

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by making a statement for the record at a public hearing, or by other appropriate means, that their application is withdrawn.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of receiving written notice from the Town of such deficiencies, the Planning Director may deem the application to be withdrawn. If the Planning Director deems the application to be withdrawn, they shall provide the applicant with written notice of this decision.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:

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

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

³If 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

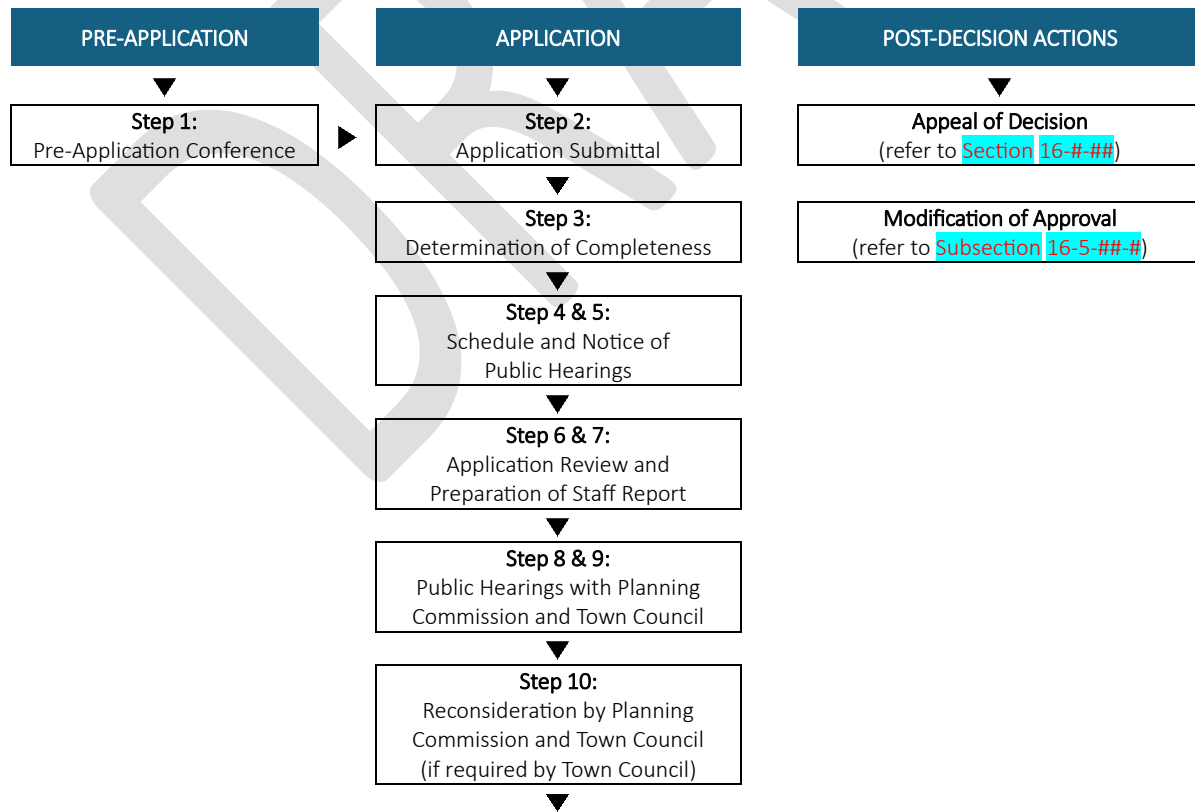
The Planning Commission may recommend approval of, and the Town Council may approve, a request to amend the text of this Code upon a finding of the following criteria:

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).

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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

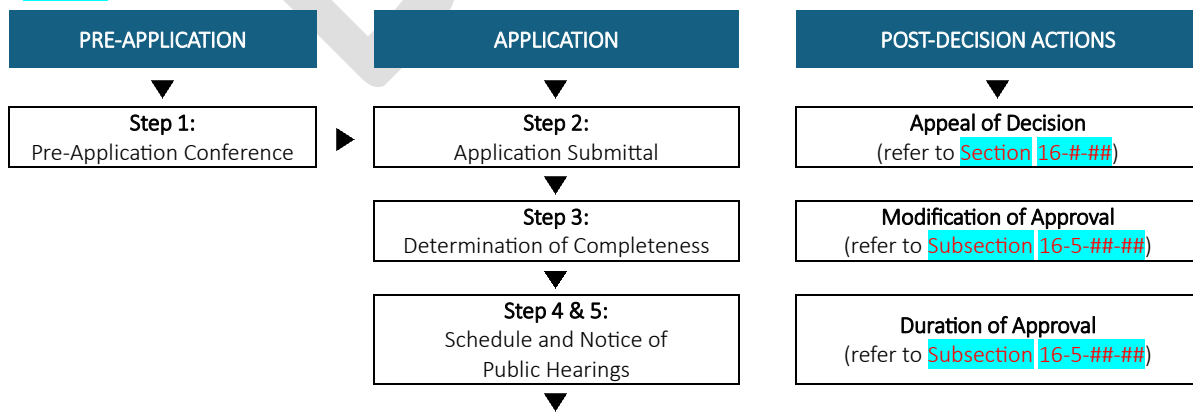
The Planning Commission may recommend approval of, and the Town Council may approve, a request for a Conditional Use upon a finding of the following criteria:

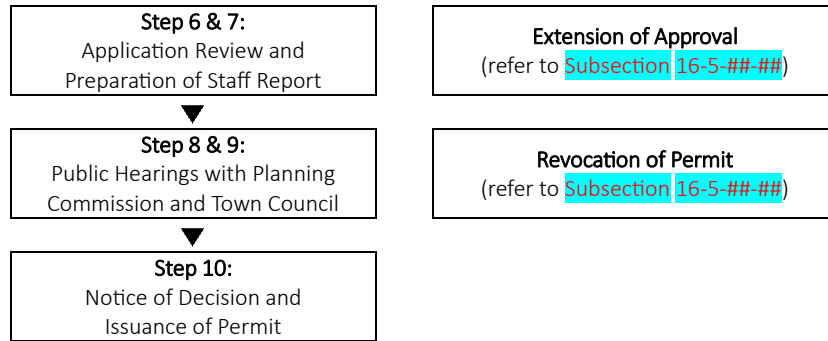
1. The proposed use is consistent with the Community Plan and the purpose and intent of the applicable zone district.
2. The proposed use complies with the applicable provisions of this Code, including any Use-Specific Standards and/or Design Standards.
3. The location, scale, and conditions under which 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.

Table ##: Overview of Conditional Use Review 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

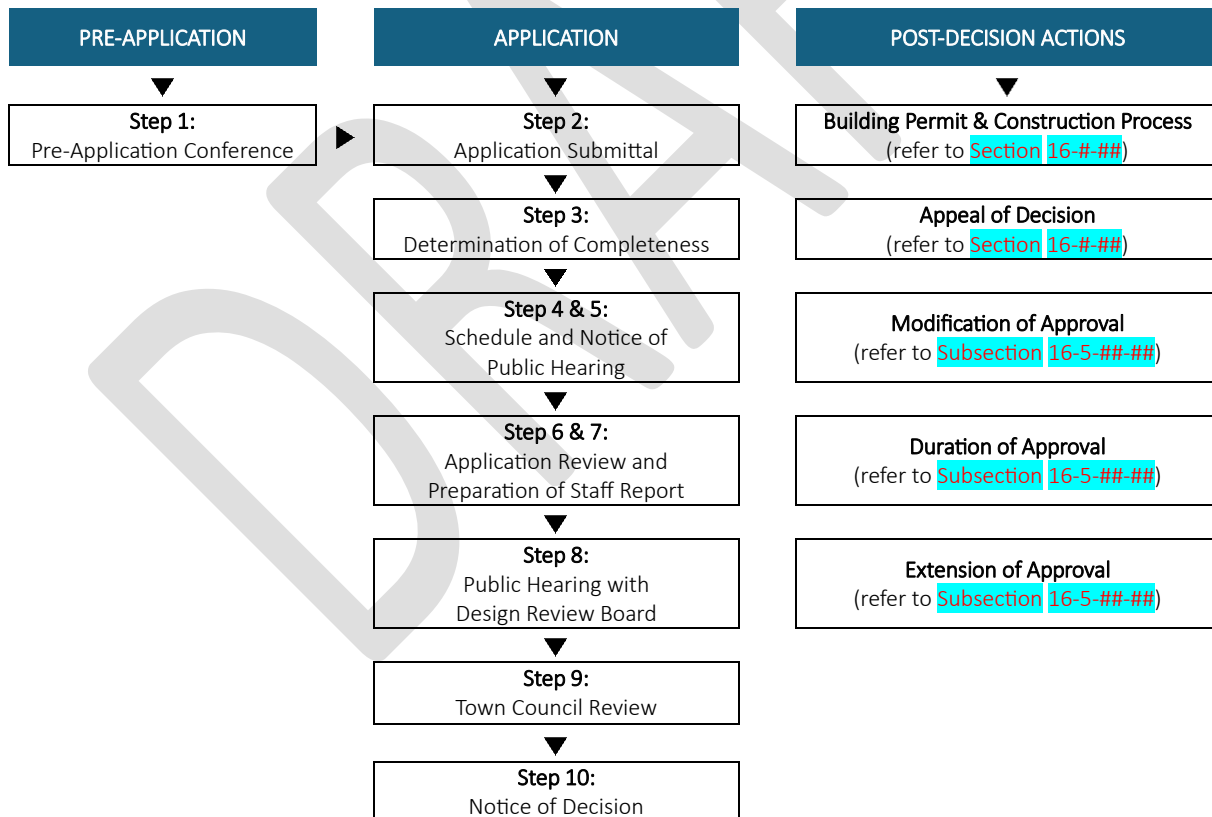
The Planning Commission, acting as the Design Review Board, may approve a request for Design Review upon a finding of the following criteria:

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.

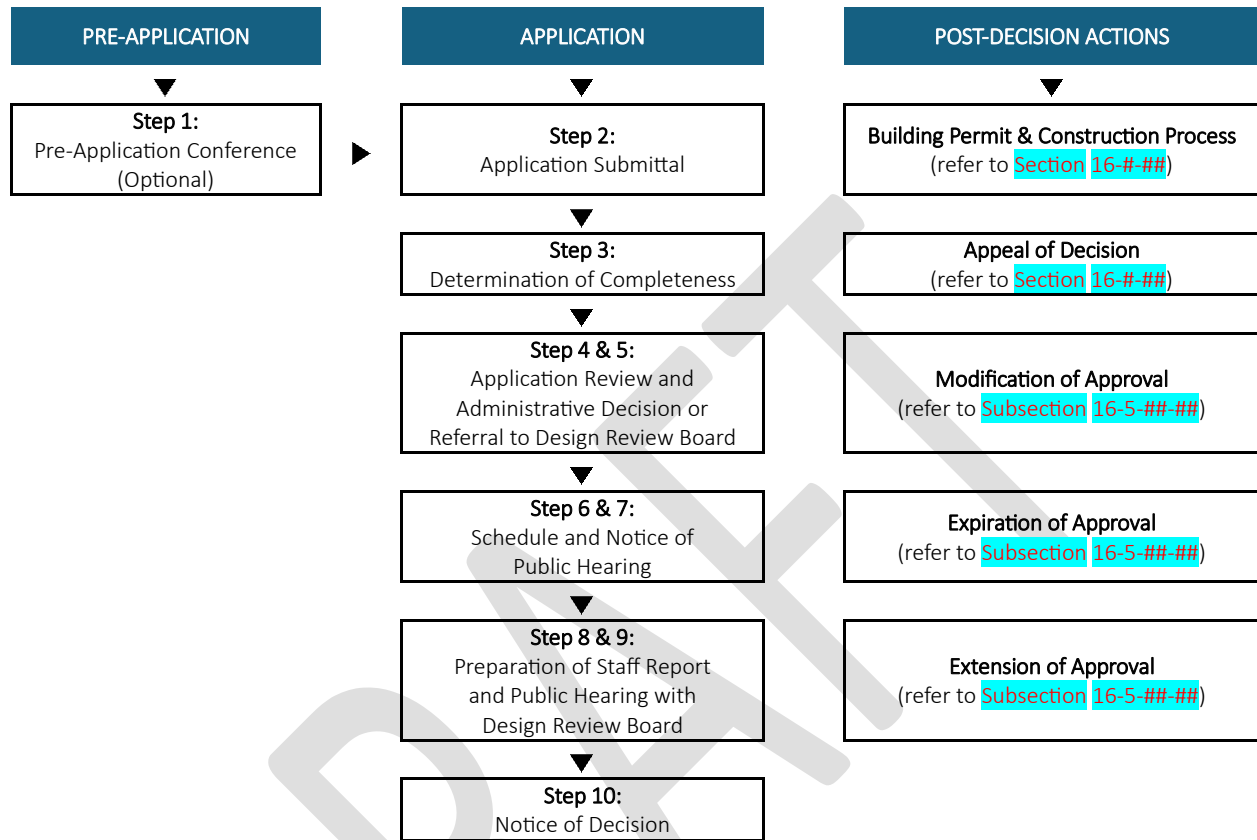
D. Application Review Criteria

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



- 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:

- 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.
- 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.
- 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.

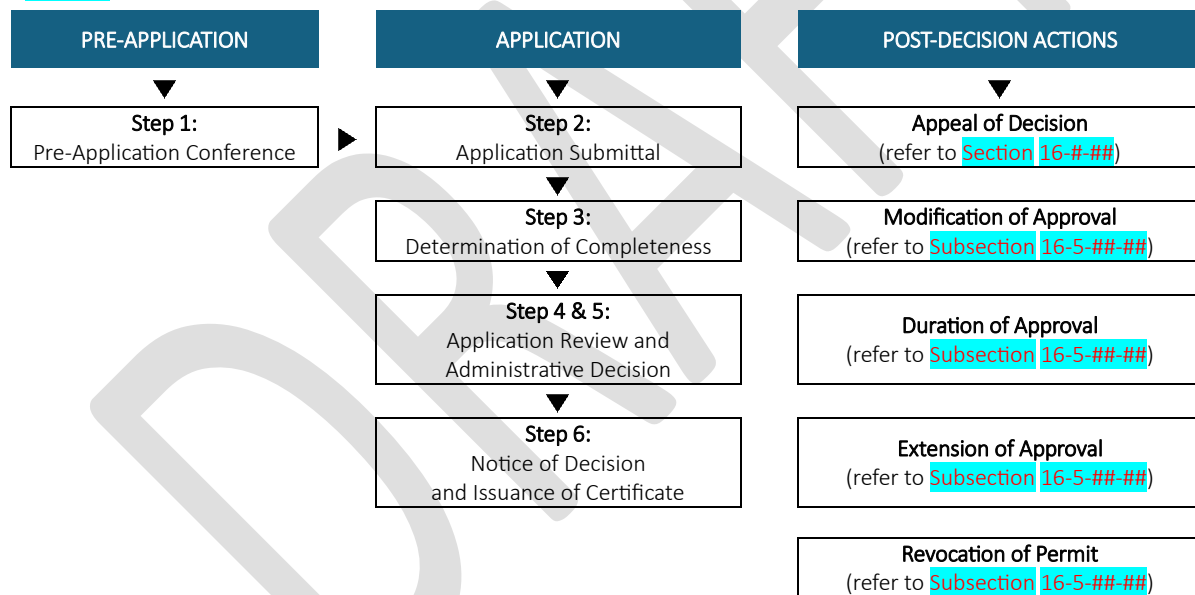
E. Application Review Criteria

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.

Table ##: Overview of Limited Review Use 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.

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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

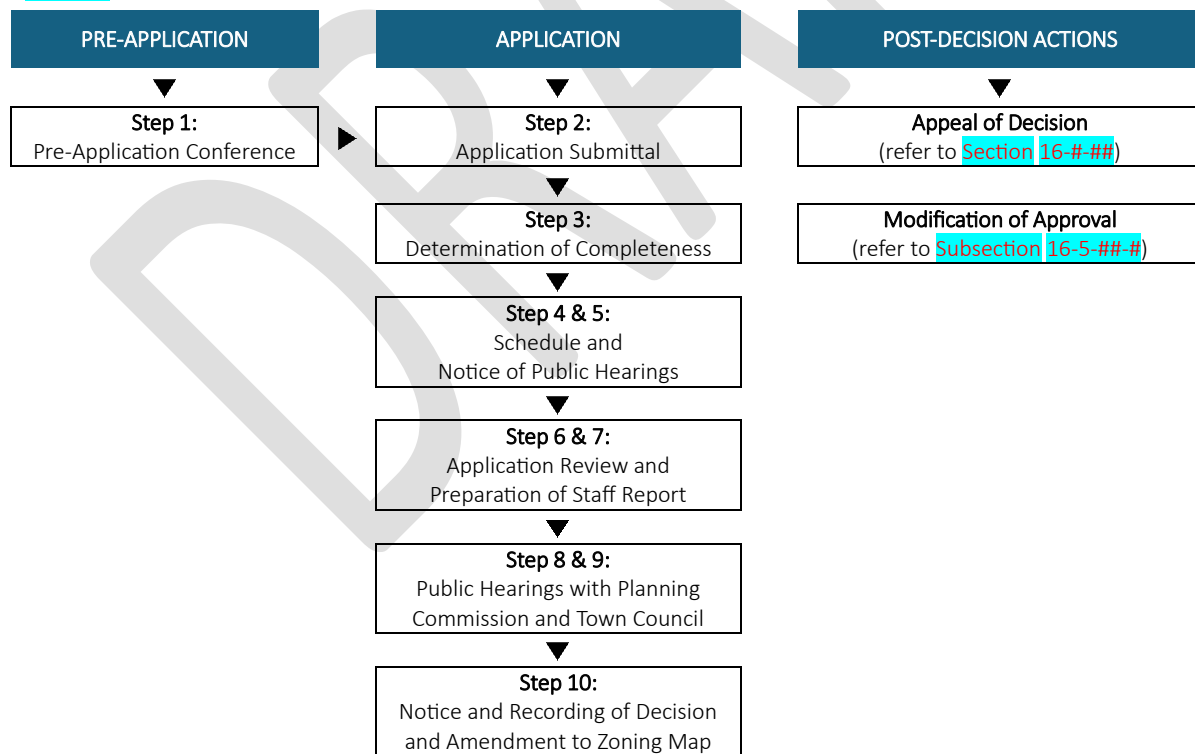
The Planning Commission may recommend approval of, and the Town Council may approve, a request for Rezoning upon a finding of the following criteria:

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

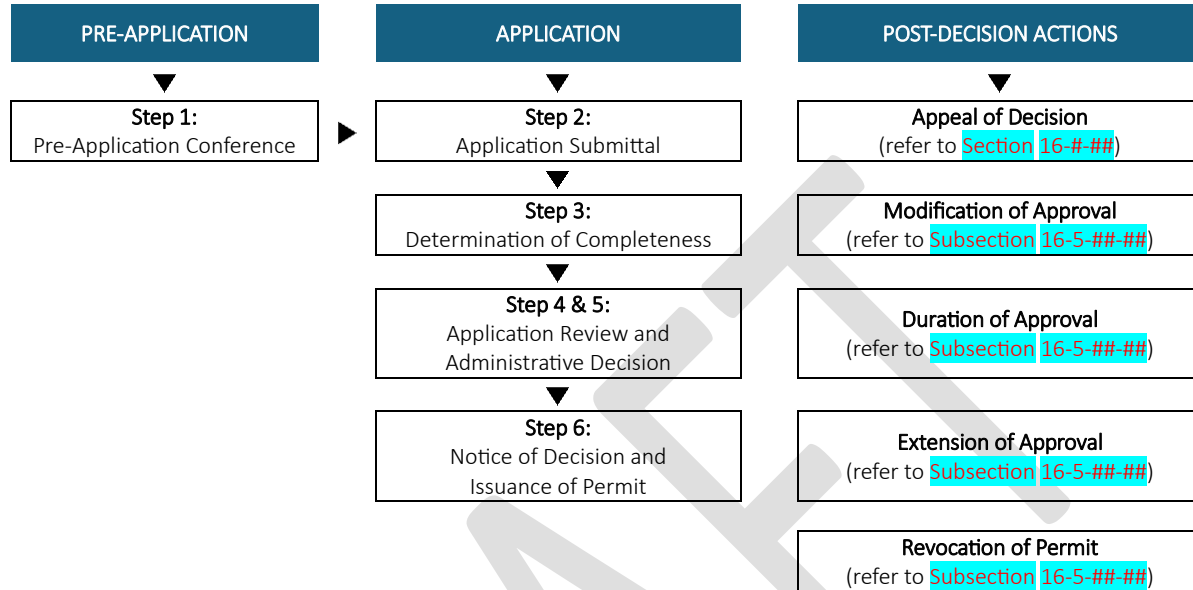
The Planning Director may approve a request for a Temporary Use upon a finding of the following criteria:

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-##-##**.
- 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

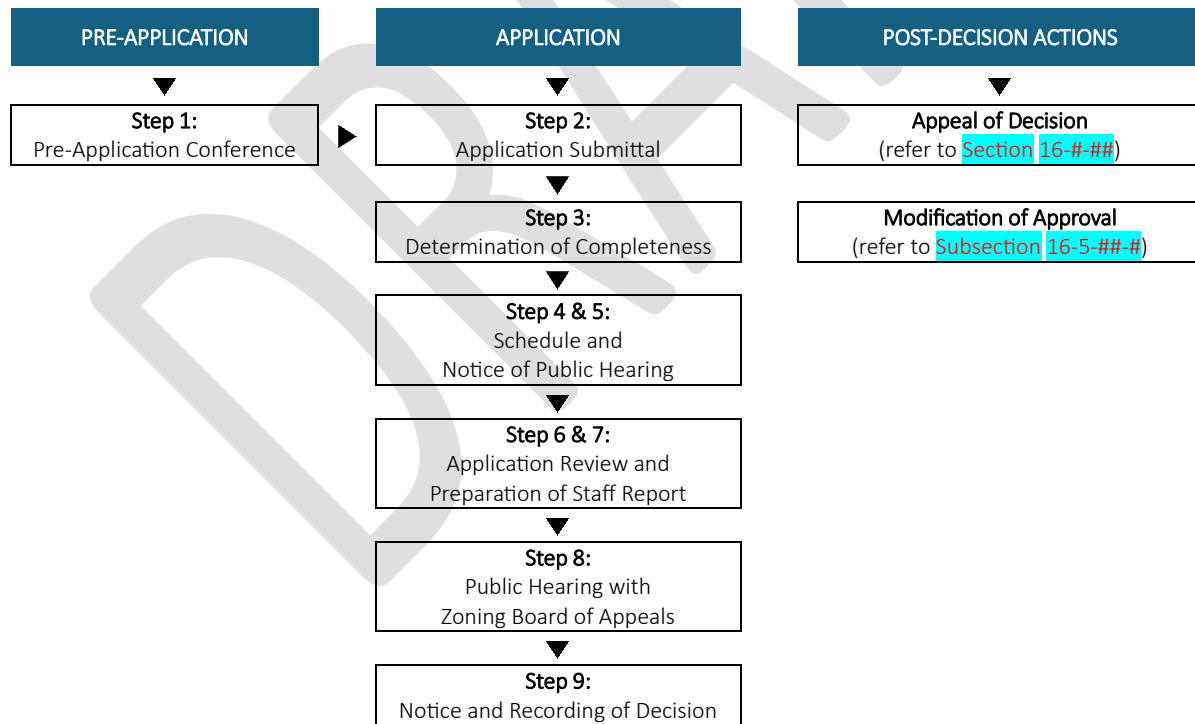
The Zoning Board of Appeals may grant approval of a Zoning Variance upon a finding of the following:

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:
<ul style="list-style-type: none"> ▪ 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. 	<ul style="list-style-type: none"> ▪ 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.

DRAFT

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:

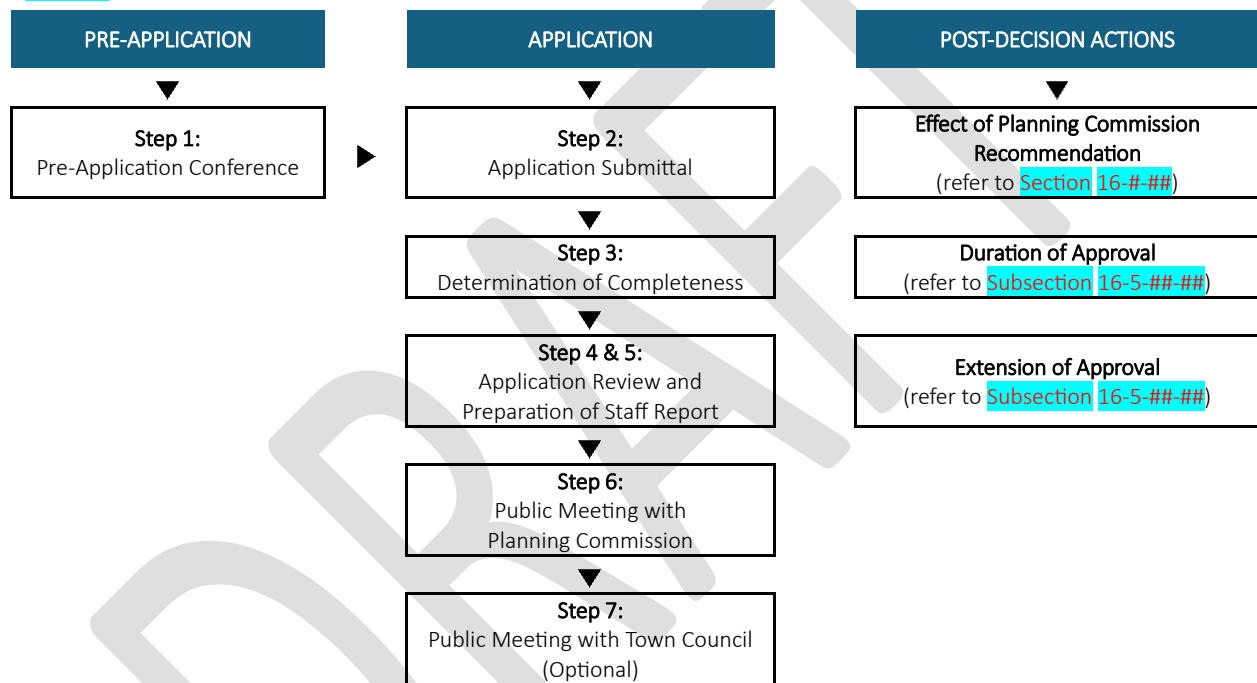
- 1. The PUD will satisfy the objectives of the Community Plan; respond to special or extraordinary physical conditions; or demonstrate needed flexibility and/or innovative design to justify any proposed variations from this Code.
- 2. The nature, overall density, scale, mass, and general architectural 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.

Table ## Overview of Concept 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 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:

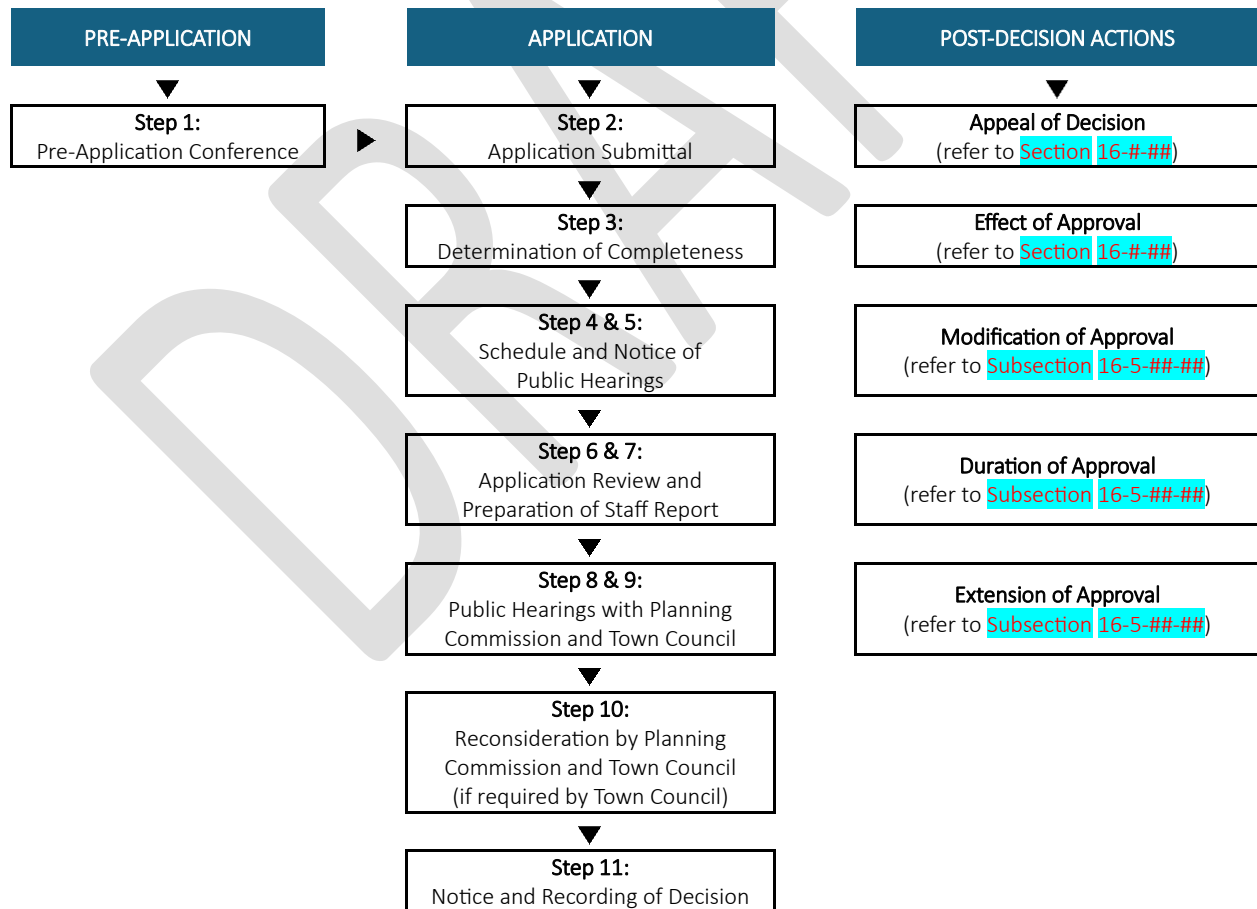
1. Development in the PUD will be consistent with the Community Plan and reflect the character of the Town.
2. The area around the development can be planned to be in substantial harmony with the PUD.
3. The PUD will not detrimentally affect adjacent and nearby neighborhoods.
4. The mass and scale of 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:

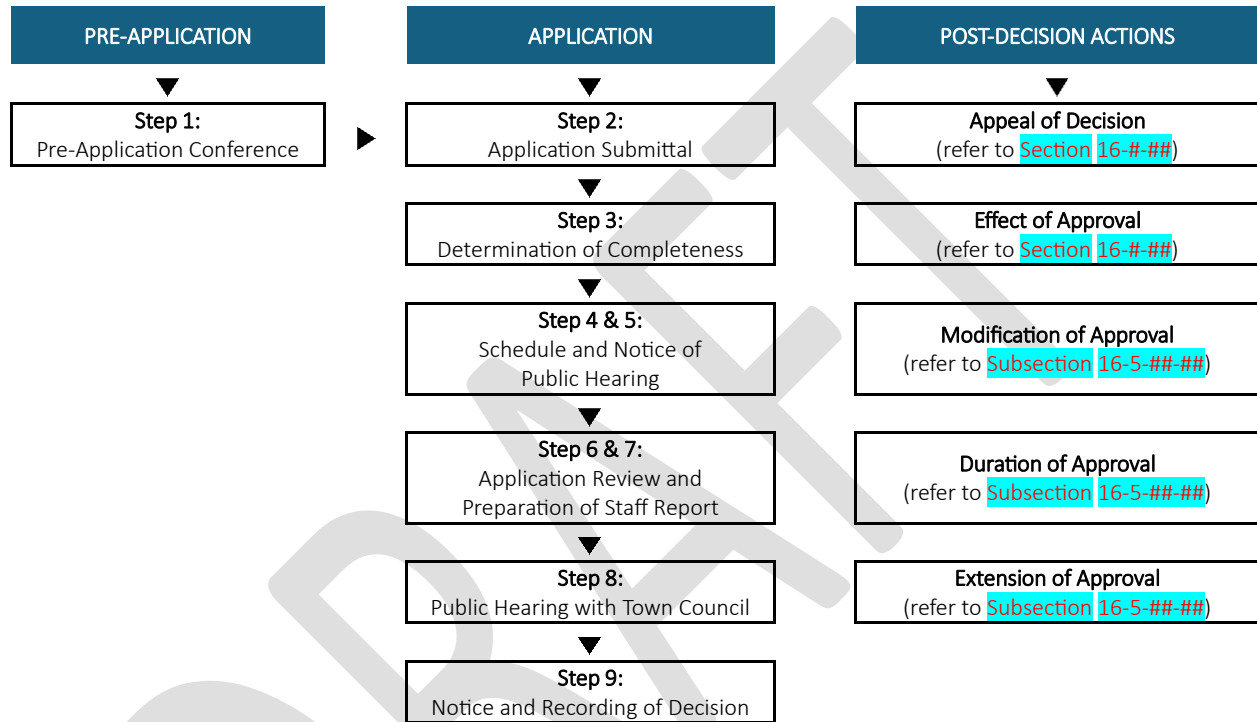
1. Development in the PUD will be consistent with the Community Plan and reflect the character of the Town.
2. The area around the development can be planned to be in substantial harmony with the PUD.
3. The PUD will not detrimentally affect adjacent and nearby neighborhoods.
4. The mass and scale of 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 [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 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

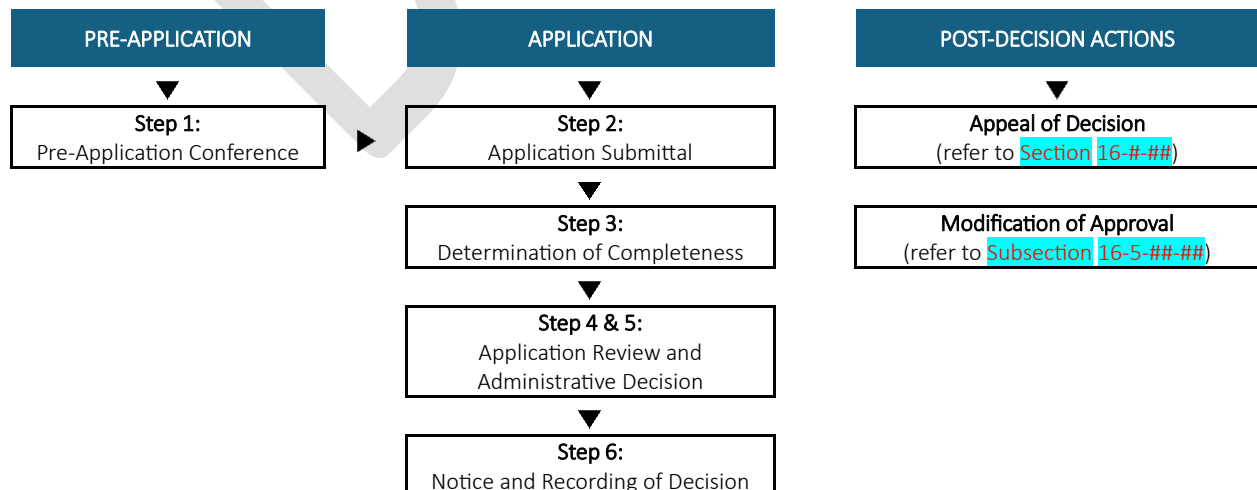
The Planning Director will evaluate a Minor Amendment based on the following criteria:

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

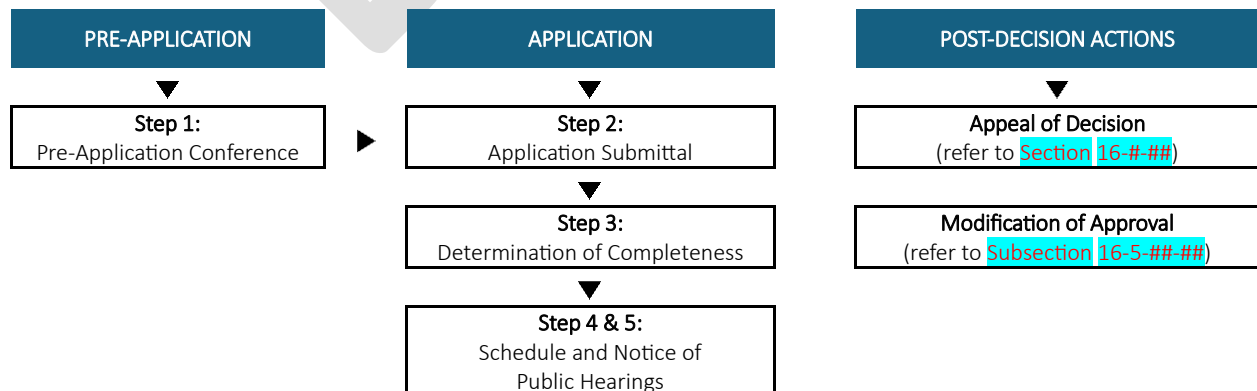
The Planning Commission may recommend approval of, and the Town Council may approve, a request for a Major Amendment upon a finding of the following criteria:

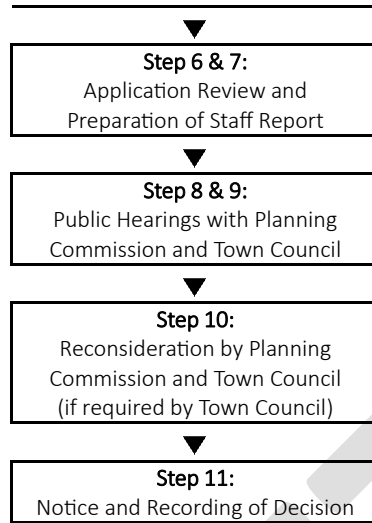
1. The proposed amendment(s) is consistent with the efficient development and preservation of the entire PUD.
2. The amendment does not affect, in a substantially adverse manner, the enjoyment of land abutting upon or across a street from the PUD.
3. The proposed amendment(s) protects the public interest.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

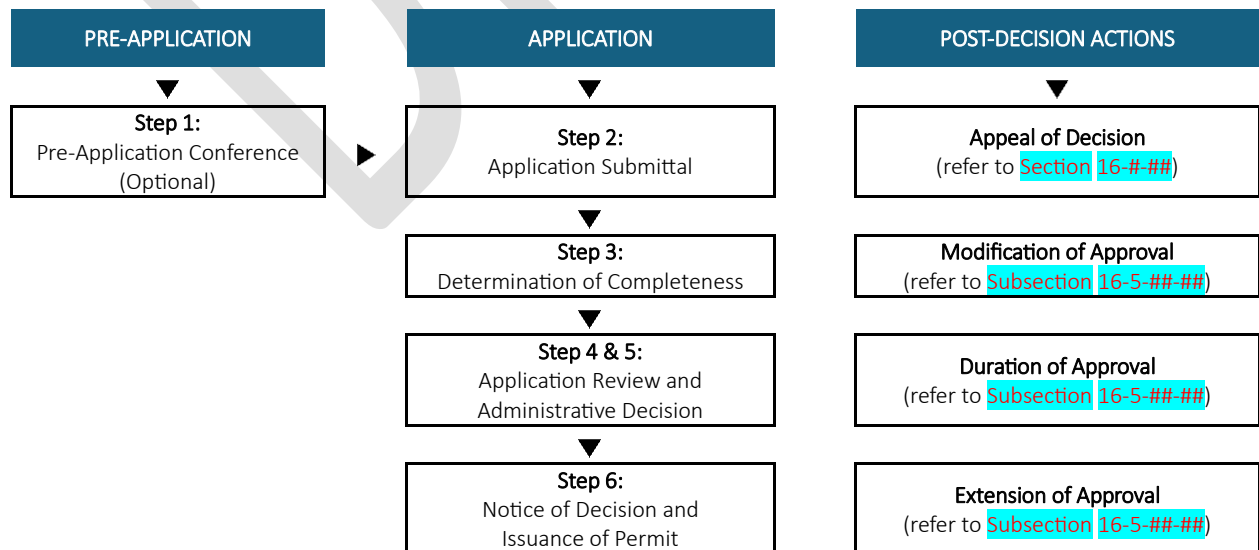
E. Application Review Criteria

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.

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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.

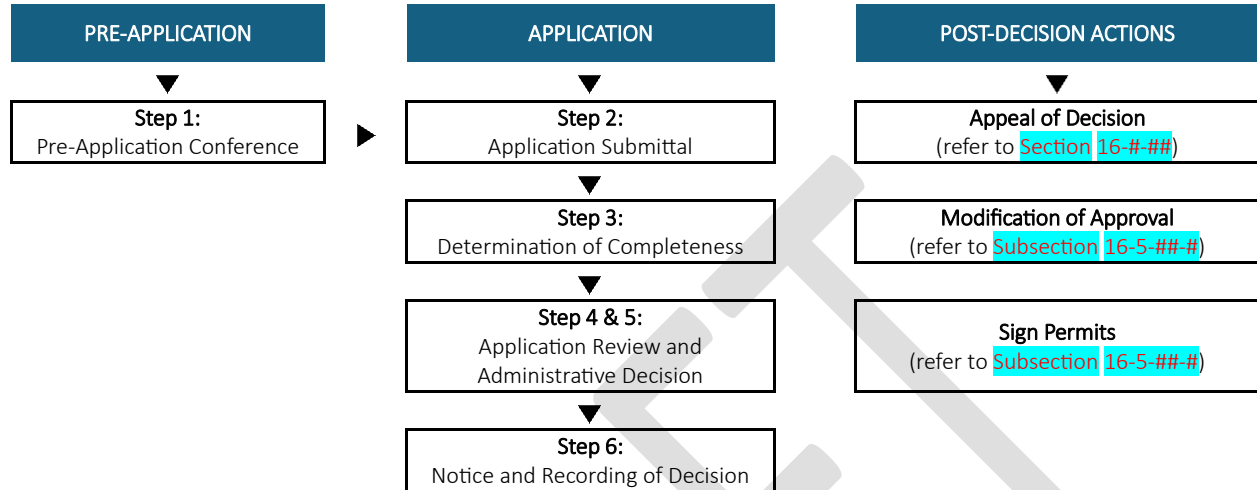
E. Application Review Criteria

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.

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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

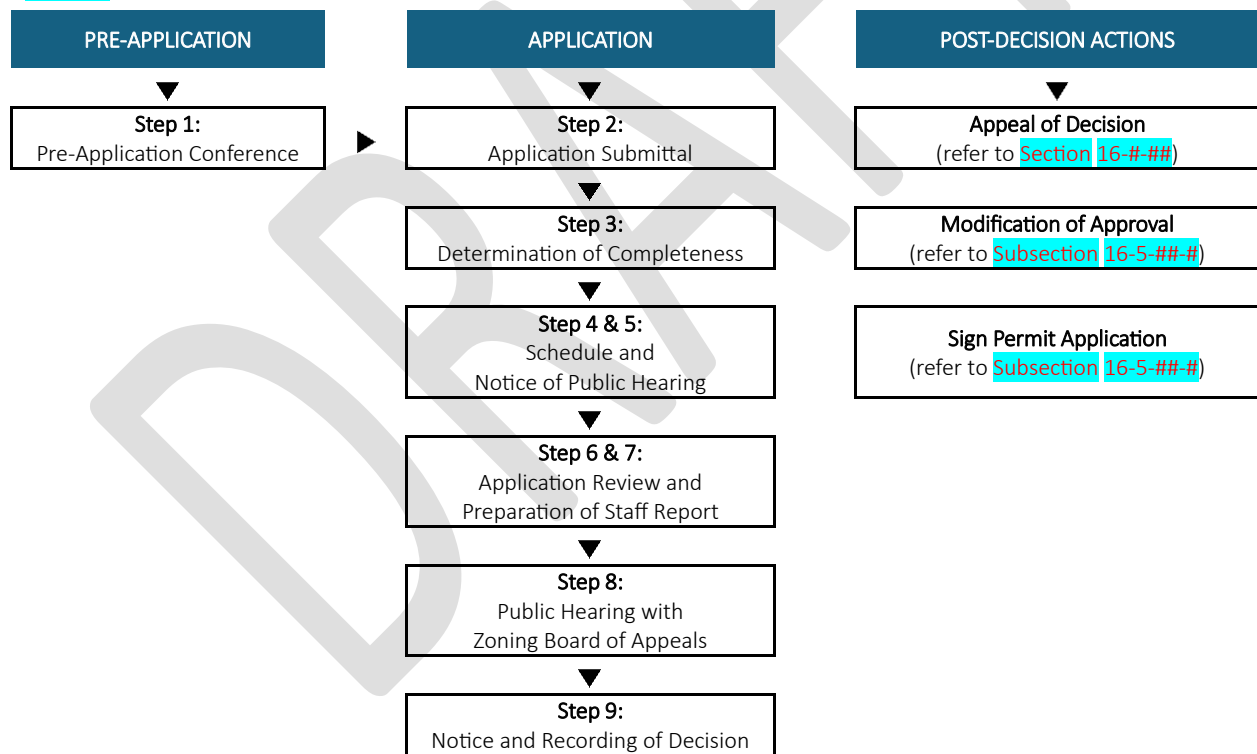
The Zoning Board of Appeals may grant approval of a Sign Variance upon a finding of the following:

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.