CO 81645
(Physical address: 105 Williams St, Minturn, CO 81645)

Phone: 760-937-2600

Email: robert@rdcarch.com

Property Owner:

Name: Spence & Stefanie Neubauer

Mailing Address: PO Box 1253, Minturn, CO 81645

Phone: 603-770-8756 (Spence) or 970-763-8660 (Stef)

Email: stef@erwhisky.com & spence@erwhisky.com

Required Information:

Lot Size: 4990 sf	Type of Residence (Single Family, ADU, Duplex) N/A	# of Bedrooms N/A	# On-site Parking Spaces Not req'd for commercial building in 100 block - 1 loading dock space.
# of Stories: 1 story + partial mezzanine level	Snow storage sq ft: 5% of lot area = 250 sf	Building Footprint sq ft: Proposed 3090	Total sq ft Impervious Surface: 4390 sf = 88% (90% allowed)

Signature:

Fee Paid: _____ Date Received: _____ Planner: _____

VARIANCE APPLICATION**SUBMITTAL CHECKLIST REQUIREMENTS
(TO BE INCLUDED WITH APPLICATION)**

Applicant Staff

☐☐**Application Fee** (Non-Refundable application fee shall be collected)

- Planning Commission Review - \$575 + Costs attributable to the review by consultant time are billed at actual hourly rates. Cost assessed after first hour.

RESPOND TO THE FOLLOWING QUESTIONS:

Maximizing the first floor area is critical for the

1. Please describe the nature of the requested variance:

economic viability of the new local business. The "single" story variance allows for an approximately 27% increase in first floor area (3090 sf vs 2440 sf). The taller "second" story variance allows for an increase in the vaulted area of the building for stacked barrels and tall distillery equipment. However, the overall scale of the building is reduced.

2. Are there exceptional or extraordinary circumstances or conditions applicable to the site of the variance that does not apply generally to other properties in the same zone? (If yes, please elaborate):

The existing 30' setback only applies to 3 lots, including this one, in all of town. The excessive setback was created to provide for an increase in the width of the Williams Street ROW (from 15' to 23') and to provide parking for present residential occupants of the lot. Since this is only a commercial building there is no requirement for residential parking. We are providing area for the widening of Williams St ROW to 23' to provide safe two way traffic to Molly G park.

3. Do the exceptional or extraordinary circumstances of the site create a situation in which the strict, literal interpretation and enforcement of the specified regulation result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zone code! (if yes, please elaborate):

Without the reduced setbacks that would allow for an increase in the distillery's first floor production area, the site is not viable for this use. An alternative use under the existing setbacks would result in a much more massive building which would create a huge "parking lot" of asphalt more than 70' wide which is directly contradictory to the town's intent in creating a pedestrian friendly "woonerf" area on Williams St. We propose a more humanely scaled building.

☐☐**Vicinity Map**

-- Directional Map indicating how to get to the Property involved in the request.

- Zoning of Property

☐☐**Improvement Location Certificate of Survey (ILC or ILS)**☐☐**Site Plan showing Precise Nature of the Proposed Use – To Scale**

- Scaled Drawings of Proposed Design of Structure
 - Plan View and Sections
- Building Heights – all 4 directions N/S/E/W
- Topography

RDC ARCHITECTURE

Box 819, MINTURN, CO 81645-0819

c 760.937.2600

July 7, 2024

Minturn Planning Department
 Planning & Zoning Commission
 302 Pine Street
 Minturn, CO 81645

Re: Minturn Whisky Co Distillery & Tasting Room Variance

Dear Planning Commissioners,

Thank you for considering our application for a variance on the lot located at 161 Main Street on the corner of Nelson Street and backing up to William's Street. Spence and Stefanie Neubauer own a local distillery business, Minturn Whisky Company (formerly known as Eagle River Whisky), and they wish to develop the lot in question with a building for their distillery and tasting room as well as a small attendant retail space or laundromat.

Our hope is to create an iconic building that becomes the visual representation of their business which animates the old downtown of Minturn by designing a building that has strong historical references which will provide character fitting to Minturn. We also wish for the building and the business itself to be a model of sustainable building and distilling processes utilizing: the heat from distillation to condition the building, active solar systems for all the electrical needs, recycling of water in all processes, and the use of reclaimed materials in construction.

Because of the weight of equipment and full barrels of whisky, the distillery requires a maximum ground floor area in order to be a viable business, but the building does not need multiple stories, nor the height & massing allowed by current codes for this lot. Our variance request stems from the excessive rear lot set back that current zoning places on this lot. We understand that this setback was created to provide for an increase in the Williams Street right of way (ROW) from 15' to 23' as well as the anticipated need for residential parking that would have resulted from a mixed-use building with residential uses on upper floors.

There are only 3 lots in Minturn with this large of a rear setback (30'). And since federal rules do not allow residential use above a distillery, we cannot utilize the code allowed height for other uses. Therefore, we propose a reduction of the rear setback from 30' to 10' for just the first floor of the building (14' eave height) and a reduction of the setback from 30' to 20' for the "second" floor (20' eave height - which is a taller vaulted space over the distillery production floor).

Existing code allows for upper floor balconies to extend up to 10' into the rear setback (similar to our 20' "second" story setback) and it allows for an open terrace up to 48" tall to extend all the way to within 5' of the rear property line which would crowd the Williams St ROW. It also allows for an incentive 3rd floor with a flat roof at 35' or a pitched roof up to about 44' high. The effect of a building built to maximally use the code allowed building envelope would greatly exceed the massing and scale of our proposed building – both of which are shown in our elevation drawings.

By stepping the height of our proposed rear setbacks, we bring the building down to a more human scale and increase the access to light and air at the street level. Additionally, by reducing the paved area of parking along Williams Street from over 70' to less than 50' wide, we more successfully create the "woonerf" ambiance that the town's Design Framework Principals envisioned for William's Street where pedestrians share the street with vehicles within an animated street scape. You can also see that we are activating the secondary edge of Williams Street with another access to whisky tasting that could be employed during the Saturday Markets and the "loading dock" is surfaced with pavers so it may double as a public patio as well. This is all accomplished while still providing the increased 23' width of the William's St ROW which we feel should be finished with pavers to emphasize its pedestrian nature.

RDC ARCHITECTURE

Box 819, MINTURN, CO 81645-0819

c 760.937.2600

July 7, 2024

We hope you can see that we have tried to create a building that is more in scale to the site and adjacent buildings, and which more closely aligns with the town’s design intentions for a pedestrian friendly environment than what could be built on the site if another developer wished to maximize the building’s floor area. As with the William’s Street frontage, we are using a one-story massing along Nelson Street to open views from Main Street to the hill beyond with the Minturn Water Tank. We also provide bike parking, a stone bench and public patio at the Nelson/Main corner along with planting beds at all street frontages. Our site plan illustrates how bulb-outs along Main Street could animate street corners throughout Minturn, but we understand those interventions would require CDOT involvement and so are just a suggestion at this point.

In net, we feel that our proposal for a variance from this onerous rear setback, which is only very selectively applied to just three lots in town, will provide for a much safer and more enjoyable relationship of the building to pedestrians than current code provides. Moreover, we hope you recognize it is actually a more successful example of the design intent of Minturn for these pedestrian friendly streets.

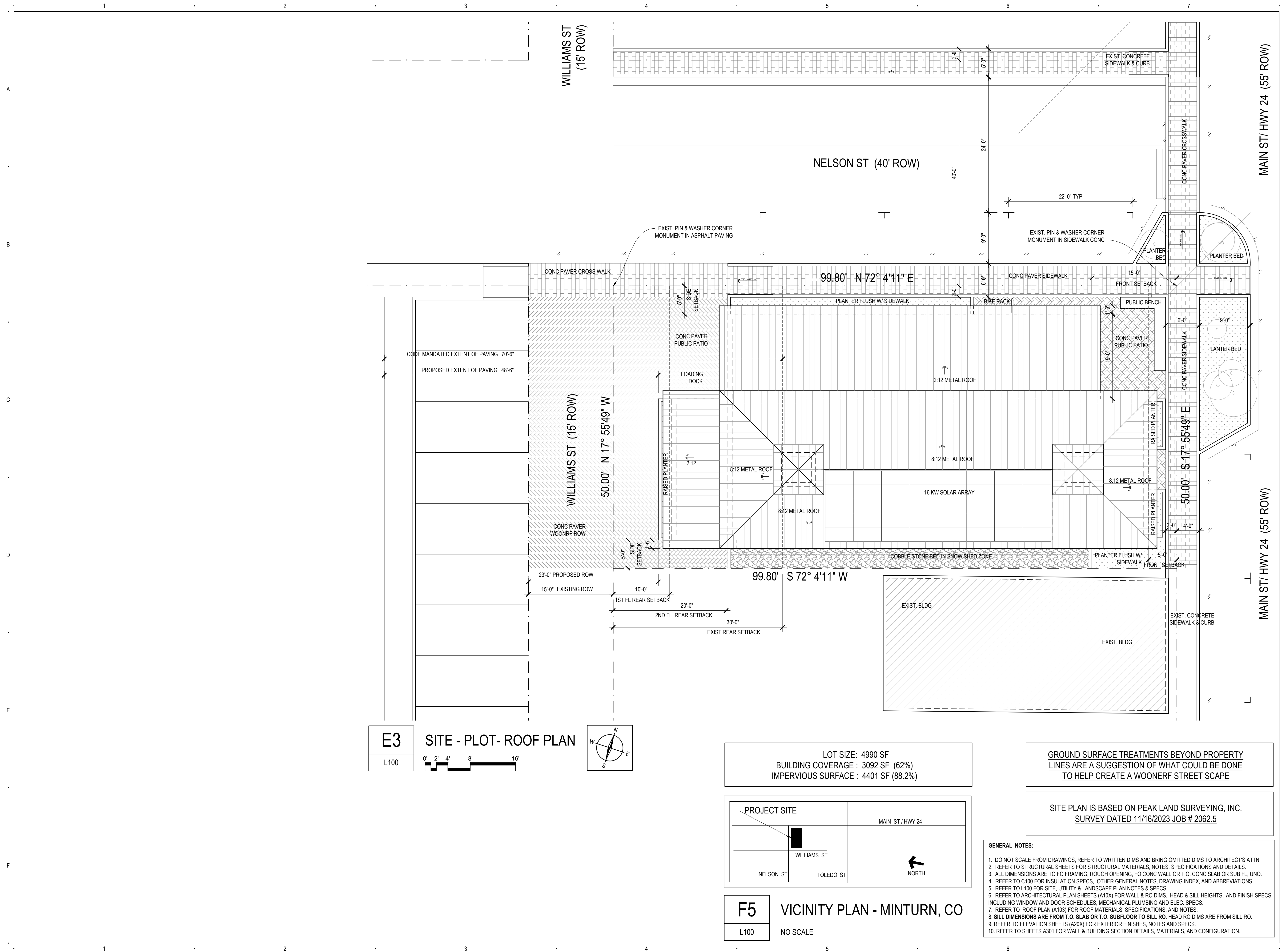
Thank you again for your time and consideration of our proposal.

All the best,

Robert Creasy (CO license #3063320)







ROBERT D CREASY ARCHITECTURE
PO BOX 819 - 105 WILLIAMS STREET
MINTURN, CO 81645-0819
MB: 760.937.2600 (Robert)
robert@rdcarch.com

STRUCTURAL ENGINEER

SURVEYOR
PEAK LAND SURVEYING, INC.
1000 Lion's Ridge Loop
Vail, CO 81657
970.476.8644

GEO/SOILS ENGINEER - SPECIAL INSPECTION SERVICES
Not Applicable

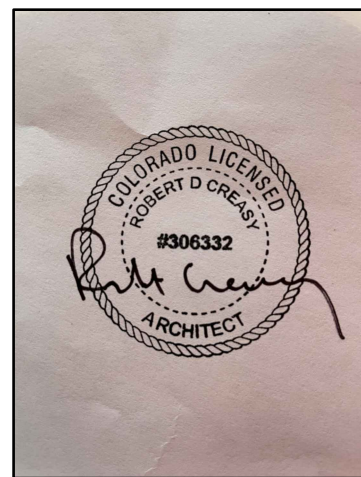
GENERAL CONTRACTOR

MINTURN WHISKY COMPANY

PARCELS # 2103-263-002 & 003
161 MAIN ST / 161 NELSON
MINTURN, CO 81645

OWNER:
STEFANIE & SPENCE NEUBAUER

stef@erwhisky.com & spence@erwhisky.com
MB: 603.770.8756



VARIANCE APPLICATION JULY 10, 2024
DATE: NOT FOR CONSTRUCTION
PROJECT #: 2410

SITE & ROOF PLAN
SITE - UTILITY NOTES
VICINITY PLAN
L101

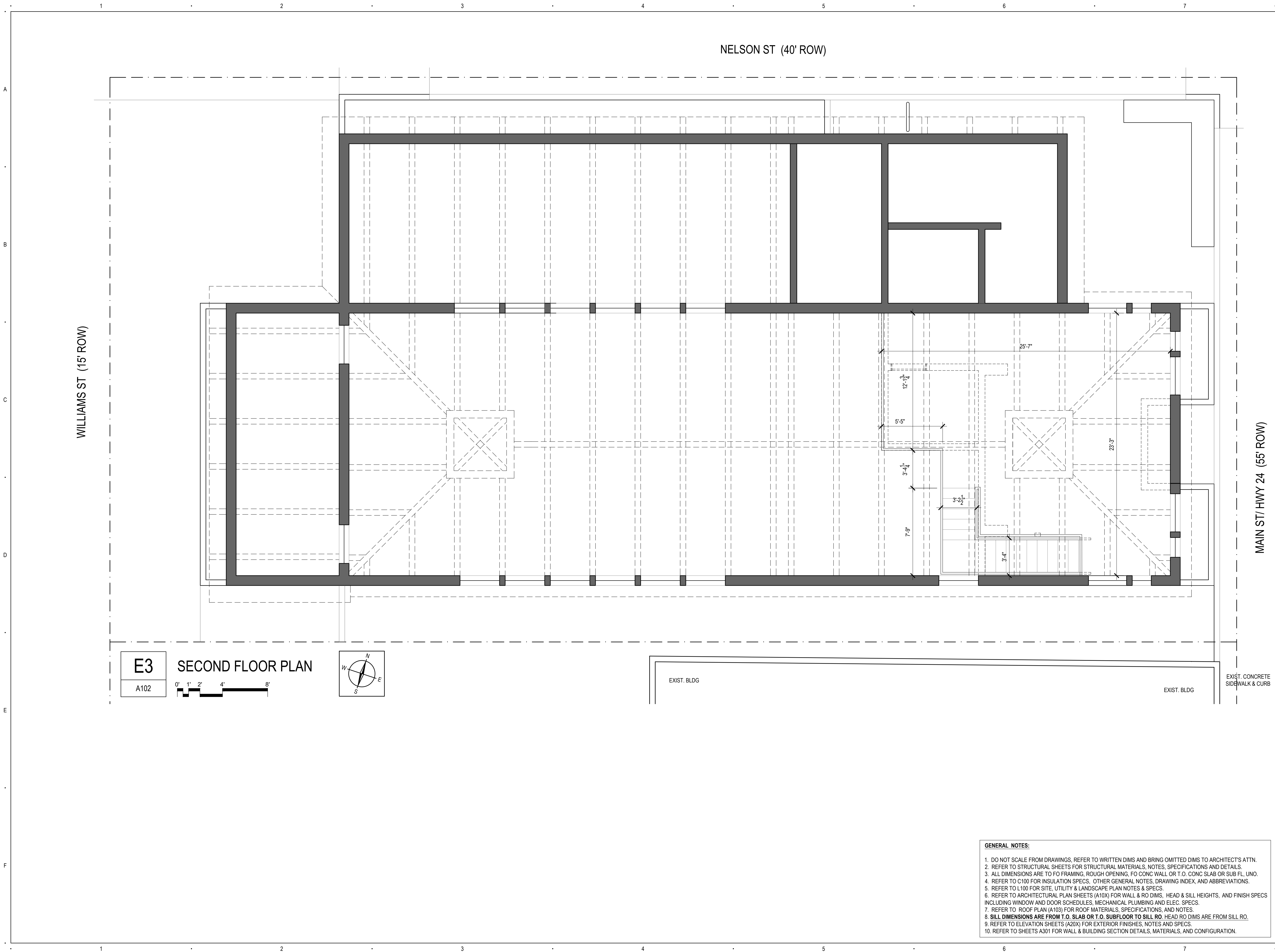


A circular professional seal for Robert D. Crest, a Colorado Licensed Architect. The seal features a rope-like border. Inside the border, the text "COLORADO LICENSED" is at the top, "ROBERT D. CREST" is in the middle, and "ARCHITECT" is at the bottom. The license number "#306332" is prominently displayed in the center. A handwritten signature, "Robert Crest", is written across the seal, and a handwritten "P" is visible to the left of the seal.

[illegible]

A101

1. DO NOT SCALE FROM DRAWINGS, REFER TO WRITTEN DIMS AND BRINGS OMITTED DIMS TO ARCHITECT'S ATTN.
2. REFER TO STRUCTURAL SHEETS FOR STRUCTURAL MATERIALS, NOTES, SPECIFICATIONS AND DETAILS.
3. ALL DIMENSIONS ARE TO FACE FORMING, ROUGH OPENING, FO CONC WALL OR T.O. CONC SLAB OR SUB FL. UNO.
4. REFER TO C100 FOR INSULATION SPECS. OTHER GENERAL NOTES, DRAWING INDEX, AND ABBREVIATIONS.
5. REFER TO L100 FOR SITE, UTILITY & LANDSCAPE PLAN NOTES & SPECS.
6. REFER TO ARCHITECTURAL PLAN SHEETS (A100) FOR WALL & ROD DIMS, HEAD & SILL HEIGHTS, AND FINISH SPECS INCLUDING WINDOW AND DOOR SCHEDULES, MECHANICAL PLUMBING AND ELEC. SPECS.
7. REFER TO ROOF PLAN (A103) FOR ROOF MATERIALS, FINISHES, AND DRAINAGE.
8. **SILL DIMENSIONS ARE FROM T.O. SLAB OR T.O. SUBFLOOR TO SILL. ROOF HEAD DIMS ARE FROM SILL RO.**
9. REFER TO ELEVATION SHEETS (A200) FOR EXTERIOR FINISHES, NOTES AND SPECS.
10. REFER TO SHEETS A301 FOR WALL & BUILDING SECTION DETAILS, MATERIALS, AND CONFIGURATION.



RDC ARCHITECTURE

ROBERT D CREASY ARCHITECTURE
PO BOX 819 - 105 WILLIAMS STREET
MINTURN, CO 81645-0819
MB: 760.937.2600 (Robert)
robert@rdcarch.com

STRUCTURAL ENGINEER

SURVEYOR
PEAK LAND SURVEYING, INC.
1000 Lion's Ridge Loop
Vail, CO 81657
970.476.8644

GEO/SOILS ENGINEER - SPECIAL INSPECTION SERVICES
Not Applicable

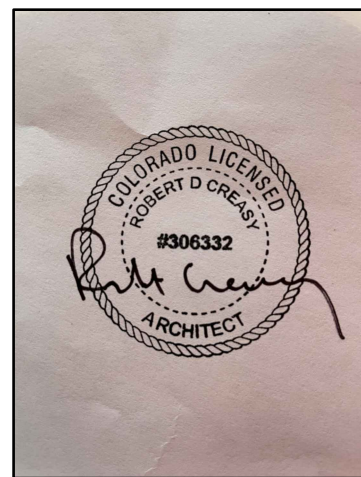
GENERAL CONTRACTOR

MINTURN WHISKY COMPANY

PARCEL # 2103-263-002 & 003
161 MAIN ST
MINTURN, CO 81645

OWNER:
STEFANIE & SPENCE NEUBAUER

stef@erwhisky.com & spence@erwhisky.com
MB: 603.770.8756



VARIANCE APPLICATION JULY 1, 2024
DATE: NOT FOR CONSTRUCTION
PROJECT #: 2410

SECOND FLOOR PLAN NOTES & SPECIFICATIONS

A102

GENERAL NOTES:

- DO NOT SCALE FROM DRAWINGS. REFER TO WRITTEN DIMS AND BRING OMITTED DIMS TO ARCHITECT'S ATTN.
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- REFER TO L100 FOR SITE, UTILITY & LANDSCAPE PLAN NOTES & SPECS.
- REFER TO ARCHITECTURAL PLAN SHEETS (A10X) FOR WALL & RO DIMS, HEAD & SILL HEIGHTS, AND FINISH SPECS INCLUDING WINDOW AND DOOR SCHEDULES, MECHANICAL PLUMBING AND ELEC. SPECS.
- REFER TO ROOF PLAN (A103) FOR ROOF MATERIALS, SPECIFICATIONS, AND NOTES.
- SILL DIMENSIONS ARE FROM T.O. SLAB OR T.O. SUBFLOOR TO SILL RO. HEAD RO DIMS ARE FROM SILL RO.**
- REFER TO ELEVATION SHEETS (A20X) FOR EXTERIOR FINISHES, NOTES AND SPECS.
- REFER TO SHEETS A301 FOR WALL & BUILDING SECTION DETAILS, MATERIALS, AND CONFIGURATION.

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MB: 760.937.2600 (Robert)
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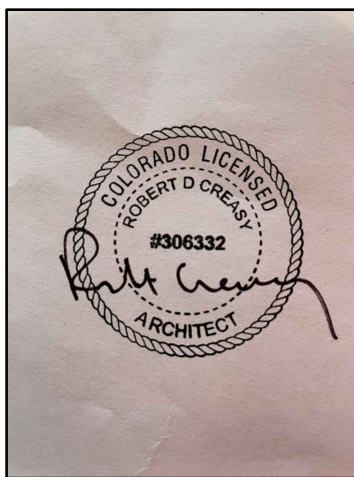
GENERAL CONTRACTOR

MINTURN WHISKY COMPANY

PARCEL # 2103-263-002 & 003
161 MAIN ST
MINTURN, CO 81645

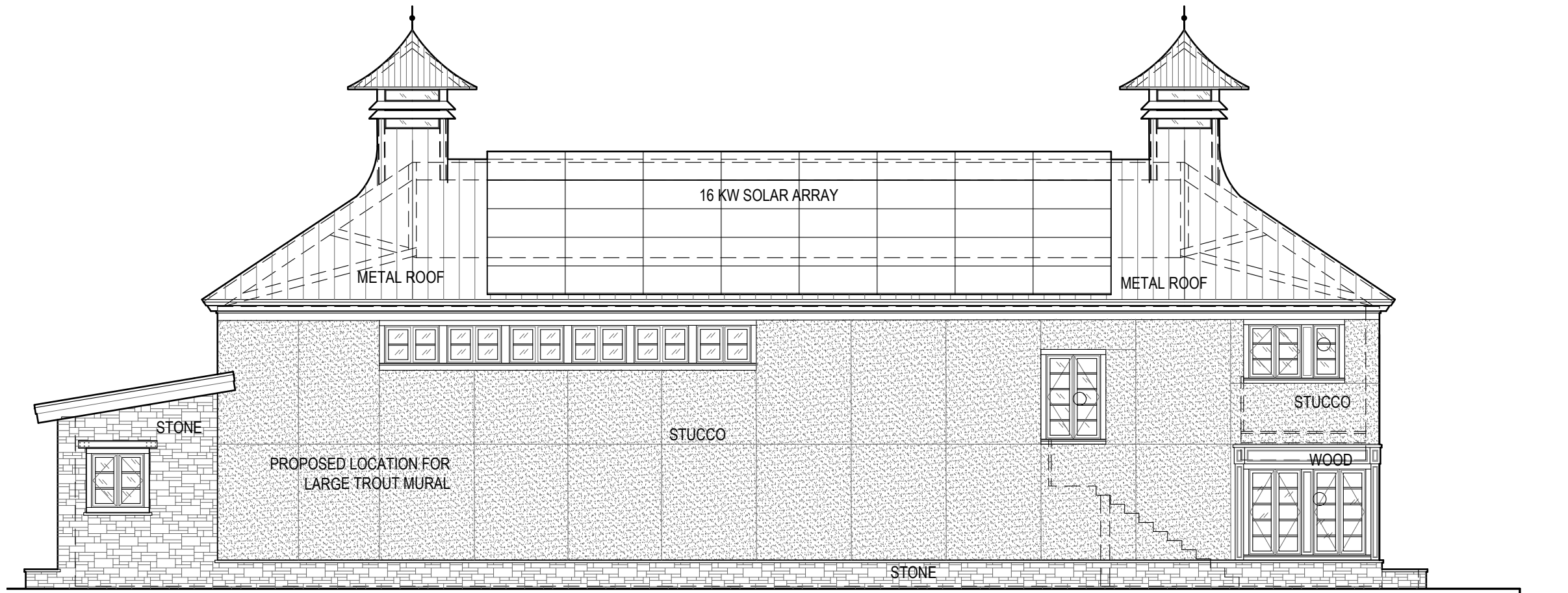
OWNER:
STEFANIE & SPENCE NEUBAUER

stef@erwhisky.com & spence@erwhisky.com
MB: 603.770.8756



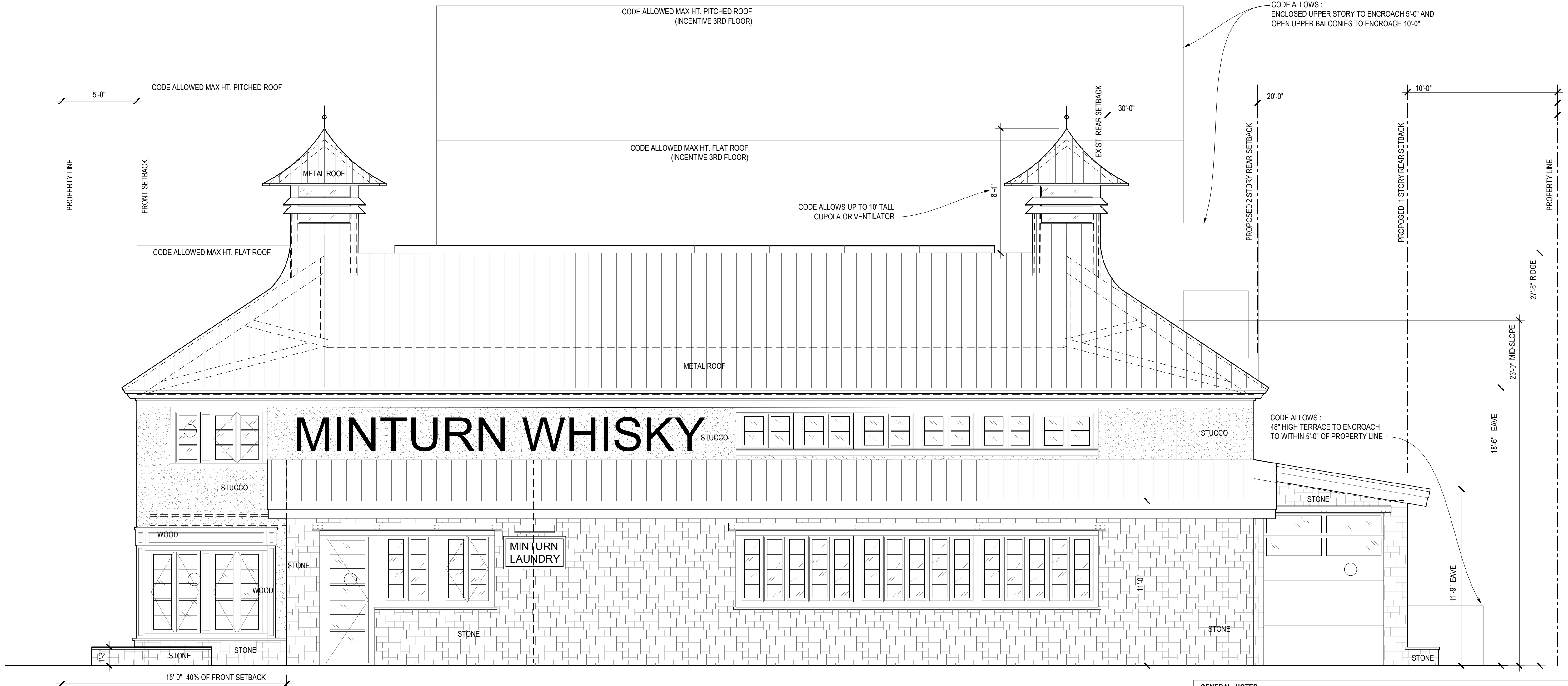
VARIANCE APPLICATION JULY 1, 2024
DATE: NOT FOR CONSTRUCTION
PROJECT #: 2410

NORTH ELEVATION
NELSON STREET
NOTES & SPECIFICATONS
A201



B4 SOUTH ELEVATION

A201 0' 2' 4' 8' 16'



F2 NORTH ELEVATION

A201 0' 1' 2' 4' 8'

GENERAL NOTES:

- DO NOT SCALE FROM DRAWINGS. REFER TO WRITTEN DIMS AND BRING OMITTED DIMS TO ARCHITECT'S ATTN.
- REFER TO STRUCTURAL SHEETS FOR STRUCTURAL MATERIALS, NOTES, SPECIFICATIONS AND DETAILS.
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- REFER TO C100 FOR INSULATION SPECS, OTHER GENERAL NOTES, DRAWING INDEX, AND ABBREVIATIONS.
- REFER TO L100 FOR SITE, UTILITY & LANDSCAPE PLAN NOTES & SPECS.
- REFER TO ARCHITECTURAL PLAN SHEETS (A10X) FOR WALL & RO DIMS, HEAD & SILL HEIGHTS, AND FINISH SPECS INCLUDING WINDOW AND DOOR SCHEDULES, MECHANICAL PLUMBING AND ELEC. SPECS.
- REFER TO ROOF PLAN (A103) FOR ROOF MATERIALS, SPECIFICATIONS, AND NOTES.
- SILL DIMENSIONS ARE FROM T.O. SLAB OR T.O. SUBFL OR TO SILL RO. HEAD RO DIMS ARE FROM SILL RO.**
- REFER TO ELEVATION SHEETS (A20X) FOR EXTERIOR FINISHES, NOTES AND SPECS.
- REFER TO SHEETS A301 FOR WALL & BUILDING SECTION DETAILS, MATERIALS, AND CONFIGURATION.

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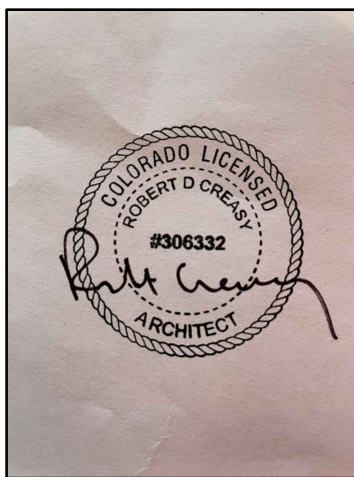
GENERAL CONTRACTOR

MINTURN WHISKY COMPANY

PARCEL # 2103-263-002 & 003
161 MAIN ST
MINTURN, CO 81645

OWNER:
STEFANIE & SPENCE NEUBAUER

stef@erwhisky.com & spence@erwhisky.com
MB: 603.770.8756



VARIANCE APPLICATION JULY 1, 2024
DATE: NOT FOR CONSTRUCTION
PROJECT #: 2410

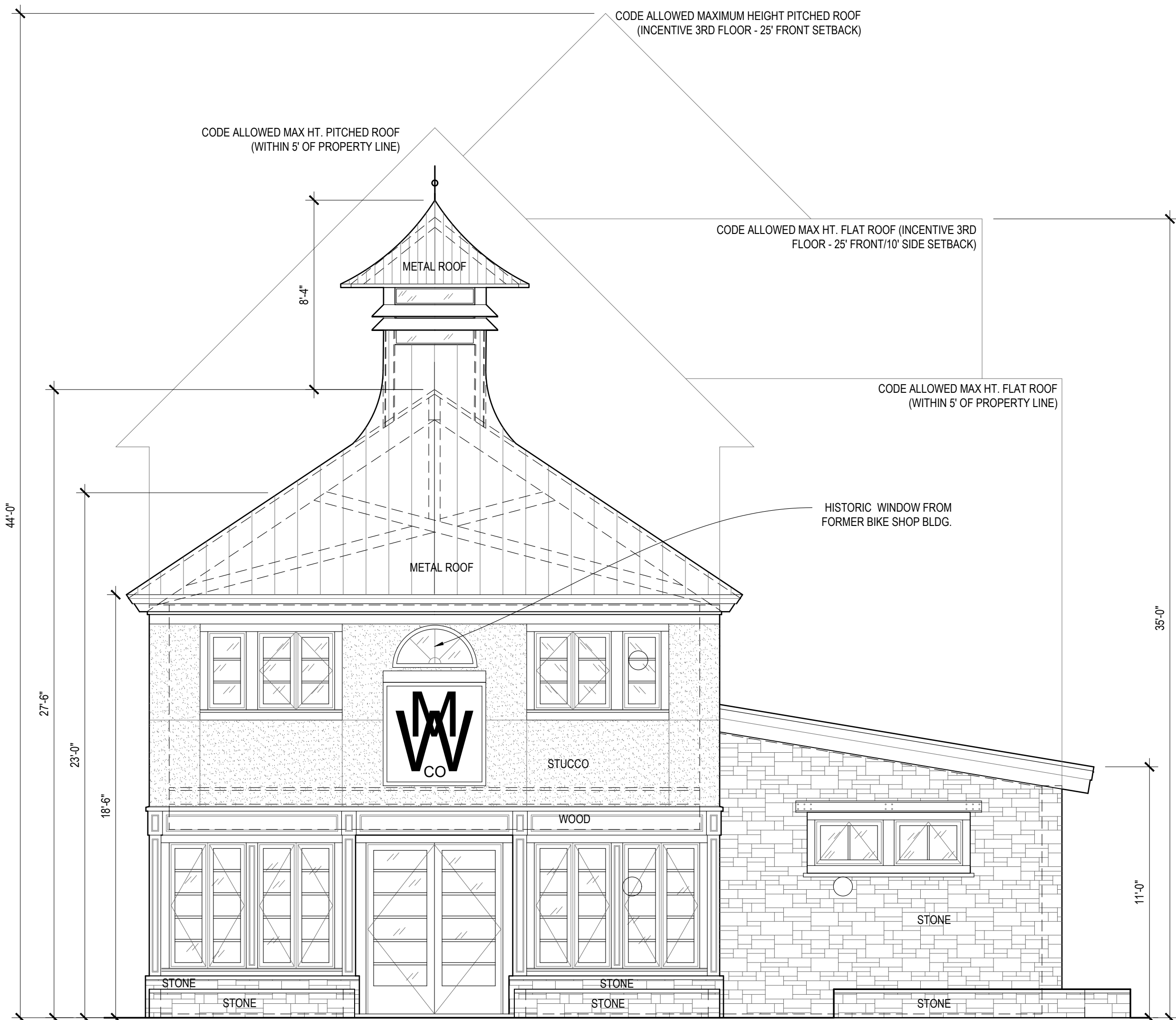
EAST ELEV - MAIN ST
WEST ELEV - WILLIAMS ST
NOTES & SPECIFICATONS
A202



F1

WEST ELEVATION - WILLIAMS STREET

A202



F5

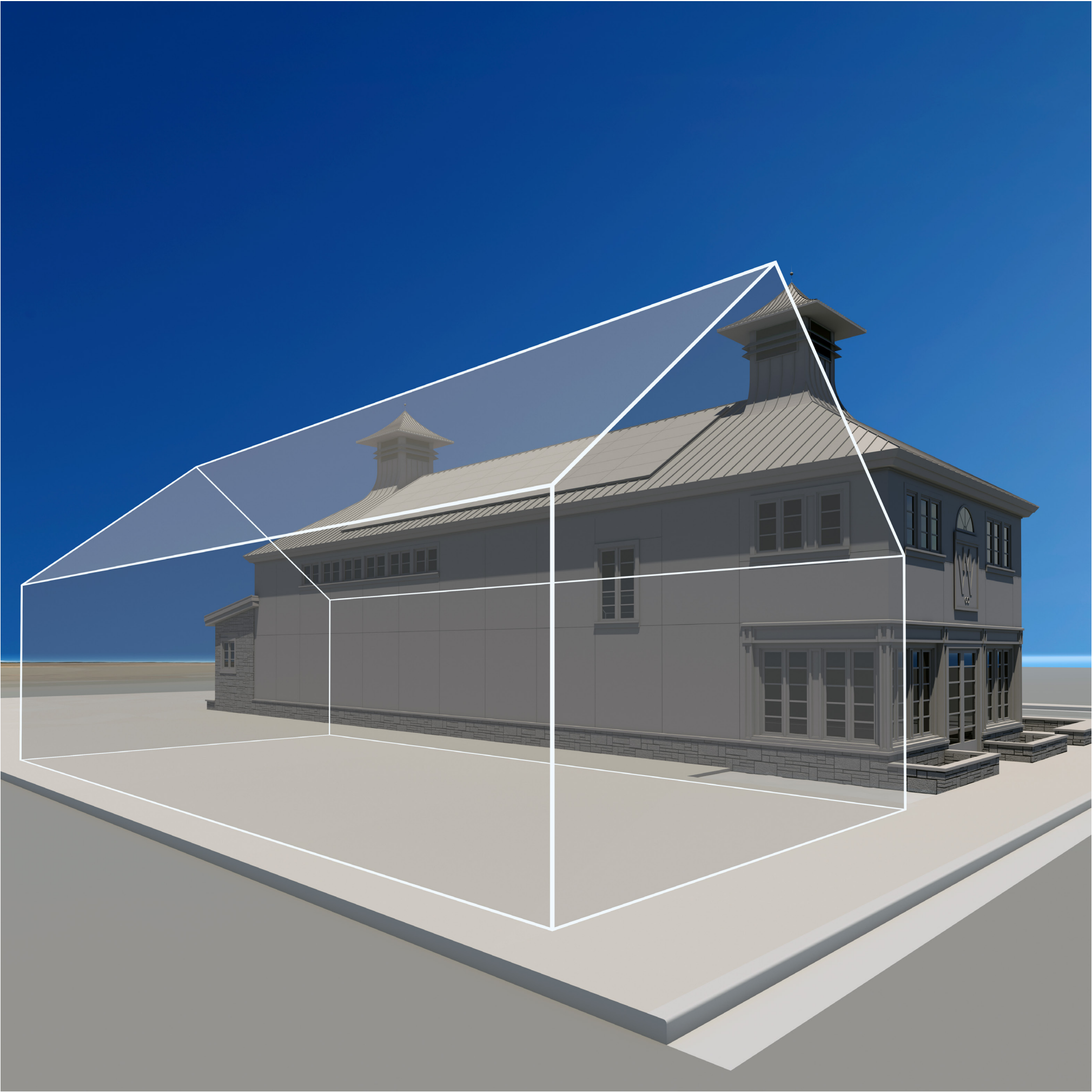
EAST ELEVATION - MAIN STREET

A202



GENERAL NOTES:

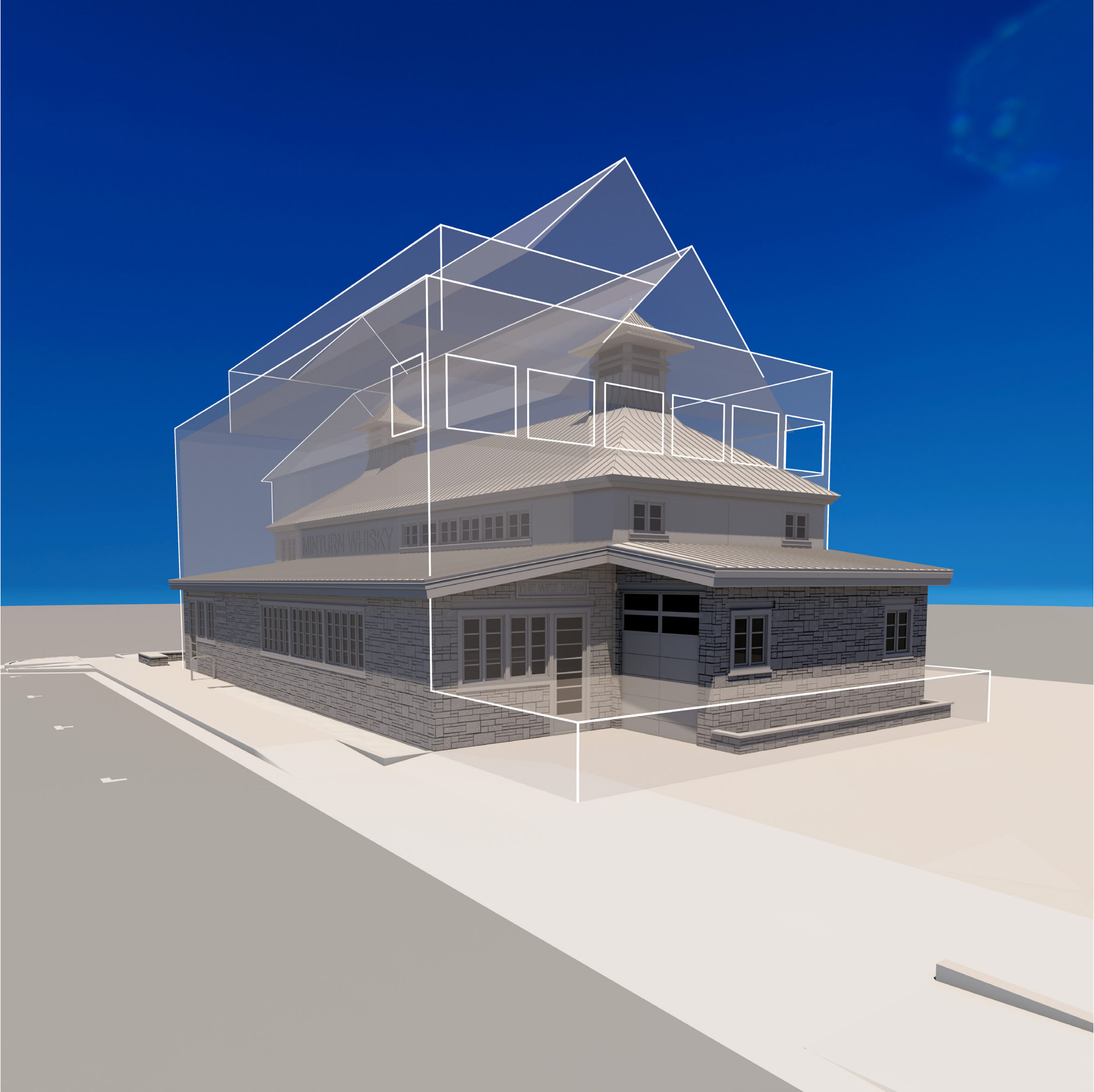
1. DO NOT SCALE FROM DRAWINGS. REFER TO WRITTEN DIMS AND BRING OMITTED DIMS TO ARCHITECT'S ATTN.
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4. REFER TO C100 FOR INSULATION SPECS, OTHER GENERAL NOTES, DRAWING INDEX, AND ABBREVIATIONS.
5. REFER TO L100 FOR SITE, UTILITY & LANDSCAPE PLAN NOTES & SPECS.
6. REFER TO ARCHITECTURAL PLAN SHEETS (A10X) FOR WALL & RO DIMS, HEAD & SILL HEIGHTS, AND FINISH SPECS INCLUDING WINDOW AND DOOR SCHEDULES, MECHANICAL PLUMBING AND ELEC. SPECS.
7. REFER TO ROOF PLAN (A103) FOR ROOF MATERIALS, SPECIFICATIONS, AND NOTES.
8. SILL DIMENSIONS ARE FROM T.O. SLAB OR T.O. SUBFL OR TO SILL RO. HEAD RO DIMS ARE FROM SILL RO.
9. REFER TO ELEVATION SHEETS (A20X) FOR EXTERIOR FINISHES, NOTES AND SPECS.
10. REFER TO SHEETS A301 FOR WALL & BUILDING SECTION DETAILS, MATERIALS, AND CONFIGURATION.















Madison Harris

From: Ashley Saunders <akamensaunders@gmail.com>
Sent: Thursday, August 22, 2024 3:17 PM
To: Madison Harris
Subject: Support for 161 Main Street Variance

Hi Madison,
Hope all is well. My name is Ashley Saunders and I am a Minturn resident living at 440 Eagle River Street. I wanted to reach out to express my support for the proposed 161 Main Street variance application.

Thank you for your consideration.

Ashley Saunders
440 Eagle River Street
M: 303-818-7490

Madison Harris

From: Justin Ross <justinross01@gmail.com>
Sent: Thursday, August 22, 2024 10:45 PM
To: Madison Harris
Subject: Note re: 161 Main Variance

Hey there, Madison.

Just writing to express my support for the 161 Main variance application. Please feel free to reach out if you have any questions (248.408.1171). Thanks so much.

Justin Ross
1141 Main Street

Madison Harris

From: Brady Schlichting <bradyschlichting@gmail.com>
Sent: Friday, August 23, 2024 3:38 PM
To: Madison Harris
Subject: 161 Main Variance

Hello,

My name is Brady Schlichting, and I own Evoke Outdoors, the bike shop at 102 Main St. I've heard a little about the variance at 161 Main St and I'm for it, if it can help the business, I'm all about it. The owner is a Minturn local and all he wants is the best for the town.

Thanks,

Brady Schlichting
Evoke Outdoors
970-306-5427



To: Planning Commission
From: Madison Harris
Date: August 23, 2024
Agenda Item: Ordinance TBD - Series 2024 An Ordinance Amending Chapter 16 - Zoning and Chapter 19 – Historic Preservation of the MMC

REQUEST:

Review and make a recommendation to the Town Council to approve, approve with modifications, or deny Ordinance TBD - Series 2024 An Ordinance Amending Chapter 16 - Zoning and Chapter 19 - Historic Preservation of the MMC.

INTRODUCTION:

The Town Council and HPC conducted a joint session on July 17, 2024 to discuss options to help give property owners certainty concerning historic preservation.

ANALYSIS:

At the June 5, 2024 meeting Council discussed balancing historic preservation, economic feasibility, and the utilization of property, particularly in the Town's downtown, commercial generating area. In response to this a work session was scheduled at the July 17, 2024 meeting.

During the work session staff brought forth nine different ideas for Council to discuss and give direction on. Staff was directed to bring back an ordinance addressing Options 1-7:

1. Option 1: Eliminate the requirement for two sets of design review guidelines
2. Option 2: Eliminating potentially redundant approval requirements
3. Option 3: Allow for historically designated structures in the downtown corridor to have the immediate ability to function as short term rentals on all floors
4. Option 4: Encourage historic preservation reinvestment as part of the Downtown Development Authority Operations Plan
5. Option 5: Require a minimum of two nominators for a structure to be nominated for historic designation
6. Option 6: Create a process whereby property owners can determine if their structure would be historically designated without necessarily "supporting" such a designation
7. Option 7: Allow residential in the Downtown Character Area on the back 50% ground floor of historically designated commercial buildings to create live/work opportunities

When discussed at HPC, staff received the following direction:

- Amend the definition for alteration and the historic designation process to allow for the selection of facades (not to exceed 50% of the exterior of the structure) to be prioritized to remain the same and trigger the Certificate of Appropriateness process even if 50% of the structure is not affected.
- To add a visual example to the definition of alteration.

- To amend the intent statement of Sec. 16-6-35 - 100 Block Commercial Zones subsection (b) to add lodging as a use at the street level.
- To amend the *** clause at the end of the Old Town Character Area Use Table to specify 50% of the “proposed ground floor area”

Staff presented this ordinance to the HPC at their August 20, 2024 meeting, and is presenting this ordinance to the Planning Commission to receive feedback and a recommendation before bringing it to Council for final decision. Several of these options, should they be implemented, should provide additional flexibility and stability to individual property owners within the 100 Block and throughout the rest of Town.

COMMUNITY INPUT:

Ongoing.

BUDGET / STAFF IMPACT: TBD

STRATEGIC PLAN ALIGNMENT:

PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT

ATTACHMENTS:

- Ordinance TBD - Series 2024 An Ordinance Amending Chapter 16 - Zoning and Chapter 19 – Historic Preservation of the MMC

TOWN OF MINTURN, COLORADO
ORDINANCE NO. TBD – SERIES 2024

AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO AMENDING CHAPTERS 16 AND 19 OF THE
MINTURN MUNICIPAL CODE

WHEREAS, the Town of Minturn (“Town”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Town of Minturn Home Rule Charter for which the Minturn Town Council (“Town Council”) is authorized to act; and

WHEREAS, the Town of Minturn 2023-2025 Strategic Plan (hereinafter the “Strategic Plan”) seeks to “foster the authentic small town character that is Minturn,” and to “Lead Minturn to long-term viability while preserving its unique character and genuine mountain town community,” through specific strategic plan goals and policies;

WHEREAS, the Strategic Plan contains four key strategies for implementation including “Practice fair, transparent and communicative local government,” “Long-term stewardship of the natural beauty and health of Minturn’s environment,” “Sustain and invest in the things that define Minturn as a proud, sturdy mountain town to “Keep Minturn, Minturn,” and “Advance decisions/projects/initiatives that expand future opportunity and viability for Minturn;” and

WHEREAS, the Town Council has adopted Chapter 19 Historic Preservation, Minturn Municipal Code (“MMC”); and

WHEREAS, Sec. 19-1-30. – Intent, MMC, states that the “intention of this Chapter is to create a reasonable balance between private property rights and the public interest in preserving the Town’s unique historic character through the nomination of buildings, structures, sites, objects, and historic districts for preservation;” and

WHEREAS, Sec. 19-2-10. – Creation, MMC, states that “There is hereby established a Historic Preservation Commission, which shall be appointed by the Town Council, and hereinafter referred to as the (“HPC”).

WHEREAS, the HPC recognizes that Chapter 19 does not adequately provide certainty for existing and new property owners; and

WHEREAS, the HPC believes that adding language to provide more certainty will promote the intent of Chapter 19 by creating a reasonable balance between private property rights and the public interest; and

WHEREAS, at their regularly scheduled meeting of August 20, 2024, the HPC considered this ordinance and recommended approval; and

WHEREAS, at their regularly scheduled meeting of August 28, 2024, the Planning Commission considered this ordinance and recommended approval; and

WHEREAS, at their regularly scheduled meeting on September 3, 2024, the Minturn Town Council approved this ordinance on first reading; and

WHEREAS, the HPC, Planning Commission, and Town Council have determined that the text amendments to Chapter 19 of the Minturn Municipal Code as provided herein are necessary and proper.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO:

SECTION 1. The foregoing recitals are incorporated herein as if set forth in full.

SECTION 2. Chapters 16 and 19 of the Minturn Municipal Code are hereby amended to read as follows, with additions shown in double underlined text and language to be deleted shown as ~~strike through~~ text. Sections of Chapters 16 and 19 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

CHAPTER 16 – Zoning

ARTICLE 2 – Definitions, Illustrations and Lot Standards

Sec. 16-2-20. – Definitions.

Historic property means a building, structure, site, or object which is designated by the Town Council pursuant to Chapter 19 – Historic Preservation.

Short-term rental means any residential property dwelling unit or portion thereof rented for a period of less than thirty (30) consecutive days. Rentals of entire dwelling units, individual rooms, or portions of rooms shall each be considered short-term rentals. Short-term rentals are considered lodging accommodations under Chapter 4, Article 4 of this Code.

* * *

ARTICLE 6 – Old Town Character Area

Sec. 16-6-35. – 100 Block Commercial Zones.

- (a) The 100 Block Commercial Zones are characterized by a compact retail/commercial core area bisected by Highway 24. The area consists of businesses and residences with an identity of the historic commercial core that is distinct from other parts of the community.
- (b) The purpose of this area is to provide convenient commercial services to residents and visitors and to promote the development of the Town's primary retail commercial district. Accommodation of sales tax-generating commercial uses and non-street level residential units can enhance Old Town vitality while maintaining the visual character and scale. Street level space within the 100 Block Commercial Zones shall be dedicated to lodging in historic properties and retail uses. Non-street level space within the 100 Block Commercial Zones may be used for compatible retail, office, and residential uses.
- (c) The 100 Block Commercial Zones should function as a pedestrian shopping corridor. Buildings shall orient toward sidewalks and pedestrian areas with storefront windows and main entrance doors. The scale of buildings both in terms of height and width should encourage transparency, pedestrian engagement, and facilitate pedestrian movement not

only along Highway 24 but also between Highway 24, Williams Street and Eagle Street and along all streets in the 100 Block.

- (d) The small town historic main street character will be maintained by keeping in scale with the original plat of twenty-five-foot by one hundred-foot lots and one- to two-story building frontages along Highway 24. Large monolithic buildings and "strip" retail areas are not allowed. New development in the 100 Block shall follow the standards and guidelines provided in Appendix B which seeks to ensure new structures maintain compatibility with historic structures while bringing new uses to increase vitality.

* * *

Sec. 16-6-70. – Old Town Character Area use table.

The following Table 16-2 sets forth the uses for the Old Town Character Area:

Table 16-2

Old Town Character Area Use Table

Use	All Residential Zones	Commercial Zones	100 Block: A	100 Block: B	All Mixed-Use Zones	All Recreation & Open Space Zones	All Federally Regulated Zones	Light Industry and Public Facilities Zone	PUD Holding Zone	Railroad Right-of-Way/Transportation Zone
R – Use by right C – Conditional use L – Limited use N – Not allowed										
Accessory apartments (street level)	L	C	N** * =	N** * =	L	N	—	—	—	—
Accessory apartments (second floor or above)	L	C	R	R	L	N	—	—	—	—
Accessory dwellings (street level)	L	C	N** * =	N** * =	L	N	—	—	—	—
Accessory dwellings (second floor or above)	L	C	R	R	L	N	—	—	—	—
Automotive detail shops	N	C	N	N	C	N	—	—	—	—

Automotive parts sales	N	C	N	N	C	N	—	—	—	—
Bakeries and confectioneries	N	R	R	R	R	N	—	—	—	—
Banks and financial institutions	N	R	N	N	R	N	—	—	—	—
Barbershops	N	R	R	R	R	N	—	—	—	—
Beauty Shops	N	R	R	R	R	N	—	—	—	—
Business and office services	N	R	C	C	R	N	—	—	—	—
Car washes	N	N	N	N	C	N	—	—	—	—
Cocktail lounges, taverns	N	R	R	R	C	N	—	—	—	—
Club (street level)	N	N	N	N	N	N	—	—	—	—
Club (second floor or above)	N	C	N	N	C	N	—	—	—	—
Commercial accommodations	N	R	R	R	C	N	—	—	—	—
Convenience stores	N	C	N	N	C	N	—	—	—	—
Delicatessens and specialty food stores	N	R	R	R	C	N	—	—	—	—
Drive-thru/up	N	C	N	N	N	N	—	—	—	—

establishments										
Drugstores and pharmacies	N	R	R	R	R	N	—	—	—	—
Dry cleaners	N	R	N	N	N	N	—	—	—	—
Duplexes (street level)	N	C	N ^{***} _{*=}	N ^{***} _{*=}	C	N	—	—	—	—
Duplexes (second floor or above)	N	C	R	R	C	N	—	—	—	—
Garden landscaping supply and seed stores	N	R	N	N	R	N	—	—	—	—
Gas stations	N	N	N	N	C	N	—	—	—	—
Grocery stores	N	R	C	C	C	N	—	—	—	—
Health/medical offices (street level)	N	C	N	N	C	N	—	—	—	—
Health/medical offices (second floor or above)	N	R	R	R	C	N	—	—	—	—
Institutional uses (street level)	N	N	N	N	N	N	—	—	—	—
Institutional uses (second floor or above)	N	C	N	N	C	N	—	—	—	—
Laundries	N	C	N	N	C	N	—	—	—	—

Laundromats	N	R	N	N	C	N	—	—	—	—
Liquor stores	N	R	R	R	C	N	—	—	—	—
Manufacturing, light	N	C	C	C	N	N	—	—	—	—
Multi-family dwellings (street level)	N	C	$\frac{N^{**}}{*}$	$\frac{N^{**}}{*}$	C	N	—	—	—	—
Multi-family dwellings (second floor or above)	N	C	R	R	C	N	—	—	—	—
Pawn shops	N	R	C	C	C	N	—	—	—	—
Photographic studios	N	R	C	C	R	N	—	—	—	—
*Professional activities (street level)	N	R	C	C	C	N	—	—	—	—
Professional activities (second floor or above)	N	R	R	R	R	N	—	—	—	—
*Professional offices, business offices and studios (street level)	N	C	C	C	R	N	—	—	—	—
Professional offices, business offices and studios (second floor or above)	N	R	R	R	R	N	—	—	—	—

Radio and television stores and repair shops	N	R	R	R	R	N	—	—	—	—
Restaurant	N	R	R	R	C	N	—	—	—	—
Single-family residential dwellings	R	C	N	N	R	N	—	—	—	—
Retail stores including: Apparel stores; art supply stores and galleries; bookstores; camera stores and photographic studios; candy stores; chinaware and glassware stores; florists; gift stores; hobby stores; household appliance stores; jewelry stores; leather goods stores; luggage stores; music and record stores; newsstands and tobacco stores; sporting goods stores;	N	R	R	R	R	N	—	—	—	—

stationery stores; toy stores; variety stores; yardage and dry goods stores										
<u>** Short-term rental</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>N</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>
Small appliance repair shops, excluding furniture repair	N	R	C	C	R	N	—	—	—	—
Tailors and dressmakers (street level)	N	R	N	N	R	N	—	—	—	—
Tailors and dressmakers (second floor or above)	N	R	R	R	R	N	—	—	—	—
Theaters	N	R	N	N	C	N	—	—	—	—
Theaters, meeting rooms and convention centers (street level)	N	N	N	N	N	N	—	—	—	—
Theaters, meeting rooms and convention centers (second floor or above)	N	C	N	N	C	N	—	—	—	—
Travel and ticket agencies	N	R	N	N	R	N	—	—	—	—

Refer to BD.2 in Appendix B for Active Use requirements on ground floor.

* Professional activities and offices may be allowed on the street level fronting Williams Street and Eagle River Street in the 100 Block, with conditional approval from Town Council depending on the use and parking demand.

** Historic property is exempt from the two year ownership requirement. Historic properties within the 100 Block Zones are allowed to function as short-term rentals on all floors.

*** Residential is allowed on the back 50% of the proposed ground floor area of historic properties with the 100 Block Zones while meeting all residential parking requirements.

* * *

ARTICLE 7 – South Town Character Area

Sec. 16-7-60. – South Town Character Area use table.

The following Table 16-3 sets forth the uses for the South Town Character Area.

Table 16-3
South Town Character Area Use Table

Use	All Residential Zones	All Commercial Zones	All Mixed-Use Zones	All Recreation & Open Space Zones	All Federally Regulated Zones	Light Industry and Public Facilities Zone	PUD Holding Zone	Railroad Right-of-Way/Transportation Zone
R - Use by right C – Conditional use L – Limited use N – Not allowed								
Accessory apartments	L	L	—	—	N	—	—	—
Accessory dwellings	L	L	—	—	N	—	—	—
Automotive detail shops	N	R	—	—	N	—	—	—
Automotive parts sales	N	R	—	—	N	—	—	—
Bakeries and confectioneries	N	R	—	—	N	—	—	—
Bakeries and delicatessens with food service	N	R	—	—	N	—	—	—

Banks and financial institutions	N	R	—	—	N	—	—	—
Barbershops	N	R	—	—	N	—	—	—
Beauty shops	N	R	—	—	N	—	—	—
Business and office services	N	R	—	—	N	—	—	—
Car washes	N	C	—	—	N	—	—	—
Cocktail lounges, taverns	N	R	—	—	N	—	—	—
Commercial accommodations	N	R	—	—	N	—	—	—
Convenience stores	N	R	—	—	N	—	—	—
Delicatessens and specialty food stores	N	R	—	—	N	—	—	—
Drive-thru/ups establishments	N	C	—	—	N	—	—	—
Drugstores and pharmacies	N	R	—	—	N	—	—	—
Dry cleaners	N	R	—	—	N	—	—	—
Duplexes	R	R	—	—	N	—	—	—
Garden landscaping supply and seed stores	N	R	—	—	N	—	—	—
Gas stations	N	C	—	—	N	—	—	—

Grocery stores	N	R	—	—	N	—	—	—
Health/medical offices	N	R	—	—	N	—	—	—
Institutional uses	N	R	—	—	N	—	—	—
Laundries	N	C	—	—	N	—	—	—
Laundromats	N	R	—	—	N	—	—	—
Liquor stores	N	R	—	—	N	—	—	—
Manufacturing, light	N	C	—	—	N	—	—	—
Multi-family dwellings	C	C	—	—	N	—	—	—
Office uses	N	R	—	—	N	—	—	—
Pawn shops	N	R	—	—	N	—	—	—
Photographic studios	N	R	—	—	N	—	—	—
Professional activities	N	R	—	—	N	—	—	—
Professional offices, business offices and studios	N	R	—	—	N	—	—	—
Radio and television stores and repair shops	N	R	—	—	N	—	—	—
Restaurant	N	R	—	—	N	—	—	—
Retail uses greater than 5,000 square feet	N	C	—	—	N	—	—	—

Retail stores including: apparel stores; art supply stores and galleries; bookstores; camera stores and photographic studios; candy stores; chinaware and glassware stores; florists; gift stores; hobby stores; household appliance stores; jewelry stores; leather goods stores; luggage stores; music and record stores; newsstands and tobacco stores; sporting goods stores; stationery stores; toy stores; variety stores; yardage and dry goods stores.	N	R		N	—	—	—	—
Service businesses	N	R	—	—	N	—	—	—
Single-family residential dwellings	R	R	—	—	N	—	—	—
<u>*Short-term rental</u>	<u>R</u>	<u>R</u>	<u>—</u>	<u>—</u>	<u>N</u>	<u>—</u>	<u>—</u>	<u>—</u>
Small appliance	N	R	—	—	N	—	—	—

repair shops, excluding furniture repair								
Tailors and dressmakers	N	R	—	—	N	—	—	—
Theaters	N	R	—	—	N	—	—	—
Theaters, meeting rooms and convention centers	N	R	—	—	N	—	—	—
Travel and ticket agencies	N	R	—	—	N	—	—	—

** Historic property is exempt from the two year ownership requirement.*

* * *

ARTICLE 8 – Martin Creek Character Area

Sec. 16-8-40. – Martin Creek Character Area use table.

The following Table 16-4 sets forth the uses for the Martin Creek Character Area:

Table 16-4

Martin Creek Character Area Use Table

Use	All Residential Zones	All Commercial Zones	All Mixed-Use Zones	All Recreation & Open Space Zones	All Federally Regulated Zones	Light Industry and Public Facilities Zone	PUD Holding Zone	Railroad Right-of-Way/Transportation Zone
R - Use by right C – Conditional use L – Limited use N – Not allowed								
Accessory apartments	L	—	—	—	—	—	—	—
Accessory dwellings	L	—	—	—	—	—	—	—
Automotive detail shops	N	—	—	—	—	—	—	—

Automotive parts sales	N	—	—	—	—	—	—	—
Bakeries and confectioneries	N	—	—	—	—	—	—	—
Bakeries and delicatessens with food service	N	—	—	—	—	—	—	—
Banks and financial institutions	N	—	—	—	—	—	—	—
Barbershops	N	—	—	—	—	—	—	—
Beauty shops	N	—	—	—	—	—	—	—
Business and office services	N	—	—	—	—	—	—	—
Car washes	N	—	—	—	—	—	—	—
Cocktail lounges, taverns	N	—	—	—	—	—	—	—
Commercial accommodations	N	—	—	—	—	—	—	—
Convenience stores	N	—	—	—	—	—	—	—
Delicatessens and specialty food stores	N	—	—	—	—	—	—	—
Drive-thru/up establishments	N	—	—	—	—	—	—	—
Drugstores and pharmacies	N	—	—	—	—	—	—	—

Dry cleaners	N	—	—	—	—	—	—	—
Duplexes	N	—	—	—	—	—	—	—
Garden landscaping supply and seed stores	N	—	—	—	—	—	—	—
Gas stations	N	—	—	—	—	—	—	—
Grocery stores	N	—	—	—	—	—	—	—
Health/medical offices	N	—	—	—	—	—	—	—
Laundries	N	—	—	—	—	—	—	—
Laundromats	N	—	—	—	—	—	—	—
Liquor stores	N	—	—	—	—	—	—	—
Manufacturing, light	N	—	—	—	—	—	—	—
Multi-family dwellings	N	—	—	—	—	—	—	—
Office uses	N	—	—	—	—	—	—	—
Pawn shops	N	—	—	—	—	—	—	—
Photographic studios	N	—	—	—	—	—	—	—
Professional activities	N	—	—	—	—	—	—	—
Professional offices, business offices and studios	N	—	—	—	—	—	—	—
Radio and television stores and repair shops	N	—	—	—	—	—	—	—

Restaurant	N	—	—	—	—	—	—	—
Retail stores including: apparel stores; art supply stores and galleries; bookstores; camera stores and photographic studios; candy stores; chinaware and glassware stores; florists; gift stores; hobby stores; household appliance stores; jewelry stores; leather goods stores; luggage stores; music and record stores; newsstands and tobacco stores; sporting goods stores; stationery stores; toy stores; variety stores; yardage and dry goods stores.	N	—	—	—	—	—	—	—
Retail uses greater than 5,000 square feet	N	—	—	—	—	—	—	—
Service businesses	N	—	—	—	—	—	—	—
<u>*Short-term rental</u>	<u>R</u>	==	==	==	==	==	==	==

Single-family residential dwellings	R	—	—	—	—	—	—	—
Small appliance repair shops, excluding furniture repair	N	—	—	—	—	—	—	—
Tailors and dressmakers	N	—	—	—	—	—	—	—
Theaters	N	—	—	—	—	—	—	—
Theaters, meeting rooms and convention centers	N	—	—	—	—	—	—	—
Travel and ticket agencies	N	—	—	—	—	—	—	—

** Historic property is exempt from the two year ownership requirement.*

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ARTICLE 9 – Cross Creek Character Area

Sec. 16-9-60. – Cross Creek Character Area use table.

The following Table 16-5 sets forth the uses for the Cross Creek Character Area:

Table 16-5
Cross Creek Character Area Use Table

Use	All Residential Zones	All Mixed-Use Zones	All Recreation & Open Space Zones	All Federally Regulated Zones
R – Use by right C – Conditional use L – Limited use N – Not allowed				
Accessory apartments	L	L	N	N
Accessory dwellings	L	L	N	N
Automotive detail shops	N	C	N	N

Automotive parts sales	N	C	N	N
Bakeries and confectioneries	N	R	N	N
Bakeries and delicatessens with food service	N	R	N	N
Banks and financial institutions	N	R	N	N
Barbershops	N	R	N	N
Beauty shops	N	R	N	N
Business and office services	N	R	N	N
Car washes	N	N	N	N
Cocktail lounges, taverns	N	C	N	N
Commercial accommodations	N	R	N	N
Convenience stores	N	C	N	N
Delicatessens and specialty food stores	N	R	N	N
Drive-thru/up establishments	N	N	N	N
Drugstores and pharmacies	N	R	N	N
Dry cleaners	N	R	N	N
Duplexes	R	R	N	N
Garden landscaping supply and seed stores	N	R	N	N
Gas stations	N	N	N	N
Grocery stores	N	R	N	N
Health/medical offices	N	R	N	N
Laundromats	N	C	N	N
Liquor stores	N	C	N	N
Manufacturing, light	N	N	N	N

Multi-family dwellings	C	C	N	N
Office uses	N	R	N	N
Pawn shops	N	C	N	N
Photographic studios	N	R	N	N
Professional activities	N	R	N	N
Professional offices, business offices and studios	N	R	N	N
Restaurants	N	R	N	N
Retail stores, including: apparel stores; art supply stores and galleries; bookstores; camera stores and photographic studios; candy stores; chinaware and glassware stores; florists; gift stores; hobby stores; household appliance stores; jewelry stores; leather goods stores; luggage stores; music and record stores; newsstands and tobacco stores; sporting goods stores; stationery stores; toy stores; variety stores; yardage and dry goods stores	N	R	N	N
Retail uses greater than 5,000 square feet	N	R	N	N
Service businesses	N	R	N	N
<u>*Short-term rental</u>	<u>R</u>	<u>R</u>	<u>N</u>	<u>N</u>
Single-family residential dwellings	R	R	N	N
Small appliance repair shops, excluding furniture repair	N	R	N	N
Tailors and dressmakers	N	R	N	N
Theaters	N	C	N	N
Travel and ticket agencies	N	R	N	N

** Historic property is exempt from the two year ownership requirement.*

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ARTICLE 12 – Game Creek Character Area

Sec. 16-12-50. – Game Creek Character Area use table.

The following Table 16-7 sets forth the uses for the Game Creek Character Area:

Table 16-7
Game Creek Character Area Use Table

Use	All Residential Zones	All Commercial Zones	All Mixed-Use Zones	All Recreation & Open Space Zones	All Federally Regulated Zones	Light Industry and Public Facilities Zone	PUD Holding Zone	Railroad Right-of-Way/Transportation Zone
R - Use by right C – Conditional use L – Limited use N – Not allowed								
Accessory apartments	L	—	—	—	—	—	—	—
Accessory dwellings	L	—	—	—	—	—	—	—
Automotive detail shops	N	—	—	—	—	—	—	—
Automotive parts sales	N	—	—	—	—	—	—	—
Bakeries and confectioneries	N	—	—	—	—	—	—	—
Bakeries and delicatessens with food service	N	—	—	—	—	—	—	—
Banks and financial institutions	N	—	—	—	—	—	—	—
Barbershops	N	—	—	—	—	—	—	—
Beauty shops	N	—	—	—	—	—	—	—
Business and office services	N	—	—	—	—	—	—	—
Car washes	N	—	—	—	—	—	—	—
Cocktail lounges, taverns	N	—	—	—	—	—	—	—

Commercial accommodations	N	—	—	—	—	—	—	—
Convenience stores	N	—	—	—	—	—	—	—
Delicatessens and specialty food stores	N	—	—	—	—	—	—	—
Drive-thru/up establishments	N	—	—	—	—	—	—	—
Drugstores and pharmacies	N	—	—	—	—	—	—	—
Dry cleaners	N	—	—	—	—	—	—	—
Duplexes	C	—	—	—	—	—	—	—
Garden landscaping supply and seed stores	N	—	—	—	—	—	—	—
Gas stations	N	—	—	—	—	—	—	—
Grocery stores	N	—	—	—	—	—	—	—
Health/medical offices	N	—	—	—	—	—	—	—
Laundries	N	—	—	—	—	—	—	—
Laundromats	N	—	—	—	—	—	—	—
Liquor stores	N	—	—	—	—	—	—	—
Manufacturing, light	N	—	—	—	—	—	—	—
Multi-family dwellings	N	—	—	—	—	—	—	—
Office uses	N	—	—	—	—	—	—	—

Pawn shops	N	—	—	—	—	—	—	—
Photographic studios	N	—	—	—	—	—	—	—
Professional activities	N	—	—	—	—	—	—	—
Professional offices, business offices and studios	N	—	—	—	—	—	—	—
Radio and television stores and repair shops	N	—	—	—	—	—	—	—
Restaurant	N	—	—	—	—	—	—	—
Retail stores including: apparel stores; art supply stores and galleries; bookstores; camera stores and photographic studios; candy stores; chinaware and glassware stores; florists; gift stores; hobby stores; household appliance stores; jewelry stores; leather goods stores; luggage stores; music and record stores; newsstands and tobacco stores;	N	—	—	—	—	—	—	—

sporting goods stores; stationery stores; toy stores; variety stores; yardage and dry goods stores.								
Retail uses greater than 5,000 square feet	N	—	—	—	—	—	—	—
Service businesses	N	—	—	—	—	—	—	—
<u>*Short-term rental</u>	<u>R</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
Single-family residential dwellings	R	—	—	—	—	—	—	—
Small appliance repair shops, excluding furniture repair	N	—	—	—	—	—	—	—
Tailors and dressmakers	N	—	—	—	—	—	—	—
Theaters	N	—	—	—	—	—	—	—
Theaters, meeting rooms and convention centers	N	—	—	—	—	—	—	—
Travel and ticket agencies	N	—	—	—	—	—	—	—

* Historic property is exempt from the two year ownership requirement.

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ARTICLE 14.5 – Maloit Park Character Area**Sec. 16-14.5-60. - Maloit Park Character Area use table.**

The following Table 16-9.5 sets forth the uses for the Maloit Park Character Area:

Table 16-9.5
Maloit Park Character Area Use Table

Use	All Residential Zones	All Commercial Zones	All Mixed-Use Zones	All Recreation & Open Space Zones	All Federally Regulated Zones	Light Industry and Public Facilities Zone	PUD Holding Zone	Railroad Right-of-Way/Transportation Zone
R - Use by right C – Conditional use L – Limited use N – Not allowed								
Accessory apartment			R	N		R		
Accessory dwelling			R	N		R		
Accessory uses customarily associated with allowable uses			R	R		R		
Arts, recreation, senior or civic centers			R	N		N		
Athletic fields			R	N		R		
Automotive detail shops			N	N		N		
Automotive parts sales			N	N		N		
Bakeries and confectionaries			N	N		N		
Bakeries and delicatessens			N	N		N		

with food service								
Banks and financial institutions			N	N		N		
Barbershops			N	N		N		
Beauty shops			N	N		N		
Business and office services			N	N		N		
Car washes			N	N		N		
Cocktail lounges, taverns			N	N		N		
Commercial accommodations			N	N		N		
Community-oriented buildings, facilities and uses			R	N		N		
Convenience stores			N	N		N		
Day care, early learning			R	N		N		
Delicatessen and specialty food stores			N	N		N		
Dormitory housing			R	N		N		
Drive thru/up establishments			N	N		N		

Drugstores and pharmacies			N	N		N		
Dry cleaners			N	N		N		
Duplex			R	N		R		
Educational or training facilities and uses			R	N		N		
Garden landscaping supply and seed stores			N	N		N		
Gas stations			N	N		N		
Grocery stores			N	N		N		
Health/medical offices			N	N		N		
Health/wellness center			R	N		N		
Laundries			N	N		N		
Laundromats			N	N		N		
Liquor stores			N	N		N		
Manufacturing, light			N	N		N		
Multi-family dwellings			R	N		R		
Office use			N	N		N		
Offices associated with community-oriented or			R	N		N		

nonprofit organizations								
Overnight lodging associated with allowable health/wellness or conference centers			R	N		N		
Parks and playgrounds			R	R		N		
Pawn shops			N	N		N		
Photographic studios			N	N		N		
Professional activities			N	N		N		
Professional offices, business offices and studios			N	N		N		
Radio and television stores and repair shops			N	N		N		
Restaurants			N	N		N		
Retail stores including: apparel stores; art supply stores and galleries; bookstores; camera stores and photographic studios; candy stores; chinaware and glassware			N	N		N		

stores; florists; gift shops; hobby stores; household appliance stores; jewelry stores; leather good stores; luggage stores; music and record stores; newsstands and tobacco stores; sporting goods stores; stationary stores; toy stores; variety stores; yardage and dry goods stores								
Retail uses greater than 5,000 sq. ft.			N	N		N		
School- related uses and facilities in accordance with Section 22-32-124, C.R.S.			R	N		N		
Senior housing, retirement communities			R	N		N		
Service businesses			N	N		N		
<u>*Short-term rental</u>			<u>R</u>	<u>N</u>		<u>R</u>		
Single-family dwellings			R	N		R		

Small appliance repair shops, excluding furniture repair			N	N		N		
Studios for arts, crafts and performing arts			R	N		N		
Tailors and dressmakers			N	N		N		
Theaters, meeting rooms and conference centers			R	N		N		
Trails, trailheads			R	R		R		
Travel and ticket agencies			N	N		N		
Utility facilities and improvements, including but not limited to water storage, transmission lines, transformers, etc.			R	R		R		
Water treatment facilities			N	N		R		
Other uses determined to be similar in nature to other			R	R		R		

permitted uses							
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** Historic property is exempt from the two year ownership requirement.*

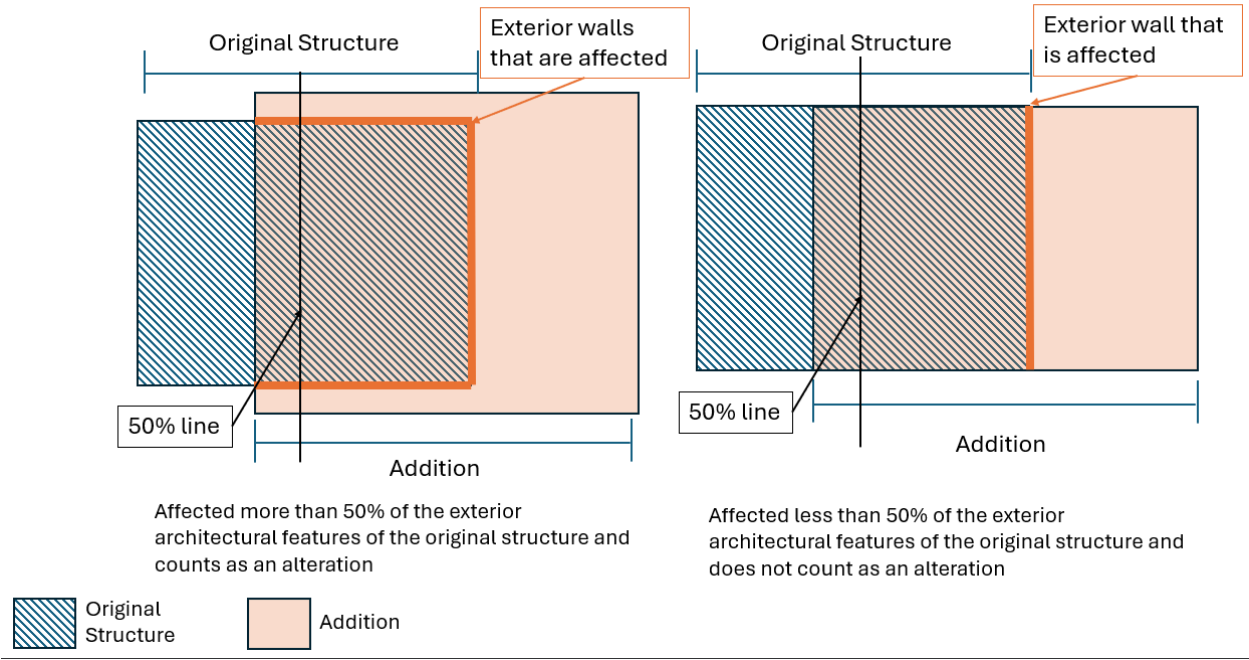
CHAPTER 19 – Historic Preservation

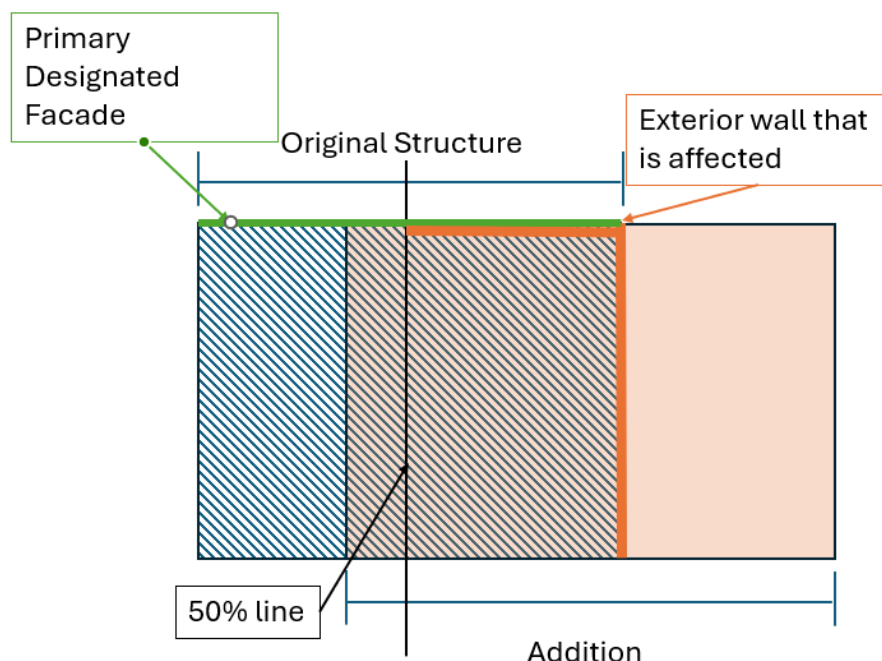
ARTICLE 1 - General

Sec. 19-1-40. – Definitions.

Alter, alters, or alterations means any act or process that changes ~~one (1) or more of the~~ fifty percent (50%) of the exterior architectural features of a building, structure, site, or object measured by square footage or a primary designated façade as chosen by HPC and Council during the designation process.

Illustrative Example:





Affected less than 50% of the exterior architectural features of the original structure, but affected the façade designated by HPC and Council and does count as an alteration

* * *

ARTICLE 4 – Designation Procedure

Sec. 19-4-10. – Application for nomination.

- (a) Applications shall be submitted to the Town of Minturn Planning Department for consideration, on a form provided by HPC.
- (b) An application for nomination for listing in the Town's Historic Register may be made by the owner or owners of the property or properties to be designated or by two or more of the following:
 - (1) ~~By the owner or owners of the property or properties to be designated;~~
 - (2) By a member ~~or members~~ of HPC;
 - (3) By a member ~~or members~~ of Town Council; and/or
 - (4) By non-owners of the property or properties to be designated, in which case the applicant must be a resident or owner of property in the Town, or have a place of business in the Town.
- (c) Where an application for nomination is submitted by someone other than the property owner or less than all of the property owners in a district nominated for designation, the staff person assigned to HPC pursuant to [Section 19-2-50](#) shall contact the owner or owners of such property or properties nominated for designation in writing, outlining the reasons and effects of listing in the Town's Historic Register, within ten (10) business ~~forty-five (45)~~ days of receipt of a complete application.

- (d) Applications determined incomplete by the Planning Department shall be returned to the applicant within forty-five (45) days of receipt of application, with a request for additional information.

* * *

Sec. 19-4-30. – HPC review.

- (a) HPC shall review the application for conformance with the established criteria for designation and with the purposes of this Article.
- (b) HPC shall recommend:
 - (1) Approval;
 - (2) Approval with conditions; or
 - (3) Denial of the application.HPC shall set forth in writing the basis of its recommendation.
- (c) If HPC recommends approval of an application or approval of an application with conditions, HPC shall forward the application with a copy of its report and findings, as well as a recommendation of which façade(s), not to exceed 50% of the exterior architectural features, should be prioritized to remain as is, to the Town Council within thirty (30) days of determination.
- (d) If HPC recommends denial of an application, HPC shall forward the application with a copy of its report and findings to the Town Council within thirty (30) days of determination.
- (e) HPC may issue an order continuing the nomination process if HPC finds that additional information is necessary to make a decision. If the hearing is continued, the time, date, and place of the continuation shall be established and announced to those present when the current session is to be adjourned. In no case can a hearing be continued more than forty-five (45) days without the express consent of the applicant and the owner(s).

* * *

ARTICLE 5 – Alterations to Listed Properties and Historic Districts

Sec. 19-5-30. – Review criteria.

- (a) Compliance with any Historic Preservation Design Guidelines adopted by the Town Council for historic properties and/or contributing properties within historic districts.
- (b) Compliance with Appendix B – Minturn Design Standards and Guidelines as long as the alterations are keeping with the general character of the historic property ~~the Secretary of the Interior's Standards for the Treatment of Historic Properties, including the Standards for Rehabilitation.~~

* * *

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE __DAY OF ____, 2024. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE __ DAY OF ____, 2024 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By:_____
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON
SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN
FULL ON THE OFFICIAL TOWN WEBSITE THIS __ DAY OF _____, 2024.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By:_____
Jay Brunvand, Town Clerk



Minturn Forward Memo

TO:	Minturn Planning Commission
FROM:	Matt Farrar, Western Slope Consulting
DATE:	August 8, 2024
ATTACHMENTS:	None

To support the Planning Commission’s review of the initial draft of Article 5: Land Use Application Requirements and Procedures, this memo lists the key changes that have been made to Minturn’s existing requirements for Land Use applications.

Section 16-5-10: General Provisions

- Language has been added to clarify that a Land Use application submitted to the Town will not be made available to the public until the application has been deemed complete by Town staff.
- Language has been added to clarify what happens if no final action is taken on an application. The proposed language states that no final action on an application equates to a denial. This is under review by the Town Attorney.
- Language has been added to clarify the requirements for an applicant to withdraw their application and for the Town to deem an application withdrawn.

Section 16-5-20: Land Use Application Types & Review Procedures

- A table has been added to provide a summary of the town’s Land Use applications and their applicable review process.

Section 16-5-30: Public Notice Requirements

- A table has been added to provide a summary of the public notice requirements for each Land Use application.
- The distance for notifying “adjacent property owners” has been reduced from 250-feet to 100-feet. This is under review by the Town Attorney.
- Language has been added to clarify that a Major PUD Amendment requires notifying all property owners in the PUD. It is believed that this is required by State statute and is under review by the Town Attorney.
- Language has been added to clarify that an applicant, or their agent, is solely responsible for addressing the public notice requirements for their application.

- Language has been added to clarify that certain issues associated with public notice do not invalidate the notice.

Section 16-5-40: Public Hearing Requirements

- Most of the language in this Section comes from the Town's existing regulations. It is recommended that the following Subsections be deleted. Town staff is working with the Town Attorney to determine if it is okay, from a legal perspective, to delete these Subsections.
 - Subsection 16-5-40(B): Order of Proceedings
 - Subsection 16-5-40(D): Record of Public Hearing
- Language has been added to clarify the requirements for a continuance of a public hearing.

Section 16-5-50: Code Amendment

- The Town's existing regulations combine Code Amendments (Amendments to Text of Land Use Regulations) and Rezoning (Amendments to Character Areas and Zone District Map) into one Section. The draft of Article 5 separates Code Amendments and Rezoning into two Sections.
- The review criteria for a Code Amendment have been modified to make them more applicable to a change(s) to the Town's regulations.
- Language has been added to clarify each step of the process required for a Code Amendment application.

Section 16-5-60: Conditional Use

- The Town's existing regulations list the requirements for a Conditional Use application under "Division 4 – Miscellaneous Provisions." The draft of Article 5 lists the requirements for a Conditional Use application as a standalone Section.
- The submittal requirements for a Conditional Use application have been modified to ensure that sufficient detail is included in an application.
- The Town's existing regulations list factors to be considered and required criteria for a Conditional Use application. This makes the requirements for a decision confusing. The review criteria have been modified to only list the criteria that are required for making a decision, to clarify the language of the criteria, and to make the criteria more applicable to a Conditional Use.
- Language has been added to clarify each step of the process required for a Conditional Use application.

Section 16-5-70: Design Review

- Language has been added to clarify the difference between a Design Review and a Minor Design Review.
- Language has been added to clarify the submittal requirements for a Design Review application.
- Language has been added to clarify each step of the process required for a Design Review application.

- If the Town wants to continue the practice of decisions by the Design Review Board (Planning Commission) being ratified by the Town Council, language will need to be added to Article 5 to clarify that this is required as part of the process for a Design Review application.
- Language needs to be added to Article 5 to clarify the process for modifying an approved plan or design.

Section 16-5-80: Minor Design Review

- This is a new Section that does not currently exist in the Town's regulations. This Section addresses the requirements and process for a Minor Design Review application.

Section 16-5-90: Limited Review Use

- The Town's existing regulations list the requirements for a Limited Review Use application under "Division 4 – Miscellaneous Provisions." The draft of Article 5 lists the requirements for a Limited Review Use application as a standalone Section.
- The submittal requirements for a Limited Review Use application have been expanded and modified to ensure that sufficient detail is included in an application. The Town's existing regulations just require the submittal of the Town's application form.
- Language has been added to clarify each step of the process required for a Limited Review Use application.
- Language has been added to clarify the information to be included as part of a Certificate of Zoning Compliance issued for an approved Limited Review Use.

Section 16-5-100: Rezoning (Amendment to Zoning Map)

- The Town's existing regulations combine Code Amendments (Amendments to Text of Land Use Regulations) and Rezoning (Amendments to Character Areas and Zone District Map) into one Section. The draft of Article 5 separates Code Amendments and Rezoning into two Sections.
- Language has been added to clarify what constitutes a rezoning.
- The submittal requirements for a Rezoning application have been expanded and modified to ensure that sufficient detail is included in an application.
- The review criteria for a Rezoning have been modified to make them more applicable to changes to the Town's Zoning Map.
- Language has been added to clarify each step of the process required for a Rezoning application.
- Language has also been added to clarify that a "comprehensive rezoning" initiated by the Town only requires publishing notice in the local newspaper.
- Language has been added to clarify that conditions of approval are not permitted for a Rezoning.

Section 16-5-110: Temporary Use

- The Town’s existing regulations list the requirements for a Temporary Use application under “Division 4 – Miscellaneous Provisions.” The draft of Article 5 lists the requirements for a Temporary Use application as a standalone Section.
- It is recommended that as part of the update to the Town’s Land Use regulations, a table be created that lists the types of Temporary Uses and Structures (e.g., food truck, special event, parklet, shade structure, etc.) permitted in each of the Town’s zone districts. The Town’s existing regulations only allow Temporary Uses that are classified as a Use by Right or Limited Review Use in the applicable zone district.
- The submittal requirements for a Temporary Use application have been expanded and modified to ensure that sufficient detail is included in an application.
- The review criteria for a Temporary Use have been modified to clarify the language and make them more applicable.
- Language has been added to clarify each step of the process required for a Temporary Use application.
- The Town’s existing regulations list criteria that may require a public hearing for a Temporary Use application. These criteria and the possible requirement for a public hearing have been removed.
- Language has been added to clarify the information to be included as part of an approved Temporary Use Permit.
- Language has been added to clarify the requirements and allowances for an extension of a Temporary Use.

Section 16-5-120: Zoning Variance

- The Town’s existing regulations list “Approval Criteria” and “Required Findings” for a Zoning Variance application. This makes the requirements for a decision confusing. The review criteria have been modified to only list the criteria that are required for making a decision, to clarify the language of the criteria, and to make the criteria more applicable to a Zoning Variance.
- The review process for a Zoning Variance has been modified to be a one-step process that is reviewed and decided on by the Town Council (acting as the Zoning Board of Appeals).
- Language has been added to clarify each step of the process required for a Zoning Variance application.

Sections 16-5-130 – 16-5-160: Planned Unit Developments (PUDs)

- The Town’s existing regulations for Planned Unit Developments (PUDs) are disorganized, confusing, and ambiguous in places. A fair amount of time has gone into re-organizing, clarifying, and enhancing the language for PUDs in the draft of Article 5. Additional work on the updated language is necessary. Specifically, the following items need further refinement:
 - Standards for common open space, park, and recreation areas.

- PUD Application Standards.
- Authorized Variations and Basis for Granting Variations.
- Enforcement of PUD
- Review criteria and submittal requirements for Concept, Preliminary, and Final Development Plans.

Section 16-5-170: Minor PUD Amendments

- Language has been added to clarify that all Minor Amendments to an approved PUD must comply with the requirements and process set forth in Article 5, unless a different Minor Amendment process is specifically approved as part of a PUD.
- Language has been added to clarify that the Town Planner is responsible for determining if an amendment to a PUD is consider a Minor or Major Amendment.
- The Town’s existing regulations list two types of Minor PUD Amendments. One type of Minor Amendment can be approved by the Town Planner and the other can be approved by the Planning Commission. In the draft of Article 5, the two types of Minor PUD Amendments have been consolidated and can be decided on by the Town Planner.
- The submittal requirements for a Minor PUD Amendment application have been expanded and modified to ensure that sufficient detail is included in an application.
- The review criteria for a Minor PUD Amendment have been modified to clarify the language.
- Language has been added to clarify each step of the process required for a Minor PUD Amendment application.

Section 16-5-180: Major PUD Amendments

- Language has been added to clarify that all Major Amendments to an approved PUD must comply with the requirements and process set forth in Article 5, unless a different Major Amendment process is specifically approved as part of a PUD.
- Language has been added to clarify the types of changes that constitute a Major Amendment and to clarify that the Town Planner is responsible for determining if an amendment to a PUD is consider a Minor or Major Amendment.
- The submittal requirements for a Major PUD Amendment application have been expanded to ensure that sufficient detail is included in an application.
- The review criteria for a Major PUD Amendment have been modified to clarify the language.
- Language has been added to clarify the process required for a Major PUD Amendment application.

Section 16-5-190: Sign Permit

- The submittal requirements for a Sign Permit application have been expanded to ensure that sufficient detail is included in an application.
- Language has been added to clarify each step of the process required for a Sign Permit application.
- The review process for a Sign Permit application has been modified to authorize the Town Planner to make a decision on an application and not require a decision by the Planning Commission (which is required under the Town's existing regulations). The process for an extension of an approved Sign Permit has also been changed to allow the Town Planner to authorize an extension, instead of the Planning Commission.
- Language has been added to clarify the information to be included as part of an approved Sign Permit.

Section 16-5-200: Master Sign Program

- This is a new Section that does not currently exist in the Town's regulations. This Section addresses the requirements and process for a Master Sign Program that is required for all multi-tenant buildings and developments with more than one (1) building.

Section 16-5-210: Sign Variance

- Under the Town's existing regulations an application for a Sign Variance must comply with the requirements and process for a Zoning Variance. In the draft of Article 5, a Section specific to Sign Variances has been created. This new Section lists submittal requirements tailored to a Sign Variance. The review criteria and process for a Sign Variance are the same as that for a Zoning Variance.
- Like the modified review process for a Zoning Variance, the review process for a Sign Variance is intended to be a one-step process that is reviewed and decided on by Town Council (acting as the Zoning Board of Appeals).

ARTICLE 5: LAND USE APPLICATION REQUIREMENTS & PROCEDURES

Section 16-5-10: General Provisions

A. Purpose

The purpose of this Article is to describe the types of land use applications permitted in the Town of Minturn and the review procedures for these applications.

B. Applicability

The application requirements and review procedures set forth in this Article apply to all land use applications in the Town of Minturn.

C. Public Review of Application.

1. No application will be made available to the public until after it has been deemed complete in accordance with this Article.
2. An application, and any associated materials, will be made available for review by the public at Minturn Town Hall during normal business hours.
3. Upon request to the Town, any person may obtain a hard copy of an application, and any associated materials. The person making such a request shall be responsible for payment of the applicable fee(s) pursuant to the Town's fee schedule.

D. Findings for Approval or Denial

All decisions on the applications set forth in this Article shall include, at minimum, a clear statement of the following:

1. The approval, approval with conditions, or denial, whichever is appropriate.
2. The basis upon which the decision was made, including specific findings of fact with reference to the relevant review criteria and standards of this Code.

E. Effect of Inaction on an Application

If the person or body responsible for deciding on an application fails to act, such inaction shall be deemed a denial of the application.

F. Application Withdrawal

1. **Applicant Withdrawal.** An applicant may withdraw their application at any time prior to a final action on the application by the decision-making body. To do so, an applicant must notify the Town, in writing, by making a statement for the record at a public hearing, or by other appropriate means, that their application is withdrawn.
2. **Administrative Withdrawal.** If an applicant fails to correct deficiencies in their application within one hundred eighty (180) calendar days of receiving written notice from the Town of such deficiencies, the Planning Director may deem the application to be withdrawn. If the Planning Director deems the application to be withdrawn, they shall provide the applicant with written notice of this decision. An applicant may appeal such an action by the Planning Director to the Town Council in accordance with [Section 16-#-##](#).

Section 16-5-20: Land Use Application Types & Review Procedures

A. Overview

Table ## provides an overview of the types of land use applications permitted in the Town and their review procedures.

Table ##: Summary of Land Use Application Types & Review Procedures

Application Type	Pre-Application Conference	Town Staff	Planning Commission ¹	Town Council ²
Code Amendment	Required	R	R	D
Conditional Use	Required	R	R	D
Design Review	Required	R	D	-
Minor Design Review	Required	D	D ³	-
Limited Review Use	Required	D	-	-
Rezoning (Amendment to Zoning Map)	Required	R	R	D
Temporary Use	Required	D	-	-
Zoning Variance	Required	R	-	D
Planned Unit Development (PUD) Applications				
PUD Concept Development Plan	Required	R	R	-
PUD Preliminary Development Plan	Required	R	R	D
PUD Final Development Plan	Required	R	-	D
Minor PUD Amendment	Required	D	-	-
Major PUD Amendment	Required	R	R	D
Sign Applications				
Sign Permit	Optional	D	-	-
Master Sign Program	Required	D	-	-
Sign Variance	Required	R	-	D

LEGEND:

R = Reviews and provides recommendation; D = Reviews and makes final decision; - = Not applicable

NOTES:

¹ The Planning Commission also serves as the Design Review Board.

² The Town Council also serves as the Zoning Board of Appeals.

³ If the application is referred to the Planning Commission (i.e., Design Review Board) by the Planning Director.

B. Minimum Contents of Application

The Town shall make available a form(s) for the land use application types set forth in this Article. This form will, at minimum, require an applicant to submit the following information:

1. **Contact Information.** The name, mailing address, phone number, and email address of the applicant, the agent authorized to represent the applicant (if applicable), and all other owners of record for the subject property.
2. **Authorization Letter.** If an agent will be representing the applicant, the application must include a letter that grants power of attorney to the agent and authorizes the agent to represent the applicant. The letter must be signed by all owner(s) of the subject property.

3. **Agreement to Pay Review Costs.** A statement that the applicant, by signing the application, acknowledges that they are responsible for, and they agree to pay, all costs incurred by the Town for the review of their application.
4. **Property Information.** Information for the subject property including, but not limited to, a legal description; the physical/street address (if such exists); the Eagle County Assessor's parcel number; current zoning; existing land uses; and the size of the property.
5. **Project Information.** A written description of the proposal and an explanation of how the proposal complies with the applicable review standards.
6. **Disclosure of Ownership.**
 - a. A current disclosure of ownership for the subject property that lists the names of all owners of the property and all mortgages, judgments, liens, easements, contracts, and agreements that run with the land.
 - b. The disclosure of ownership may be in the form of a current certificate from a title insurance company, deed, ownership and encumbrance report, attorney's opinion, or other documentation acceptable to the Town Attorney.
 - c. The date of a disclosure of ownership must be no more than thirty (30) days from the date of the application submittal.
7. **List of Adjacent Property Owners.**
 - a. A list of the names and mailing addresses of all owners of record for properties within one hundred (100) feet of the subject property, as measured from the boundary of the subject property. The Eagle County Assessor's records shall be used to determine the addresses of property owners of record.
 - b. This list must be current within thirty (30) calendar days of the date that the application is submitted to the Town.
 - c. **List of Mineral Estate Owners and Lessees.** If state statute requires notification of mineral estate owners, a list of the names and mailing addresses of all owners or lessees of mineral rights for the subject property.
 - d. **Vicinity Map.** A vicinity map, drawn to scale, locating the subject property within the Town. The minimum size for a vicinity map is eight and half inches by eleven inches (8.5"x11").
 - e. **Preliminary Environmental Assessment.** A Preliminary Environmental Assessment prepared in accordance with **Section 16-#-##**. The subsequent submittal of an Environmental Impact Report may be required by the Planning Director, pursuant to **Section 16-#-##**.
 - f. **Additional Information.** Any additional information that is required for a specific type of application, pursuant to this Article.

C. Concurrent Review of Applications

1. Where multiple applications concern the same property the applicant may request, and the Planning Director may permit, concurrent submission and review of said applications for efficiency and practicality.
2. If there are redundant submission requirements among the applications being submitted by the applicant, the Planning Director is authorized to waive such requirements to mitigate an unnecessary burden on the applicant.
3. No use of the subject property shall commence or building permit be issued until all the required review procedures have been completed, and approvals obtained in full, for the applications that have been submitted.

Section 16-5-30: Public Notice Requirements

A. Overview

Table ## provides an overview of the public notice requirements for zoning applications.

Table ##: Summary of Public Notice Requirements

Application Type	Type of Notice Required			
	Published	Mailed	Posted	Mineral Estate
Code Amendment	X	-	-	-
Conditional Use	X	X	X	X ¹
Design Review	X	X	X	X ¹
Minor Design Review	X ³	X ³	X ³	X ³
Limited Review Use	-	-	-	-
Rezoning (Amendment to Zoning Map)	X	X ²	X ²	X ¹
Temporary Use	-	-	-	-
Zoning Variance	X	X	X	X ¹
Planned Unit Development (PUD) Applications				
PUD Concept Development Plan	-	-	-	-
PUD Preliminary Development Plan	X	X	X	X ¹
PUD Final Development Plan	X	X	X	X ¹
Minor PUD Amendment	-	-	-	X ¹
Major PUD Amendment	X	X	X	X ¹
Sign Applications				
Sign Permit	-	-	-	-
Master Sign Program	-	-	-	-
Sign Variance	X	X	X	-

LEGEND:

X = Required; - = Not required/not applicable

NOTES:

¹ If required by state statute.

² Mailed and posted notice is not required for a comprehensive rezoning that is initiated by the Town.

³ If the application is referred to the Planning Commission (i.e., Design Review Board) by the Planning Director. Mineral estate notice must be sent if required by state statute.

B. Public Notice Requirements

The following are the specific requirements for the types of public notice listed in **Table ##**.

1. Required Content of Notice.

- a. All notices mailed, published, and posted for a public hearing must include the following information:
 - i. The date, time, and location of the hearing.
 - ii. The physical address and general legal description of the subject property.
 - iii. The name of the applicant.
 - iv. The purpose of the hearing, including the type of application and a brief description of the applicant's request.
 - v. Information about who (e.g., Planning Commission, Town Council, etc.) will be holding the hearing.
 - vi. The right of interested persons to provide comment on the applicant's request.
 - vii. Location where the public can obtain the full details of the application.
- b. In accordance with state statute, any notice sent to a mineral estate owner shall contain the following information:
 - i. The time and place of the initial public hearing.
 - ii. The nature of the hearing.
 - iii. The location and legal description by section, township, and range of the property that is the subject of the hearing.
 - iv. The name of the applicant.

2. Mailed Notice.

- a. Written notice of a public hearing shall be sent by certified mail to all property owners of record within one hundred (100) feet of the subject property, as measured from the boundary of the subject property.
- b. If a property, within one hundred (100) feet of the subject property, is a condominium development, notice may be mailed to the managing agent, registered agent, or any member of the board of directors of the development.
- c. For a Major PUD Amendment, written notice of a public hearing shall be sent by certified mail to all property owners of record within the PUD. This is in addition to the requirement to send notice to all property owners of record within one hundred (100) feet of the subject property.

- d. The Eagle County Assessor's records shall be used to determine the mailing addresses of property owners of record.
 - e. Notice must be mailed at least ten (10) calendar days prior to the date scheduled for the first public hearing on an application.
3. **Published Notice.** Notice of a public hearing shall be published, one (1) time, in a local newspaper, having general circulation within the town. Notice must be published at least ten (10) calendar days prior to the date scheduled for the first public hearing on an application.
4. **Posted Notice.**
- a. Notice of a public hearing shall be posted on the subject property on a sign provided by the Town. Notice must be posted on the subject property at least ten (10) calendar days prior to the date scheduled for the first public hearing on an application.
 - b. The sign displaying the notice must comply with the following requirements:
 - i. Be continuously displayed and maintained until the conclusion of the public hearing.
 - ii. Be located no more than twenty-five (25) feet from the street that the subject property fronts on. If the subject property does not front on a street, the sign must be erected adjacent to the nearest street and include a notation that indicates the direction and distance to the subject property.
 - iii. Be in a location that is clearly visible to the public.
 - iv. Be posted at a height of at least four (4) feet above natural grade.
 - v. Use lettering that is a minimum of one (1) inch tall and one-half (½) wide.
 - vi. Be affixed to materials that are sturdy.
 - vii. Be waterproof or have a waterproof covering.
 - viii. Be removed with seven (7) calendar days of a decision being rendered on the application.
5. **Mineral Estate Notice.**
- a. As required by state statute, notice to mineral estate owners shall be sent by certified mail, return receipt requested, or by a nationally recognized overnight courier, not less than thirty (30) calendar days before the date scheduled for the first public hearing on an application.
 - b. The applicant, or their agent, is solely responsible for identifying the mineral estate owners for the subject property.

C. Applicant Responsibilities

The applicant, or their authorized representative, is responsible for the following:

- 1. The accuracy of all information provided in a notice for a public hearing.

2. The proper mailing, publication, and posting of notice for a public hearing. This includes mailing notice to property owners of record within two-hundred and fifty (250) feet of the subject property and to mineral estate owners, if required by state statute.
3. All costs incurred in connection with providing notice for a public hearing.
4. Submitting proof to the Planning Director that notice was provided in accordance with this Section prior to commencement of the first public hearing for an application.

D. Constructive Notice

1. **Minor Notice Defects.** Minor defects in a notice for a public hearing shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.

Minor defects are limited to the following:

- a. Errors in a legal description.
 - b. Typographical or grammatical errors that do not affect the discernability of the notice.
2. **Failure to Observe or Receive Notice.**
 - a. Failure of a party to observe or receive notice of a public hearing shall not cause a delay in the proceedings nor shall it invalidate or prohibit any review or action.
 - b. If questions arise at a public hearing regarding the adequacy of notice, the decision-making body shall make a formal finding as to whether there was substantial compliance with the notice requirements of this Article.
 3. **Failure of Posted Notice to Remain in Place.** Failure of a posted notice to remain in place, after the notice has been properly posted, without the applicant's knowledge and despite the applicant's reasonable efforts to maintain the sign, shall not be deemed as noncompliance with the requirements of this Article nor shall it be grounds to challenge the validity of any decision made on the application.

Section 16-5-40: Public Hearing Requirements

A. General Provisions

1. **Applicability.** All public hearings held pursuant to this Article must comply with the procedures set forth in this Section.
2. **Request for Notification of Public Hearings.**
 - a. Any person may submit to the Town, in writing, a request to receive notice of public hearings.
 - b. The Town shall be responsible for providing notification of public hearings to anyone who submits such a request.

- c. A person requesting notice of public hearings is responsible for all costs incurred by the Town for the processing and mailing of notification.
- d. A person may request that notice of public hearings be provided by e-mail. Such notification will be provided by the Town at no charge.

3. **Rights of All Persons.**

- a. Any person may appear at a public hearing and submit evidence for the application being considered. They may submit evidence on behalf of themselves or an organization.
- b. At the request of the person, or head of the body, conducting a public hearing, the person submitting evidence on behalf of an organization shall submit, in writing, proof of their authority to represent the organization.

4. **Site Visit.**

- a. As part of a public hearing, the person or body conducting the hearing, may inspect the property that is the subject of an application.
- b. Upon reasonable request of the Planning Director, the applicant shall, prior to the site visit, mark the property boundaries, building envelopes, and other pertinent features of the site.

B. Order of Proceedings.

The proceedings of a public hearing shall occur, generally, in the following manner:

1. **Step 1: Open Public Hearing.** The person, or head of the body, conducting a public hearing will act to open the hearing.
2. **Step 2: Introduction.** Town staff will introduce the application and enter, as applicable, exhibits into the record. Exhibits may include, but are not limited to, the following:
 - a. A proposed Ordinance or Resolution.
 - b. The application to be considered and any associated materials.
 - c. Staff report.
 - d. Proof of Public Notice.
 - e. Evidence submitted by the public.
3. **Step 3: Town Staff Presentation.** Town staff will present their analysis of the application, a summary of referral agency comments (as applicable), and a recommendation that addresses each review criterion for the application.
4. **Step 4: Applicant Presentation.** The applicant will have the opportunity to present any information that they deem relevant to their application.

5. **Step 5: Public Testimony.**

- a. The person, or head of the body, conducting a public hearing will open the hearing to public testimony and provide the public with an opportunity to submit evidence for the application being considered.
- b. Each person submitting evidence shall state their full name and physical address of their primary residence. If a person is representing an organization, they shall state their full name and the name and mailing address of the organization.
- c. Based on the number of persons wishing to submit evidence at a public hearing, the person, or head of the body, conducting the hearing, may place reasonable limits on the amount of time that each person has, to present their evidence.
- d. The person, or head of the body, conducting a public hearing may exclude evidence if they determine it to be irrelevant, immaterial, or unduly repetitious.
- e. If the person, or head of the body, conducting a public hearing excludes evidence as irrelevant, immaterial or unduly repetitious, the person offering such evidence shall have an opportunity to make a proffer, regarding their evidence, for the record. Such proffer shall be made at the public hearing.
- f. Upon the conclusion of public testimony, the person, or head of the body, conducting a public hearing will act to close public testimony. No further evidence from the public can be submitted after public testimony has been closed.

6. **Step 5: Applicant Response.** The applicant will be provided with an opportunity to respond to any evidence submitted during public testimony.

7. **Step 6: Town Staff Response.** Town staff will be provided with an opportunity to address any evidence submitted during public testimony and/or any response by the applicant.

8. **Step 7: Questions for Clarification.** The head of the body conducting a public hearing, will provide an opportunity for any member of the body to ask questions of town staff, the applicant, and/or any member of the public that submitted evidence. Such questions must be for the purpose of clarification and not for debate.

9. **Step 8: Close Public Hearing.** Prior to acting on an application, the person or body conducting a public hearing shall act to close the hearing.

C. Continuance of a Public Hearing

1. Upon a showing of good cause, the person or body conducting a public hearing may, in its sole discretion, continue a public hearing to a fixed date, time, and place.
2. An applicant may request one (1) continuance of a public hearing. Additional requests for continuance of a public hearing may be granted at discretion of the person or body conducting the public hearing.

3. A public hearing cannot be continued for more than ninety (90) days from the date of its commencement without the written consent of the applicant.

D. Record of Public Hearing.

1. The person or body conducting a public hearing shall record the hearing using any appropriate means, which may include transcription, audiotape, and/or videotape.
2. The following shall constitute the record of a public hearing:
 - a. Written or taped record of the oral proceedings, including public testimony and statements of personal opinions;
 - b. The minutes of the secretary or Town Clerk;
 - c. All applications, exhibits, and papers submitted in any proceeding before a person or body conducting a public hearing;
 - d. The staff report; AND,
 - e. The decision of the person or body conducting the public hearing.
3. Any person may obtain a copy of the record of a public hearing upon the submittal of an open records request to the Town and payment of a fee to cover the costs of duplication of the record, pursuant to the Town's fee schedule.
4. All records of a public hearing shall be public records, open for inspection. A person may contact the Planning and Zoning Department, during normal business hours, to determine the location of the records of a public hearing.

Section 16-5-50: Code Amendment

A. Applicability

1. All changes to the text of this Code must comply with the requirements and procedures set forth in this Section.
2. An amendment to this Code may be proposed by the Town Council; the Planning Commission; Town staff; a citizen or group of citizens of the Town; or, an owner of, or other person with a recognized interest in, land in the Town or their authorized representative.

B. Purpose

The purpose of this Section is to provide the requirements and process for changing the text of this Code. This Section is not intended to relieve particular hardships or to confer special privileges or rights on any person, but only to make necessary adjustments in light of changed conditions.

C. Application Submittal Requirements

An application for a Code Amendment shall include the following:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in **Subsection 16-5-###.**
2. **Application Fee.** Payment for the applicable fee, as designated by the Town's schedule of fees, shall be made at the time of submittal of an application.
3. **Narrative.** A written statement that sets forth the following:
 - a. The precise language of the proposed amendment(s) to this Code.
 - b. The justification for the amendment(s) based upon the review criteria set forth in this Section.

D. Waiver of Application Submittal Requirements

1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.
2. To authorize a waiver, the Planning Director must make a finding for the following:
 - a. The size, complexity, anticipated impacts, or other factors associated with the proposal support a waiver.
 - b. The waiver will not compromise a proper and complete review of the application.
 - c. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.
3. If the Planning Director authorizes a waiver, they will:
 - a. Notify the applicant of their decision.

- b. Include in their staff report a list of the submittal requirements waived and the findings made to justify the waiver.

E. Application Review Criteria

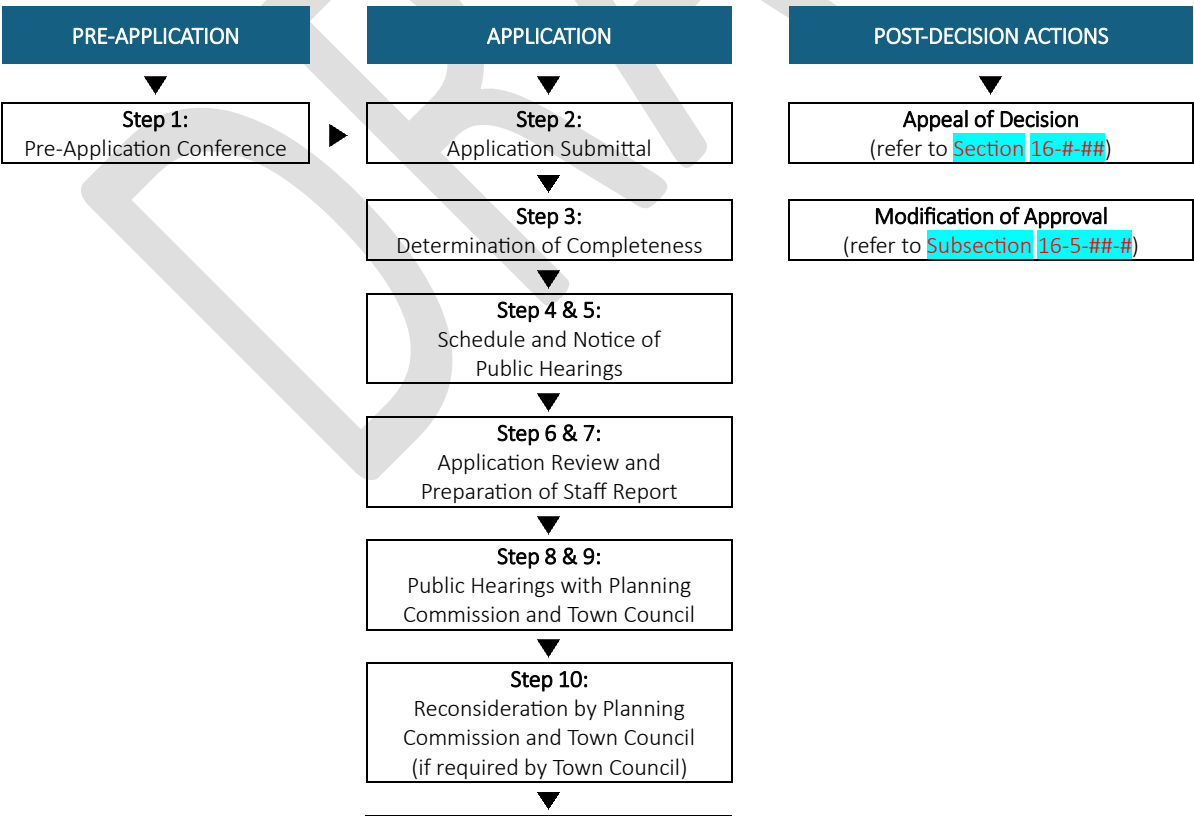
The Planning Commission may recommend approval of, and the Town Council may approve, a request to amend the text of this Code upon a finding of the following criteria:

1. The amendment is necessary to bring this Code into alignment with the Community Plan.
2. The amendment does not adversely affect the health, safety, or general welfare of the citizens or natural environment of the Town.
3. The amendment does not contradict or conflict with other provisions of this Code.
4. The amendment is necessary to bring this Code into compliance with state or federal statutes or case law.
5. The amendment is necessary to address changed or changing community priorities, new land use or design trends, and/or other social or economic conditions in the Town.

F. Application Review Procedures

A request for a Code Amendment will be reviewed and decided upon in accordance with the following procedures.

Table ##: Overview of Code Amendment Review Procedures



Step 11:

Notice and Recording of Decision

1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for a Code Amendment. This requirement may be waived at the discretion of the Planning Director.

The process for a Pre-Application Conference is as follows:

- a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.
- b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.
- c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

- i. The applicant's proposal.
- ii. The applicable provisions of this Code.
- iii. The application submittal requirements and review procedures.
- iv. The referral agencies likely to be involved with the review of the application.

Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

- d. *Pre-Application Conference Summary.* Within seven (7) calendar days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.
- e. *Effect of Pre-Application Conference.* Any information provided as part of a Pre-Application Conference shall not be binding on the Town or the applicant.

2. **Step 2: Submittal of Application.** The applicant for a Code Amendment shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.
3. **Step 3: Determination of Completeness.** Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.

- a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:
 - i. Certify the application as complete and record the date of the determination of completeness.
 - ii. Schedule public hearings in accordance with **Section 16-5-##**.
 - iii. Notify the applicant, in writing, of the determination of completeness; the date, time, and location for each of the Public Hearings; any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.
- b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with **Subsection 16-5-##-#**.

- c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to fourteen (14) calendar days if one of the following conditions exist:
 - i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.
 - ii. The Planning Director's workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

4. **Step 4: Schedule Public Hearings.** Upon a determination of completeness, the Planning Director shall schedule the application for public hearings before the Planning Commission and Town Council in accordance with the following requirements:

- a. The public hearings shall be scheduled for a regularly scheduled meeting or a special meeting of the Planning Commission and Town Council.
 - b. The first public hearing before the Planning Commission shall be scheduled no later than sixty (60) calendar days after the date of determination of completeness.
 - c. A public hearing before the Town Council shall be scheduled within sixty (60) calendar days of the Planning Commission completing its review and making a recommendation to the Town Council.
5. **Step 5: Notice of Public Hearings.** At least ten (10) calendar days prior to the date of the first public hearing with the Planning Commission, the applicant shall:
- a. *Publish Notice.* Publish notice in a local newspaper, having general circulation within the Town, in accordance with **Section 16-5-###**.
6. **Step 6: Review by Town Staff, Consultants, and Referral Agencies.**
- a. Within five (5) business days of receiving the requested number of complete applications, the Planning Director shall circulate copies of the application package to the town departments, town consultants, and referral agencies that may be affected by the proposal.
 - b. The comment period for the review by town departments, town consultants, and referral agencies shall be twenty (20) calendar days from the date that the application is circulated by the Planning Director. No extension of this comment period can be granted.
 - c. Comments not received within this timeframe will be considered a no comment.
7. **Step 7: Staff Review and Report.** Town staff shall review the application and prepare a staff report that addresses the following, as applicable:
- a. Compliance with the standards of this Code.
 - b. Issues raised during the review of the application by town staff, town consultants, and/or referral agencies.
 - c. Recommended conditions to ensure compliance with applicable standards.
 - d. Additional information pertinent to the review of the application that must be submitted by the applicant.
8. **Step 8: Public Hearing with Planning Commission.**
- a. The Planning Commission will hold a public hearing, in accordance with **Section 16-5-###**, to review the application. The applicant, or their agent, must be present at the hearing.
 - b. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Planning Commission, the applicant, and the public:

- i. The application and any supporting materials.
 - ii. The staff report.
 - iii. Copies of any comments submitted by town departments, town consultants, referral agencies, and/or the public.
- c. Following the close of the public hearing, the Planning Commission shall consider the application and any supporting materials, the staff report, public testimony, and the review criteria for a Code Amendment, and shall take one of the following actions:
- i. Recommend that the Town Council approve the amendment(s), subject to any changes that the Planning Commission deems necessary to ensure compliance with this Code and the Community Plan.
 - ii. Recommend that Town Council deny the amendment(s) and state the specific reason(s) for denial.
9. **Step 9: Public Hearing with Town Council.**
- a. Following the public hearing with the Planning Commission, the Town Council will hold a public hearing, in accordance with [Section 16-5-##](#), to review the application. The applicant, or their agent, must be present at the hearing.
 - b. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Town Council, the applicant, and the public:
 - i. The application and any supporting materials.
 - ii. The staff report.
 - iii. The Planning Commission's recommendation.
 - iv. Copies of any comments submitted by town departments, town consultants, referral agencies, and/or the public.
 - c. Following the close of the public hearing, the Town Council shall consider the application and any supporting materials, the staff report, the recommendation of the Planning Commission, public testimony, and the review criteria for a Code Amendment, and shall take one of the following actions:
 - i. Approve the amendment(s), subject to any changes that the Town Council deems necessary to ensure compliance with this Code and the Community Plan.
 - ii. Deny the amendment(s) and state the specific reason(s) for denial.
 - iii. Refer the application back to the Planning Commission for reconsideration if the Town Council determines that there has been a substantial change in, or departure from, the request considered by the Planning Commission.

- d. If the Town Council approves an amendment(s) to this Code, it shall enact an ordinance to such effect.

10. **Step 10: Reconsideration by Planning Commission and Town Council.** If Town Council refers an application back to the Planning Commission the following actions shall be taken:

- a. A public hearing with the Planning Commission will be scheduled no later than sixty (60) calendar days from the date of the Town Council's referral.
- b. The applicant will provide notice for the public hearing with the Planning Commission in accordance with **Step 5 (Subsection 16-5-##(##))**.
- c. Town staff will review the current version of the request and prepare a revised staff report, as necessary, in accordance with **Step 7 (Subsection 16-5-##(##))**.
- d. The Planning Commission will hold a public hearing in accordance with **Step 8 (Subsection 16-5-##(##))**. Materials for the public hearing with the Planning Commission will be made available in accordance with **Step 8 (Subsection 16-5-##(##))**. The applicant, or their agent, must be present at the hearing.
- e. After the close of the public hearing, the Planning Commission shall consider the application and any supporting materials, the staff report, public testimony, and the review criteria for a Code Amendment, and shall take one of the following actions:
 - i. Recommend approval of the amendment(s) to Town Council, subject to any changes recommended by the Planning Commission.
 - ii. Recommend denial of the amendment(s) to Town Council and state the specific reason(s) for denial.
- f. Within sixty (60) calendar days of the conclusion of the public hearing with the Planning Commission, the Town Council will hold a public hearing in accordance with **Step 9 (Subsection 16-5-##(##))**. Materials for the public hearing with the Town Council will be made available in accordance with **Step 9 (Subsection 16-5-##(##))**. The applicant, or their agent, must be present at the hearing.
- g. The applicant shall provide public notice for the public hearing with the Town Council in accordance with **Step 5 (Subsection 16-5-##(##))**.
- h. After the close of the public hearing, the Town Council shall consider the application and any supporting materials, the staff report, the recommendation of the Planning Commission, public testimony, and the review criteria for a Code Amendment, and shall take one of the following actions by a majority vote of the quorum present:
 - i. Approve the amendment(s).
 - ii. Deny the amendment(s) and state the specific reason(s) for denial.

If the Planning Commission has recommended denial of the amendment(s), approval of the amendment(s) by the Town Council shall require a majority vote by the entire membership of Town Council.

11. Step 11: Notice and Recording of Decision.

- a. Within ten (10) business days of a final action by Town Council, the following will occur:
 - i. The Planning Director will send written notice of the decision to the applicant.
 - ii. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.
- b. If Town Council approves a Code Amendment, the following will occur:
 - i. The Town Clerk will enter a copy of the ordinance approving the Code Amendment into the town's records.
 - ii. The Planning Director will revise this Code to reflect the approved amendment(s).

Section 16-5-60: Conditional Use

A. Applicability

This Section applies to all land uses classified as a Conditional Use in Table ##. A Conditional Use is only permitted if it is approved via the review process set forth in this Section.

B. Purpose

The purpose of this Section is to establish a review process that enables the Planning Commission and Town Council to evaluate, on a case-by-case basis, the appropriateness of certain types of land uses based on the proposed location and compatibility with surrounding land uses.

C. Application Submittal Requirements

An application for a Conditional Use shall include the following:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in Subsection 16-5-##-#.
2. **Application Fee.** Payment for the applicable fee, as designated by the Town's schedule of fees, shall be made at the time of submittal of an application.
3. **Narrative.** A written statement that describes the following:
 - a. The precise nature and operational characteristics of the proposed use.
 - b. Any measures to be implemented to ensure that the proposed use is compatible with surrounding land uses.
 - c. How the proposed use complies with the review criteria set forth in this Section.
1. **Site Plan.** A site plan, drawn to scale, showing the following information:
 - a. Property boundaries including bearings and dimensions.
 - b. Minimum required front, side, rear, and live stream setback lines.
 - c. Existing topography and any proposed changes.
 - d. The location and dimensions or size of all existing and proposed:
 - i. Land uses.
 - ii. Buildings and structures (or building envelopes if exact dimensions are not available) and their setbacks from the boundaries of the subject property.
 - iii. Easements and public rights-of-way on or abutting the subject property.
 - iv. Streets, alleys, driveways, sidewalks, paths, and/or other access improvements.

- v. Parking and loading areas.
 - vi. Usable open space.
 - vii. Landscaped areas, fencing, and walls.
 - viii. Utilities, including information about any changes to these utilities that will be necessitated by the proposed use.
 - ix. Drainage facilities and features.
- e. A table with that includes the following data:
- i. Size of the subject property.
 - ii. Total number of dwelling units and number of each type of unit (studio, one bedroom, etc.).
 - iii. Floor area of each type of dwelling unit.
 - iv. Total building coverage provided as a percentage of the total area of the subject property.
 - v. Total impervious surface coverage provided as a percentage of the total area of the subject property.
 - vi. Total area of usable open space.
 - vii. Total landscaped area.
 - viii. Total number of parking spaces.
4. **Conceptual Building Plans and Elevations.** Conceptual building plans and elevations with sufficient detail to depict the layout, dimensions, general appearance, scale, and interior use of any proposed buildings or existing building(s) to be changed.
5. **Additional Information.** Additional information required by this Code or is requested by the Planning Director or is submitted by the applicant that is pertinent to the application. For example, the Planning Director may require an applicant to submit an Improvements Location Certificate (ILC) if there appear to be setback or property line encroachments.

D. Waiver of Application Submittal Requirements

1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.
2. To authorize a waiver, the Planning Director must make a finding for the following:

- a. The size, complexity, anticipated impacts, or other factors associated with the proposal support a waiver.
 - b. The waiver will not compromise a proper and complete review of the application.
 - c. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.
3. If the Planning Director authorizes a waiver, they will:
- a. Notify the applicant of their decision.
 - b. Include in their staff report a list of the submittal requirements waived and the findings made to justify the waiver.

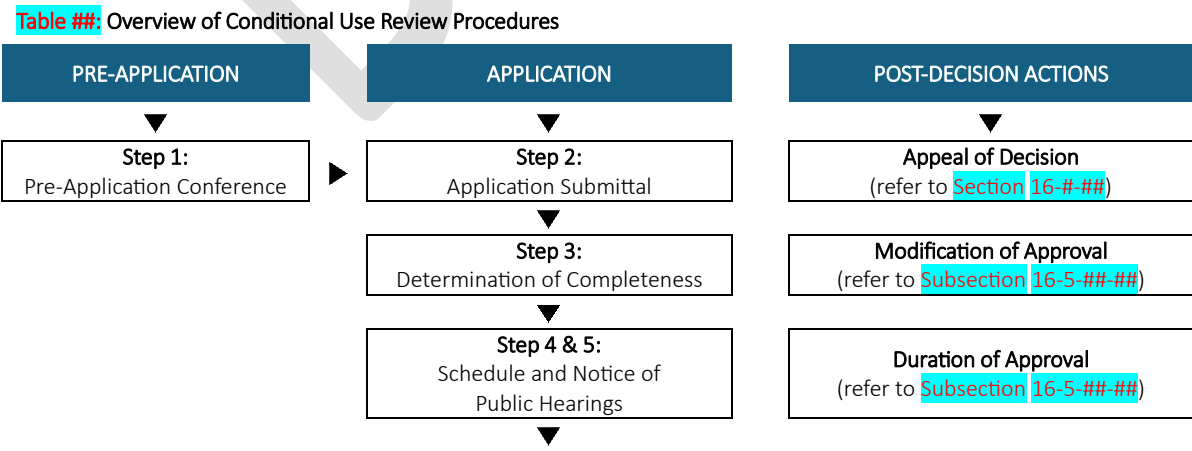
E. Application Review Criteria

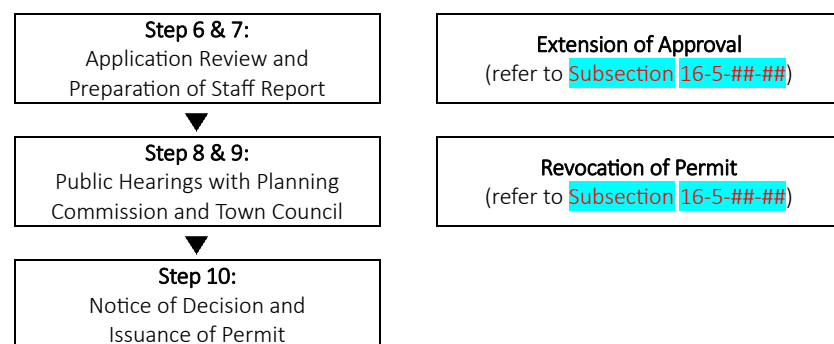
The Planning Commission may recommend approval of, and the Town Council may approve, a request for a Conditional Use upon a finding of the following criteria:

- 1. The proposed use is consistent with the Community Plan and the purpose and intent of the applicable zone district.
- 2. The proposed use complies with the applicable provisions of this Code, including any Use-Specific Standards and/or Design Standards.
- 3. The location, scale, and conditions under which the proposed use will operate are compatible with surrounding land uses.
- 4. All potential adverse effects of the proposed use will be mitigated to the maximum extent feasible.

F. Application Review Procedures

A request for a Conditional Use will be reviewed and decided upon in accordance with the following procedures.





1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for a Conditional Use. This requirement may be waived at the discretion of the Planning Director.

The process for a Pre-Application Conference is as follows:

- a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.
- b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.
- c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

- i. The applicant’s proposal.
- ii. The applicable provisions of this Code.
- iii. The application submittal requirements and review procedures.
- iv. The referral agencies likely to be involved with the review of the application.

Depending on the magnitude or complexity of the applicant’s proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

- d. *Pre-Application Conference Summary.* Within seven (7) calendar days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.
 - e. *Effect of Pre-Application Conference.* Any information provided as part of a Pre-Application Conference shall not be binding on the town or the applicant.
2. **Step 2: Submittal of Application.** The applicant for a Conditional Use shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.
3. **Step 3: Determination of Completeness.** Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.
- a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:
 - i. Certify the application as complete and record the date of the determination of completeness.
 - ii. Schedule public hearings in accordance with **Section 16-5-##**.
 - iii. Notify the applicant, in writing, of the determination of completeness; the date, time, and location for each of the Public Hearings; any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.
 - b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with **Subsection 16-5-##-#**.
 - c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to fourteen (14) calendar days if one of the following conditions exist:
 - i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.
 - ii. The Planning Director's workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

4. **Step 4: Schedule Public Hearings.** Upon a determination of completeness, the Planning Director shall schedule the application for public hearings before the Planning Commission and Town Council in accordance with the following requirements:
 - a. The public hearings shall be scheduled for a regularly scheduled meeting or a special meeting of the Planning Commission and Town Council.
 - b. The first public hearing before the Planning Commission shall be scheduled no later than sixty (60) calendar days after the date of determination of completeness.
 - c. A public hearing before the Town Council shall be scheduled within sixty (60) calendar days of the Planning Commission completing its review and making a recommendation to Town Council.
5. **Step 5: Notice of Public Hearings.** At least ten (10) calendar days prior to the date of the first public hearing with the Planning Commission, the applicant shall:
 - a. *Mail Notice.* Mail notice, by certified mail, to all property owners of record within two hundred fifty (250) feet of the subject property, in accordance with Section 16-5-##.
 - b. *Publish Notice.* Publish notice in a local newspaper, having general circulation within the Town, in accordance with Section 16-5-##.
 - c. *Post Notice.* Post notice on a sign on the subject property in accordance with Section 16-5-##.
 - d. *Mail Notice to Mineral Estate Owners (As Required).* If required by state statute, mail notice to mineral estate owners in accordance with Section 16-5-##.
6. **Step 6: Review by Town Staff, Consultants, and Referral Agencies.**
 - a. Within five (5) business days of receiving the requested number of complete applications, the Planning Director shall circulate copies of the application package to the town departments, town consultants, and referral agencies that may be affected by the proposal.
 - b. The comment period for the review by town departments, town consultants, and referral agencies shall be twenty (20) calendar days from the date that the application is circulated by the Planning Director. No extension of this comment period can be granted.
 - c. Comments not received within this time frame will be considered a no comment.
7. **Step 7: Staff Review and Report.** Town staff shall review the application and prepare a staff report that addresses the following, as applicable:
 - a. Compliance with the standards of this Code.

- b. Issues raised during the review of the application by town staff, town consultants, and/or referral agencies.
 - c. Recommended conditions to ensure compliance with applicable standards.
 - d. Additional information pertinent to the review of the application that must be submitted by the applicant.
8. **Step 8: Public Hearing with Planning Commission.**
- a. The Planning Commission will hold a public hearing, in accordance with [Section 16-5-###](#), to review the application. The applicant, or their agent, must be present at the hearing.
 - b. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Planning Commission, the applicant, and the public:
 - i. The application and any supporting materials.
 - ii. The staff report.
 - iii. Copies of any comments submitted by town departments, town consultants, referral agencies, and/or the public.
 - c. Following the close of the public hearing, the Planning Commission shall consider the application and any supporting materials, the staff report, public testimony, and the review criteria for a Conditional Use, and shall take one of the following actions:
 - i. Recommend that the Town Council approve the Conditional Use, subject to any conditions that the Planning Commission deems necessary to ensure compliance with this Code and the Community Plan.
 - ii. Recommend that Town Council deny the Conditional Use and state the specific reason(s) for denial.
9. **Step 9: Public Hearing with Town Council.**
- a. Following the public hearing with the Planning Commission, the Town Council will hold a public hearing, in accordance with [Section 16-5-###](#), to review the application. The applicant, or their agent, must be present at the hearing.
 - b. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Town Council, the applicant, and the public:
 - i. The application and any supporting materials.
 - ii. The staff report.
 - iii. The Planning Commission's recommendation.

- iv. Copies of any comments submitted by town departments, town consultants, referral agencies, and/or the public.
 - c. Following the close of the public hearing, the Town Council shall consider the application and any supporting materials, the staff report, the recommendation of the Planning Commission, public testimony, and the review criteria for a Conditional Use, and shall take one of the following actions:
 - i. Approve the Conditional Use, subject to any conditions that the Town Council deems necessary to ensure compliance with this Code and the Community Plan.
 - ii. Deny the Conditional Use and state the specific reason(s) for denial.
 - d. If the Town Council approves a Conditional Use, it shall enact an ordinance to such effect.
- 10. Step 10: Notice of Decision and Issuance of Permit.**
- a. Within ten (10) business days of a final action by Town Council, the following shall occur:
 - i. The Planning Director will send written notice of the decision to the applicant.
 - ii. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.
 - b. If Town Council approves a Conditional Use, the following will occur:
 - i. The Town Clerk will enter a copy of the ordinance approving the Conditional Use into the town's records.
 - ii. Within ten (10) days of the effective date of the ordinance approving the Conditional Use, the Planning Director will issue, to the applicant, a Conditional Use Permit that states the duration of the approval and any conditions of approval.

G. Modification of Approval

An approved Conditional Use may be modified in accordance with the procedures and standards set forth in this Section.

H. Duration of Approval

1. Approval of a Conditional Use shall expire and become null and void three (3) years after the date of approval unless one of the following has occurred:
 - a. The approved use has been established (if no building permit from the Town is required).
 - b. A complete building permit application has been submitted and approved by the Town and on-site construction has commenced.
 - c. A request for an extension has been submitted and approved in accordance with **Subsection 16-5-##-#.**

2. A Conditional Use may be exempt from the restrictions of Subsection if a different permit duration is specifically authorized as part of the approval of the Conditional Use by Town Council.

I. Extension of Approval

1. The holder of a Conditional Use Permit may submit a written request for an extension of their permit to the Town Council. Such a request must be received a minimum of thirty (30) calendar days prior to the expiration date of the Conditional Use Permit. Any request received later than this will not be considered by the Town.
2. A request to extend the approval of a Conditional Use Permit must demonstrate the following:
 - a. Failure to establish the use was beyond the applicant's control.
 - b. The approved use is not speculative in nature.
 - c. The approved use remains in compliance with this Code and the Community Plan.
 - d. There is reasonable likelihood that the approved use will be established in the next year.
3. The Town Council may authorize one (1) extension of a conditional use permit for a period of up to twelve (12) calendar months.

J. Revocation of Permit

1. The Town Council may revoke a Conditional Use Permit, following a public hearing, if it is determined that one or more of the following conditions exist:
 - a. The applicant has misrepresented any material fact in their application or supporting materials.
 - b. The Conditional Use fails or ceases to comply with applicable standards, conditions, or criteria for issuance of a permit.
 - c. The operation of the Conditional Use violates any statute, law, ordinance, or regulation.
 - d. The operation of the Conditional Use constitutes a nuisance or poses a real or potential threat to the health, safety, or welfare of the public.
2. If the Planning Director has reasonable cause to believe that one or more of the conditions listed in this Subsection exists, they shall serve the owner of record for the subject property with a written notice that sets forth the grounds for revocation and forfeiture of any vested property rights related thereto. Such notice shall be sent to the owner of record by certified mail, return receipt requested, and state the date, time, and place for the public hearing at which the Town Council will consider whether the Conditional Use Permit should be revoked.
3. Notice by the Planning Director shall be served at least thirty (30) calendar days prior to the date of the public hearing with the Town Council.

4. The public hearing with the Town Council shall be conducted in accordance with the following requirements:
 - a. The Town will be represented by the Planning Director, Town Attorney, Town Administrator, or other authorized representative.
 - b. The applicant will be represented by themselves or their authorized representative.
 - c. All evidence will be presented under oath.
 - d. The parties involved in the hearing will be permitted to cross-examine witnesses.
 - e. The sworn testimony and evidence shall pertain to the standards set forth in this Subsection.
5. Within thirty (30) calendar days of the close of the public hearing, the Town Council shall, based on the evidence submitted and the standards prescribed in this Subsection, issue a written decision to:
 - a. Revoke the Conditional Use Permit, stating the specific reason(s) for revocation.
 - b. Make a finding that insufficient evidence exists to revoke the Conditional Use Permit.
6. The action of the Town Council shall be final and effective immediately.

Section 16-5-70: Design Review

A. Applicability

1. All major construction in the Town must comply with the requirements and procedures set forth in this Section.
2. No building permit shall be issued for major construction prior to an approval from the Design Review Board, in accordance with this Section.
3. Major construction is defined as all new construction projects and any building addition that increases the building footprint and/or square footage of an existing structure.
4. All construction in the Town, not considered major construction pursuant to this Section, must comply with the requirements and procedures set forth in [Section 16-5-80](#).

B. Purpose

The purpose of this Section is to establish a process for ensuring that all new developments and major redevelopments in the Town are constructed in a manner that complies with the adopted regulations of the Town.

C. Application Submittal Requirements

An application for Design Review shall include the following:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in [Subsection 16-5-##-#](#).
2. **Application Fee.** Payment for the applicable fee, as designated by the Town's schedule of fees, shall be made at the time of submittal of an application.
3. **Boundary Survey.** A boundary survey, with a stamp and signature (or electronic equivalent) of a surveyor licensed in Colorado, that includes the following information:
 - a. Date of survey (survey date must be within six (6) calendar months of the application submittal date).
 - b. Right-of-way and property lines; including bearings, distances, and curve information.
 - c. Labeled ties to existing USGS benchmark.
 - d. Property boundaries to the nearest one-hundredth (0.01) of a foot accuracy. Distances and bearings and a basis of bearing must be shown. Show existing pins or monuments found and their relationship to the established corner.
 - e. The locations, bearings, and dimensions of all existing easements recorded with the Eagle County Clerk and Recorder.

- f. Spot elevations, at five-foot intervals, at the edge of asphalt along the street frontage of the subject property and a minimum of two (2) spot elevations on either side of the lot.
 - g. Existing topographic conditions of the subject property shown at two-foot (2') contour intervals.
 - h. Existing trees or groups of trees having trunks with diameters of four (4) inches or more.
 - i. Rock outcroppings and other significant natural features.
 - j. All utility meter locations, including any pedestals on site or in the right-of-way adjacent to the site and the exact location of existing utility sources.
 - k. Environmentally sensitive areas or areas of natural hazards, where applicable. These may include, but are not limited to, rock fall areas, wetlands, and/or floodplain areas.
 - l. If applicable, the centerline and edge of a stream or creek, the ordinary high-water mark, the required live stream setback from the ordinary high-water mark, and the one-hundred-year floodplain.
4. **Site Plan.** A site plan, drawn to scale, showing the following information:
- a. Property line locations, bearings, and dimensions based on a current boundary survey of the property.
 - b. Minimum required front, side, rear, and live stream setback lines.
 - c. Existing and proposed easements.
 - d. Existing and proposed buildings and structures, including sheds, enclosures, decks, patios, and balconies.
Note: A solid line is to be used to identify the building footprint and the outside face of exterior walls, inclusive of all cantilevered elements of the building. A dashed line is to be used to identify the roof/eave edge.
 - e. Height elevations of all roof ridgelines and/or the top of all flat roof elements, as well as the mid-point of all sloped roof elements.
 - f. Existing and proposed driveways and parking areas. The finished surface, heated or unheated areas, grade, percent slope, dimensions, turning radii, and spot elevations at the property line must be shown.
 - g. All slopes between thirty (30%) and forty percent (40%), as well as any slopes that exceed forty (40%) percent.
 - h. Existing and proposed retaining walls including materials and spot elevations.

- i. Existing and proposed fences including height and materials.
 - j. If applicable, the centerline and edge of a stream or creek, the ordinary highwater mark, the required live stream setback from the ordinary high-water mark, and the one-hundred-year floodplain according to a current survey of the property.
 - k. Snow storage areas denoted with hatching and showing corresponding area (expressed in square feet) as a percentage of overall site area.
 - l. Existing and proposed sidewalks and walkways.
 - m. All areas of lot and impervious coverage denoted with hatching and showing corresponding area (expressed in square feet) as a percentage of overall site area.
5. **Grading and Drainage Plan.** A grading and drainage plan that includes the following information:
- a. Existing contours, shown at two-foot (2') intervals, for all areas to be disturbed by the proposed construction. Contours for undisturbed areas must be shown when drainage in those areas impacts the disturbed area, or vice versa.
 - b. Proposed contours, shown at two-foot (2') intervals, for all disturbed areas that demonstrate positive drainage.
 - c. Critical spot elevations, as necessary, to demonstrate positive drainage and the direction of flow. Finished grade at all building corners must be provided.
 - d. The top-of-foundation elevation. The top-of-foundation elevation must be consistent with the foundation plan. For buildings on slopes of thirty percent (30%) or greater, elevations for stepped foundation walls must be shown.
 - e. Drainage arrows that show how stormwater will be routed around buildings and where stormwater will exit the property. Stormwater cannot cause damage to any adjacent property. Drainage and erosion control features needed to prevent damage must be included.
 - f. Proposed drainage facilities, such as French drains or culverts.
 - g. Retaining wall details that include drainage details. Elevations for the top- and bottom-of-wall shall be shown at each location where a retaining wall steps up or down. The elevation of the tallest point of a retaining wall must also be provided.
6. **Landscape Plan.** If applicable, a landscape plan, prepared in accordance with [Section 16-#-##](#).
7. **Building Elevations and Architectural Details.** Building elevations and architectural detailing for all sides of the proposed structure(s) that include the following information:
- a. The type, size, and texture of all exterior materials.

- b. Building heights, dimensioned in accordance with this Code.
 - c. Minimum required front, side, rear, and live stream setback lines.
 - d. The location of exterior lighting fixtures and roof and building drainage systems (i.e., gutters and downspouts).
8. **Floor Plans.** Floor plans of all levels of any proposed structure(s) indicating the proposed uses and dimensions of all interior space shall be included. For additions to existing structures, floor plans must be provided for the existing building as well as all proposed additional floor area.
 9. **Ceiling Plans.** If applicable, reflected ceiling plans that show exterior lighting (recessed or can lighting) within soffits.
 10. **Color Chips and Material Boards.** Color chips and/or a materials board are required for all projects.
 11. **Additional Requirements for Multi-Family and Commercial Developments.** Multi-family and commercial developments may require one (1) or more of the following:
 - a. A three-dimensional model, drawn to scale, of the proposed project and adjacent buildings.
 - b. A three-dimensional architectural model, drawn to scale, that depicts the proposed project and adjacent structures.
 - c. A two-dimensional photo illustration of the proposed building in relation to adjacent structures.
 12. **Additional Information.** Additional materials required by this Code, requested by the Planning Director, or submitted by the applicant that are pertinent to the application.

D. Waiver of Application Submittal Requirements

1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.
2. To authorize a waiver, the Planning Director must make a finding for the following:
 - a. The size, complexity, anticipated impacts, or other factors associated with the proposal support a waiver.
 - b. The waiver will not compromise a proper and complete review of the application.
 - c. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.
3. If the Planning Director authorizes a waiver, they will:

- a. Notify the applicant of their decision.
- b. Include in their staff report a list of the submittal requirements waived and the findings made to justify the waiver.

E. Application Review Criteria

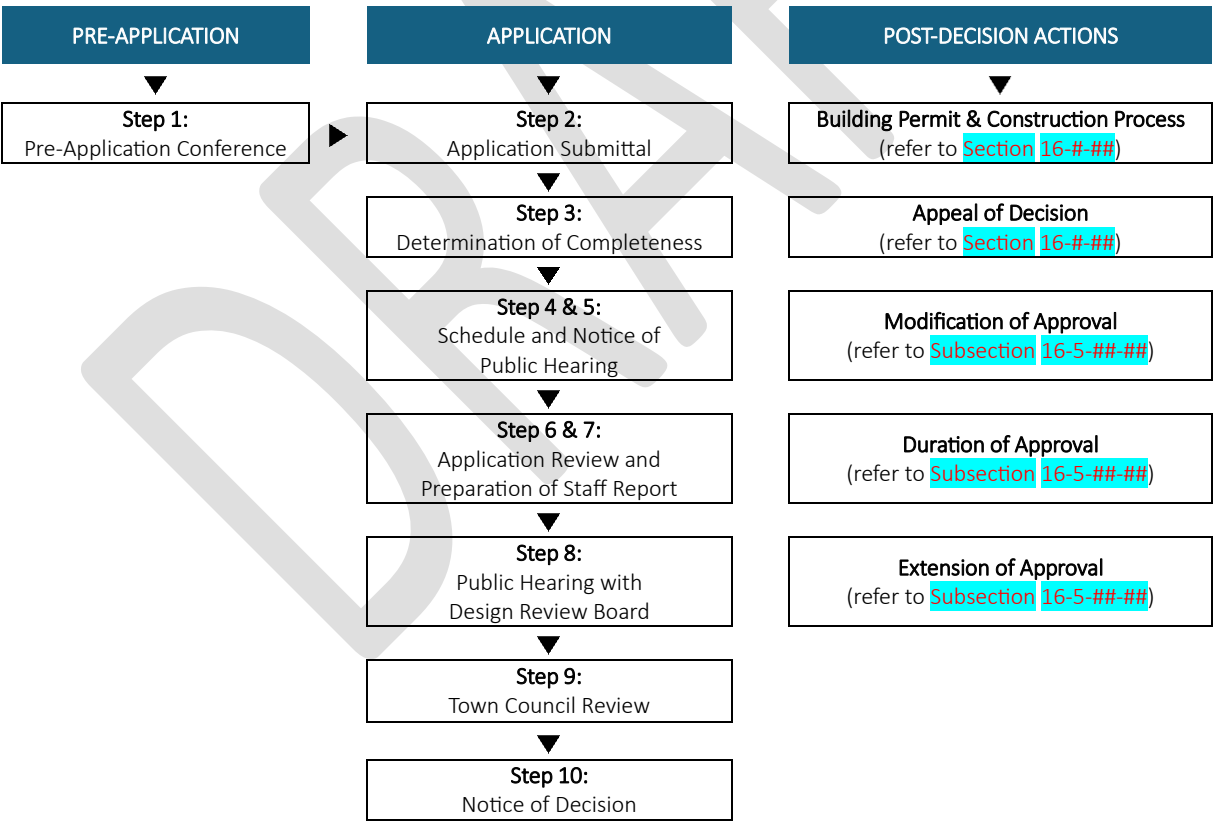
The Planning Commission, acting as the Design Review Board, may approve a request for Design Review upon a finding of the following criteria:

- 1. The proposal complies with the applicable requirements of this Code, including the zoning regulations set forth in Article ## and the Design Standards and Guidelines set forth in Article ##.
- 2. The proposal helps achieve the goals and objectives of the Community Plan.

F. Application Review Procedures

A request for Design Review will be reviewed and decided upon in accordance with the following procedures.

Table ##: Overview of Design Review Procedures



- 1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for Design Review. This requirement may be waived at the discretion of the Planning Director.

The process for a Pre-Application Conference is as follows:

- a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.
- b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.
- c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

- i. The applicant's proposal.
- ii. The applicable provisions of this Code.
- iii. The application submittal requirements and review procedures.
- iv. The referral agencies likely to be involved with the review of the application.

Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

- d. *Pre-Application Conference Summary.* Within seven (7) calendar days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.
 - e. *Effect of Pre-Application Conference.* Any information provided as part of a Pre-Application Conference shall not be binding on the town or the applicant.
2. **Step 2: Submittal of Application.** The applicant for Design Review shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.
 3. **Step 3: Determination of Completeness.** Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is

complete and includes sufficient information to be evaluated for general compliance with the requirements of this Chapter.

- a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:
 - i. Certify the application as complete and record the date of the determination of completeness.
 - ii. Schedule a public hearing in accordance with [Section 16-5-##](#).
 - iii. Notify the applicant, in writing, of the determination of completeness; the date, time, and location of the public hearing; any changes that need to be made to the application prior to commencing the application referral process; and, the number of complete applications to be submitted to the Town for the referral process.
- b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with [Subsection 16-5-##-#](#).

- c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to fourteen (14) calendar days if one of the following conditions exist:
 - i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.
 - ii. The Planning Director's workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

4. **Step 4: Schedule Public Hearing.** Upon a determination of completeness, the Planning Director shall schedule the application for public hearing before the Planning Commission in accordance with the following requirements:
 - a. The public hearing shall be scheduled for a regularly scheduled meeting or a special meeting of the Planning Commission.
 - b. The first public hearing before the Planning Commission shall be scheduled no later than sixty (60) calendar days after the date of determination of completeness.

5. **Step 5: Notice of Public Hearing.** At least ten (10) calendar days prior to the date of the first public hearing with the Design Review Board, the applicant shall:
 - a. *Mail Notice.* Mail notice, by certified mail, to all property owners of record within two hundred fifty (250) feet of the subject property, in accordance with Section 16-5-##.
 - b. *Publish Notice.* Publish notice in a local newspaper, having general circulation within the Town, in accordance with Section 16-5-##.
 - c. *Post Notice.* Post notice on a sign on the subject property in accordance with Section 16-5-##.
 - d. *Mail Notice to Mineral Estate Owners (As Required).* If required by state statute, mail notice to mineral estate owners in accordance with Section 16-5-##.
6. **Step 6: Review by Town Staff, Consultants, and Referral Agencies.**
 - a. Within five (5) business days of receiving the requested number of complete applications, the Planning Director shall circulate copies of the application package to the town departments, town consultants, and referral agencies that may be affected by the proposal.
 - b. The comment period for the review by town departments, town consultants, and referral agencies shall be twenty (20) calendar days from the date that the application is circulated by the Planning Director. No extension of this comment period can be granted.
 - c. Comments not received within this time frame will be considered a no comment.
7. **Step 7: Staff Review and Report.** Town staff shall review the application and prepare a staff report that addresses the following, as applicable:
 - a. Compliance with the standards of this Code.
 - b. Issues raised during the review of the application by town staff, town consultants, and/or referral agencies.
 - c. Recommended conditions to ensure compliance with applicable standards.
 - d. Additional information pertinent to the review of the application that must be submitted by the applicant.
8. **Step 8: Public Hearing with Design Review Board.**
 - a. The Planning Commission, acting as the Design Review Board, will hold a public hearing, in accordance with Section 16-5-##, to review the application. The applicant, or their agent, must be present at the hearing.
 - b. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Planning Commission, the applicant, and the public:
 - i. The application and any supporting materials.

- ii. The staff report.
- iii. Copies of any comments submitted by town departments, town consultants, referral agencies, and/or the public.
- c. Following the close of the public hearing, the Planning Commission shall consider the application and any supporting materials, the staff report, public testimony, and the review criteria for a Design Review, and shall take one of the following actions:
 - i. Approve the request, subject to any conditions that the Planning Commission deems necessary to ensure compliance with this Code and the Community Plan.
 - ii. Deny the request and state the specific reason(s) for denial.

9. **Step 9: Town Council Review.**

<Add language that addresses Town Council's ratification of a decision by the Design Review Board>

10. **Step 10: Notice of Decision.**

- a. Within ten (10) business days of a final action by the Design Review Board, the following shall occur:
 - i. The Planning Director will send written notice of the decision to the applicant.
 - ii. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.

G. Building Permit and Construction Process

- 1. **Building Permit Required.** Once an application has been approved by the Design Review Board, the applicant may apply for a building permit. The application for a building permit shall be in substantial compliance with plans approved by the Design Review Board and shall be reviewed by the Building Official for compliance with all applicable codes and laws of the Town.
- 2. **Pre-construction Meeting and Inspection Required.** Once a building permit has been issued, and prior to any construction activity being authorized, a pre-construction meeting is required to be held at the subject property. The purpose of the pre-construction meeting is for the contractor (General Contractor and/or Owner's Representative of record with the Town) to familiarize themselves with the Town's construction regulations, inspection process, and requirements. This is also a time for Town staff to inspect the pre-construction conditions of the subject property and to verify limits of disturbance along with any required erosion control measures.
- 3. **Foundation Inspection Required.** After any foundation has been poured and foundation work has been completed, and prior to scheduling a foundation inspection, an Improvement Location Certificate (ILC) verifying the location of the foundation must be submitted to the Building Official. Construction may not proceed until the location of the approved foundation has been verified by the Building Official as part of the foundation inspection.

4. **Framing Inspection Required.** After the framing of the structure(s) has been completed, and prior to scheduling a framing inspection, an Improvement Location Certificate (ILC) verifying the location of all roof ridge height(s) and locations of all exterior walls of the structure relative to required setbacks and property boundaries must be submitted to the Building Official. Construction may not proceed until the location and the extents of the structure(s) have been verified by the Building Official as part of the framing inspection.
5. **Temporary Certificate of Occupancy (TCO) Inspection Required.** At the completion of the project, a Temporary Certificate of Occupancy (TCO) inspection shall be required. An updated Improvement Location Certificate showing all new improvements on the site, shall be submitted to the Building Official prior to scheduling a TCO inspection.
6. **Certificate of Occupancy (CO) Inspection Required.** The final step in the construction and inspection process is the final Certificate of Occupancy (CO) inspection.

H. Modification of Approval

1. Any modifications to a plan or design approved by the Design Review Board cannot be made without written authorization by Town staff.
2. Town staff may, at their discretion, refer any modifications to an approved plan or design to the Planning Commission for final approval.
3. The Planning Commission, acting as the Design Review Board, may approve modifications to an approved plan or design <add language that addresses the process for modifying an approval by the Design Review Board>.

I. Duration of Approval

1. An approval by the Design Review Board shall expire and become null and void one (1) year after the date of approval unless one of the following has occurred:
 - a. A building permit is issued.
 - b. Construction has commenced and is diligently pursued towards completion.
 - c. A request for an extension has been submitted and approved in accordance with Subsection 16-5-##-#.

J. Extension of Approval

1. An applicant with an approval from the Design Review Board may submit a written request for an extension of their approval. Such a request must be received at least thirty (30) calendar days prior to the expiration date of the approval. Any request received later than this will not be considered by the Town.
2. Upon a showing of good cause, the Planning Director may authorize one (1) extension of an approval for a period of up to twelve (12) calendar months.

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Section 16-5-80: Minor Design Review

A. Applicability

1. All construction in the Town, not considered major construction pursuant to [Section 16-5-70](#), must comply with the requirements and procedures set forth in this Section.
2. No building permit shall be issued prior to an approval from the Planning Director or the Planning Commission (acting as the Design Review Board), in accordance with this Section.

B. Purpose

The purpose of this Section is to establish an administrative process for ensuring that all minor development projects in the Town are constructed in a manner that complies with the adopted regulations of the Town.

C. Application Submittal Requirements

An application for a Minor Design Review shall include the following:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in [Subsection 16-5-###](#).
2. **Application Fee.** Payment for the applicable fee, as designated by the Town's schedule of fees, shall be made at the time of submittal of an application.
3. **Boundary Survey.** A boundary survey, with a stamp and signature (or electronic equivalent) of a surveyor licensed in Colorado, that includes the following information:
 - a. Date of survey (survey date must be within six (6) calendar months of the application submittal date).
 - b. Right-of-way and property lines; including bearings, distances, and curve information.
 - c. Labeled ties to existing USGS benchmark.
 - d. Property boundaries to the nearest one-hundredth (0.01) of a foot accuracy. Distances and bearings and a basis of bearing must be shown. Show existing pins or monuments found and their relationship to the established corner.
 - e. The locations, bearings, and dimensions of all existing easements recorded with the Eagle County Clerk and Recorder.
 - f. Spot elevations, at five-foot intervals, at the edge of asphalt along the street frontage of the subject property and a minimum of two (2) spot elevations on either side of the lot.
 - g. Existing topographic conditions of the subject property, shown at two-foot (2') contour intervals.
 - h. Existing trees or groups of trees having trunks with diameters of four (4) inches or more.
 - i. Rock outcroppings and other significant natural features.

- j. All utility meter locations, including any pedestals on site or in the right-of-way adjacent to the site and the exact location of existing utility sources.
 - k. Environmentally sensitive areas or areas of natural hazards, where applicable. These areas may include, but are not limited to, rock fall areas, wetlands, and/or floodplain areas.
 - l. If applicable, the centerline and edge of a stream or creek, the ordinary high-water mark, the required live stream setback from the ordinary high-water mark, and the one-hundred-year floodplain.
4. **Site Plan.** A site plan, drawn to scale, showing the following information:
- a. Property line locations, bearings, and dimensions based on a current boundary survey of the property.
 - b. Minimum required front, side, rear, and live stream setback lines.
 - c. Existing and proposed easements.
 - d. Existing and proposed buildings and structures, including sheds, enclosures, decks, patios, and balconies.
- Note:* A solid line is to be used to identify the building footprint and the outside face of exterior walls, inclusive of all cantilevered elements of the building. A dashed line is to be used to identify the roof/eave edge.
- e. Height elevations of all roof ridgelines and/or the top of all flat roof elements, as well as the mid-point of all sloped roof elements.
 - f. Existing and proposed driveways and parking areas. The finished surface, heated or unheated areas, grade, percent slope, dimensions, turning radii, and spot elevations at the property line must be shown.
 - g. All slopes between thirty (30%) and forty percent (40%), as well as any slopes that exceed forty (40%) percent.
 - h. Existing and proposed retaining walls including materials and spot elevations.
 - i. Existing and proposed fences including height and materials.
 - j. If applicable, the centerline and edge of a stream or creek, the ordinary highwater mark, the required live stream setback from the ordinary high-water mark, and the one-hundred-year floodplain according to a current survey of the property.
 - k. Snow storage areas denoted with hatching and showing corresponding area (expressed in square feet) as a percentage of overall site area.

- l. Existing and proposed sidewalks and walkways.
 - m. All areas of lot and impervious coverage denoted with hatching and showing corresponding area (expressed in square feet) as a percentage of overall site area.
5. **Grading and Drainage Plan.** A grading and drainage plan that includes the following information:
- a. Existing contours, shown at two-foot (2') intervals, for all areas to be disturbed by the proposed construction. Contours for undisturbed areas must be shown when drainage in those areas impacts the disturbed area, or vice versa.
 - b. Proposed contours, shown at two-foot (2') intervals, for all disturbed areas that demonstrate positive drainage.
 - c. Critical spot elevations, as necessary, to demonstrate positive drainage and the direction of flow. Finished grade at all building corners must be provided.
 - d. The top-of-foundation elevation. The top-of-foundation elevation must be consistent with the foundation plan. For buildings on slopes of thirty percent (30%) or greater, elevations for stepped foundation walls must be shown.
 - e. Drainage arrows that show how stormwater will be routed around buildings and where stormwater will exit the property. Stormwater cannot cause damage to any adjacent property. Drainage and erosion control features needed to prevent damage must be included.
 - f. Proposed drainage facilities, such as French drains or culverts.
 - g. Retaining wall details that include drainage details. Elevations for the top- and bottom-of-wall shall be shown at each location where a retaining wall steps up or down. The elevation of the tallest point of a retaining wall must also be provided.
6. **Landscape Plan.** If applicable, a landscape plan, prepared in accordance with Section 16-#-##.
7. **Building Elevations and Architectural Details.** Building elevations and architectural detailing for all sides of the proposed structure(s) that include the following information:
- a. The type, size, and texture of all exterior materials.
 - b. Building heights, dimensioned in accordance with this Code.
 - c. Minimum required front, side,-rear, and live stream setback lines.
 - d. The location of exterior lighting fixtures and roof and building drainage systems (i.e., gutters and downspouts).
8. **Floor Plans.** Floor plans of all levels of any proposed structure(s) indicating the proposed uses and dimensions of all interior space shall be included. For additions to existing structures, floor plans must be provided for the existing building as well as all proposed additional floor area.

9. **Ceiling Plans.** If applicable, reflected ceiling plans that show exterior lighting (recessed or can lighting) within soffits.
10. **Color Chips and Material Boards.** Color chips and/or a materials board are required for all projects.
11. **Additional Requirements for Multi-Family and Commercial Developments.** Multi-family and commercial developments may require one (1) or more of the following:
 - a. A three-dimensional model, drawn to scale, of the proposed project and adjacent buildings;
 - b. A three-dimensional architectural model, drawn to scale, that depicts the proposed project and adjacent structures; AND/OR,
 - c. A two-dimensional photo illustration of the proposed building in relation to adjacent structures.
12. **Additional Information.** Any other information required by this Code or deemed necessary by the Planning Director to ensure a complete and proper review of the request.

D. **Waiver of Application Submittal Requirements**

- a. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.
- b. To authorize a waiver, the Planning Director must make a finding for the following:
 - i. The size, complexity, anticipated impacts, or other factors associated with the proposal support a waiver.
 - ii. The waiver will not compromise a proper and complete review of the application.
 - iii. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.
- c. If the Planning Director authorizes a waiver, they will:
 - i. Notify the applicant of their decision.
 - ii. If applicable, include in their staff report a list of the submittal requirements waived and the findings made to justify the waiver.

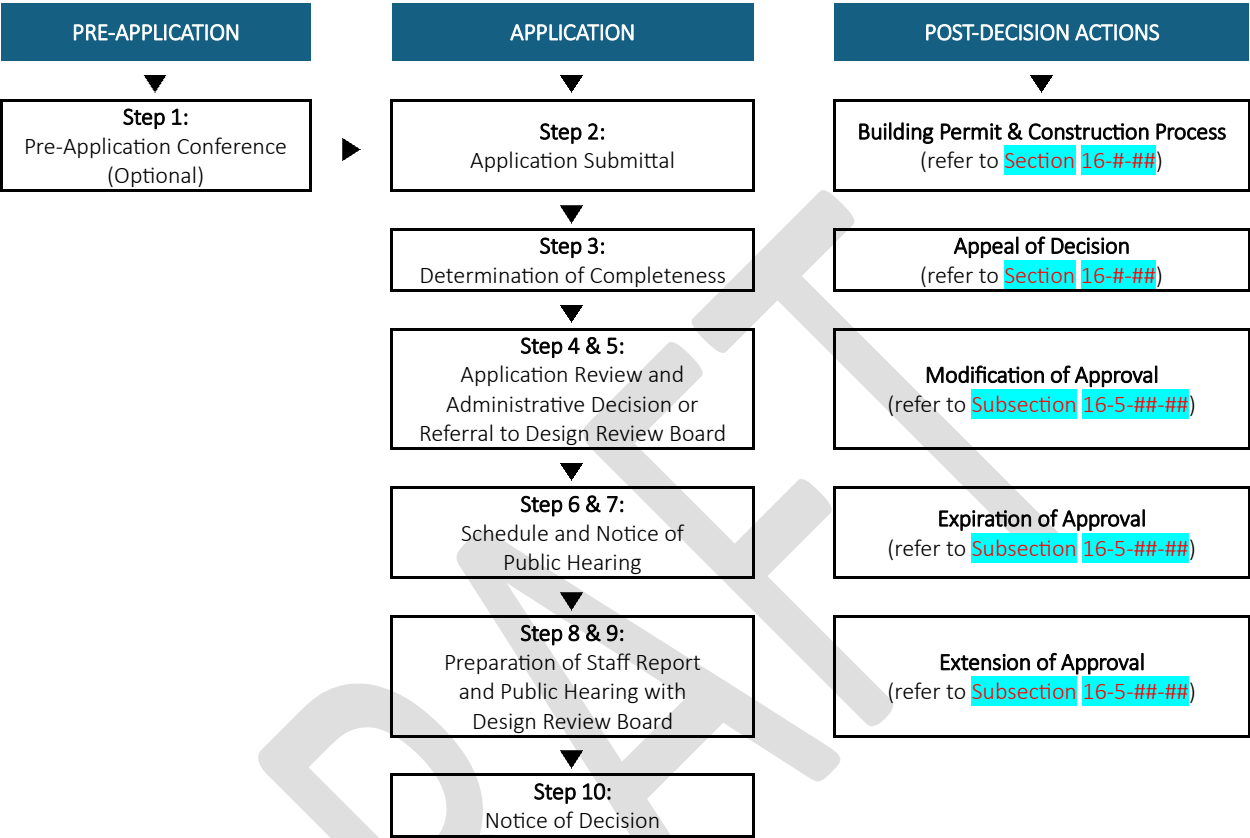
D. **Application Review Criteria**

The Planning Director, or the Planning Commission acting as the Design Review Board, may approve a request for Minor Design Review upon a finding that the proposal complies with the applicable requirements of this Code, including the applicable zoning regulations set forth in **Article ##** and Design Standards and Guidelines set forth in **Article ##**.

E. **Application Review Procedures**

A request for Minor Design Review will be reviewed and decided upon in accordance with the following procedures.

Table ## Overview of Minor Design Review Procedures



1. **Step 1: Pre-Application Conference (Optional).** A Pre-Application Conference may be requested by the applicant or Town staff prior to the submittal of an application for a Minor Design Review. A Pre-Application Conference for a Minor Design Review is optional and not required.

The process for a Pre-Application Conference is as follows:

- a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.
- b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.
- c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town

consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

- i. The applicant's proposal.
- ii. The applicable provisions of this Code.
- iii. The application submittal requirements and review procedures.
- iv. The referral agencies likely to be involved with the review of the application.

Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

- d. *Pre-Application Conference Summary.* Within seven (7) calendar days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.
 - e. *Effect of Pre-Application Conference.* Any information provided as part of a Pre-Application Conference shall not be binding on the Town or the applicant.
2. **Step 2: Submittal of Application.** The applicant for a Minor Design Review shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.
 3. **Step 3: Determination of Completeness.** Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.
 - a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:
 - i. Certify the application as complete and record the date of the determination of completeness.
 - ii. Notify the applicant, in writing, of the determination of completeness; any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.
 - b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and

that no further action on the application will be taken until these deficiencies have been remedied.

If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with [Subsection 16-5-##-#](#).

- c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to fourteen (14) calendar days if one of the following conditions exist:
 - i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.
 - ii. The Planning Director's workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

4. Step 4: Review by Town Staff, Consultants, and Referral Agencies.

- a. Within five (5) business days of receiving the requested number of complete applications, the Planning Director shall circulate copies of the application package to the town departments, town consultants, and referral agencies that may be affected by the proposal.
- b. The comment period for the review by town departments, town consultants, and referral agencies shall be twenty (20) calendar days from the date that the application is circulated by the Planning Director. No extension of this comment period can be granted.
- c. Comments not received within this time frame will be considered a no comment.

5. Step 5: Administrative Decision or Referral to Design Review Board.

- a. The Planning Director shall review the application to determine if the proposal satisfies the applicable review criteria and standards identified in this Code. Upon the conclusion of their review, the Planning Director shall take one of the following actions:
 - i. Approve the Minor Design Review, subject to any conditions that the Planning Director deems necessary to ensure compliance with this Code and the Community Plan.
 - ii. Deny the Minor Design Review and state the specific reason(s) for denial.
- b. At the discretion of the Planning Director, a novel, complex, or contested application may be referred to the Planning Commission (acting as the Design Review Board) for action.

- 6. **Step 6: Schedule Public Hearing.** If the Planning Director refers an application to the Planning Commission, the Planning Director shall schedule the application for a public hearing before the Planning Commission in accordance with the following requirements:

- a. The public hearing shall be scheduled for a regularly scheduled meeting or a special meeting of the Planning Commission.
 - b. The first public hearing before the Planning Commission shall be scheduled no later than sixty (60) calendar days from the date of the Planning Director's decision to refer the application.
7. **Step 7: Notice of Public Hearing.** At least ten (10) calendar days prior to the date of the first public hearing with the Planning Commission, the applicant shall:
- a. *Mail Notice.* Mail notice, by certified mail, to all property owners of record within one hundred (100) feet of the subject property, in accordance with **Section 16-5-##**.
 - b. *Publish Notice.* Publish notice in a local newspaper, having general circulation within the Town, in accordance with **Section 16-5-##**.
 - c. *Post Notice.* Post notice on a sign on the subject property in accordance with **Section 16-5-##**.
 - d. *Mail Notice to Mineral Estate Owners (As Required).* If required by state statute, mail notice to mineral estate owners in accordance with **Section 16-5-##**.
8. **Step 8: Staff Report.** If the Planning Director refers an application to the Planning Commission, Town staff shall prepare a staff report that addresses the following, as applicable:
- a. Compliance with the standards of this Code.
 - b. Issues raised during the review of the application by town staff, town consultants, and/or referral agencies.
 - c. Recommended conditions to ensure compliance with applicable standards.
 - d. Additional information pertinent to the review of the application that must be submitted by the applicant.
9. **Step 9: Public Hearing with Design Review Board.**
- a. The Planning Commission, acting as the Design Review Board, will hold a public hearing, in accordance with **Section 16-5-##**, to review the application. The applicant, or their agent, must be present at the hearing.
 - b. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Planning Commission, the applicant, and the public:
 - i. The application and any supporting materials.
 - ii. The staff report.
 - iii. Copies of any comments submitted by town departments, town consultants, referral agencies, and/or the public.

- c. Following the close of the public hearing, the Planning Commission shall consider the application and any supporting materials, the staff report, public testimony, and the review criteria for a Minor Design Review, and shall take one of the following actions:
 - i. Approve the request, subject to any conditions that the Planning Commission deems necessary to ensure compliance with this Code and the Community Plan.
 - ii. Deny the request and state the specific reason(s) for denial.

10. Step 9: Notice of Decision.

- a. Within ten (10) business days of a final action by the Planning Director or the Planning Commission (acting as the Design Review Board), the following shall occur:
 - i. The Planning Director will send written notice of the decision to the applicant.
 - ii. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.

b. Is a Minor Design Review approval ratified by the Town Council?

F. Building Permit and Construction Process

<Add language from Design Review Section?>

G. Modification of Approval

<Should there be an allowance to modify a Minor Design Review approval?>

H. Duration of Approval

An approval by the Planning Director of the Design Review Board shall expire and become null and void one (1) year after the date of approval unless one of the following has occurred:

- 1. A building permit is issued.
- 2. Construction has commenced and is diligently pursued towards completion.
- 3. A request for an extension has been submitted and approved in accordance with Subsection 16-5-##(#).

I. Extension of Approval

- 1. An applicant with an approval from the Planning Director or the Design Review Board may submit a written request for an extension of their approval. Such a request must be received at least thirty (30) calendar days prior to the expiration date of the approval. Any request received later than this will not be considered by the Town.
- 2. Upon a showing of good cause, the Planning Director may authorize one (1) extension of an approval for a period of up to twelve (12) calendar months.

Section 16-5-90: Limited Review Use

A. Applicability

1. This Section applies to all land uses classified as a Limited Review Use in [Table ##](#).
2. A Certificate of Zoning Compliance shall be required prior to the issuance of a building permit for, or the establishment of, any building, structure, or land use that is listed as a Limited Review Use in [Table ##](#).
3. The Planning Director will issue a Certificate of Zoning Compliance for a Limited Review Use that has been reviewed and approved or approved with conditions in accordance with this Section.

B. Purpose

The purpose of this Section is to provide an efficient administrative review process for land uses that are allowed in a specific zone district subject to compliance with established use-specific standards.

C. Application Submittal Requirements

An application for a Limited Review Use shall include the following:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in [Subsection 16-5-##-#](#).
2. **Application Fee.** Payment for the applicable fee, as designated by the Town's schedule of fees, shall be made at the time of submittal of an application.
3. **Narrative.** A written statement that describes the following:
 - a. The precise nature and operational characteristics of the proposed use; AND,
 - b. How the proposed use complies with the applicable requirements of this Code and the review criteria set forth in this Section.
4. **Site Plan.** A site plan, drawn to scale, showing the following information:
 - a. The boundaries of the subject property including bearings and dimensions.
 - b. Minimum required front, side, rear, and live stream setbacks lines.
 - c. Existing topography and any proposed changes.
 - d. The location and dimensions or size of all existing and proposed:
 - i. Land uses.
 - ii. Buildings and structures (or building envelopes if exact dimensions are not available) and their setbacks from the boundaries of the subject property.
 - iii. Easements and public rights-of-way on or abutting the subject property.

- iv. Streets, alleys, driveways, sidewalks, paths, and/or other access improvements.
 - v. Parking and loading areas.
 - vi. Usable open space.
 - vii. Landscaped areas, fencing, and walls.
 - viii. Utilities, including information about any changes to these utilities that will be necessitated by the proposed use.
 - ix. Drainage facilities and features.
- e. A table with that includes the following data:
- i. Size of the subject property.
 - ii. Total number of dwelling units and number of each type of unit (studio, one bedroom, etc.).
 - iii. Floor area of each type of dwelling unit.
 - iv. Total building coverage provided as a percentage of the total area of the subject property.
 - v. Total impervious surface coverage provided as a percentage of the total area of the subject property.
 - vi. Total area of usable open space.
 - vii. Total landscaped area.
 - viii. Total number of parking spaces.
5. **Conceptual Building Plans and Elevations.** Conceptual plans and elevations with sufficient detail to depict the layout, dimensions, general appearance, and scale of any proposed buildings.
6. **Additional Information.** Additional information required by this Code or requested by the Planning Director or submitted by the applicant that is pertinent to the application.

D. Waiver of Application Submittal Requirements

- 1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.
- 2. To authorize a waiver, the Planning Director must make a finding for the following:

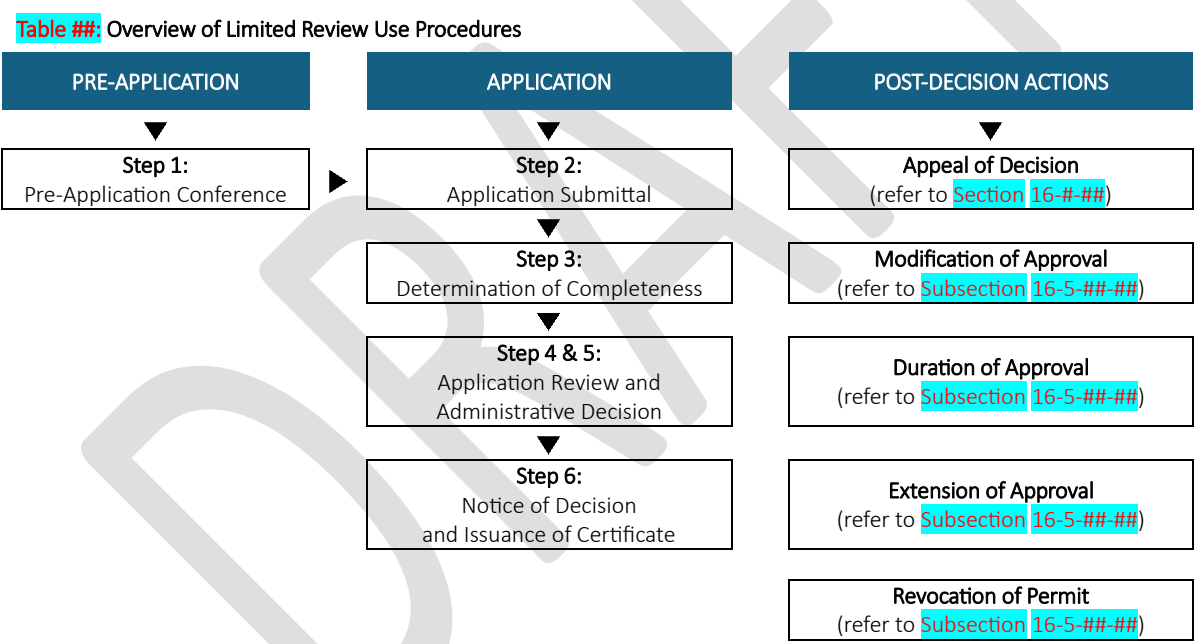
- a. The size, complexity, anticipated impacts, or other factors associated with the proposal support a waiver.
 - b. The waiver will not compromise a proper and complete review of the application.
 - c. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.
3. If the Planning Director authorizes a waiver, they will notify the applicant of their decision.

E. Application Review Criteria

The Planning Director may approve a request for a Limited Review Use upon a finding that the proposed use complies with the applicable provisions of this Code, including any Use-Specific Standards.

F. Application Review Procedures

A request for a Limited Review Use will be reviewed and decided upon in accordance with the following procedures.



1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for a Limited Review Use. This requirement may be waived at the discretion of the Planning Director.

The process for a Pre-Application Conference is as follows:

- a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.

- b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.
- c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

- i. The applicant's proposal.
- ii. The applicable provisions of this Code.
- iii. The application submittal requirements and review procedures.
- iv. The referral agencies likely to be involved with the review of the application.

Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

- d. *Pre-Application Conference Summary.* Within seven (7) calendar days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.
 - e. *Effect of Pre-Application Conference.* Any information provided as part of a Pre-Application Conference shall not be binding on the town or the applicant.
2. **Step 2: Submittal of Application.** The applicant for a Limited Review Use shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.
 3. **Step 3: Determination of Completeness.** Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.
 - a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:
 - i. Certify the application as complete and record the date of the determination of completeness.

- ii. Schedule public hearings in accordance with **Section 16-5-##**.
 - iii. Notify the applicant, in writing, of the determination of completeness; the date, time, and location for each of the Public Hearings; any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.
- b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with **Subsection 16-5-##-#**.

- c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to fourteen (14) calendar days if one of the following conditions exist:
- i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.
 - ii. The Planning Director's workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

4. **Step 4: Review by Town Staff, Consultants, and Referral Agencies.**

- a. Within five (5) business days of receiving the requested number of complete applications, the Planning Director shall circulate copies of the application package to the town departments, town consultants, and referral agencies that may be affected by the proposal.
- b. The comment period for the review by town departments, town consultants, and referral agencies shall be twenty (20) calendar days from the date that the application is circulated by the Planning Director. No extension of this comment period can be granted.
- c. Comments not received within this time frame will be considered a no comment.

5. **Step 5: Administrative Decision.**

- a. The Planning Director shall review the application to determine if the proposal satisfies the applicable review criteria and standards identified in this Code. Upon the conclusion of their review, the Planning Director shall take one of the following actions:
 - i. Approve the Limited Review Use, subject to any conditions that the Planning Director deems necessary to ensure compliance with this Code and the Community Plan.

- ii. Deny the Limited Review Use and state the specific reason(s) for denial.
6. **Step 6: Notice of Decision and Issuance of Certificate.** Within ten (10) business days of a final action by Planning Director, the following shall occur:
- a. The Planning Director will send written notice of the decision to the applicant.
 - b. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.
 - c. If a Limited Review Use is approved, the Planning Director will issue, to the applicant, a Certificate of Zoning Compliance that states the following:
 - i. Duration of approval.
 - ii. Any conditions of approval.
 - iii. Any other information that the Planning Director deems necessary to include as part of the Certificate of Zoning Compliance.

G. Modification of Approval

A Certificate of Zoning Compliance (i.e., an approved Limited Review Use) may be modified in accordance with the procedures and standards set forth in this Section.

H. Duration of Approval

- 1. A Certificate of Zoning Compliance shall expire and become null and void one (1) year after the date of issuance unless one of the following has occurred:
 - a. The approved use has been established, is on-going, and in operation (if no building permit from the Town is required).
 - b. A complete building permit application has been submitted and approved by the Town and on-site construction has commenced.
 - c. A request for an extension has been submitted and approved in accordance with **Subsection 16-5-##-#**.

I. Extension of Approval

- 1. The holder of a Certificate of Zoning Compliance may submit a written request for an extension of their approval to the Planning Director. Such a request must be received a minimum of thirty (30) calendar days prior to the expiration date of the Certificate of Zoning Compliance. Any request received later than this will not be considered by the Town.
- 2. A request to extend the approval of a Certificate of Zoning Compliance must demonstrate the following:
 - a. Failure to establish the use was beyond the applicant's control.

- b. The approved use is not speculative in nature.
 - c. The approved use remains in compliance with this Code and the Community Plan.
 - d. There is reasonable likelihood that the approved use will be established in the next year.
3. The Planning Director may authorize one (1) extension of a Certificate of Zoning Compliance for a period of up to twelve (12) calendar months.

DRAFT

Section 16-5-100: Rezoning (Amendment to Zoning Map)

A. Applicability

1. All amendments to the Town's Official Zoning Map must comply with the requirements and procedures set forth in this Section.
2. Amendments to the Town's Official Zoning Map include the following:
 - a. Changing the zoning of a property from one zone district to another.
 - b. A comprehensive change to zoning (i.e., comprehensive rezoning) that affects twenty-five (25) or more properties that are predominantly under different ownership.
3. An amendment to the Town's Official Zoning Map may be proposed by the Town Council; the Planning Commission; Town staff; or an owner of, or other person with a recognized interest in, land in the Town or their authorized agent.

B. Purpose

The purpose of this Section is to establish the requirements and procedures for amending the Town's Official Zoning Map.

C. Application Submittal Requirements

An application for Rezoning shall include the following:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in [Subsection 16-5-###-#](#).
2. **Application Fee.** Payment for the applicable fee, as designated by the Town's schedule of fees, shall be made at the time of submittal of an application.
3. **Rezoning Petition (If Required).** If an amendment to the Town's Official Zoning Map is proposed by a property owner and that proposal includes property not owned by the applicant, the application must include a petition for rezoning signed by at least fifty percent (50%) of the owners of the property to be rezoned.
4. **Narrative.** A written statement that describes the following:
 - a. The new zone district being requested.
 - b. The justification for rezoning based on the review criteria set forth in this Section.
 - c. Why the proposed zone district is more appropriate for the subject property than the existing zoning.
5. **Zoning and Land Use Map.** A map that shows the existing zoning of, and land uses on, all properties within three hundred (300) feet of the subject property.

6. **Survey.** A scaled survey, Improvement Location Certificate (ILC), or other document acceptable to the Town that depicts the existing conditions of the subject property. The following information must be shown:
 - a. Date of survey, ILC, or other document.
 - b. Legal description.
 - c. Property boundaries including bearings and dimensions.
 - d. Existing natural features including, but not limited to, vegetation, rock-outcroppings, and watercourses.
 - e. Environmentally sensitive areas or areas of natural hazards, where applicable (rock fall areas, wetlands, one-hundred-year floodplain, etc.).
 - f. Existing improvements including, but not limited to, buildings, streets, sidewalks, trails.
 - g. Dimensions between existing buildings or structures and all property boundaries.
 - h. Other information that is necessary to demonstrate compliance with the requirements of the proposed zone district.
7. **Additional Information.** Any other information deemed necessary by the Planning Director to ensure a complete and proper review of the request.

D. Waiver of Application Submittal Requirements

1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.
2. To authorize a waiver, the Planning Director must make a finding for the following:
 - a. The size, complexity, anticipated impacts, or other factors associated with the proposal support a waiver.
 - b. The waiver will not compromise a proper and complete review of the application.
 - c. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.
3. If the Planning Director authorizes a waiver, they will:
 - a. Notify the applicant of their decision.
 - b. Include in their staff report a list of the submittal requirements waived and the findings made to justify the waiver.

E. Application Review Criteria

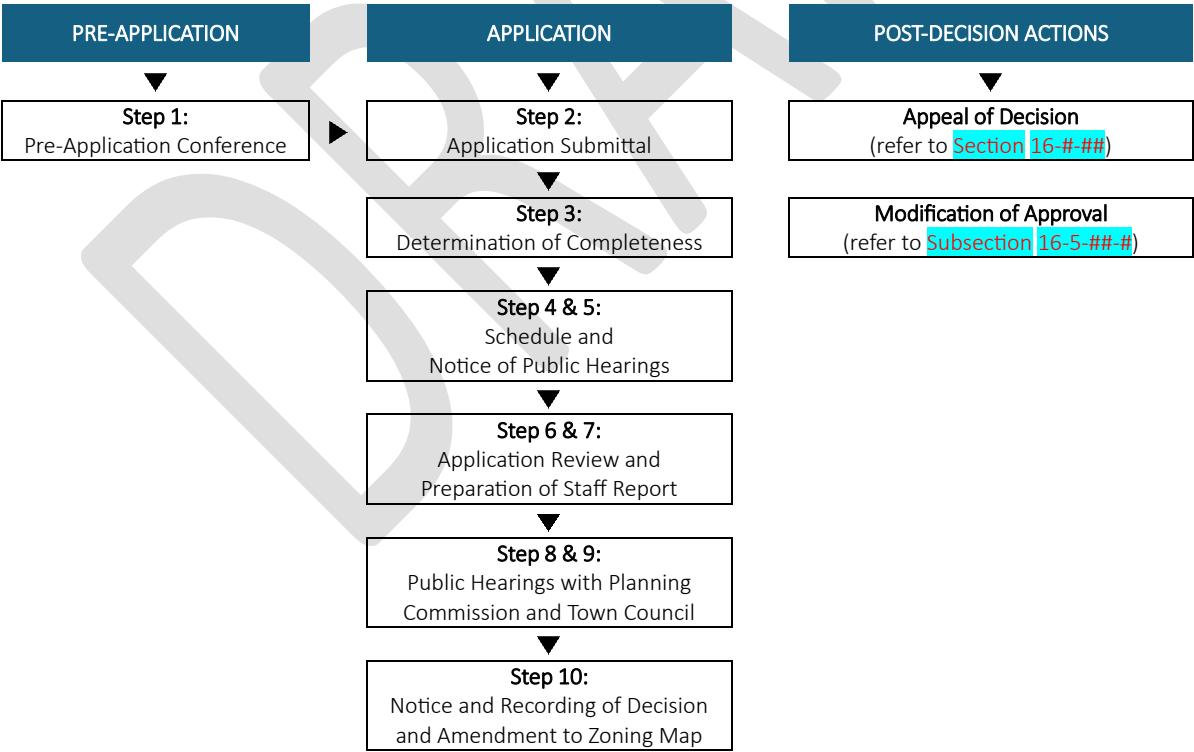
The Planning Commission may recommend approval of, and the Town Council may approve, a request for Rezoning upon a finding of the following criteria:

- 1. The change in zoning is consistent with the Community Plan, specifically the Future Land Use Map, and any other applicable plan adopted by the Town.
- 2. The change in zoning will not have significant adverse impacts on the natural environment, including, but not limited to, water, air, noise, stormwater management, wildlife habitat, vegetation, and wetlands.
- 3. The change in zoning supports the logical and orderly development of the Town and the necessary public facilities and services are available or can be provided.
- 4. The proposed zone district is compatible with existing and allowed uses on properties in the immediate vicinity of the subject property.
- 5. The change in zoning does not constitute spot zoning.

F. Application Review Procedures

A request for Rezoning will be reviewed and decided upon in accordance with the following procedures.

Table ##: Overview of Rezoning Review Procedures



1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for Rezoning. This requirement may be waived at the discretion of the Planning Director.

The process for a Pre-Application Conference is as follows:

- a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.
- b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.
- c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

- i. The applicant's proposal.
- ii. The applicable provisions of this Code.
- iii. The application submittal requirements and review procedures.
- iv. The referral agencies likely to be involved with the review of the application.

Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

- d. *Pre-Application Conference Summary.* Within seven (7) calendar days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.
 - e. *Effect of Pre-Application Conference.* Any information provided as part of a Pre-Application Conference shall not be binding on the Town or the applicant.
2. **Step 2: Submittal of Application.** The applicant for a Rezoning shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.

3. **Step 3: Determination of Completeness.** Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.
 - a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:
 - i. Certify the application as complete and record the date of the determination of completeness.
 - ii. Schedule public hearings in accordance with **Section 16-5-##**.
 - iii. Notify the applicant, in writing, of the determination of completeness; the date, time, and location for each of the Public Hearings; any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.
 - b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with **Subsection 16-5-##-#**.
 - c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to fourteen (14) calendar days if one of the following conditions exist:
 - iii. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.
 - iv. The Planning Director's workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.
4. **Step 4: Schedule Public Hearings.** Upon a determination of completeness, the Planning Director shall schedule the application for public hearings before the Planning Commission and Town Council in accordance with the following requirements:
 - a. The public hearings shall be scheduled for a regularly scheduled meeting or a special meeting of the Planning Commission and Town Council.

- b. The first public hearing before the Planning Commission shall be scheduled no later than sixty (60) calendar days after the date of determination of completeness.
 - c. A public hearing before the Town Council shall be scheduled within sixty (60) calendar days of the Planning Commission completing its review and making a recommendation to the Town Council.
- 5. **Step 5: Notice of Public Hearings.**
 - a. At least ten (10) calendar days prior to the date of the first public hearing with the Planning Commission, the applicant shall:
 - i. *Mail Notice.* Mail notice, by certified mail, to all property owners of record within two hundred fifty (250) feet of the subject property, in accordance with [Section 16-5-##](#).
 - ii. *Publish Notice.* Publish notice in a local newspaper, having general circulation within the Town, in accordance with [Section 16-5-##](#).
 - iii. *Post Notice.* Post notice on a sign on the subject property in accordance with [Section 16-5-##](#).
 - iv. *Mail Notice to Mineral Estate Owners (As Required).* If required by state statute, mail notice to mineral estate owners in accordance with [Section 16-5-##](#).
 - b. A comprehensive rezoning, initiated by the Town, shall only require the publishing of notice in accordance with [Section 16-5-##](#).
- 6. **Step 6: Review by Town Staff, Consultants, and Referral Agencies.**
 - a. Within five (5) business days of receiving the requested number of complete applications, the Planning Director shall circulate copies of the application package to the town departments, town consultants, and referral agencies that may be affected by the proposal.
 - b. The comment period for the review by town departments, town consultants, and referral agencies shall be twenty (20) calendar days from the date that the application is circulated by the Planning Director. No extension of this comment period can be granted.
 - c. Comments not received within this time frame will be considered a no comment.
- 7. **Step 7: Staff Review and Report.** Town staff shall review the application and prepare a staff report that addresses the following, as applicable:
 - a. Compliance with the standards of this Code.
 - b. Issues raised during the review of the application by town staff, town consultants, and/or referral agencies.
 - c. Recommended conditions to ensure compliance with applicable standards.

- d. Additional information pertinent to the review of the application that must be submitted by the applicant.

8. Step 8: Public Hearing with Planning Commission.

- a. The Planning Commission will hold a public hearing, in accordance with [Section 16-5-##](#), to review the application. The applicant, or their agent, must be present at the hearing.
- b. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Planning Commission, the applicant, and the public:
 - i. The application and any supporting materials.
 - ii. The staff report.
 - iii. Copies of any comments submitted by town departments, town consultants, referral agencies, and/or the public.
- c. Following the close of the public hearing, the Planning Commission shall consider the application and any supporting materials, the staff report, public testimony, and the review criteria for a Rezoning, and shall take one of the following actions:
 - i. Recommend that Town Council approve the Rezoning.
 - ii. Recommend that Town Council deny the Rezoning and state the specific reason(s) for denial.
- d. Conditions of approval are not permitted for a Rezoning.

9. Step 9: Public Hearing with Town Council.

- a. Following the public hearing with the Planning Commission, the Town Council will hold a public hearing, in accordance with [Section 16-5-##](#), to review the application. The applicant, or their agent, must be present at the hearing.
- b. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Town Council, the applicant, and the public:
 - i. The application and any supporting materials.
 - ii. The staff report.
 - iii. The Planning Commission's recommendation.
 - iv. Copies of any comments submitted by town departments, town consultants, referral agencies, and/or the public.
- c. Following the close of the public hearing, the Town Council shall consider the application and any supporting materials, the staff report, the recommendation of the Planning

Commission, public testimony, and the review criteria for a Rezoning, and shall take one of the following actions:

- i. Approve the Rezoning.
- ii. Deny the Rezoning and state the specific reason(s) for denial.
- d. Conditions of approval are not permitted for a Rezoning.
- e. If Town Council approves a Rezoning, it shall enact an ordinance to such effect.

10. Step 10: Notice and Recording of Decision and Amendment to Zoning Map.

- a. Within ten (10) business days of a final action by Town Council, the following will occur:
 - i. The Planning Director will send written notice of the decision to the applicant.
 - ii. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.
- b. If Town Council approves a Rezoning, the following will occur:
 - iii. The Town Clerk will enter a copy of the ordinance approving the Rezoning into the town's records.
 - iv. Within thirty (30) days of the effective date of the ordinance approving the Rezoning, the Planning Director will update the Zoning Map to reflect the change in zoning.

G. Modification of Approval

Any modification to an approved Rezoning shall require the submittal of a new application that is processed and reviewed in accordance with the procedures and standards set forth in this Section.

Section 16-5-110: Temporary Use

A. Applicability

This Section applies to all land uses classified as a Temporary Use in [Table ##](#).

B. Purpose

The purpose of this Section is to provide an efficient administrative review process for land uses and associated buildings or structures that will be established for no more than six (6) calendar months.

C. Application Submittal Requirements

An application for a Temporary Use shall include the following:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in [Subsection 16-5-###-#](#).
2. **Application Fee.** Payment for the applicable fee, as designated by the Town's schedule of fees, shall be made at the time of submittal of an application.
3. **Narrative.** A written statement that describes the following:
 - a. The proposed location, precise nature, and operational characteristics of the proposed temporary use.
 - b. How the following will be addressed, as applicable:
 - i. Potable water supply.
 - ii. Sanitation including solid waste and sewage disposal.
 - iii. Emergency services including medical, police, and fire protection.
 - iv. Security.
 - v. Parking and traffic control.
 - c. How the proposed use complies with the applicable requirements of this Code and the review criteria set forth in this Section.
4. **Agreement** A document, signed by the applicant and the owner of the subject property, if different from the applicant, that:
 - a. States the applicant agrees to cease the proposed use and remove any associated buildings or structures upon the expiration of the Temporary Use Permit;
 - b. Authorizes the Town to remove any buildings or structures associated with the proposed use, if the use is not in compliance with the conditions of the Temporary Use Permit or the applicable requirements of this Code; AND,

- c. States that the property owner will be responsible for all costs incurred by the Town to remove any buildings or structures associated with the proposed use.
- 5. **Required Licenses.** Evidence that the applicant has obtained or will obtain prior to the commencement of the Temporary Use, all licenses required by the Town and the State. Such licenses may include, but are not limited to, the following:
 - a. Business license.
 - b. Sales tax license.
 - c. Approval from the State for food sales.
 - d. Liquor license.
 - e. A license issued by the Town if the proposed use is to be located on town-owned property.
- 6. **Additional Information.** Additional information required by this Code or requested by the Planning Director or submitted by the applicant that is pertinent to the application.

D. Waiver of Application Submittal Requirements

- 1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.
- 2. To authorize a waiver, the Planning Director must make a finding for the following:
 - a. The size, complexity, anticipated impacts, or other factors associated with the proposal support a waiver.
 - b. The waiver will not compromise a proper and complete review of the application.
 - c. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.
- 3. If the Planning Director authorizes a waiver, they will notify the applicant of their decision.

E. Application Review Criteria

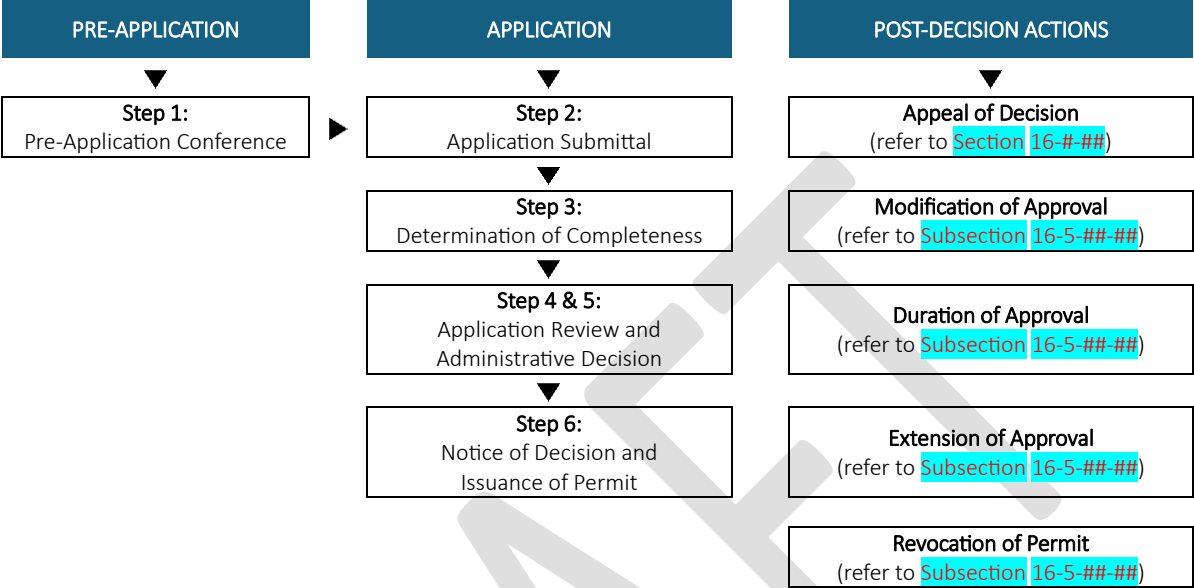
The Planning Director may approve a request for a Temporary Use upon a finding of the following criteria:

- 1. The proposed use is consistent with the Community Plan.
- 2. The proposed use complies with the applicable requirements of this Code and health, sanitation, safety, and access laws.
- 3. The proposed use is compatible with existing land uses on properties surrounding the subject property.

F. Application Review Procedures

A request for a Temporary Use will be reviewed and decided upon in accordance with the following procedures.

Table ##: Overview of Temporary Use Review Procedures



1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for a Temporary Use. This requirement may be waived at the discretion of the Planning Director.

The process for a Pre-Application Conference is as follows:

- a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.
- b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.
- c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

- i. The applicant’s proposal.

- ii. The applicable provisions of this Code.
- iii. The application submittal requirements and review procedures.
- iv. The referral agencies likely to be involved with the review of the application.

Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

- d. *Pre-Application Conference Summary.* Within seven (7) calendar days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.
 - e. *Effect of Pre-Application Conference.* Any information provided as part of a Pre-Application Conference shall not be binding on the town or the applicant.
2. **Step 2: Submittal of Application.** The applicant for a Temporary Use shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.
3. **Step 3: Determination of Completeness.** Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.
- a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:
 - i. Certify the application as complete and record the date of the determination of completeness.
 - ii. Notify the applicant, in writing, of the determination of completeness; any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.
 - b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with [Subsection 16-5-##-#](#).

c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to fourteen (14) calendar days if one of the following conditions exist:

- i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.
- ii. The Planning Director's workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

4. **Step 4: Review by Town Staff, Consultants, and Referral Agencies.**

- a. Within five (5) business days of receiving the requested number of complete applications, the Planning Director shall circulate copies of the application package to the town departments, town consultants, and referral agencies that may be affected by the proposal.
- b. The comment period for the review by town departments, town consultants, and referral agencies shall be twenty (20) calendar days from the date that the application is circulated by the Planning Director. No extension of this comment period can be granted.
- c. Comments not received within this time frame will be considered a no comment.

5. **Step 5: Administrative Decision.**

- a. The Planning Director shall review the application to determine if the proposal satisfies the applicable review criteria and standards identified in this Code. Upon the conclusion of their review, the Planning Director shall take one of the following actions:
 - i. Approve the Temporary Use, subject to any conditions that the Planning Director deems necessary to ensure compliance with this Code and the Community Plan.
 - ii. Deny the Temporary Use and state the specific reason(s) for denial.

6. **Step 6: Notice of Decision and Issuance of Certificate.** Within ten (10) business days of a final action by Planning Director, the following shall occur:

- a. The Planning Director will send written notice of the decision to the applicant.
- b. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.
- c. If a Temporary Use is approved, the Planning Director will issue, to the applicant, a Temporary Use Permit that states the following:
 - i. Duration of the permit.
 - ii. Any conditions of approval.

- iii. Notice of the Town's authority to revoke the permit in accordance with Subsection 16-5-###.
- iv. Any other information that the Planning Director deems necessary to include as part of the permit.

G. Modification of Approval

A Temporary Use Permit may be modified in accordance with the procedures and standards set forth in this Section.

H. Duration of Approval

All Temporary Use Permits shall expire and become null and void six (6) calendar months after the date of issuance unless a request for an extension has been submitted and approved in accordance with Subsection 16-5-###.

I. Extension of Approval

1. The holder of a Temporary Use Permit may submit a written request for an extension of their permit to the Planning Director. Such a request must be received at least five (5) business days prior to the expiration date of the Temporary Use Permit. Any request received later than this will not be considered by the Town.
2. Upon a showing of good cause by the permit holder, the Planning Director may authorize one (1) extension of an approved Temporary Use Permit for a period of up to thirty (30) calendar days.

J. Revocation of Permit

1. The Planning Director may revoke a Temporary Use Permit at any time if it is determined that the use is not being operated in compliance with the conditions of the permit, this Code, or any other provision of the Municipal Code.
2. If the Planning Director revokes a Temporary Use Permit, they shall provide written notice, stating the cause of such revocation, to the applicant.

Section 16-5-120: Zoning Variance

A. Applicability

- a. All requests for variance from any zone district regulation, set forth in Article ##, must comply with the requirements and procedures set forth in this Section.
- b. All requests for a variance from any sign regulation, set forth in Article ##, must comply with the requirements and procedures set forth in Section 16-5-##.
- c. Variances from the use regulations prescribed for each zone district are not permitted.
- d. Cost or inconvenience to the applicant, resulting from strict or literal compliance with a zoning regulation set forth in this Code, shall not be a reason for granting a variance

B. Purpose

1. The purpose of this Section is to establish the requirements and procedures for a variance from the strict application of any zone district regulation, set forth in Article ##.
2. The purpose of a variance is to provide an opportunity to mitigate practical difficulties or undue hardships that would result from the strict application of the zoning regulations set forth in this Code.

C. Application Submittal Requirements

An application for Zoning Variance shall include the following:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in Subsection 16-5-##-#.
2. **Application Fee.** Payment for the applicable fee, as designated by the Town's schedule of fees, shall be made at the time of submittal of an application.
3. **Narrative.** A written statement that describes the following:
 - a. The precise nature of the proposed variance.
 - b. The justification for variance based on the review criteria set forth in this Section.
 - c. Any measures proposed to make the variance compatible with adjacent properties.
4. **Site Plan.** A site plan, drawn to scale, showing the following information:
 - a. Property boundaries including bearings and dimensions.
 - b. Minimum required front, side, rear, and live stream setback lines.
 - c. Existing topography and any proposed changes.
 - d. The location and dimensions or size of all existing and proposed:

- i. Land uses.
 - ii. Buildings and structures (or building envelopes if exact dimensions are not available) and their setbacks from the boundaries of the subject property.
 - iii. Easements and public rights-of-way on or abutting the subject property.
 - iv. Streets, alleys, driveways, sidewalks, paths, and/or other access improvements.
 - v. Parking and loading areas.
 - vi. Usable open space.
 - vii. Landscaped areas, fencing, and walls.
 - viii. Utilities.
 - ix. Drainage facilities and features.
5. **Conceptual Building Plans and Elevations.** Conceptual plans and elevations with sufficient detail to depict the layout, dimensions, general appearance, scale, and interior plan of any proposed buildings.
6. **Additional Information.** Additional information required by this Code or requested by the Planning Director or submitted by the applicant that is pertinent to the application.

D. Waiver of Application Submittal Requirements

- 1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.
- 2. To authorize a waiver, the Planning Director must make a finding for the following:
 - a. The size, complexity, anticipated impacts, or other factors associated with the proposal support a waiver.
 - b. The waiver will not compromise a proper and complete review of the application.
 - c. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.
- 3. If the Planning Director authorizes a waiver, they will:
 - a. Notify the applicant of their decision.
 - b. Include in their staff report a list of the submittal requirements waived and the findings made to justify the waiver.

E. Application Review Criteria

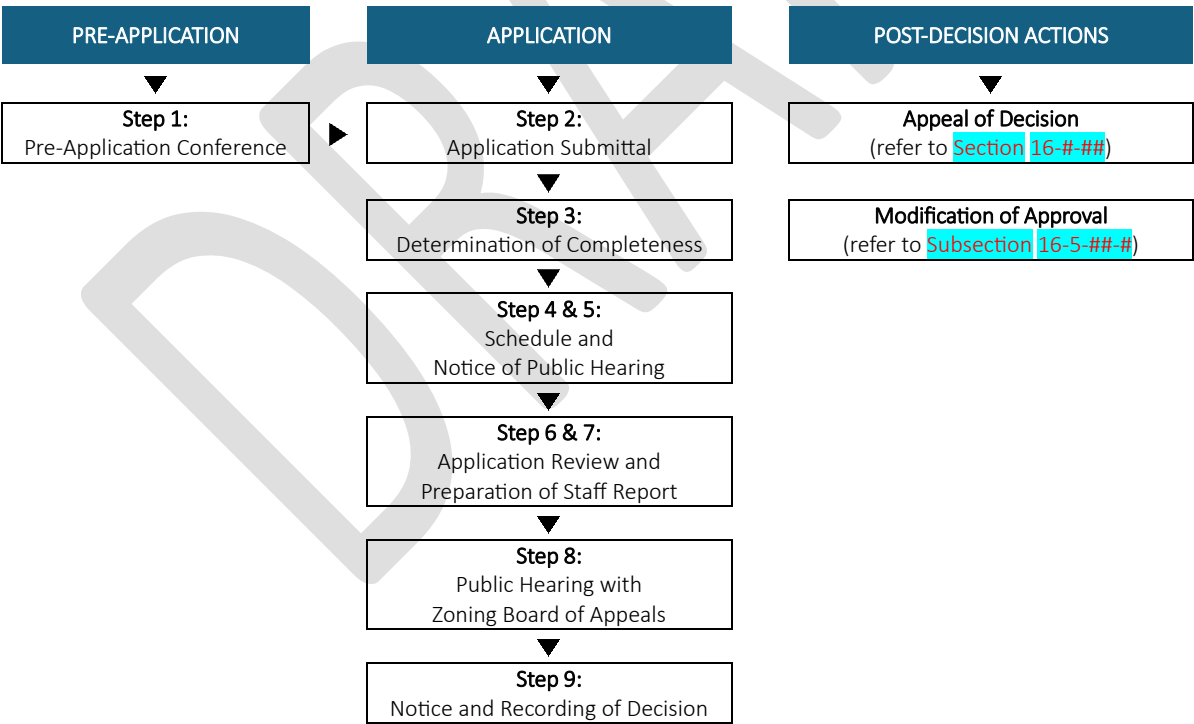
The Zoning Board of Appeals may grant approval of a Zoning Variance upon a finding of the following:

- 1. There exists an exceptional or extraordinary condition(s) that is unique to the subject property, is not a general condition throughout the same zone district, and did not result from the action of any person currently having interest in the property.
- 2. The exceptional or extraordinary condition(s) of the subject property creates a situation such that the strict application of the specified regulation will result in practical difficulty or undue hardship upon the applicant.
- 3. The granting of the variance will not be detrimental to the public health, safety, or welfare; will not be materially injurious to properties or improvements in the vicinity; and will not result in substantial impairment to the purposes of this Chapter.
- 4. The requested variance is the minimum necessary to alleviate the hardship or practical difficulty.

F. Application Review Procedures

A request for Zoning Variance will be reviewed and decided upon in accordance with the following procedures.

Table ##: Overview of Zoning Variance Review Procedures



- 1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for a Zoning Variance. This requirement may be waived at the discretion of the Planning Director.

The process for a Pre-Application Conference is as follows:

- a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.
- b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.
- c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

- i. The applicant's proposal.
- ii. The applicable provisions of this Code.
- iii. The application submittal requirements and review procedures.
- iv. The referral agencies likely to be involved with the review of the application.

Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

- d. *Pre-Application Conference Summary.* Within seven (7) calendar days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.
 - e. *Effect of Pre-Application Conference.* Any information provided as part of a Pre-Application Conference shall not be binding on the Town or the applicant.
2. **Step 2: Submittal of Application.** The applicant for a Zoning Variance shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.
 3. **Step 3: Determination of Completeness.** Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is

complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.

- a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:
 - i. Certify the application as complete and record the date of the determination of completeness.
 - ii. Schedule a public hearing in accordance with [Section 16-5-##](#).
 - iii. Notify the applicant, in writing, of the determination of completeness; the date, time, and location for each of the public hearing; any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.
- b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with [Subsection 16-5-##-#](#).

- c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to fourteen (14) calendar days if one of the following conditions exist:
 - i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.
 - ii. The Planning Director's workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

4. **Step 4: Schedule Public Hearing.** Upon a determination of completeness, the Planning Director shall schedule the application for public hearings before the Town Council, acting as the Zoning Board of Appeals, in accordance with the following requirements:
 - a. The public hearings shall be scheduled for a regularly scheduled meeting or a special meeting of the Town Council.
 - b. The first public hearing before the Town Council shall be scheduled no later than sixty (60) calendar days after the date of determination of completeness.

5. **Step 5: Notice of Public Hearing.** At least ten (10) calendar days prior to the date of the first public hearing with the Zoning Board of Appeals, the applicant shall:
 - i. *Mail Notice.* Mail notice, by certified mail, to all property owners of record within two hundred fifty (250) feet of the subject property, in accordance with [Section 16-5-##](#).
 - ii. *Publish Notice.* Publish notice in a local newspaper, having general circulation within the Town, in accordance with [Section 16-5-##](#).
 - iii. *Post Notice.* Post notice on a sign on the subject property in accordance with [Section 16-5-##](#).
 - iv. *Mail Notice to Mineral Estate Owners (As Required).* If required by state statute, mail notice to mineral estate owners in accordance with [Section 16-5-##](#).
6. **Step 6: Review by Town Staff, Consultants, and Referral Agencies.**
 - a. Within five (5) business days of receiving the requested number of complete applications, the Planning Director shall circulate copies of the application package to the town departments, town consultants, and referral agencies that may be affected by the proposal.
 - b. The comment period for the review by town departments, town consultants, and referral agencies shall be twenty (20) calendar days from the date that the application is circulated by the Planning Director. No extension of this comment period can be granted.
 - c. Comments not received within this time frame will be considered a no comment.
7. **Step 7: Staff Review and Report.** Town staff shall review the application and prepare a staff report that addresses the following, as applicable:
 - a. Compliance with the standards of this Code.
 - b. Issues raised during the review of the application by town staff, town consultants, and/or referral agencies.
 - c. Recommended conditions to ensure compliance with applicable standards.
 - d. Additional information pertinent to the review of the application that must be submitted by the applicant.
8. **Step 8: Public Hearing with Zoning Board of Appeals.**
 - a. The Zoning Board of Appeals will hold a public hearing, in accordance with [Section 16-5-##](#), to review the application. The applicant, or their agent, must be present at the hearing.
 - b. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Zoning Board of Appeals, the applicant, and the public:
 - i. The application and any supporting materials.

- ii. The staff report.
 - iii. Copies of any comments submitted by town departments, town consultants, referral agencies, and/or the public.
 - c. Following the close of the public hearing, the Zoning Board of Appeals shall consider the application and any supporting materials, the staff report, public testimony, and the review criteria for a Zoning Variance, and shall take one of the following actions:
 - i. Approve the Zoning Variance, subject to any conditions that the Zoning Board of Appeals deems necessary to ensure compliance with this Code and the Community Plan.
 - ii. Deny the Zoning Variance and state the specific reason(s) for denial.
 - d. If the Zoning Board of Appeals approves a Zoning Variance, it shall enact a resolution to such effect.
9. **Step 9: Notice and Recording of Decision.**
- a. Within ten (10) business days of a final action by the Zoning Board of Appeals, the following will occur:
 - i. The Planning Director will send written notice of the decision to the applicant.
 - ii. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.
 - b. If the Zoning Board of Appeals approves a Zoning Variance, the Town Clerk will enter a copy of the resolution approving the variance into the town's records.

G. Modification of Approval

Any modification to an approved Zoning Variance shall require the submittal of a new application that is processed and reviewed in accordance with the procedures and standards set forth in this Section.

Section 16-5-130: Planned Unit Development (PUD)

A. Applicability

1. This Section and Sections 16-5-### through 16-5-### apply to all requests to establish a Planned Unit Development Overlay District (PUD).
2. An application for a PUD may be made for any land in, or to be annexed to, the Town that complies with the applicable standards of this Section.
3. A PUD Overlay Zone District should not be used when a Conditional Use, Zoning Variance, or other appropriate process can be used to achieve the same result.
4. Before any land can be designated as a PUD, the PUD must receive approval pursuant to the terms of this Section and Sections 16-5-### through 16-5-###.

B. Purpose

The purpose of the Planned Unit Development (PUD) Overlay Zone District is to provide landowners with greater flexibility to creatively plan for the overall development of their land and to achieve the purpose and objectives of this Code and the Community Plan.

C. Authority

1. This Section, and Sections 16-5-### through 16-5-###, are adopted pursuant to the Planned Unit Development Act of 1972 (C.R.S. § 24-67-101, et seq., as amended).
2. Town staff and the Planning Commission are authorized to recommend, and the Town Council is authorized to impose, any conditions on a PUD that are necessary to accomplish the purpose of this Code and the Community Plan.

D. General Provisions

1. **Minimum Land Area.** To be eligible for a PUD Overlay Zone District, the subject property or properties must have a minimum gross area of two (2) acres.
2. **Land Ownership Requirements.** No application for a PUD will be accepted by the Town without the written consent of the owner(s) of the property or properties included within the proposed PUD.
3. **Effect on Other Code Provisions.**
 - a. Except as expressly authorized by this Section and approved as a part of a PUD Guide, the standards of this Code shall apply to development within any PUD.
 - b. Certain regulations and standards, adopted by the Town, cannot be modified or changed by a PUD. Such regulations and standards, may include, but are not limited to, building codes, construction standards, health codes, and fire codes.
4. **Retention of Existing Zoning.** The existing zoning for a property or properties, subject to an application for a PUD, shall not change until a Rezoning has been approved in accordance with Section 16-5-150.
5. **Common Open Space, Park, and Recreation Standards.** All PUDs shall comply with the following common open space, park, and recreation standards:

- a. *Minimum Area.* A minimum of twenty-five percent (25%) of the total area within a PUD must be dedicated for public or private open space, park, and recreation purposes.
- b. **Table ##** identifies lands that are and are not eligible to be counted towards the common open space, park, and recreation requirement:

Table ##: Areas that Do and Do Not Count Towards Common Open Space, Park, and Recreation Requirement

Areas that Count:	Areas that Do Not Count:
▪ Waterbodies. ▪ Critical wildlife habitat areas, riparian areas, and one-hundred-year floodplain areas that are preserved as open space, even if they are not usable by, or accessible to, the residents of the PUD.	▪ Parking and loading areas. ▪ Street rights-of-way. ▪ Minimum required yard setbacks. ▪ Areas with slopes greater than thirty percent (30%), unless such slopes are designed and developed for recreation. ▪ Lands that are not conveniently accessible from all occupied structures within a PUD, unless otherwise stated in this Section.

- c. *Dedication of Land Subject to Approval.* The dedication of land to the Town, other public agency, or non-profit entity, for common open space, park, or recreation shall be subject to approval and acceptance by the Town Council or decision-making body of the applicable public agency or non-profit entity.
 - d. *Improvements Required.* All common open space, park, and recreational areas must be shown on the Preliminary Development Plan for a PUD and are to be constructed and fully improved in accordance with the development schedule established for each phase of the PUD.
 - e. *Continuing Use and Maintenance.* All privately-owned common open space, park, and recreation areas must continue to conform to their intended use, as specified on the Preliminary Development Plan for a PUD. To ensure that all common open space, park, and recreation areas identified in a PUD are used as such, restrictions and/or covenants will be placed in each deed to ensure their maintenance and to prohibit the division of these areas.
6. **Ownership and Maintenance of Common Elements.**
- a. As part of a PUD, provisions shall be made for the establishment of an entity (homeowner’s association, non-profit corporation, etc.) that is responsible for the ownership, administration, operation, and maintenance of any common elements (open space, parks, recreation areas, private streets, etc.) within the PUD. This entity is also responsible for securing adequate liability insurance for these common elements.
 - b. This entity must be established prior to the sale of any lots or units within a PUD.
 - c. Membership in the entity is mandatory for all owners within a PUD.

7. **Covenants, Conditions & Restrictions (CC&Rs).** The applicant for a PUD may propose covenants, conditions, and restrictions (CC&Rs) to be applied within the PUD. Such CC&Rs may be more restrictive than the town's regulations and standards but never less restrictive.
 - a. Any proposed CC&Rs shall be reviewed by the Town Attorney and approved by the Town Council through the PUD process. The Town shall be a limited participant in the enforcement of such CC&Rs.
 - b. Upon final approval of a PUD, the CC&Rs for the PUD shall be recorded with the Eagle County Clerk and Recorder's Office.
 - c. The town's written concurrence shall be required to amend, modify, or alter in any way said CC&Rs.

E. Overview of PUD Process

1. The process for establishing a PUD Overlay Zone District has three (3) required steps:
 - a. *Step 1: Concept Development Plan (refer to [Section 16-5-##](#)).* The purpose of the Concept Development Plan is to allow the applicant to present and discuss the concept for the proposed PUD and to provide Town staff and the Planning Commission with an opportunity to:
 - i. Identify key issues to be addressed via the PUD process.
 - ii. Assess the overall appropriateness and feasibility of the proposed PUD, including if it complies with this Code and the Community Plan and is generally compatible with surrounding land uses.
 - iii. Consider if development of the subject property as a PUD will result in a significant improvement over its development under the Town's adopted regulations.
 - iv. Reach a general agreement on issues such as: the appropriate range of dwelling units and amount of non-residential space proposed; the type of land uses to be permitted; dimensional limitations and other variations that may be considered; the general locations intended for development and the areas planned to remain undeveloped; the general alignments for access; and how water supply and sewage disposal will be provided.
 - b. *Step 2: Preliminary Development Plan (refer to [Section 16-5-##](#)).* The purpose of the Preliminary Development Plan is to provide an opportunity for:
 - i. An applicant to develop and propose detailed solutions in response to any issues and concerns identified during the review of the Concept Development Plan and to provide other detailed information and design work required for a proposed PUD.
 - ii. The Town to review and evaluate the details of the proposed PUD.

- c. *Step 3: Final Development Plan (refer to Section 16-5-##).* The purpose of the Final Development Plan is to provide an opportunity to review any final information, design work, and/or legal documents for the proposed PUD.

2. Combined PUD Concept and Preliminary Development Plan Application.

- a. An applicant may submit a combined application for a Concept and Preliminary Development Plan to consolidate these steps into a single review process.
- b. A combined application shall include the submittal requirements for both a Conceptual and a Preliminary Development Plan. If there are redundant submittal requirements among the applications, the Planning Director is authorized to waive such requirements to mitigate an unnecessary burden on the applicant.
- c. A combined application will be reviewed pursuant to the requirements and procedures for a Preliminary Development Plan (refer to Section 16-5-##).

3. Concurrent Submittal and Review of Preliminary Development Plan and Rezoning Required.

- a. An application to change the zoning of the property or properties for a PUD must be submitted, processed, and reviewed concurrently with an application for a Preliminary Development Plan. The purpose of the Rezoning application is to change the zoning of the subject property or properties from the Town's underlying zone district(s) to a PUD.
- b. The Rezoning application must comply with the requirements set forth in Section 16-5-##. If there are redundant submittal requirements among the Rezoning and Preliminary Development Plan applications, the Planning Director is authorized to waive such requirements to mitigate an unnecessary burden on the applicant.
- c. The Rezoning will be processed and reviewed in accordance with Section 16-5-##.
- d. In no event shall a Preliminary Development Plan be approved prior to the approval of a Rezoning for the subject property or properties.

4. Concurrent Review of PUD and Subdivision.

- a. If an applicant for a PUD Overlay Zone District intends to subdivide the subject property or properties, they may process their PUD applications concurrently with the required subdivision applications. If there are redundant submittal requirements among the applications, the Planning Director is authorized to waive such requirements to mitigate an unnecessary burden on the applicant.
- b. In no event shall the subdivision of a PUD be approved prior to the approval of Final Development Plan for the PUD.

5. PUD Agreement Required.

- a. Concurrent with the approval of a Final Development Plan for a PUD, the applicant and the Town Council shall enter into an agreement (PUD Agreement) binding the PUD to any conditions placed in the agreement.
- b. All PUD Agreements must be prepared in accordance with Section 16-#-##.

- c. The applicant for a PUD is responsible for providing a final version of all documents to be included as exhibits to a PUD Agreement pursuant to [Section 16-5-160](#).

F. PUD Application Standards

The following requirements and standards shall govern the acceptability of a PUD application:

1. The PUD is consistent with the intent and policies of the Community Plan.
2. The PUD is compatible with surrounding land uses.
3. The PUD does not detrimentally affect adjacent or nearby properties.
4. The PUD provides for the appropriate treatment of the Eagle River corridor as a community recreational amenity and focal point.
5. The design and construction of the PUD includes adequate, safe, and convenient arrangements for pedestrian and vehicular circulation, off-street parking and loading space with access adequate to support the anticipated traffic, on- and off-site, including emergency and utility vehicles. Trails and sidewalks shall be provided to form a logical, safe and convenient system for pedestrian access to dwelling units and common areas, with appropriate connections off-site.
6. The PUD is subject to dimensional requirements (setbacks, lot widths, space between buildings, etc.) that are necessary to provide adequate access and fire protection, to ensure proper ventilation, sunlight, air and snow melt between buildings, and to ensure that the PUD is compatible with other developments in the area.
7. There exists, or will be, adequate facilities for water supply (domestic and irrigation), sewage disposal, solid waste disposal, electrical supply and roads, and will be conveniently located in relation to schools, police, fire and emergency medical services or make payment in lieu of such facilities.
8. The PUD will be evaluated in terms of its proximity to commercial, recreational and educational facilities conveniently located to residential housing.
9. The PUD provides a wide range of housing opportunities and other buildings that promote design continuity with the existing community and design continuity in type, size and layout of buildings.
10. Maximum height of structures shall be established by the approved PUD plan.
11. The PUD provides storage for snow removed from the internal street network, from sidewalks and from off-street parking areas.
12. Open space areas in the PUD are planned to produce maximum usefulness to the residents of the development for purposes of recreation and scenery and to produce a feeling of openness.
13. The mass and scale of individual buildings and the overall density of the PUD is consistent in scale and character to avoid abrupt and/or severe differences.

14. Any increase in density, proposed above that which is permitted in the underlying zone district(s), is mitigated by increasing the land dedications to open space and/or recreational amenities and subsequent impact on public facilities.
15. Architecture and design fit in the PUD shall reflect the character of the Town.
16. A PUD may include any uses permitted by right or as a conditional or special use in any other zone, except that any use that has been declared a nuisance by statute, ordinance or any court of competent jurisdiction shall not be permitted.
17. A PUD may be applied to annexed land or other land not zoned by the Town without the requirement for underlying zoning.

G. Authorized Variations

The Town Council is authorized to grant the following variations from the Town's adopted regulations and standards as part of an approval of a PUD. Each variation granted must be included in the Control Document for the PUD.

1. **Density and Intensity of Development.** The density of residential and intensity of commercial development may be varied.
2. **Dimensional Limitations.**
 - a. The minimum lot area, minimum lot area per use, maximum building lot coverage, maximum floor area, minimum yard setbacks, and maximum height may be varied.
 - b. The Town Council may require minimum yard setbacks, lot widths and space between buildings of such dimensions as they are determined to be necessary to provide adequate access, wildfire prevention and fire protection; to ensure proper ventilation, light, air and snowmelt between buildings; and to minimize the effects of transmission of noise between units and between buildings. As a general guide, twenty (20) feet between buildings shall be considered the minimum appropriate spacing.
3. **Mixed Land Uses.**
 - a. A variation may be allowed that permits the integration of mixed land uses.
 - b. Residential and non-residential uses may be mixed together. Various types of residential uses may also be combined within the PUD to promote more efficient land use patterns and increased open space.
4. **Building Type, Design, and Layout.**
 - a. A variation may be allowed that allows for greater variety in the type, design, and layout of structures or buildings.
 - b. Structures or buildings must be designed to be compatible, in terms of height, mass, scale, orientation, and configuration, with other units in the PUD and the surrounding area, yet shall avoid uniformity of design.

5. Environmental Resources and Natural Hazards.

- a. A variation may be allowed that provides flexibility in site planning to enable development in the PUD to avoid areas of valued environmental resources and/or natural hazards, as these have been identified in **Article ##** of this Code.
 - b. This shall be accomplished in such a way as to maintain these lands as large, contiguous areas. Such lands shall not be fragmented into small, unconnected areas by development, unless the applicant demonstrates that this arrangement is necessary to maintain the underlying density on the property, and the lands providing environmental resource values have been protected and lands subject to natural hazards have been avoided. Where applicable, connections of such lands on the site to such lands on adjacent properties shall be accomplished.
6. **Water.** A variation may be allowed that creates incentives for applicants to commit to a water augmentation plan for their development that makes available "wet" water into the Cross Creek or Upper Eagle River Basin.
 7. **Trails.** A variation may be allowed that provides incentives for applicants to make contributions to the County's and Town's multi-use trail system, in accordance with the recommendations of the latest version of the Town Trails Plan and the County Trails Plan, or to provide appropriate forms of access to public lands (including summer and winter parking areas and trailheads) and to river and creek drainages in and surrounding the Town. Proposed access shall be consistent with public land management objectives and resource protection needs for the areas to be accessed.
 8. **Affordable Housing.** A variation may be allowed that extends an incentive to applicants to provide long-term affordable housing.
 9. **Public Facilities.** A variation may be allowed that provides incentives for applicants to develop public facilities, including but not limited to public transportation facilities, public recreation facilities and similar facilities. The facilities may be located on or off of the PUD site and shall be facilities that meet the demands not only of project residents, but also of other residents of and visitors to the Town.

H. Basis for Granting Variations.

1. Variations from the Town's adopted regulations and standards may be granted by the Town Council upon a finding that the Preliminary Development Plan for a PUD achieves one (1) or more of the following purposes and that the granting of the variation is necessary for that purpose to be achieved.
2. An applicant for a PUD must demonstrate that departure from existing ordinances is warranted and that the proposed PUD is consistent with the Community Plan, this Code, and the character of the Town, and significantly contributes to the following:
 - a. New technology and promotes innovative and efficient land use patterns.
 - b. Permits the integration of land uses and contributes to trails and pedestrian circulation.

- c. Preserves valued environments and natural resources and achieves a more desirable environment.
- d. Maintains or improves air and water quality.
- e. Provides for a wide range of housing opportunities.
- f. Improves the overall design character and quality of new development.
- g. Permits the integration rather than separation of uses, so that necessary facilities are conveniently located in relation to each other.
- h. Establishes land use patterns that promote and expand opportunities for public transportation and trails and for safe, efficient, compact street and utility networks that lower development and maintenance costs and conserve energy.
- i. Preserves valued environmental, historic or mineral resource lands and avoids development in natural hazard areas.
- j. Maintains and enhances surface and ground water quality and quantity.
- k. Provides applicants the opportunity to contribute to the Town's multi-use trail system; to provide and maintain access to public lands and rivers.
- l. Establishes incentives for applicants to encourage the provision of long-term affordable housing.

I. Enforcement of PUD

1. **General.** The provisions of an ordinance approving a Planned Unit Development (PUD) Overlay District designation, or an ordinance approving a preliminary plan for a PUD, PUD Guide and PUD agreement, relating to the use of land and the location of common open space, shall run in favor of the Town and shall be enforceable at law or in equity by the Town, without limitation on any power or regulation otherwise granted by law.
2. **Residents.** All provisions of the ordinance approving a Planned Unit Development (PUD) Overlay District designation, or an ordinance approving a final plan for PUD, PUD Guide and PUD agreement, shall also run in favor of the residents, occupants and owners of the PUD, but only to the extent expressly provided in the ordinance and in accordance with the terms of the final plan for PUD. To that extent, said provisions, whether recorded by plat, covenant and easement or otherwise, may be enforced at law or in equity by residents, occupants or owners acting individually, jointly or through an organization designated in the ordinance to act on their behalf. However, no provision of the ordinance shall be implied to exist in favor of residents, occupants and owners except those provisions of the ordinance which have been finally approved by the Town Council.
3. **Release by Town.** All those provisions of the ordinance approving a PUD Overlay District designation or an ordinance approving a final plan for a PUD authorized to be enforced by the Town may be modified, removed or released by the Town subject to the following:

- a. *Enforcement.* No modification, removal or release of the provisions shall affect the rights of the residents, occupants and owners of the PUD to maintain and enforce these provisions at law or equity as provided in this Section.
 - b. *Procedure.* No substantial modification, removal or release of the provisions of the ordinance by the Town shall be permitted except pursuant to Section 16-15-230 of this Article.
4. **Release by Residents.** Residents and owners of the PUD may, to the extent and in the manner expressly authorized by the provisions of the ordinance, modify, remove or release their rights to enforce the provisions of the ordinance, but no such action shall affect the right of the Town to enforce the ordinance.
5. **Enforcement of Open Space and Common Area Conditions.** In the event the organization established to own and maintain common open spaces, recreation areas, communally owned facilities and private streets, or any successor organization, shall at any time fail to maintain the common facilities in reasonable order and condition in accordance with the approved common open space and recreation areas plan in the final plan for the PUD, the Planning Director may cause written notice to be served upon such organization or upon the owners of land in the development setting forth the manner in which the common facilities have failed to be maintained in reasonable conditions, which notice shall include the demand that the deficiencies noted be cured within thirty (30) calendar days. The notice shall state the date and place of hearing to be held within ten (10) calendar days of notice.
6. **Remedies Authorized.** At the time of hearing, the Planning Director may modify the terms of the original notice as to deficiencies and may extend the time within which the same may be cured. If the deficiencies set forth in the original notice or modifications are not cured within the time set, the Planning Director, in order to preserve the taxable values of properties within the development and to prevent the common facilities from becoming a public nuisance, may enter upon such common facilities and maintain the same for a period of one (1) year. Any failure of the Planning Director to act for any period of time shall not bar his or her action. Such entry and maintenance shall not vest in the public any right to use the common facilities not dedicated to public use.
7. **Show Cause Hearing.** Before expiration of the one-year period, the Planning Director shall take the initiative or shall, upon the written request of the organization responsible for maintenance, call a public hearing and give notice of such hearing to the organization responsible for maintenance or the property owners of the PUD. At such hearing, the organization responsible for maintenance and/or the residents of the development may show cause why maintenance by the Town should not be continued for the succeeding year.
8. **Continuing Maintenance.** If the Town Council determines that it is not necessary for the Town to continue such maintenance, the Town shall cease such maintenance at the time established by the Town Council. Otherwise, the Town shall continue maintenance for the next succeeding year, subject to a similar hearing and determination at the end of each year thereafter. The cost of Town maintenance shall be paid by the owners of properties within the PUD that have a right of enjoyment of the common open space. The cost of Town maintenance and any unpaid

assessments shall become a tax lien against the common facilities of, and the private properties within, the PUD.

9. **Assessments.** The Town shall have the right to make assessments against properties in the development on the same basis that the organization responsible for maintenance of the facilities could make such assessments. Any unpaid assessment shall be a lien against the property responsible for the same, enforceable the same as a mortgage against such property. The Town may foreclose its lien on the common facility by certifying the same to the County Treasurer for collection as in the case of collection of general property taxes.
10. **Applicability of PUD, Other.** Except as expressly provided otherwise in a particular PUD Guide, all development of property shall conform to the Land Use Regulations. If the PUD falls silent concerning a particular standard, restriction, etc., but the Land Use Regulations are not, the Land Use Regulations shall be the controlling document. If the PUD conflicts with the Land Use Regulations, the PUD shall rule.

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Section 16-5-140: PUD Concept Development Plan

A. Purpose

The purpose of this Section is to establish a process for reviewing the concept for a proposed PUD. The Concept Development Plan is the first step in the PUD process.

B. Application Submittal Requirements

An application for a Concept Development Plan shall include the following:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in **Subsection 16-5-###.**
2. **Application Fee.** Payment for the applicable fee, as designated by the Town's schedule of fees, shall be made at the time of submittal of an application.
3. **Narrative.** A written statement that provides a general explanation of the following:
 - a. The nature and extent of the development within the proposed PUD, including information about proposed land uses, residential densities, and contemplated ownership patterns.
 - b. Reasons why the PUD procedure is more desirable than a conventional plan.
 - c. How the PUD conforms to the Community Plan and the review criteria set forth in this Section.
 - d. How the PUD compares or contrasts with the requirements of the Town's underlying zone district(s).
 - e. The availability of water, sewer, and other utilities necessary to serve development in the PUD; or, a statement describing any major extensions necessary to serve development.
 - f. The availability of public infrastructure (streets, sidewalks, trails, etc.) and public services (e.g., police, fire protection, emergency medical services, etc.) to serve development in the PUD.
4. **Existing Conditions Survey.** A scaled survey, with a stamp and signature (or electronic equivalent) of a surveyor licensed in Colorado, that depicts the existing conditions of the subject property. The following information must be shown on the survey:
 - a. Date of survey.
 - b. Property boundaries to the nearest one-hundredth (0.01) of a foot accuracy. Distances and bearings and a basis of bearing must be shown. Show existing pins or monuments found and their relationship to the established corner.
 - c. The locations, bearings, and dimensions of all existing easements recorded with the Eagle County Clerk and Recorder.

- d. Rights-of-way including bearings, distances, and curve information.
 - e. Existing topography at two-foot (2') contour intervals.
 - f. Existing natural features including, but not limited to, vegetation, rock-outcroppings, and watercourses.
 - g. Environmentally sensitive areas or areas of natural hazards, where applicable (rock fall areas, wetlands, one-hundred-year floodplain, etc.).
 - h. Existing improvements including, but not limited to, buildings, streets, sidewalks, and trails.
 - i. Other information that is necessary to accurately depict existing conditions.
5. **Conceptual Development Plan.** A plan showing the following information. The purpose of this plan is to allow for an evaluation of the conceptual layout the proposed PUD.
- a. Property boundaries.
 - b. Existing natural features including, but not limited to, vegetation, rock-outcroppings, and watercourses.
 - c. Existing improvements including, but not limited to, buildings, streets, sidewalks, trails.
 - d. General location of the following:
 - i. Existing and proposed land uses (residential, nonresidential, open space, parks, etc.).
 - ii. Existing and proposed buildings.
 - iii. Existing and proposed streets, sidewalks, trails, and other access improvements.
 - iv. Existing and proposed utilities.
 - e. A table that includes an estimate or range of the following data:
 - i. Total area within the PUD.
 - ii. Area to be allocated to each type of land use (residential, non-residential, open space, parks, recreation, streets, etc.).
 - iii. Percentage of the gross PUD area to be dedicated to common open space, park, and recreation areas.
 - iv. Number of proposed lots and their sizes.
 - v. Proposed number and type of dwelling units (single-family, duplex, townhomes, apartments, etc.).

- vi. Proposed maximum square footage for non-residential uses.
- 6. **Conceptual Building Elevations.** Conceptual elevations, renderings, or other architectural illustrations to depict the general appearance and scale of proposed buildings and their relation to the site's natural features and existing development on adjacent properties.
- 7. **Additional Information.** Additional information required by this Code or that the Planning Director deems necessary for a proper and complete review of the application.

C. Waiver of Application Submittal Requirements

- 1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.
- 2. To authorize a waiver, the Planning Director must make a finding for the following:
 - a. The size, complexity, anticipated impacts, or other factors associated with the proposal support a waiver.
 - b. The waiver will not compromise a proper and complete review of the application.
 - c. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.
- 3. If the Planning Director authorizes a waiver, they will:
 - a. Notify the applicant of their decision.
 - b. Include in their staff report a list of the submittal requirements waived and the findings made to justify the waiver.

D. Application Review Criteria

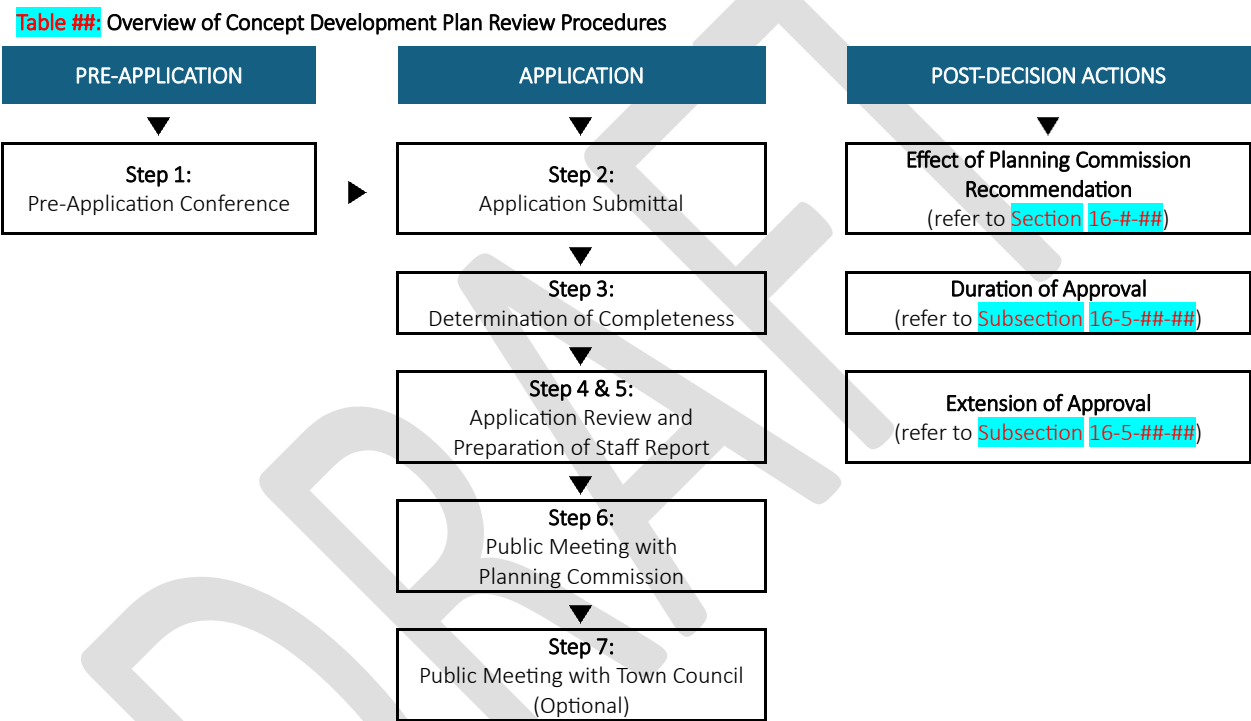
The Planning Commission will evaluate a request for a Concept Development Plan and may recommend that an applicant proceed to the Preliminary Development Plan step of the PUD process upon a finding of the following criteria:

- 1. The PUD will satisfy the objectives of the Community Plan; respond to special or extraordinary physical conditions; or demonstrate needed flexibility and/or innovative design to justify any proposed variations from this Code.
- 2. The nature, overall density, scale, mass, and general architectural character of development in the PUD will reflect, support, and enhance the character of the Town.
- 3. The PUD will not detrimentally affect adjacent and nearby neighborhoods.
- 4. The PUD will include or will be within walking distance (i.e., ¼- ½ mile) of recreational amenities such as parks, public open space, trails, playgrounds, or similar amenities.

- 5. Any proposed increase in density, above what is permitted in the underlying zone district(s), will be mitigated by increasing the land dedications in the PUD for open space, recreational amenities, or other public facilities or services.
- 6. Any proposed commercial or industrial development can be justified.
- 7. The PUD addresses a demonstrated community need.

E. Application Review Procedures

A request for a Concept Development Plan will be reviewed and decided upon in accordance with the following procedures.



- 1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for a Concept Development Plan. This requirement may be waived at the discretion of the Planning Director.

The process for a Pre-Application Conference is as follows:

- a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.
- b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.

- c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

- i. The applicant's proposal.
- ii. The applicable provisions of this Code.
- iii. The application submittal requirements and review procedures.
- iv. The referral agencies likely to be involved with the review of the application.

Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

- d. *Pre-Application Conference Summary.* Within seven (7) calendar days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.
 - e. *Effect of Pre-Application Conference.* Any information provided as part of a Pre-Application Conference shall not be binding on the town or the applicant.
2. **Step 2: Submittal of Application.** The applicant for a Concept Development Plan shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.
3. **Step 3: Determination of Completeness.** Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.
- a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:
 - i. Certify the application as complete and record the date of the determination of completeness.
 - ii. Schedule the application for review at a regularly scheduled or a special meeting of the Planning Commission

- iii. Notify the applicant, in writing, of the determination of completeness; the date, time, and location for the public meeting with the Planning Commission; any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.
- b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with [Subsection 16-5-##-#](#).

- c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to fourteen (14) calendar days if one of the following conditions exist:
 - i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.
 - ii. The Planning Director's workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

4. Step 4: Review by Town Staff, Consultants, and Referral Agencies.

- a. Within five (5) business days of receiving the requested number of complete applications, the Planning Director shall circulate copies of the application package to the town departments, town consultants, and referral agencies that may be affected by the proposal.
- b. The comment period for the review by town departments, town consultants, and referral agencies shall be twenty (20) calendar days from the date that the application is circulated by the Planning Director. No extension of this comment period can be granted.
- c. Comments not received within this time frame will be considered a no comment.

5. Step 5: Staff Review and Report. Town staff shall review the application and prepare a staff report that addresses the following, as applicable:

- a. Compliance with the standards of this Code.
- b. Issues raised during the review of the application by town staff, town consultants, and/or referral agencies.
- c. Recommended conditions to ensure compliance with applicable standards.

- d. Additional information pertinent to the review of the application that must be submitted by the applicant.

6. Step 6: Public Meeting with Planning Commission.

- a. The Planning Commission will review the application at a public meeting. The applicant, or their agent, must be present at the meeting.
- b. At least five (5) calendar days prior to the public meeting, the Planning Director shall make available the following materials to the Planning Commission, the applicant, and the public:
 - i. The application and any supporting materials.
 - ii. The staff report.
 - iii. Copies of any comments submitted by town departments, town consultants, referral agencies, and/or the public.
- c. Following the conclusion of their review, the Planning Commission shall consider the application and any supporting materials, the staff report, public testimony, and the review criteria for a Concept Development Plan, and shall take one of the following actions:
 - i. Recommend that the applicant proceed to the Preliminary Development Plan step of the PUD process. As part of their recommendation, the Planning Commission may include changes to the PUD to be addressed as part of the Preliminary Development Plan step.
 - ii. Recommend that the applicant not proceed to the Preliminary Development Plan step of the PUD process and state the specific reason(s) why.

7. Step 7: Public Meeting with Town Council (Optional).

- a. Following the public meeting with the Planning Commission, the applicant may request that their application be reviewed by Town Council at a public meeting. The applicant, or their agent, must be present at the meeting.
- b. At least five (5) calendar days prior to the public meeting with the Town Council, the Planning Director shall make available the following materials to the Town Council, the applicant, and the public:
 - i. The application and any supporting materials.
 - ii. The staff report.
 - iii. The Planning Commission's recommendation.
 - iv. Copies of any comments submitted by town departments, town consultants, referral agencies, and/or the public.

- c. The purpose of this public meeting is to provide the applicant with an opportunity to present and discuss the concept for the proposed PUD with the Town Council. The Town Council may offer comments on the proposed PUD. No formal action by the Town Council is required.

F. Effect of Planning Commission Recommendation

A recommendation by the Planning Commission to proceed to the Preliminary Development Plan step shall constitute authorization for the applicant to prepare and submit an application for a Preliminary Development Plan.

G. Duration of Approval

1. A recommendation by the Planning Commission to proceed to the Preliminary Development Plan step shall expire and become null and void twelve (12) calendar months after the date of the recommendation unless a complete application for a Preliminary Development Plan has been submitted to the Town.
2. If a recommendation by the Planning Commission expires, the applicant will be required to do one of the following:
 - a. Submit a new application for a Concept Development Plan that will be processed and reviewed in accordance with this Section.
 - b. Submit a combined application for a Concept and Preliminary Development Plan that will be processed and reviewed in accordance with [Section 16-5-150](#).

H. Extension of Approval

<Add language that addresses the extension of a recommendation by the Planning Commission>

Section 16-5-150: PUD Preliminary Development Plan

A. Purpose

The purpose of this Section is to establish a process for reviewing a Preliminary Development Plan for a proposed PUD. The Preliminary Development Plan is the second step in the PUD process.

B. Application Submittal Requirements

An application for a Preliminary Development Plan shall include the following:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in [Subsection 16-5-###.###](#).
2. **Application Fee.** Payment for the applicable fee, as designated by the Town's schedule of fees, shall be made at the time of submittal of an application.
3. **Narrative.** A written document that includes the following:
 - a. An explanation of any modifications made to the PUD, following the Concept Development Plan step, and the reasons for those changes.
 - b. An explanation of how the PUD conforms to the Community Plan and the review criteria set forth in this Section.
 - c. A detailed list of all proposed variations from the requirements of the Town's underlying zone district(s) and an explanation for why such variations are justified. A comparison between the proposed regulations and those of the underlying zone district(s) must be provided.
 - d. A detailed list of all proposed variations from the Town's subdivision regulations and an explanation for why such variations are justified.
 - e. A statement explaining present and proposed ownership and tenancy within the PUD, including the ownership or leasing of land, dwelling units and non-residential buildings.
 - f. A description of any agreement proposed to preserve the common open space, park, and recreation areas within the PUD and an explanation of how such agreement will be implemented (e.g., by deed or other agreement).
 - g. A description of the source(s) of funding proposed for the on-going maintenance of common open space, park, and recreation areas.
 - h. A detailed explanation of the plans for providing fire protection, law enforcement, and emergency medical services.
 - i. Economic data and supporting market analysis to justify any proposed commercial and industrial elements.
4. **Development Plan.** A plan, drawn to scale, showing the following information. This plan must contain sufficient detail to allow for an evaluation of land planning, building design, and other features of the PUD.

- a. Property boundaries including bearings and dimensions.
- b. Existing land uses, zoning, and building locations for properties adjacent to the proposed PUD.
- c. Location of each type of existing and proposed land use.
- d. Location and dimensions of all existing and proposed lots or parcels.
- e. Location and size of existing and proposed structures and buildings.
- f. Location of existing and proposed streets, sidewalks, trails, and other access improvements. Information about traffic circulation patterns and proposed ownership of streets must also be provided.
- g. Location and dimensions of existing and proposed easements and rights-of-way.
- h. Proposed snow removal patterns and location of proposed snow storage areas.
- i. Location of proposed common open space, park, and recreation areas.
- j. A table with that includes the following data:
 - i. Total area within the PUD.
 - ii. Totals and breakdowns of the areas dedicated to each type of existing and proposed land use, including rights-of-way and common open space, park, and recreation areas.
 - iii. Percentage of the gross PUD area to be dedicated to common open space, park, and recreation areas.
 - iv. Number of proposed lots or parcels and the size and proposed use for each.
 - v. Maximum density, provided as the maximum number of dwelling units per gross acre, proposed for residential uses in each area within the PUD.
 - vi. Proposed number of dwelling unit types (studio, one bedroom, etc.) in each area within the PUD.
 - vii. Proposed maximum square footage for non-residential uses in each area within the PUD.
 - viii. Amount of parking to be provided for each land use.
- k. Other required plans including, but not limited to, the following:
 - i. Architectural plan prepared in accordance with [Section 16-#-##](#).
 - ii. Landscape plan prepared in accordance with [Section 16-#-##](#).

- iii. Lighting plan prepared in accordance with Section 16-#-##.
 - iv. Parking plan prepared in accordance with Section 16-#-##.
 - v. Master Sign Program or other appropriate plan for signage in the PUD prepared in accordance with Section 16-#-##.
5. **Conceptual Building Elevations.** Conceptual elevations, renderings, or other architectural illustrations that depict the general appearance and scale of proposed buildings and their relation to the site's natural features and existing development on adjacent properties.
 6. **PUD Guide.** A PUD Guide describing the allowed land uses, land uses subject to discretionary review (e.g., Conditional Uses), dimensional requirements, design standards, and other applicable requirements to guide development within the PUD.
 7. **Impact Reports.** The following Impact Reports must be submitted:
 - a. A School Impact Report that describes the impact of the PUD on the school district.
 - b. A Fiscal Impact Report that describes the projected impact of the PUD on services provided by the Town and the Town's tax revenue based on historic Town tax levy. This report must include a schedule of projected tax revenues.
 - c. An Environmental Impact Report(s), if required pursuant to Article ##.
 8. **Engineering Plans and Reports.** The following documents, prepared by a qualified engineer licensed in the State of Colorado, must be submitted:
 - a. Evidence of adequate water rights or evidence that the applicant can satisfy the Town's requirements for fee in lieu of water rights dedication for the PUD.
 - b. Evidence of an adequate and legal water supply for the PUD.
 - c. Plans for potable water, irrigation water, and sewer systems for the PUD.
 - d. Will serve letters from the appropriate utility providers regarding the provision of telephone, electricity, gas, cable television, internet, and other utilities necessary to serve the PUD.
 - e. If applicable, information about measures that will be implemented to mitigate potential impacts from natural hazards (steep slopes, floodplain areas, rockfall areas, erosive and/or unstable soils, avalanche areas, etc.).
 - f. Grading and Drainage Plan that includes the following information:
 - i. <Add language to clarify what, specifically, is required>
 - g. Traffic Study that includes the following information:

- i. Impact of the PUD on existing traffic volumes and traffic patterns, including data for increases in average and peak daily traffic volumes.
 - ii. An evaluation of the existing street system's capacity and information about any improvements that will be required to handle the increased traffic from the PUD.
 - iii. Impact of the PUD on existing public transit services.
- 9. **Phasing Plan.** If development of a PUD is to occur in phases, a phasing plan must be provided. The phasing plan must demonstrate that the PUD can be completed within a reasonable time frame and include the following information:
 - a. The approximate date when development, and subsequent phases or stages of development, will begin and be completed.
 - b. The improvements to be included in each phase or stage of development.
 - c. The financial guarantee(s) to be provided to ensure that improvements and amenities are constructed in accordance with the phasing plan.
- 10. **Governing Documents.** Any governing documents (covenants, conditions, and restrictions (CC&R's), design guidelines, housing deed restrictions, etc.) that address the following:
 - a. The type and structure of the entity responsible for, and an acceptable program for, the on-going maintenance of elements in the PUD under common ownership (e.g., private open space areas, parks, recreation amenities, walkways, private streets, etc.).
 - b. Design review based on any design guidelines established for the PUD.
- 11. **Additional Information.** Additional information required by this Code or that the Planning Director deems necessary for a proper and complete review of the application.
- 12. **Rezoning Application.**
 - a. An application to change the zoning of the subject property or properties to a PUD must be submitted concurrently with an application for a Preliminary Development Plan. The Rezoning application must comply with the requirements set forth in [Section 16-#-##](#).
 - b. A Rezoning application will be processed and reviewed concurrently with a Preliminary Development Plan application. The Rezoning application will be processed and reviewed in accordance with [Section 16-#-##](#).

C. Waiver of Application Submittal Requirements

- 1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.
- 2. To authorize a waiver, the Planning Director must make a finding for the following:

- a. The size, complexity, anticipated impacts, or other factors associated with the proposal support a waiver.
 - b. The waiver will not compromise a proper and complete review of the application.
 - c. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.
3. If the Planning Director authorizes a waiver, they will:
- a. Notify the applicant of their decision.
 - b. Include in their staff report a list of the submittal requirements waived and the findings made to justify the waiver.

D. Application Review Criteria

The Planning Commission may recommend approval of, and the Town Council may approve, a request for a Preliminary Development Plan upon a finding of the following criteria:

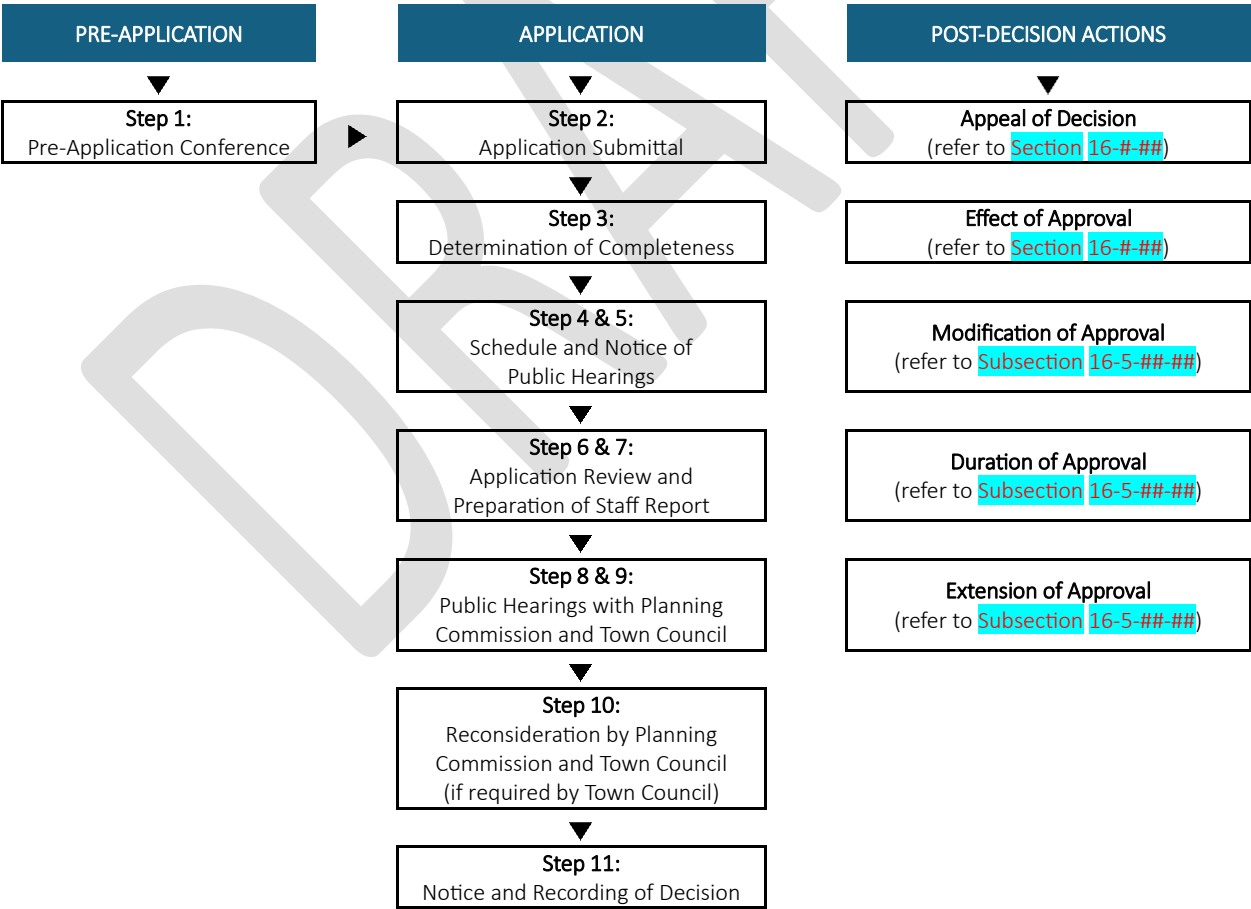
- 1. Development in the PUD will be consistent with the Community Plan and reflect the character of the Town.
- 2. The area around the development can be planned to be in substantial harmony with the PUD.
- 3. The PUD will not detrimentally affect adjacent and nearby neighborhoods.
- 4. The mass and scale of individual buildings and the overall density of the PUD are consistent in scale and character to avoid abrupt and/or severe differences with the surrounding area.
- 5. The PUD can be completed within a reasonable time frame, which shall be determined prior to final approval of the PUD.
- 6. The PUD provides for the appropriate treatment of the Eagle River corridor as a community recreational amenity and focal point.
- 7. The residents of the PUD will have easy access to recreational amenities.
- 8. Any proposed increase in density, above what is permitted in the underlying zone district(s), have been mitigated by increasing the land dedications in the PUD for open space, recreational amenities, or other public facilities and services.
- 9. Any proposed commercial or industrial development in the PUD can be justified.
- 10. Streets are, or will be, adequate to support anticipated traffic volumes from the PUD.
- 11. Development will not overload streets outside of the PUD.

- 12. Utility and drainage facilities are adequate for the population densities and type of development proposed in the PUD.
- 13. A minimum of twenty-five percent (25%) of the gross land area in the PUD is reserved for common recreation and usable open space.
- 14. All common open space, park, and recreational areas are shown on the Preliminary Development Plan and will be constructed and fully improved according to the phasing plan for the PUD.
- 15. All privately-owned common open space, park, and recreation areas will continue to conform to their intended use, as specified on the Preliminary Development Plan. To ensure that all common open space, park, and recreation areas identified in the PUD are used as such, restrictions and/or covenants will be placed in each deed to ensure their maintenance and to prohibit the division of these areas.

E. Application Review Procedures

A request for a Preliminary Development Plan will be reviewed and decided upon in accordance with the following procedures.

Table ##. Overview of Preliminary Development Plan Review Procedures



1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for a Preliminary Development Plan. This requirement may be waived at the discretion of the Planning Director.

The process for a Pre-Application Conference is as follows:

- a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.
- b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.
- c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

- i. The applicant's proposal.
- ii. The applicable provisions of this Code.
- iii. The application submittal requirements and review procedures.
- iv. The referral agencies likely to be involved with the review of the application.

Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

- d. *Pre-Application Conference Summary.* Within seven (7) calendar days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.
 - e. *Effect of Pre-Application Conference.* Any information provided as part of a Pre-Application Conference shall not be binding on the Town or the applicant.
2. **Step 2: Submittal of Application.** The applicant for a Preliminary Development Plan shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.

3. **Step 3: Determination of Completeness.** Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.

- a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:
- i. Certify the application as complete and record the date of the determination of completeness.
 - ii. Schedule public hearings in accordance with [Section 16-5-##](#).
 - iii. Notify the applicant, in writing, of the determination of completeness; the date, time, and location for each of the public hearings; any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.
- b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with [Subsection 16-5-##-#](#).

- c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to fourteen (14) calendar days if one of the following conditions exist:
- i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.
 - ii. The Planning Director's workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

4. **Step 4: Schedule Public Hearings.** Upon a determination of completeness, the Planning Director shall schedule the application for public hearings before the Planning Commission and Town Council in accordance with the following requirements:

- a. The public hearings shall be scheduled for a regularly scheduled meeting or a special meeting of the Planning Commission and Town Council.

- b. The first public hearing before the Planning Commission shall be scheduled no later than sixty (60) calendar days after the date of determination of completeness.
 - c. A public hearing before the Town Council shall be scheduled within sixty (60) calendar days of the Planning Commission completing its review and making a recommendation to Town Council.
- 5. **Step 5: Notice of Public Hearings.** At least ten (10) calendar days prior to the date of the first public hearing with the Planning Commission, the applicant shall:
 - a. *Mail Notice.* Mail notice, by certified mail, to all property owners of record within one hundred (100) feet of the subject property or properties, in accordance with [Section 16-5-##](#).
 - b. *Publish Notice.* Publish notice in a local newspaper, having general circulation within the Town, in accordance with [Section 16-5-##](#).
 - c. *Post Notice.* Post notice on a sign on the subject property in accordance with [Section 16-5-##](#).
 - d. *Mail Notice to Mineral Estate Owners (As Required).* If required by state statute, mail notice to mineral estate owners in accordance with [Section 16-5-##](#).
- 6. **Step 6: Review by Town Staff, Consultants, and Referral Agencies.**
 - a. Within five (5) business days of receiving the requested number of complete applications, the Planning Director shall circulate copies of the application package to the town departments, town consultants, and referral agencies that may be affected by the proposal.
 - b. The comment period for the review by town departments, town consultants, and referral agencies shall be twenty (20) calendar days from the date that the application is circulated by the Planning Director. No extension of this comment period can be granted.
 - c. Comments not received within this time frame will be considered a no comment.
- 7. **Step 7: Staff Review and Report.** Town staff shall review the application and prepare a staff report that addresses the following, as applicable:
 - a. Compliance with the standards of this Code.
 - b. Issues raised during the review of the application by town staff, town consultants, and/or referral agencies.
 - c. Recommended conditions to ensure compliance with applicable standards.
 - d. Additional information pertinent to the review of the application that must be submitted by the applicant.
- 8. **Step 8: Public Hearing with Planning Commission.**
 - a. The Planning Commission will hold a public hearing, in accordance with [Section 16-5-##](#), to review the application. The applicant, or their agent, must be present at the hearing.

- b. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Planning Commission, the applicant, and the public:
 - i. The application and any supporting materials.
 - ii. The staff report.
 - iii. Copies of any comments submitted by town departments, town consultants, referral agencies, and/or the public.
- c. Following the close of the public hearing, the Planning Commission shall consider the application and any supporting materials, the staff report, public testimony, and the review criteria for a Preliminary Development Plan, and shall take one of the following actions:
 - i. Recommend that the Town Council approve the Preliminary Development Plan, subject to any changes that the Planning Commission deems necessary to ensure compliance with this Code and the Community Plan.
 - ii. Recommend that the Town Council deny the Preliminary Development Plan and state the specific reason(s) for denial.

9. Step 9: Public Hearing with Town Council.

- a. Following the public hearing with the Planning Commission, the Town Council will hold a public hearing, in accordance with **Section 16-5-##**, to review the application. The applicant, or their agent, must be present at the hearing.
- b. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Town Council, the applicant, and the public:
 - i. The application and any supporting materials.
 - ii. The staff report.
 - iii. The Planning Commission's recommendation.
 - iv. Copies of any comments submitted by town departments, town consultants, referral agencies, and/or the public.
- c. Following the close of the public hearing, the Town Council shall consider the application and any supporting materials, the staff report, the recommendation of the Planning Commission, public testimony, and the review criteria for a Preliminary Development Plan, and shall take one of the following actions:
 - i. Approve the Preliminary Development Plan, subject to any changes that the Town Council deems necessary to ensure compliance with this Code and the Community Plan.
 - ii. Deny the Preliminary Development Plan and state the specific reason(s) for denial.

- iii. Refer the application back to the Planning Commission for reconsideration if the Town Council determines that there has been a substantial change in, or departure from, the request considered by the Planning Commission.
 - d. If the Town Council approves a Preliminary Development Plan, it shall enact an ordinance to such effect.
- 10. **Step 10: Reconsideration by Planning Commission and Town Council.** If the Town Council refers an application back to the Planning Commission the following actions shall be taken:
 - a. A public hearing with the Planning Commission will be scheduled no later than sixty (60) calendar days from the date of the Town Council's referral.
 - b. The applicant will provide notice for the public hearing with the Planning Commission in accordance with **Step 5 (Subsection 16-5-##(##))**.
 - c. Town staff will review the current version of the request and prepare a revised staff report, as necessary, in accordance with **Step 7 (Subsection 16-5-##(##))**.
 - d. The Planning Commission will hold a public hearing in accordance with **Step 8 (Subsection 16-5-##(##))**. Materials for the public hearing with the Planning Commission will be made available in accordance with **Step 8 (Subsection 16-5-##(##))**. The applicant, or their agent, must be present at the hearing.
 - e. After the close of the public hearing, the Planning Commission shall consider the application and any supporting materials, the staff report, public testimony, and the review criteria for a Preliminary Development Plan, and shall take one of the following actions:
 - i. Recommend approval of the Preliminary Development Plan to the Town Council, subject to any changes that the Town Council deems necessary to ensure compliance with this Code and the Community Plan.
 - ii. Recommend denial of the Preliminary Development Plan to the Town Council and state the specific reason(s) for denial.
 - f. Within sixty (60) calendar days of the conclusion of the public hearing with the Planning Commission, the Town Council will hold a public hearing in accordance with **Step 9 (Subsection 16-5-##(##))**. Materials for the public hearing with the Town Council will be made available in accordance with **Step 9 (Subsection 16-5-##(##))**. The applicant, or their agent, must be present at the hearing.
 - g. The applicant shall provide public notice for the public hearing with the Town Council in accordance with **Step 5 (Subsection 16-5-##(##))**.
 - h. After the close of the public hearing, the Town Council shall consider the application and any supporting materials, the staff report, the recommendation of the Planning Commission,

public testimony, and the review criteria for a Preliminary Development Plan, and shall take one of the following actions:

- i. Approve the Preliminary Development Plan, subject to any changes that the Town Council deems necessary to ensure compliance with this Code and the Community Plan.
- ii. Deny the Preliminary Development Plan and state the specific reason(s) for denial.

11. Step 11: Notice and Recording of Decision.

- a. Within ten (10) business days of a final action by Town Council, the following will occur:
 - i. The Planning Director will send written notice of the decision to the applicant.
 - ii. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.
- b. If the Town Council approves a Preliminary Development Plan, the following will occur:
 - i. Town Clerk will enter a copy of the ordinance approving the Preliminary Development Plan into the town's records.
 - ii. Town staff will address the final steps required for a Rezoning pursuant to **Subsection 16-5-##(##)(3)**.

F. Effect of Approval

- 1. Approval of a Preliminary Development Plan by the Town Council shall be considered as satisfying the Preliminary Plat requirements of the Town's subdivision regulations.
- 2. Approval of a Preliminary Development Plan also constitutes authorization for an applicant to prepare and submit an application for a Final Development Plan.
- 3. If a Preliminary Subdivision Plat is approved concurrently with the approval of a Preliminary Development Plan, the applicant is authorized to prepare and submit a Final Subdivision Plat, in accordance with **Section ##**.
- 4. Upon approval of a Preliminary Development Plan, the applicant has a vested right in the property, yet building permits cannot be written prior to the approval of the Final Development Plan.

G. Modification of Approval

<Add language to address modifications to an approved Preliminary Development Plan>

H. Duration of Approval

- 1. All single-phase Preliminary Development Plans for a PUD shall expire and become null and void one (1) year from the date of approval unless one of the following has occurred:
 - a. A complete Final Development Plan application has been submitted to the Town.

- b. A request for an extension has been submitted and approved in accordance with **Subsection 16-5-##-#**.
- 2. All multi-phase Preliminary Development Plans for a PUD shall expire and become null and void three (3) years from the date of approval unless one of the following has occurred:
 - a. A complete Final Development Plan application has been submitted to the Town.
 - b. A request for an extension has been submitted and approved in accordance with **Subsection 16-5-##-#**.
- 3. The time frames set forth in this Subsection do not change with successive owners.
- 4. If the approval of a Preliminary Development Plan expires, the applicant will be required to submit a new application for a Preliminary Development Plan that will be processed and reviewed in accordance with this Section.

I. Extension of Approval

- 1. The applicant for an approved Preliminary Development Plan may submit a written request for an extension of their approval to the Town. Such a request must be received a minimum of thirty (30) calendar days prior to the expiration date of the approval. Any request received later than this will not be considered by the Town.
- 2. A request to extend the approval of a Preliminary Development Plan must demonstrate the following:
 - a. Failure to proceed with the submittal of the Final Development Plan for the PUD was beyond the applicant's control.
 - b. The Preliminary Development Plan for the PUD is not speculative in nature.
 - c. The Preliminary Development Plan for the PUD remains in compliance with this Code and the Community Plan.
 - d. There is reasonable likelihood that the PUD will be developed in the next two (2) years.
- 3. A request to extend the approval of a Preliminary Development Plan will be reviewed by the Planning Commission and granted by the Town Council after a public hearing. The Town Council may authorize one (1) extension of an approval for a period of up to two (2) years.

Section 16-5-160: PUD Final Development Plan

A. Purpose

The purpose of this Section is to establish a process for reviewing a Final Development Plan for a proposed PUD. The Final Development Plan is the third and final step in the PUD process.

B. Application Submittal Requirements

An application for a Final Development Plan shall include the following:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in [Subsection 16-5-##-#](#).
2. **Application Fee.** Payment for the applicable fee, as designated by the Town's schedule of fees, shall be made at the time of submittal of an application.
3. **Narrative.** A written document that includes the following:
 - a. An explanation of how the Final Development Plan is consistent with the approved Preliminary Development Plan and a description of any modifications made to the PUD, following the Preliminary Development Plan step, and the reasons for those changes.
 - b. An explanation of how the PUD conforms to the Community Plan and the review criteria set forth in this Section.
4. **Final Development Plan.** A plan, drawn to scale, that includes the following information:
 - a. All information required for a Preliminary Development Plan (refer to [Subsection 16-5-##\(#\)](#)).
 - b. Responses to any conditions of approval of the Preliminary Development Plan.
 - c. A final version of other required plans including, but not limited to, the following:
 - i. Architectural plan.
 - ii. Landscape plan.
 - iii. Lighting plan.
 - iv. Parking plan.
 - v. Master Sign Program or other appropriate plan for signage in the PUD.
5. **Engineering Documents and Cost Estimates.**
 - a. A final version of engineering documents, including final plans, details, and specifications, for all on- and off-site improvements required for the PUD. Such improvements include, but are not limited to, the following:
 - i. Grading and drainage.

- ii. Stormwater infrastructure.
 - iii. Roads, sidewalks, trails, and other access improvements.
 - iv. Utilities (water, sewer, irrigation, telephone, electricity, gas, cable television, internet, etc.).
 - v. Parks, open space, and recreation areas and any associated amenities (playground equipment, shade structures, benches, light poles, etc.).
- b. An engineer's estimate of probable costs for all on- and off-site improvements required for the PUD.
5. **Governing Documents.** A final version of any governing documents (covenants, conditions, and restrictions (CC&R's), design guidelines, housing deed restrictions, etc.) for the PUD.
6. **Items for PUD Agreement.** In accordance with **Subsection 16-5##(##)**, the applicant and the Town Council must enter into an agreement (PUD Agreement) concurrently with the approval of a Final Development Plan for a PUD. The following items must be submitted by the applicant to be include as exhibits to the PUD Agreement.
- a. Final Development Plan.
 - b. Final PUD Guide.
 - c. Final Plan for Common Open Space, Park, and Recreation Areas.
 - d. Other final documents for the PUD, as deemed necessary by the Town.
7. **Additional Information.** Additional information required by this Code or that the Planning Director deems necessary for a proper and complete review of the application.

C. Waiver of Application Submittal Requirements

- 1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.
- 2. To authorize a waiver, the Planning Director must make a finding for the following:
 - a. The size, complexity, anticipated impacts, or other factors associated with the proposal support a waiver.
 - b. The waiver will not compromise a proper and complete review of the application.
 - c. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.
- 3. If the Planning Director authorizes a waiver, they will:

- a. Notify the applicant of their decision.
- b. Include in their staff report a list of the submittal requirements waived and the findings made to justify the waiver.

D. Application Review Criteria

The Town Council may approve, a request for a Final Development Plan upon a finding of the following criteria:

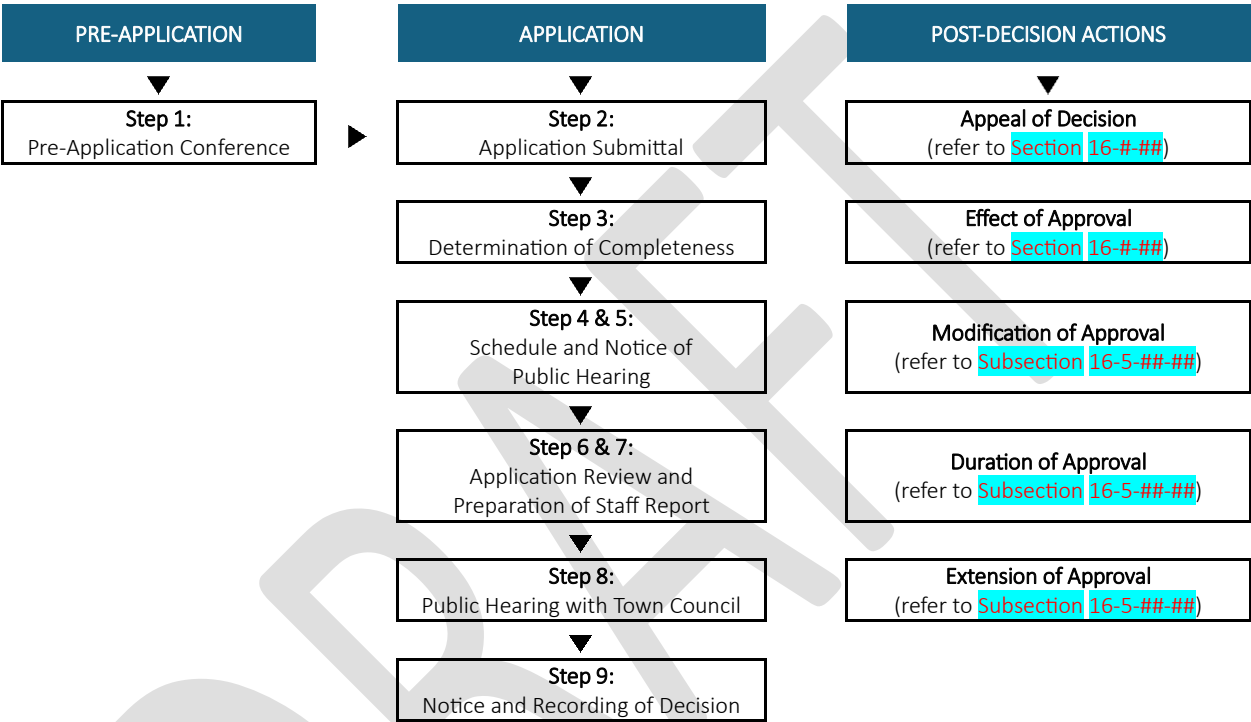
1. Development in the PUD will be consistent with the Community Plan and reflect the character of the Town.
2. The area around the development can be planned to be in substantial harmony with the PUD.
3. The PUD will not detrimentally affect adjacent and nearby neighborhoods.
4. The mass and scale of individual buildings and the overall density of the PUD are consistent in scale and character to avoid abrupt and/or severe differences with the surrounding area.
5. The PUD can be completed within a reasonable time frame, which shall be determined prior to final approval of the PUD.
6. The PUD provides for the appropriate treatment of the Eagle River corridor as a community recreational amenity and focal point.
7. The residents of the PUD will have easy access to recreational amenities.
8. Any proposed increase in density, above what is permitted in the underlying zone district(s), have been mitigated by increasing the land dedications in the PUD for open space, recreational amenities, or other public facilities and services.
9. Any proposed commercial or industrial development in the PUD can be justified.
10. Streets are, or will be, adequate to support anticipated traffic volumes from the PUD.
11. Development will not overload streets outside of the PUD.
12. Utility and drainage facilities are adequate for the population densities and type of development proposed in the PUD.
13. A minimum of twenty-five percent (25%) of the gross land area in the PUD is reserved for common recreation and usable open space.
14. All common open space, park, and recreational areas are shown on the Preliminary Development Plan and will be constructed and fully improved according to the phasing plan for the PUD.
15. All privately-owned common open space, park, and recreation areas will continue to conform to their intended use, as specified on the Preliminary Development Plan. To ensure that all common

open space, park, and recreation areas identified in the PUD are used as such, restrictions and/or covenants will be placed in each deed to ensure their maintenance and to prohibit the division of these areas.

E. Application Review Procedures

A request for a Final Development Plan will be reviewed and decided upon in accordance with the following procedures.

Table ## Overview of Final Development Plan Review Procedures



1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for a Final Development Plan. This requirement may be waived at the discretion of the Planning Director.

The process for a Pre-Application Conference is as follows:

- a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.
- b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.

- c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

- i. The applicant's proposal.
- ii. The applicable provisions of this Code.
- iii. The application submittal requirements and review procedures.
- iv. The referral agencies likely to be involved with the review of the application.

Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

- d. *Pre-Application Conference Summary.* Within seven (7) calendar days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.
 - e. *Effect of Pre-Application Conference.* Any information provided as part of a Pre-Application Conference shall not be binding on the Town or the applicant.
2. **Step 2: Submittal of Application.** The applicant for a Final Development Plan shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.
3. **Step 3: Determination of Completeness.** Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.
- a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:
 - i. Certify the application as complete and record the date of the determination of completeness.
 - ii. Schedule a public hearing with the Town Council in accordance with **Section 16-5-##**.
 - iii. Notify the applicant, in writing, of the determination of completeness; the date, time, and location for the public hearing with the Town Council; any changes that need to be made

to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.

- b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with [Section 16-5-##-#](#).

- c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to fourteen (14) calendar days if one of the following conditions exist:
 - i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.
 - ii. The Planning Director's workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

- 4. **Step 4: Schedule Public Hearing.** Upon a determination of completeness, the Planning Director shall schedule the application for a public hearing before the Town Council in accordance with the following requirements:
 - a. The public hearing shall be scheduled for a regularly scheduled meeting or a special meeting of the Town Council.
 - b. The first public hearing before the Town Council shall be scheduled no later than sixty (60) calendar days after the date of determination of completeness.
- 5. **Step 5: Notice of Public Hearing.** At least ten (10) calendar days prior to the date of the first public hearing with the Town Council, the applicant shall:
 - a. *Mail Notice.* Mail notice, by certified mail, to all property owners of record within one hundred (100) feet of the subject property or properties, in accordance with [Section 16-5-##](#).
 - b. *Publish Notice.* Publish notice in a local newspaper, having general circulation within the Town, in accordance with [Section 16-5-##](#).
 - c. *Post Notice.* Post notice on a sign on the subject property in accordance with [Section 16-5-##](#).
 - d. *Mail Notice to Mineral Estate Owners (As Required).* If required by state statute, mail notice to mineral estate owners in accordance with [Section 16-5-##](#).

6. Step 6: Review by Town Staff, Consultants, and Referral Agencies.

- a. Within five (5) business days of receiving the requested number of complete applications, the Planning Director shall circulate copies of the application package to the town departments, town consultants, and referral agencies that may be affected by the proposal.
- b. The comment period for the review by town departments, town consultants, and referral agencies shall be twenty (20) calendar days from the date that the application is circulated by the Planning Director. No extension of this comment period can be granted.
- c. Comments not received within this time frame will be considered a no comment.

7. Step 7: Staff Review and Report. Town staff shall review the application and prepare a staff report that addresses the following, as applicable:

- a. Compliance with the standards of this Code.
- b. Issues raised during the review of the application by town staff, town consultants, and/or referral agencies.
- c. Recommended conditions to ensure compliance with applicable standards.
- d. Additional information pertinent to the review of the application that must be submitted by the applicant.

8. Step 8: Public Hearing with Town Council.

- a. The Town Council will hold a public hearing, in accordance with **Section 16-5-###**, to review the application. The applicant, or their agent, must be present at the hearing.
- b. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Planning Commission, the applicant, and the public:
 - i. The application and any supporting materials.
 - ii. The staff report.
 - iii. Copies of any comments submitted by town departments, town consultants, referral agencies, and/or the public.
- c. Following the close of the public hearing, the Town Council shall consider the application and any supporting materials, the staff report, public testimony, and the review criteria for a Final Development Plan, and shall take one of the following actions:
 - i. Approve the Final Development Plan, subject to any changes that the Planning Commission deems necessary to ensure compliance with this Code and the Community Plan.
 - ii. Deny the Final Development Plan and state the specific reason(s) for denial.

d. If Town Council approves a Final Development Plan, it shall enact an ordinance to such effect.

9. Step 9: Notice and Recording of Decision.

a. Within ten (10) business days of a final action by Town Council, the following will occur:

- i. The Planning Director will send written notice of the decision to the applicant.
- ii. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.

b. If Town Council approves a Final Development Plan, the following will occur:

- i. The Town Clerk will enter a copy of the ordinance approving the Final Development Plan into the town's records.
- ii. Within one hundred and eighty (180) calendar days of the date of the Town Council's approval, Town staff will record a copy of the Final Development Plan, PUD Guide, and PUD Agreement in the office of the Eagle County Clerk and Recorder. It is the applicant's responsibility to prepare and provide the Town with the final version of the Final Development Plan and PUD Guide so that these documents can be recorded within this time frame.

F. Effect of Approval

- 1. Approval of a Final Development Plan shall be considered as satisfying the Final Development Plan requirements of the Town's PUD regulations ~~and subdivision regulations.~~
- 2. An approved Final Development Plan, PUD Guide, and PUD Agreement shall be binding upon all land in a PUD and shall constitute the development regulations for such land. Development in a PUD shall be limited to the uses, density, configuration, and all other elements and conditions set forth on the approved Final Development Plan, PUD Guide, and PUD Agreement.
- 3. Any permits (grading, building, etc.) for development in a PUD shall be issued on the basis of the approved Final Development Plan, PUD Guide, and PUD Agreement, as applicable.

G. Modification of Approval

- 1. A minor change(s) to an approved Final Development Plan (Minor PUD Amendment) is subject to the requirements and procedures set forth in this [Section 16-#-##](#).
- 2. A major change(s) to an approved Final Development Plan (Major PUD Amendment) is subject to the requirements and procedures set forth in this [Section 16-#-##](#).

H. Duration of Approval

- 1. All Final Development Plans for a PUD shall expire and become null and void one (1) year from the date of approval unless one of the following has occurred:
 - a. A building permit(s) for development in the PUD has been issued by the Town.

- b. A request for an extension has been submitted and approved in accordance with **Subsection 16-5-##-#**.
- 2. If the approval of a Final Development Plan is not extended before it is set to expire, the Town Council will hold a public hearing to determine whether to extinguish the Preliminary Development Plan for the PUD. At the public hearing the Town Council shall do the following:
 - a. Consider the requirements of Section 24-67-106, C.R.S., prior to ordering any PUD Development Plan extinguished.
 - b. Make any finding required by law prior to extinguishing a PUD Development Plan.
 - c. If Town Council finds that extinguishment of a PUD Development Plan is contrary to law, such Development Plan shall not be extinguished.
- 3. If the Town Council extinguishes a Final Development Plan for a PUD, the PUD will be deemed terminated and the Town Council will direct the Planning Director to amend the Town's Official Zoning Map to reflect the zone district of the subject property or properties in effect prior to the approval of the PUD.

I. Extension of Approval

- 1. The applicant for an approved Final Development Plan may submit a written request for an extension of their approval to the Town. Such a request must be received a minimum of thirty (30) calendar days prior to the expiration date of the approval. Any request received later than this will not be considered by the Town.
- 2. A request to extend the approval of a Final Development Plan must demonstrate the following:
 - a. Failure to proceed with the submittal of the Final Development Plan for the PUD was beyond the applicant's control.
 - b. The Preliminary Development Plan for the PUD is not speculative in nature.
 - c. The Preliminary Development Plan for the PUD remains in compliance with this Code and the Community Plan.
 - d. There is reasonable likelihood that the PUD will be developed in the next two (2) years.
- 3. A request to extend the approval of a Final Development Plan will be reviewed by the Planning Commission and granted by the Town Council after a public hearing. The Town Council may authorize one (1) extension of an approval for a period of up to two (2) years.

Section 16-5-170: Minor PUD Amendment

A. Applicability

1. All Minor Amendments to an approved PUD must comply with the requirements and procedures set forth in this Section, unless a different amendment process has been specifically authorized as part of the approval of the PUD by Town Council.
2. Minor Amendments to an approved PUD are limited to the following:
 - a. Changes that are necessary to address technical or engineering considerations discovered during the development of the PUD that could not have been reasonably anticipated during the initial approval process.
 - b. Changes in the location, sighting, and/or bulk of structures and the height or character of buildings if required by circumstances not foreseen at the time of Preliminary or Final Development Plan approval.
3. Any amendments, which are not a Minor Amendment, shall be considered a Major Amendment and will be reviewed in accordance with **Section 16-5-###**.
4. The Planning Director is responsible for determining if an amendment to an approved PUD constitutes a Minor or Major Amendment.

B. Purpose

The purpose of this Section is to establish an efficient administrative process for reviewing minor changes to an approved PUD.

C. Application Submittal Requirements

An application for a Minor Amendment shall include the following:

1. **Application.** A completed copy of the application form furnished by the Town.
2. **Application Fee.** Payment for the applicable fee, as designated by the Town's schedule of fees, shall be made at the time of submittal of an application.
3. **Narrative.** A written statement that provides an explanation of the following:
 - a. The amendment(s) being requested.
 - b. How the proposed amendment(s) complies with the applicable requirements of this Code and the review criteria set forth in this Section.
4. **Redlined PUD Document.** A redlined version of the PUD document to be amended. The redlined document must show all proposed amendments.
5. **Additional Information.** Any other information deemed necessary by the Planning Director to ensure a complete and proper review of the request.

D. Waiver of Application Submittal Requirements

- 1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.
- 2. To authorize a waiver, the Planning Director must make a finding for the following:
 - a. The size, complexity, anticipated impacts, or other factors associated with the proposal support a waiver.
 - b. The waiver will not compromise a proper and complete review of the application.
 - c. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.
- 3. If the Planning Director authorizes a waiver, they will notify the applicant of their decision.

E. Application Review Criteria

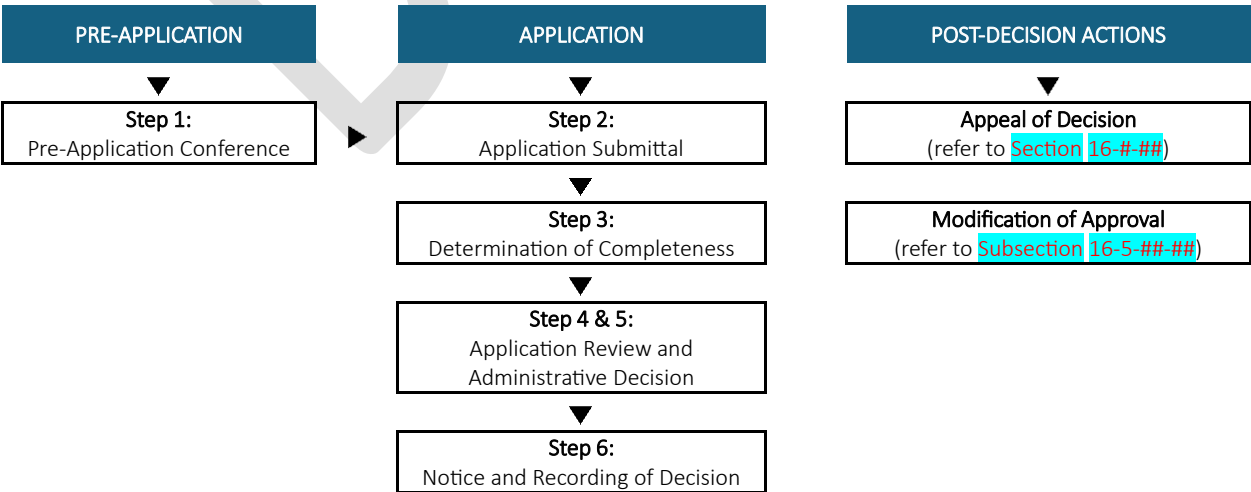
The Planning Director will evaluate a Minor Amendment based on the following criteria:

- 1. The proposed amendment(s) is consistent with the efficient development and preservation of the entire PUD.
- 2. The amendment does not affect, in a substantially adverse manner, the enjoyment of land abutting upon or across a street from the PUD.
- 3. The proposed amendment(s) protects the public interest.
- 4. The proposed amendment(s) will not solely confer a special benefit upon any person.

F. Application Review Procedures

A request for a Minor Amendment will be reviewed and decided upon in accordance with the following procedures.

Table ##: Overview of Minor Amendment Review Procedures



1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for a Minor Amendment. This requirement may be waived at the discretion of the Planning Director.

The process for a Pre-Application Conference is as follows:

- a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.
- b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.
- c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

- i. The applicant's proposal.
- ii. The applicable provisions of this Code.
- iii. The application submittal requirements and review procedures.
- iv. The referral agencies likely to be involved with the review of the application.

Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

- d. *Pre-Application Conference Summary.* Within seven (7) calendar days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.
 - e. *Effect of Pre-Application Conference.* Any information provided as part of a Pre-Application Conference shall not be binding on the town or the applicant.
2. **Step 2: Submittal of Application.** The applicant for a Minor Amendment shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.

3. **Step 3: Determination of Completeness.** Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.

- a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:
 - i. Certify the application as complete and record the date of the determination of completeness.
 - ii. Notify the applicant, in writing, of the determination of completeness; any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.
- b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with **Subsection 16-5-###-#**.

- c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to fourteen (14) calendar days if one of the following conditions exist:
 - i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.
 - ii. The Planning Director's workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

4. **Step 4: Review by Town Staff, Consultants, and Referral Agencies.**

- a. Within five (5) business days of receiving the requested number of complete applications, the Planning Director shall circulate copies of the application package to the town departments, town consultants, and referral agencies that may be affected by the proposal.
- b. The comment period for the review by town departments, town consultants, and referral agencies shall be twenty (20) calendar days from the date that the application is circulated by the Planning Director. No extension of this comment period can be granted.

c. Comments not received within this time frame will be considered a no comment.

5. **Step 5: Administrative Decision.** The Planning Director shall review the application to determine if the proposal satisfies the applicable review criteria and standards identified in this Code. Upon the conclusion of their review, the Planning Director shall take one of the following actions:

- a. Approve the Minor Amendment, subject to any conditions that the Planning Director deems necessary to ensure compliance with this Code and the Community Plan
- b. Deny the Minor Amendment and state the specific reason(s) for denial.

6. **Step 6: Notice and Recording of Decision.**

- a. Within ten (10) business days of a final action by the Planning Director, the following will occur:
 - i. The Planning Director will send written notice of the decision to the applicant.
 - ii. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.
- b. If a Minor Amendment is approved, within ninety (90) calendar days of the Planning Director's decision, a copy of the amended PUD document will be entered into the town's records and recorded in the office of the Eagle County Clerk and Recorder.

G. Modification of Approval

Any modification to an approved Minor Amendment shall require the submittal of a new application that is processed and reviewed in accordance with the procedures and standards set forth in this Section.

Section 16-5-180: Major PUD Amendment

A. Applicability

1. All Major Amendments to an approved PUD must comply with the requirements and procedures set forth in this Section, unless a different amendment process has been specifically authorized as part of the approval of the PUD by Town Council.
2. Major Amendments are any amendments to an approved PUD that are not considered Minor Amendments in accordance with [Section 16-5-###](#). Major Amendments include, but are not limited to, the following:
 - a. Changes to a land use(s) established by the PUD.
 - b. Major rearrangement of lots into areas of the PUD not previously containing development.
 - c. Increases in the intensity or density of development established by the PUD.
 - d. Changes to the phasing plan for the PUD.
 - e. Decreases in the area or provisions for common open space, parks, and recreation.
 - f. Significant changes to the treatment of environmentally sensitive areas that exist with the PUD.
 - g. Significant changes to the architectural concept(s) of the PUD.
 - h. Significant changes to the layout of infrastructure for the PUD.
3. The Planning Director is responsible for determining if an amendment to an approved PUD constitutes a Minor or Major Amendment.
4. Any owner of record of property within a PUD may submit an application for a Major Amendment, subject to any homeowner association rules and regulations.

B. Purpose

The purpose of this Section is to establish a process for reviewing major changes to an approved PUD.

C. Application Submittal Requirements

1. An application for a Major Amendment shall include the submittal items for a Preliminary Development Plan set forth in [Section 16-5-###](#).
2. The information provided as part of an application for a Major Amendment must also include an original and redlined version of the approved document (Development Plan, PUD Guide, PUD Agreement, etc.) to be modified. The redlined version of the approved document must identify all the proposed changes.

D. Waiver of Application Submittal Requirements

1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.

- 2. To authorize a waiver, the Planning Director must make a finding for the following:
 - a. The size, complexity, anticipated impacts, or other factors associated with the proposal support a waiver.
 - b. The waiver will not compromise a proper and complete review of the application.
 - c. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.
- 3. If the Planning Director authorizes a waiver, they will:
 - a. Notify the applicant of their decision.
 - b. Include in their staff report a list of the submittal requirements waived and the findings made to justify the waiver.

E. Application Review Criteria

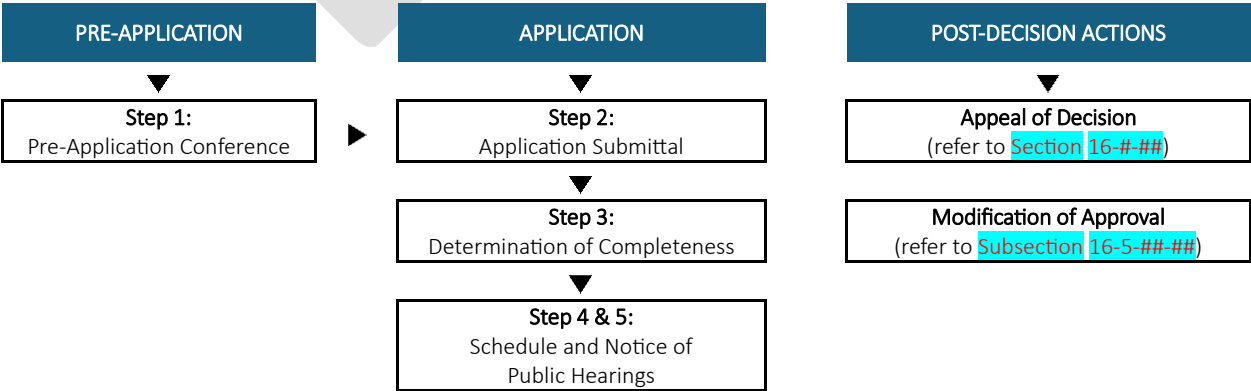
The Planning Commission may recommend approval of, and the Town Council may approve, a request for a Major Amendment upon a finding of the following criteria:

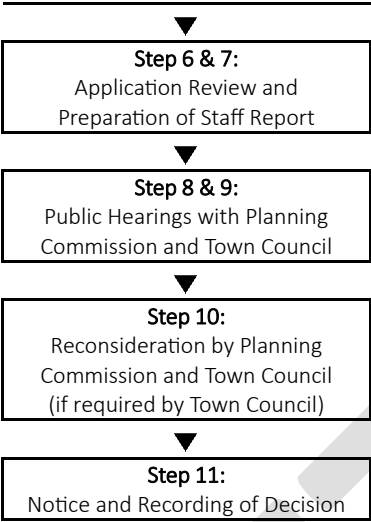
- 1. The proposed amendment(s) is consistent with the efficient development and preservation of the entire PUD.
- 2. The amendment does not affect, in a substantially adverse manner, the enjoyment of land abutting upon or across a street from the PUD.
- 3. The proposed amendment(s) protects the public interest.
- 4. The proposed amendment(s) will not solely confer a special benefit upon any person.

F. Application Review Procedures

Unless otherwise stated in this Section, a request for a Major Amendment will be reviewed and decided upon in accordance with the procedures for a Preliminary Development Plan set forth in [Section 16-5-###](#).

Table ##: Overview of Major Amendment Review Procedures





- 1. Step 11: Notice and Recording of Decision.**
- a. Within ten (10) business days of a final action by the Town Council, the following will occur:
 - i. The Planning Director will send written notice of the decision to the applicant.
 - ii. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.
 - b. If a Major Amendment is approved by the Town Council, the following will occur:
 - i. The Town Clerk will enter a copy of the ordinance approving the Major Amendment into the town’s records.
 - ii. Within ninety (90) calendar days of the Town Council’s decision, the amended PUD document will be recorded in the office of the Eagle County Clerk and Recorder.

G. Modification of Approval

Any modification to an approved Major Amendment requires the submittal of a new application that is processed and reviewed in accordance with the procedures and standards set forth in this Section.

Section 16-5-190: Sign Permit

A. Applicability

A Sign Permit is required for the installation or alteration of any sign within the Town, unless specifically exempted in accordance with [Section 16-#-##](#).

B. Purpose

The purpose of this Section is to provide an efficient administrative review process for Sign Permits.

C. Application Submittal Requirements

An application for a Sign Permit shall include the following:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in [Subsection 16-5-##-#](#).
2. **Application Fee.** Payment for the applicable fee, as designated by the Town's schedule of fees, shall be made at the time of submittal of an application.
3. **Sign Drawing.** A fully dimensioned drawing or photo simulation of the proposed sign, as it will appear when installed. The following information, if applicable, must be provided:
 - a. Height and clearance of the sign.
 - b. For a projecting sign, the distance it projects from the face of the supporting wall.
4. **Sign Detail.** A scaled detail that includes the dimensions, area, shape, design, colors, materials, lighting, and letter styles of the proposed sign.
5. **Structural and Electrical Details.** If applicable, a drawing(s) showing the details of structural and/or electrical components of the sign to demonstrate compliance with the International Building Code (IBC) and National Electric Code (NEC).
6. **Site Plan.** For a freestanding or projecting sign, a site plan, drawn to scale, showing the following information for the subject property:
 - a. Location and dimensions of the property's boundaries.
 - b. Minimum required front, side, rear, and live stream setback lines.
 - c. Footprints for existing and proposed buildings and structures.
 - d. Location and dimensions of existing easements.
 - e. Streets, alleys, driveways, sidewalks, paths, and other similar improvements on, or abutting, the property.
 - f. If applicable, clear vision areas pursuant to [Section 16-#-##](#).

g. Location of the proposed sign and the dimensions between the sign and all property boundaries.

7. **Additional Information.** Additional information required by this Code, requested by the Planning Director to properly evaluate the application, or submitted by the applicant that is pertinent to the application.

D. **Waiver of Application Submittal Requirements**

1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.
2. To authorize a waiver, the Planning Director must make a finding of the following:
 - a. The size, complexity, anticipated impacts, or other factors associated with the proposal support a waiver.
 - b. The waiver will not compromise a proper and complete review of the application.
 - c. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.
3. If the Planning Director authorizes a waiver, they will notify the applicant of their decision.

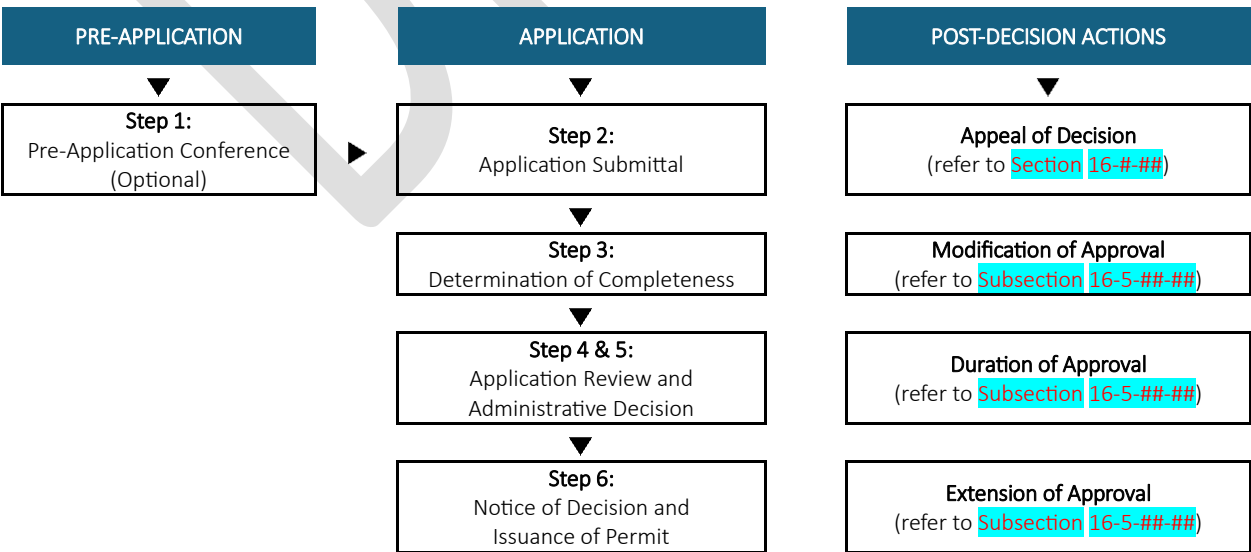
E. **Application Review Criteria**

The Planning Director may grant approval of a Sign Permit upon a finding that the proposed sign complies with the applicable requirements of this Code, specifically [Section 16-##-##](#).

F. **Application Review Procedures**

A request for a Sign Permit will be reviewed and decided upon in accordance with the following procedures.

Table ##: Overview of Sign Permit Review Procedures



1. **Step 1: Pre-Application Conference (Optional).** A Pre-Application Conference may be requested by the applicant or Town staff prior to the submittal of an application for a Sign Permit. A Pre-Application Conference for a Sign Permit is optional and not required.

The process for a Pre-Application Conference is as follows:

- a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.
- b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.
- c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

- i. The applicant's proposal.
- ii. The applicable provisions of this Code.
- iii. The application submittal requirements and review procedures.
- iv. The referral agencies likely to be involved with the review of the application.

Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

- d. *Pre-Application Conference Summary.* Within seven (7) calendar days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.
 - e. *Effect of Pre-Application Conference.* Any information provided as part of a Pre-Application Conference shall not be binding on the Town or the applicant.
2. **Step 2: Submittal of Application.** The applicant for a Sign Permit shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.

3. **Step 3: Determination of Completeness.** Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.

- a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:
 - i. Certify the application as complete and record the date of the determination of completeness.
 - ii. Notify the applicant, in writing, of the determination of completeness; any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.
- b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with **Subsection 16-5-###-#**.

- c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to fourteen (14) calendar days if one of the following conditions exist:
 - i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.
 - ii. The Planning Director's workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

4. **Step 4: Review by Town Staff, Consultants, and Referral Agencies.**

- a. Within five (5) business days of receiving the requested number of complete applications, the Planning Director shall circulate copies of the application package to the town departments, town consultants, and referral agencies that may be affected by the proposal.
- b. The comment period for the review by town departments, town consultants, and referral agencies shall be twenty (20) calendar days from the date that the application is circulated by the Planning Director. No extension of this comment period can be granted.

- c. Comments not received within this time frame will be considered a no comment.
5. **Step 5: Administrative Decision.** The Planning Director shall review the application to determine if the proposal satisfies the applicable review criteria and standards identified in this Code. Upon the conclusion of their review, the Planning Director shall take one of the following actions:
- a. Approve the Sign Permit, subject to any conditions that the Planning Director deems necessary to ensure compliance with this Code and the Community Plan
 - b. Deny the Sign Permit and state the specific reason(s) for denial.
6. **Step 6: Notice and Issuance of Permit.** Within ten (10) business days of a final action by the Planning Director, the following will occur:
- a. The Planning Director will send written notice of the decision to the applicant.
 - b. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.
 - c. If a Sign Permit is approved, the Planning Director will issue, to the applicant, a permit that states the following:
 - i. Duration of the permit.
 - ii. Any conditions of approval.
 - iii. Information about any inspections that are required for the sign. Such inspections may include, but are not limited to, an: inspection of sign placement; a footing inspection; and/or an inspection of electrical and/or structural components.
 - iv. Information about the applicant's responsibilities to maintain the sign pursuant to **Subsection 16-5-##-#**.
 - v. Information about the Town's authority to order the maintenance, repair, or removal of a sign pursuant to **Subsection 16-5-##-#**.
 - vi. Any other information that the Planning Director deems necessary to include as part of the permit.

G. Modification of Approval

An approved Sign Permit may be modified in accordance with the procedures and standards set forth in this Section.

H. Duration of Approval

- 1. All Sign Permits shall expire and become null and void ninety (90) calendar days after the date of issuance unless one of the following has occurred:
 - a. The sign has been installed or modified in accordance with the approved Sign Permit.

- b. A request for an extension has been submitted and approved in accordance with **Subsection 16-5-##.#**.
2. If a Sign Permit expires, the applicant will be required to obtain a new permit before the sign can be installed or altered.

I. Extension of Approval

1. The holder of a Sign Permit may submit a written request for an extension of their permit to the Planning Director. Such a request must be received at least ten (10) business days prior to the expiration date of the Sign Permit. Any request received later than this will not be considered by the Town.
2. Upon a showing of good cause by the permit holder, the Planning Director may authorize an extension of an approved Sign Permit for a period of up to ninety (90) calendar days.

Section 16-5-200: Master Sign Program

A. Applicability

1. All multi-tenant buildings and developments with more than one (1) building shall have a Master Sign Program for all signs on the subject property.
2. All signs identified in a Master Sign Program must comply with the applicable requirements of [Section 16-5-###](#).
3. A Master Sign Program must be approved before any Sign Permits can be issued for the subject property.
4. Once a Master Sign Program has been approved, all signs must comply with the approved program.

B. Purpose

The purpose of this Section is to provide an efficient administrative review process for a comprehensive plan for signs (i.e., a Master Sign Program) for a multi-tenant building or a development with more than one (1) building.

C. Application Submittal Requirements

An application for a Master Sign Program shall include the following:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in [Subsection 16-5-###](#).
2. **Application Fee.** Payment for the applicable fee, as designated by the Town's schedule of fees, shall be made at the time of submittal of an application.
3. **Sign Program.** A written document that includes the following:
 - a. A list of the types of signs to be allowed on the subject property that includes the following information:
 - i. The location, materials, colors, lighting, and maximum area (in square feet) for each sign.
 - ii. The signs that will be shared among the tenants or buildings (e.g., a directory sign).
 - iii. The types of signs permitted for each tenant or building.
 - b. For a multi-tenant building, a list of units and the amount of signage (in square feet) allocated to each unit.
 - c. For a development with more than one (1) building, a list of each building and the amount of signage (in square feet) allocated to each building.
4. **Site Plan.** A site plan, drawn to scale, showing the following information for the subject property:
 - a. Location and dimensions of the property's boundaries.

- b. Minimum required front, side, rear, and live stream setback lines.
 - c. Footprints for existing and proposed buildings and structures.
 - d. Location and dimensions of existing easements.
 - e. Streets, alleys, driveways, sidewalks, paths, and other similar improvements on, or abutting, the property.
 - f. If applicable, clear vision areas pursuant to [Section 16-#-##](#).
 - g. Location of all proposed signs. For any freestanding signs, the dimensions between a sign and all property boundaries must be provided.
5. **Sign Drawings.** Fully dimensioned drawings or photo simulations of all proposed signs as they will appear when installed. The following information must be provided:
- a. Height and clearance of signs.
 - b. For any projecting signs, the distance it projects from the face of the supporting wall.
6. **Additional Information.** Additional information required by this Code or requested by the Planning Director to properly evaluate the application or submitted by the applicant that is pertinent to the application.

D. Waiver of Application Submittal Requirements

- 1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.
- 2. To authorize a waiver, the Planning Director must make a finding of the following:
 - a. The size, complexity, anticipated impacts, or other factors associated with the proposal support a waiver.
 - b. The waiver will not compromise a proper and complete review of the application.
 - c. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.
- 3. If the Planning Director authorizes a waiver, they will notify the applicant of their decision.

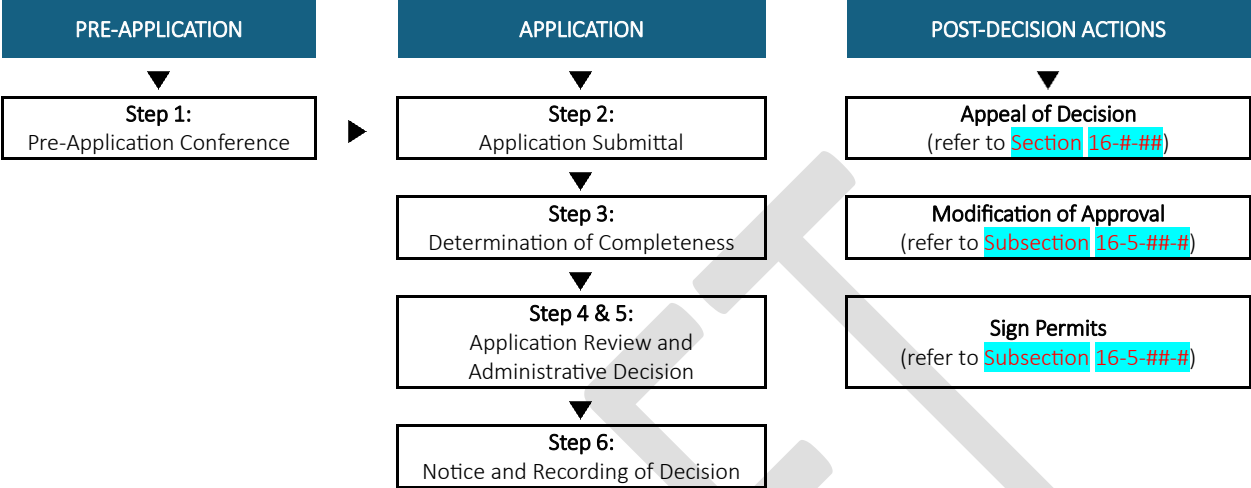
E. Application Review Criteria

The Planning Director may grant approval of a Master Sign Program upon a finding that the program complies with applicable requirements of this Code, specifically [Section 16-##-##](#).

F. Application Review Procedures

A request for a Master Sign Program will be reviewed and decided upon in accordance with the following procedures.

Table ##: Overview of Master Sign Program Review Procedures



1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for a Master Sign Program. This requirement may be waived at the discretion of the Planning Director.

The process for a Pre-Application Conference is as follows:

- a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.
- b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.
- c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

- i. The applicant’s proposal.
- ii. The applicable provisions of this Code.

- iii. The application submittal requirements and review procedures.
- iv. The referral agencies likely to be involved with the review of the application.

Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

- d. *Pre-Application Conference Summary.* Within seven (7) calendar days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.
 - e. *Effect of Pre-Application Conference.* Any information provided as part of a Pre-Application Conference shall not be binding on the Town or the applicant.
2. **Step 2: Submittal of Application.** The applicant for a Master Sign Program shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.
3. **Step 3: Determination of Completeness.** Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.
- a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:
 - i. Certify the application as complete and record the date of the determination of completeness.
 - ii. Notify the applicant, in writing, of the determination of completeness; any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.
 - b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.
- If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with **Subsection 16-5-##-#**.
- c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to fourteen (14) calendar days if one of the following conditions exist:

- i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.
- ii. The Planning Director's workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

4. Step 4: Review by Town Staff, Consultants, and Referral Agencies.

- a. Within five (5) business days of receiving the requested number of complete applications, the Planning Director shall circulate copies of the application package to the town departments, town consultants, and referral agencies that may be affected by the proposal.
- b. The comment period for the review by town departments, town consultants, and referral agencies shall be twenty (20) calendar days from the date that the application is circulated by the Planning Director. No extension of this comment period can be granted.
- c. Comments not received within this time frame will be considered a no comment.

5. Step 5: Administrative Decision. The Planning Director shall review the application to determine if the proposal satisfies the applicable review criteria and standards identified in this Code. Upon the conclusion of their review, the Planning Director shall take one of the following actions:

- a. Approve the Master Sign Program, subject to any conditions that the Planning Director deems necessary to ensure compliance with this Code and the Community Plan
- b. Deny the Master Sign Program and state the specific reason(s) for denial.

6. Step 6: Notice and Recording of Decision.

- a. Within ten (10) business days of a final action by the Planning Director, the following will occur:
 - i. The Planning Director will send written notice of the decision to the applicant.
 - ii. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.
- b. If a Master Sign Program is approved, the Planning Director will enter a copy of the approved program into the town's records.

G. Modification of Approval

Any modification to an approved Master Sign Program shall require the submittal of a new application that is processed and reviewed in accordance with the procedures and standards set forth in this Section.

H. Sign Permits

Once a Master Sign Program has been approved, individual Sign Permits may be applied for, pursuant to [Section 16-5-##](#). Individual sign permits are required for the signs contained within an approved Master Sign Program.

DRAFT

Section 16-5-210: Sign Variance

A. Applicability

1. All requests for a variance from any sign regulation, set forth in **Article ##**, must comply with the requirements and procedures set forth in this Section.
2. All requests for a variance from any zoning regulation, set forth in **Article ##**, must comply with the requirements and procedures set forth in **Section 16-5-##**.
3. A variance cannot be requested for any type of sign that is not permitted in the applicable zone district.
- b. Cost or inconvenience to the applicant, resulting from strict or literal compliance with any sign regulation set forth in this Code, shall not be a reason for granting a variance

B. Purpose

1. The purpose of this Section is to establish the requirements and procedures for a variance from the strict application of the sign regulations, set forth in **Article ##**.
2. The purpose of a variance is to prevent or lessen practical difficulties and unnecessary physical hardships that would result from the strict or literal interpretation and enforcement of the sign regulations set forth in this Code.

C. Application Submittal Requirements

An application for Sign Variance shall include the following:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in **Subsection 16-5-##-#**.
2. **Application Fee.** Payment for the applicable fee, as designated by the Town's schedule of fees, shall be made at the time of submittal of an application.
3. **Narrative.** A written statement that describes the following:
 - a. The precise nature of the proposed variance.
 - b. The justification for variance based on the review criteria set forth in this Section.
 - c. Any measures proposed to make the variance compatible with adjacent properties.
4. **Site Plan.** A site plan, drawn to scale, showing the following information for the subject property:
 - a. Location and dimensions of the property's boundaries.
 - b. Minimum required front, side, rear, and live stream setback lines.
 - c. Footprints for existing buildings and structures.
 - d. Location and dimensions of existing easements.

- e. Streets, alleys, driveways, sidewalks, paths, and other similar improvements on, or abutting, the property.
 - f. If applicable, clear vision areas pursuant to [Section 16-#-##](#).
 - g. Location of the proposed sign and all existing signs. For a freestanding sign, the dimensions between the sign and all property boundaries must be provided.
5. **Sign Drawing.** A fully dimensioned drawing or photo simulation of the proposed sign as it will appear when installed that includes the following information:
- a. Height and clearance of the sign.
 - b. For a projecting sign, the distance it projects from the face of the supporting wall.
6. **Sign Detail.** A scaled detail that includes the dimensions, area, shape, design, colors, materials, lighting, and letter styles of the proposed sign.
7. **Additional Information.** Additional information required by this Code or requested by the Planning Director or submitted by the applicant that is pertinent to adequately describe the proposal.

D. Waiver of Application Submittal Requirements

- 1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.
- 2. To authorize a waiver, the Planning Director must make a finding for the following:
 - a. The size, complexity, anticipated impacts, or other factors associated with the proposal support a waiver.
 - b. The waiver will not compromise a proper and complete review of the application.
 - c. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.
- 3. If the Planning Director authorizes a waiver, they will:
 - a. Notify the applicant of their decision.
 - b. Include in their staff report a list of the submittal requirements waived and the findings made to justify the waiver.

E. Application Review Criteria

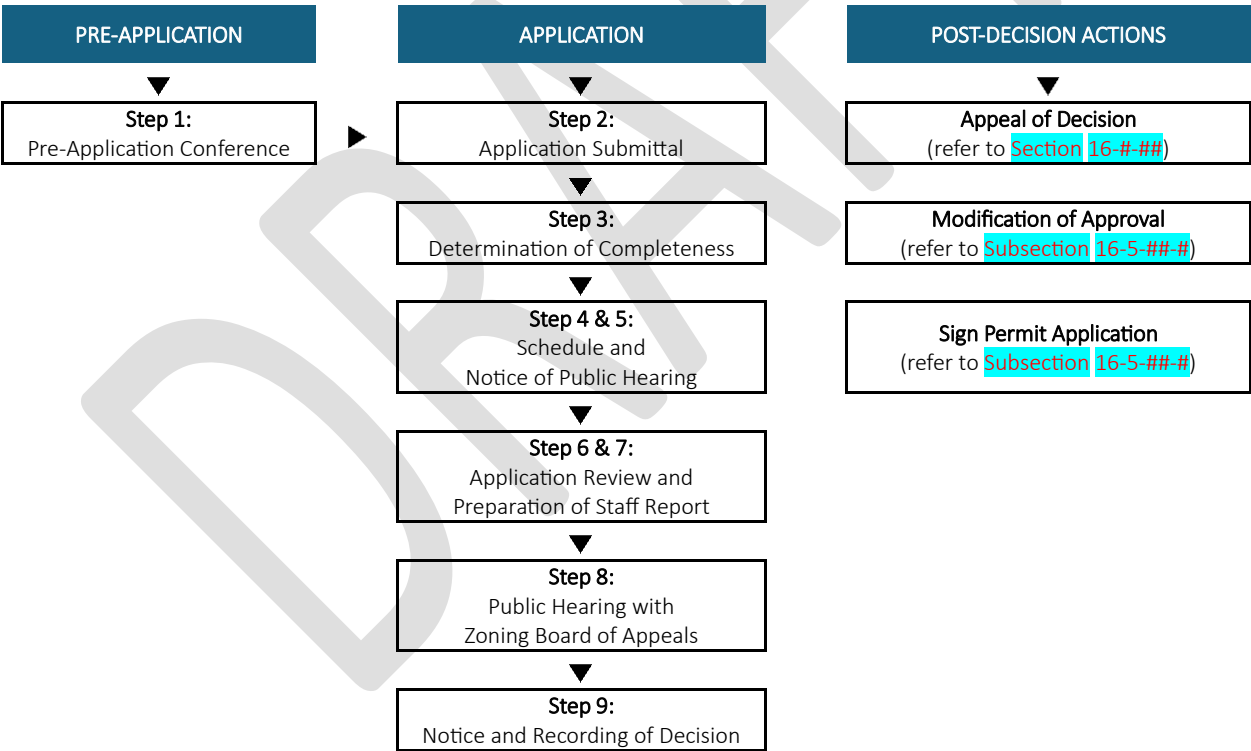
The Zoning Board of Appeals may grant approval of a Sign Variance upon a finding of the following:

1. There exists an exceptional or extraordinary condition(s) that is unique to the subject property, is not a general condition throughout the same zone district, and did not result from the action of any person currently having interest in the property.
2. The exceptional or extraordinary condition(s) of the subject property creates a situation such that the strict application of the specified regulation will result in practical difficulty or undue hardship upon the applicant.
3. The granting of the variance will not be detrimental to the public health, safety, or welfare; will not be materially injurious to properties or improvements in the vicinity; and will not result in substantial impairment to the purposes of this Chapter.
4. The requested variance is the minimum necessary to alleviate the hardship or practical difficulty.

F. Application Review Procedures

A request for Sign Variance will be reviewed and decided upon in accordance with the following procedures.

Table ##: Overview of Sign Variance Review Procedures



1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for a Sign Variance. This requirement may be waived at the discretion of the Planning Director.

The process for a Pre-Application Conference is as follows:

- a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.
- b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.
- c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

- i. The applicant's proposal.
- ii. The applicable provisions of this Code.
- iii. The application submittal requirements and review procedures.
- iv. The referral agencies likely to be involved with the review of the application.

Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

- d. *Pre-Application Conference Summary.* Within seven (7) calendar days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.
 - e. *Effect of Pre-Application Conference.* Any information provided as part of a Pre-Application Conference shall not be binding on the Town or the applicant.
2. **Step 2: Submittal of Application.** The applicant for a Sign Variance shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.
 3. **Step 3: Determination of Completeness.** Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.

- a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:
 - i. Certify the application as complete and record the date of the determination of completeness.
 - ii. Schedule a public hearing in accordance with **Section 16-5-###**.
 - iii. Notify the applicant, in writing, of the determination of completeness; the date, time, and location for the public hearing; any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.

- b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with **Subsection 16-5-###-#**.

- c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to fourteen (14) calendar days if one of the following conditions exist:
 - i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.
 - ii. The Planning Director's workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

4. **Step 4: Schedule Public Hearing.** Upon a determination of completeness, the Planning Director shall schedule the application for public hearings before the Town Council, acting as the Zoning Board of Appeals, in accordance with the following requirements:
 - a. The public hearings shall be scheduled for a regularly scheduled meeting or a special meeting of the Town Council.
 - b. The first public hearing before the Zoning Board of Appeals shall be scheduled no later than sixty (60) calendar days after the date of determination of completeness.
5. **Step 5: Notice of Public Hearing.** At least ten (10) calendar days prior to the date of the first public hearing with the Zoning Board of Appeals, the applicant shall:

- a. *Mail Notice.* Mail notice, by certified mail, to all property owners of record within two hundred fifty (250) feet of the subject property, in accordance with [Section 16-5-###](#).
 - b. *Publish Notice.* Publish notice in a local newspaper, having general circulation within the Town, in accordance with [Section 16-5-###](#).
 - c. *Post Notice.* Post notice on a sign on the subject property in accordance with [Section 16-5-###](#).
 - d. *Mail Notice to Mineral Estate Owners (As Required).* If required by state statute, mail notice to mineral estate owners in accordance with [Section 16-5-###](#).
6. **Step 6: Review by Town Staff, Consultants, and Referral Agencies.**
- a. Within five (5) business days of receiving the requested number of complete applications, the Planning Director shall circulate copies of the application package to the town departments, town consultants, and referral agencies that may be affected by the proposal.
 - b. The comment period for the review by town departments, town consultants, and referral agencies shall be twenty (20) calendar days from the date that the application is circulated by the Planning Director. No extension of this comment period can be granted.
 - c. Comments not received within this time frame will be considered a no comment.
7. **Step 7: Staff Review and Report.** Town staff shall review the application and prepare a staff report that addresses the following, as applicable:
- a. Compliance with the standards of this Code.
 - b. Issues raised during the review of the application by town staff, town consultants, and/or referral agencies.
 - c. Recommended conditions to ensure compliance with applicable standards.
 - d. Additional information pertinent to the review of the application that must be submitted by the applicant.
8. **Step 8: Public Hearing with Zoning Board of Appeals.**
- a. The Zoning Board of Appeals will hold a public hearing, in accordance with [Section 16-5-###](#), to review the application. The applicant, or their agent, must be present at the hearing.
 - b. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Zoning Board of Appeals, the applicant, and the public:
 - i. The application and any supporting materials.
 - ii. The staff report.

- iii. Copies of any comments submitted by town departments, town consultants, referral agencies, and/or the public.
- c. Following the close of the public hearing, the Zoning Board of Appeals shall consider the application and any supporting materials, the staff report, public testimony, and the review criteria for a Sign Variance, and shall take one of the following actions:
 - i. Approve the Sign Variance, subject to any conditions that the Planning Director deems necessary to ensure compliance with this Code and the Community Plan.
 - ii. Deny the Sign Variance and state the specific reason(s) for denial.
- d. If the Zoning Board of Appeals approves a Sign Variance, it shall enact a resolution to such effect.

9. Step 9: Notice and Recording of Decision.

- a. Within ten (10) business days of a final action by the Zoning Board of Appeals, the following will occur:
 - i. The Planning Director will send written notice of the decision to the applicant.
 - ii. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.
- b. If the Zoning Board of Appeals approves a Sign Variance, the Town Clerk will enter a copy of the resolution approving the variance into the town's records.

G. Modification of Approval

Any modification to an approved Sign Variance shall require the submittal of a new application that is processed and reviewed in accordance with the procedures and standards set forth in this Section.

H. Sign Permit Application

- 1. Once a Sign Variance has been approved by the Zoning Board of Appeals, the applicant may apply for a Sign Permit pursuant to [Section 16-5-##](#).
- 2. The granting of a Sign Variance does not exempt the applicant from the requirement to submit an application for, and receive approval of, a Sign Permit.



To: Minturn Town Council
 From: Michelle Metteer
 Date: August 21, 2024
 RE: Town Manager Update

Colorado Municipal League (CML) Policy Committee

In preparation for the 2025 legislative session, Colorado Municipal League (CML) member municipalities are now asked to appoint/confirm representatives who will serve on the League's 2024-2025 Policy Committee, as well as for municipal members to submit any legislative or policy proposals for committee consideration and recommendation to the CML Executive Board. Each representative will be expected to read and adhere to the Policy Committee Roles and Responsibilities, as outlined in the attachment and covered in more detail below.

General policy committee responsibilities include:

1. Attending and participating in all Policy Committee meetings, in-person or virtually, and voting on policy positions to recommend to the CML Executive Board.
2. Evaluating requests from member municipalities for CML-initiated legislation and making a recommendation to the Executive Board.
3. Reviewing the League's [2024-2025 Policy Statement](#) that guides League positions on policy issues affecting municipalities and proposing revisions, if necessary. (Any recommended changes to the policy statement are voted on by CML members at the Annual Business Meeting that takes place as part of CML's Annual Conference.)

2024-2025 Meeting dates (subject to change)

All meetings are 9:00 - Noon

- Friday, Oct. 11
- Friday, Dec. 6
- Friday, Jan. 17 (Virtual)
- Friday, Feb. 21
- Friday, March 14 (Virtual)

Unless a Council member specifically volunteers for this position, I will add myself to the Policy Committee and Mayor Earle Bidez will be appointed as the alternate.

Community Events: First Fridays

Staff reached out to the business community to gauge interest in hosting a First Friday event. This would be a sponsored event by the Town and would seek to spotlight our local businesses while bringing community together. Thus far two businesses have responded expressing interest. The "first" First Friday will be September 6th at the Eagle River Inn with Whisky tasting by Eagle River Whisky. The October First Friday will be at Kirby Cosmos with a pig roast. More to come.

Safe Streets 4 All (SS4A)

Minturn is looking for one to two business owners to join the SS4A Working Group. This is a local group of stakeholders who will meet up to four times (virtually) over the next year to provide discussion and feedback on the state of the safety of Minturn streets. Those interested should contact Michelle Metteer at manager@minturn.org or 970-445-2418.

Minturn Planning Department
Minturn Town Center
301 Boulder St. #309
Minturn, CO 81645
970-827-5645
planner1@minturn.org
www.minturn.org



Minturn Planning Commission
Chair – Lynn Teach
Jeff Armistead
Michael Boyd
Amanda Mire
Eric Rippeth
Darell Wegert

Memorandum

Date: August 23, 2024
To: Minturn Planning Commission
From: Madison Harris, Planner I
Re: Planning Department Update

541 Main Street - Minor DRB Permit

The owners of 541 Main recently applied for a Minor DRB Permit to change windows and a door. This was approved August 9, 2024. The application is attached for reference.

Design Review Application

Section 10, ItemB.

7/26/2024 8:39:11 AM

Project Information

Please ensure you are familiar with the [Design Review Process Guide & Appendix B.II.A](#) prior to filling out an application.

Project Information

Is this a Minor or Major DRB Project?: Minor

Project Name: Gotthelf

Street Address

Address Line 1: 541 Main St

Address Line 2:

City: Minturn

State: Colorado

Zip: 81645

Zoning: Residential

Application Request: Window and door replacement

Applicant Information

Name: Ryan McKinney

Mailing Address

Address Line 1: 1401 W Bayaud

Address Line 2:

City: Denver

State: Colorado

Zip: 80223

Phone: (303) 999-6929

Email: rmckinney@renewalcolorado.com

Is the Property Owner different than the Applicant?: Yes

Property Owner Information

Name: Eric Gotthelf

Mailing Address

Section 10, ItemB.

Address Line 1: 541 Main St

Address Line 2:

City: Minturn

State: Colorado

Zip: 81645

Phone: (970) 376-3574

Email: egotthelf@gmail.com

Additional Information

Submittal Requirements (as applicable)

Lot Size:

of Stories:

Type of Residence: Single Family

Snow Storage (sq ft):

of Bedrooms:

Building Footprint (sq ft):

of On-site Parking Spaces:

Total Impervious Surfaces (sq ft):

Uploads

Submittal Checklist Requirements (as applicable)

Letter of Intent

What is the purpose of the project including;

- Relevant Background
- Current Status of the Site
- All Proposed Uses and Structures
- How the Proposal Differs from what already exists
- Information regarding Easements or Dedicated Tracts, etc.

Letter of Intent: [Gotthelf Letter of Intent.pdf](#)

Vicinity Map

Comments:

Applicant Signature

☒ I declare under penalty of perjury in the second degree that the statements made in the above application are true and complete to the best of my knowledge.

Signature: Ryan McKinney

Date: 07-26-2024

Hello,

My name is Ryan McKinney I am a Project Manager at Renewal By Andersen. I am reaching out on the behalf of Eric Gotthelf to seek approval for the replacement and upgrade of 6 windows and 1 door.

We are replacing the kitchen patio slider on the south wall with a 2 panel A-Series Outswing Frenchwood Hinge Patio Door, replicating the same canvas exterior color. On the East wall main level of the home that faces Main St, we are replacing two picture windows with Double Hung windows. There is 1 window on the North wall main level we are changing from a picture window to a double hung. On the West Wall second level we are converging two picture windows into three double hungs. The goal here is to reduce the heat that comes through during the day. We are replacing the windows with the Andersen Acclaim Series, the framing material is fibrex, see the information attached for more details. I am also including 3D renderings of the windows and door we will be replacing. If there is anything else you need I am happy to help, please don't hesitate to reach out. Thank you for your help.

Best Regards,

Ryan McKinney - Project Consultant
Renewal by Andersen of Colorado
1401 W Bayaud Ave Denver, CO 80223

Cell: [303-999-6929](tel:303-999-6929)

Email: rmckinney@renewalcolorado.com

Materials Checklist

Eric Gotthelf
541 Main Street
Minturn, CO 81645
C: (970)376-3574

CATEGORY	DESCRIPTION	QUANTITY
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This list includes the sum total all of the materials for the entire job.

2 COIL/CAULK AND WAREHOUSE ITEMS	W3 - fiberglass insulation - Warehouse	..5 rolls	☐
2 COIL/CAULK AND WAREHOUSE ITEMS	W4 - plywood - 1/2" - Warehouse	..3 sheets	☐
2 COIL/CAULK AND WAREHOUSE ITEMS	W1 - drywall - 1/2" - Warehouse	..3 sheets	☐
2 COIL/CAULK AND WAREHOUSE ITEMS	A1 - Foam Insulation	..5 1s	☐
2 COIL/CAULK AND WAREHOUSE ITEMS	A2 - Ice/Water shield	..4 1s	☐
2 COIL/CAULK AND WAREHOUSE ITEMS	C1 - Caulk - Canvas	..11 tubes	☐
2 COIL/CAULK AND WAREHOUSE ITEMS	C2 - Coil - Canvas	..1 rolls	☐

4 INTERIOR PINE TRIM	A2 - TM960 - 12' - clear pine- CO Lumber	..20 x 12ft	☐
4 INTERIOR PINE TRIM	F2 - TM473 - 12' - clear pine - CO Lumber	..24 x 12ft	☐
4 INTERIOR PINE TRIM	G2 - 1x4 - 12' - clear pine- CO Lumber	..20 x 12ft	☐
4 INTERIOR PINE TRIM	G3 - 1x6 - 8' - clear pine- CO Lumber	..4 x 8ft	☐

5 INTERIOR OAK TRIM	A1 - 8' oak Threshold	..1 x 12ft	☐
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6 EXTERIOR TRIM	C2 - 1x4x12 - Cedar - CO Lumber	..20 x 12ft	☐
6 EXTERIOR TRIM	C8 - 2x6x8 - Cedar - CO Lumber	..4 x 8ft	☐

Materials Checklist

Eric Gotthelf
541 Main Street
Minturn, CO 81645
C: (970)376-3574

6 EXTERIOR TRIM	C3 - 1x6x8 - Cedar - CO Lumber	..2 x 8ft	☐
7 LUMBER - PADDING	2x6x12 - #2 pine- CO Lumber	..8 x 12ft	☐
CUSTOM	Tyvek Home wrap - Home Depot	..1 PER UNIT	☐
CUSTOM	Tongue and Grove Cedar siding - 5 1/2" new width - 5" pattern face	..14 PER UNIT	☐

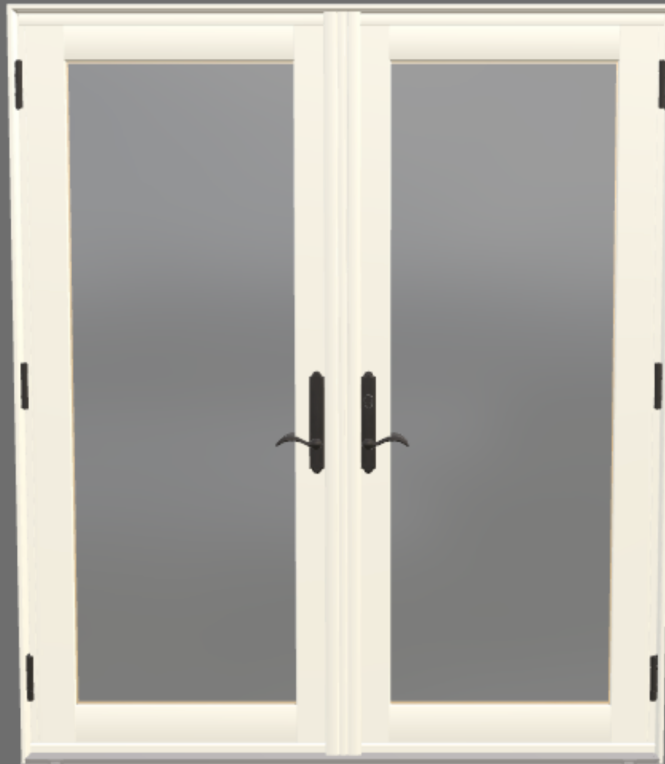




101 Kitchen

Patio Door - 69.00W x 80.00H

Section 10, ItemB.



EXTERIOR

360°

INTERIOR



231







102 Living

Acclaim™ Double-Hung (DG) - 54.00W x 58.00H

Section 10, ItemB.



EXTERIOR

360°

INTERIOR

TILT
TO CLEAN



234





103 Dining

Acclaim™ Double-Hung (DG) - 44.00W x 54.00H

Section 10, Item B.



EXTERIOR

360°

INTERIOR

TILT
TO CLEAN



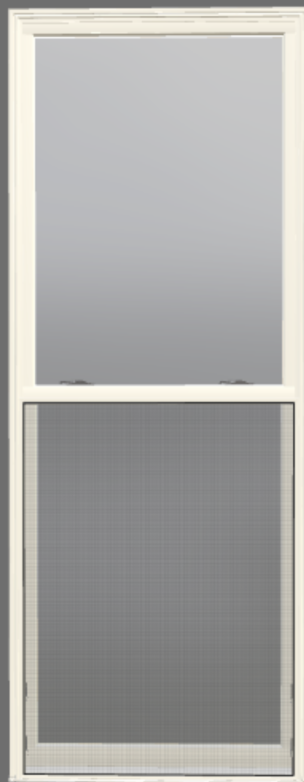
236



104 Dining

Acclaim™ Double-Hung (DG) - 28.00W x 72.00H

Section 10, ItemB.



EXTERIOR

360°

INTERIOR

TILT
TO CLEAN



237







201 Office

Acclaim™ Double-Hung (DG) - 48.00W x 42.00H

Section 10, ItemB.



EXTERIOR

360°

INTERIOR

TILT
TO CLEAN



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