



**Town Council and Planning & Zoning Commission
JOINT WORK SESSION
Tuesday, April 4, 2023, 4:00 PM
Public Meeting Room / Eagle Town Hall
200 Broadway Eagle, CO**

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Times listed are approximate and are subject to change.*

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PRESENTATION

1. ReCode Eagle Overview

I hereby certify that the above Notice of Meeting was posted by me in the designated location at least 24 hours prior to said meeting.

Jenny Rakow, CMC
Town Clerk

PUBLIC WIFI – Eagle Guest

RECODE EAGLE

Land Use and Development Code Consolidated Draft Update
April 4, 2023

Agenda

Consolidated Draft Overview

- 1 Consultant provides chapter-by-chapter overview
- 2 Identification of TC/PZC Questions and timeframe for addressing
- 3 Q&A about the overview

Administration and Procedures Preview

Note: This draft LUDC chapter is provided for discussion at future meetings. We will preview the chapter on April 4 and discuss it in more detail across the rest of the month.

- 1 Consultant overview of Administration and Procedures
- 2 Initial Q&A
- 3 Review schedule

Next Steps

- 1 Community outreach
- 2 Development Standards review

Consolidated Draft Packet Contents:

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1. ReCode Eagle: 2023 Update Summary Memo	2
2. Proposed Updated Zoning Map	26
3. Updated PUD Standards and Procedures	28
4. Consolidated Draft Chapter 4.17: Administration and Procedures	36

Drafting Notes

1. Community Development staff is still completing their review of the LUDC draft and there will be additional edits.
2. The Town Attorney will also review the draft LUDC and there will be additional edits.
3. Where edits are made to sections the Town Council and Planning and Zoning Commission have reviewed, those changes will be identified in track changes for ease of identification.

ReCode Eagle: 2023 LUDC Update Summary

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Chapter-by-Chapter Overview

Chapter 4.01 General Provisions

The opening section of the Code contains a collection of general provisions that establish the basic legal framework for the full Code. Even though this section is not read frequently, it contains important information, such as the statutory authority to regulate land use, a specific link to local plans and planning policies, the title of the Code, instructions about how a court should proceed if part of the Code is found illegal, and standards for replacing the current Code with a new one.

Key Changes:

- Updated intent statements to reflect Elevate Eagle
- Clarify how new LUDC applies to applications in process

Contents and Comments

4.01.010 Title and Reference

4.01.020 Effective Date and Archived LUDC

4.01.030 Purpose and Intent

Updated to reflect broader range of goals from Elevate Eagle and recent community plans

4.01.040 Authority, Applicability, and Jurisdiction

4.01.050 Construction, Interpretation, and Conflicts of Standards

4.01.060 Schedule of Fees, Charges, and Expenses

4.01.070 Transitional Provisions

Revised to clarify how new LUDC applies to applications that are in process or that require multiple approvals will be reviewed

4.01.080 Severability

Chapter 4.02 Zone Districts: General Standards

The zone districts establish the development patterns allowed within specific areas of Town. The LUDC includes a range of zone districts that are designed to implement Elevate Eagle, the sub area plans, and corridor plans. Where current zone districts have been combined into a new district, the more permissive dimensional and use standards have been applied (e.g., if a district with a 7,000 sf minimum lot size was combined with a district with a 5,000 sf minimum lot size, the new minimum lot size for everything in the district is 5,000 sf).

This chapter includes information and standards that are applicable across all of the zone districts in the following chapters. The Zone Districts chapter provides an overview of the full zone district line-up, incorporates the Official Zoning Map, identifies rules for zoning map

interpretation, and includes regulations that are generally applicable across all of the Town's zone districts.

Key Changes:

- Supplemental standards section revised and organized into topic area regulations to make the standards easier to find

Content and Comments

4.02.010 Purpose and Intent

The following table identifies the conversion from the current LUDC to the new version.

Current Zone District	New District Name or New Zone District
Residential	
Residential Low (RL)	Residential Rural (R1)
Residential Single Family (R1)	Residential Low Density (R2)
Mobile Home Park (MHP)	Manufactured Home Park (MHP)
Residential Medium Density (RM)	Residential Medium Density (R3)
Residential Multifamily (RMF)	Residential High Density (R4)
new	Downtown Neighborhood (R5)
Mixed-Use	
Commercial Limited (CL)	Neighborhood Mixed-Use 1 (MU1)
new	Corridor Mixed-Use 2 (MU2)
Commercial Business District (CBD)	Broadway District (B-MU3)
Commercial and Industrial	
General Commercial (CG)	Commercial General (C1)
new	Commercial General East (E-C1)
new	Commercial Interchange (C2)
Light Industrial (I)	Light Industrial (C3)
Public	
PA	Public & Civic Campus (P1)
new	Public & Civic Open Space (P2)
Rural	
Rural Residential	Rural Residential (RR)
Resource	Resource (R)

Each zone district is designed to be applicable to a specific Elevate Eagle plan classification. Requests for rezoning will consider whether the requested zone district aligns with the comprehensive plan.

Table 4.0-1: Future Land Use Plan Implementation																	
Plan Classification	Zone District																
	R1	R2	MHP	R3	R4	R5	MU1	MU2	B-MU	C1	C1-E	C2	C3	P1	P2	RR	R
Rural Residential															●	●	●
Low Density Residential	●	●													●		
Medium Density Residential				●										●	●		
High Density Residential				●	●									●	●		
Downtown									●						●		
Downtown Neighborhoods						●									●		
Mixed-Use							●	●						●	●		
Commercial							●	●		●	●				●		
Interstate Commercial												●			●		
Commercial/Light Industrial												●	●		●		
Public/Institutional														●	●		
Open Space															●		

4.02.020 Applicability

4.02.030 Official Zoning Map [\(attached at pg. <>\)](#)

Proposed revisions to the zoning map are attached for review.

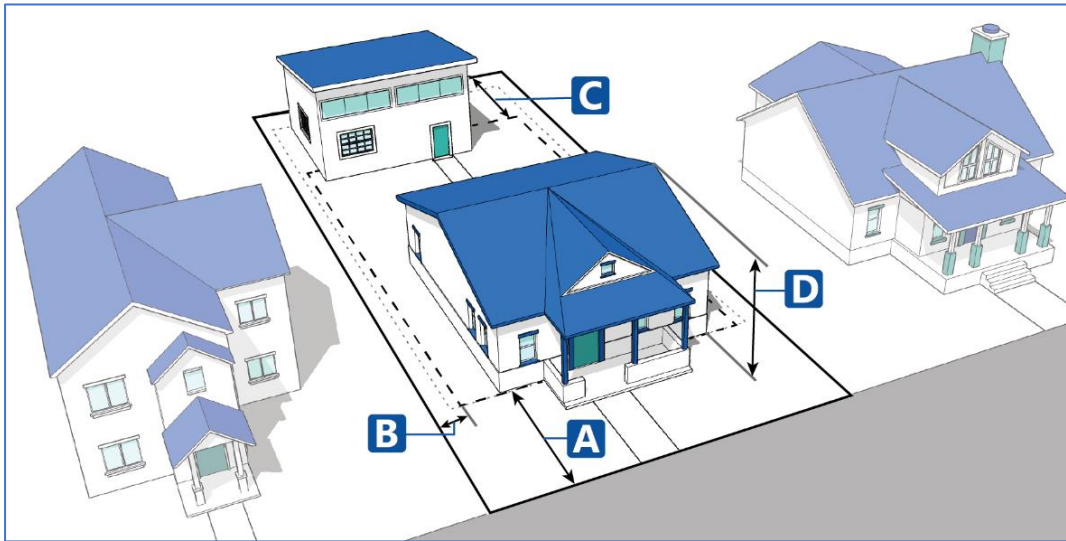
4.02.040 Dimensional Standards Applicable to All Zone Districts

Chapter 4.03 Residential Districts

The residential districts have been updated and revised to better implement Elevate Eagle, more clearly specify the range of housing types allowed, and adjust dimensional standards to allow the creation of a more compact and walkable development pattern.

Key Changes:

- Formatted to include intent, graphic, and dimensional standards
- Single unit and duplex allowed in rural and low density districts
- Dimensional standards to clarify how to incorporate more housing types



TC/PZC Questions: Initial questions about integrating the housing study into the Code:

- a. Should LERP increase to 20% for 3 or more units or should this be scaled back in the new code?
- b. The housing study recommends a 1-story density bonus along Broadway, Grand Avenue and West Eagle. The Consolidated Draft LUDC includes a raised height maximum in the Broadway district from 35 feet to 45 feet and a height maximum in the Corridor Mixed-Use (MU2) district of 45 feet by right. The difference is that a height bonus usually applies in the form of an incentive for which an application must qualify (such as providing affordable housing), while raised maximum height limits in the zone districts allow the extra height with no additional process required.
 1. Does the Town want to allow extra height?
 2. If so, should it be in the form of an incentive or a permission?
- c. Should there be a number cap on STRs?

Content and Comments

4.03.010 Districts Established

4.03.020 Purpose and Intent

4.03.030 Residential Rural 1 (R1)

4.03.040 Residential Low Density 2 (R2)

4.03.050 Manufactured Home Park (MHP)

TC/PZC Question: Community feedback supports allowing manufactured homes (HUD Code compliant) in standard residential zone districts. How does the Town want to approach this and is there also a need for manufactured home parks?

4.03.060 Residential Medium Density (R3)

4.03.070 Residential High Density (R4)

4.03.080 Downtown Residential (R5) (new)

This new district promotes traditional small lot residential in a highly walkable neighborhood setting adjacent to and around Downtown Eagle. Infill and residential redevelopment is permitted where the neighborhood building scale and street layout is maintained. Redevelopment from single-unit to multi-unit development may be approved where the new structure conforms to the lot and building standards.

Chapter 4.04 Mixed-Use Districts

Key Changes:

- Formatted to include intent, graphic, and dimensional standards
- Linked to appropriate residential district to provide standards for residential-only development with in MU districts
- Standards for mixed-use residential structures

Content and Comments

4.04.010 Districts Established

4.04.020 Purpose and Intent

4.04.030 Generally Applicable Mixed-Use Standards

This section includes Neighborhood Protection Standards that are designed to create height stepdown and screening transitions between mixed-use development and single- or two-unit (R1, R2) residential development.

4.04.040 Neighborhood Mixed-Use (MU1)

4.04.050 Corridor Mixed-Use (MU2) (new)

The MU2 district, generally located outside of the CBD along major commercial corridors and at community and employment activity centers, is established to encourage the primary development of auto- and transit-oriented commercial, tourism, and employment uses supplemented by medium to high density residential development located at the interior or to the rear of the site.

4.04.060 Broadway District (B-MU3) (new)

The Broadway District is the downtown, mixed-use core of Eagle. The B-MU3 district is intended to guide growth and development in a manner that continues the existing character and design of the highly walkable downtown commercial area with storefronts on the ground story and upper story residential, lodging, and office uses.

Chapter 4.05 Commercial and Industrial Districts

Key Changes:

- Neighborhood protection standards address "good neighbor" issues
- Formatted to include intent, graphic, and dimensional standards

Content and Comments

4.05.010 Districts Established

4.05.020 Purpose and Intent

4.05.030 Generally Applicable Mixed-Use Standards

4.05.040 Commercial General (C1)

4.05.050 Commercial General East (E-C1) (new)

The Commercial General East district is intended for auto-oriented commercial and tourist uses, including lodging, dining, retail, and recreation facilities, and for internal use only artisan and light manufacturing uses. E-C1 districts may be located adjacent to other commercial, mixed-use, and high-density neighborhood districts.

4.05.060 Commercial Interchange (C2) (new)

The Commercial Interchange district is intended for heavy commercial, wholesale, warehouse-distribution/flex space facilities, and contractor commercial uses. This district allows outdoor storage and accommodates truck traffic. The C2 district is intended to be located along corridors where proximity to residential and walkable mixed-use development is limited.

4.05.070 Light Industrial (C3)

Chapter 4.06 Public and Civic Districts

4.06.010 Districts Established

4.06.020 Public and Civic Campus (P1)

For any use owned and/or operated by a public entity. The P&C1 district is intended to be used for small-scale civic and community service campuses with multiple structures and uses, such as religious assembly, medical, public safety facilities, or schools, along with associated structures and uses such as housing, training, or meeting facilities. A maximum of three principal buildings are permitted in a P&C1 district.

4.06.030 Public and Civic Open Space (P2)

The PC2 district is intended to protect and preserve open spaces that are held in either public or private ownership. PC2 districts may include parks, open spaces, trails, wetlands, floodplains, environmentally sensitive areas, and unique habitats and landscapes. To preserve access to clean air, pure water, natural recreation areas, and scenic natural beauty, the subdivision and development of land is highly restricted in PC2 districts.

Chapter 4.07 Resource District

4.07.010 Districts Established

4.07.020 Resource (R)

Chapter 4.08 Planned Unit Development (attached at pg. <>)

The PUD chapter has been revised and is attached for review.

4.08.010 Authority, Description, and Process

4.08.020 Purposes

4.08.030 Standards and Requirements

Chapter 4.09 Use Standards

The use regulations section includes three types of information for code users. (1) which uses or categories of uses are allowed in a specific zone district, (2) what type of approval is required for that use (e.g., administrative or special use review), and (3) whether there are any specific standards associated with the use (as compared to standards associated with the zone district). Many of the updates in the use table are focused on establishing standards to allow staff approval, reducing the number of minor reviews going to the Planning and Zoning Commission or Town Council for review.

Key Changes:

- Use category descriptions added to help interpretation of future uses
- Use table updated to better describe current range of uses
- Uses changed from Special Use Permit to Permitted or Conditional Use Permit (P&Z)
- Use-specific standards updated and added as needed to help administrative review
- Solar standards added

Contents and Comments

4.09.010 General Provisions

4.09.020 Use Table Organization

4.09.030 Uses by District

Excerpt from the updated Use Table shown on the next page.

4.09.040 Uses Permitted by District (Use Table)

Table 4.09-1: Principal Use Table																		
Uses are defined in Sec. 4.20.	Residential Neighborhood							Mixed-Use			Comm/Indust.			Public		Rural		Add. Standards
Current districts	RL	R1	RM	RM F	RH	new	MH P	CL	new	CB D	CG	new	IND	PA	new	RR	RR	
Updated districts	N1	N2	NR X1	NR X2	NR X3	DN RX	NM H	CM X1	CM X2	CB D	CI1	CI2	CI3	PC 2	PC 1	RR	R	
Key: /P/ Permitted /PL/ Permitted with Limitations /S/ Special Use Permit Required /-/ Not Permitted ⁴⁷																		
Small	-	-	-	-	-	-	-	S	S	S	P	P	S	-	-	-	-	
Sexually Oriented Business	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	
Animal Sales and Services [Subcategory description: Section 4.09.2D.2]																		
Boarding/Kennel, indoor	-	-	-	-	-		-	-		-	PL	PL	-	-		-	PL	4.09.8
outdoor	-	-	-	-	-	-	-	-	-	-	PL	PL	-	-	-	-	PL	4.09.8
General Sales and Services	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-	
Public Animal Shelter	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	
Veterinary	-	-	-	-	-	-	-	PL	PL	PL-	PL	PL	PL	-	-	-	-	4.09.8
Assembly, Entertainment and Trade [Subcategory description: Section 4.09.2D.2]																		
Large	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	
Small	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-	
Child Care [Subcategory description: Section 4.09.2D.2]																		
Child Care Center ⁵²	PL	PL	PL	PL	PL	PL	PL	P	PL	PL	PL	PL	-	P	-	PL	-	4.09.8
Family Child Care Home	S	S	S	S	S	S	S	S	S	S	-	-	-	S	-	S	S	4.09.8
Commercial Service [Subcategory description: Section 4.09.2D.2]																		
Business Service	-	-	-	-	-	-	-	P	P	P	P	P	S	-	-	-	-	
Cemetery/Crematorium/ Funeral Home	-	-	-	-	-	-	-	S	S	-	P	P	P	-	-	-	-	
Consumer Maintenance and Repair	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-	
Personal Service	-	-	-	-	-	-	-	P	P	P	P	P	S	-	-	-	-	
Self-Service Storage	-	-	-	-	-	-	-	-	PL	-	-	PL	PL	-	-	-	-	4.09.8

4.09.050 Standards Applicable to All Uses

4.09.060 Standards for Residential Uses

TC/PZC Questions:

- Should ADU's be expanded from just SF to duplexes? Current regulation N.4. The owners of the property in which the ADU is located shall occupy at least one of the dwelling units on the premises as full-time residence except for bona fide temporary absences. – keep or delete?
- In what districts should “Van Life” be allowed? What standards are important for van habitation permission?

4.09.070 Standards for Public, Civic, and Institutional Uses

4.09.080 Standards for Commercial Uses

TC/PZC Question: In what districts should STRs be allowed?

4.09.090 Standards for Marijuana Uses

4.09.100 Standards for Industrial, Wholesale, and Storage Uses

4.09.110 Standards for Agricultural Uses

4.09.120 Accessory Uses

4.09.130 Temporary Uses

Chapter 4.10 Site Layout and Structure Design Standards

The site layout and structure design standards regulate how development is organized on a site, how it relates to surrounding development, and how transportation connections are made.

Key Changes:

- Current design standards revised to establish more objective standards
- Repetitive sections consolidated, topic specific sections (parking) moved to that topic
- Graphics added to help describe preferred design elements
- Town design intent updated to reflect Elevate Eagle priorities
- Standards added for attached and multifamily development
- Mixed-use and commercial standards updated and made more objective
- Structural screening standards updated and clarified
- Erosion and sedimentation control requirements and design standards enhanced

TC/PZC Question: Does the Town want to establish a design review board to review architectural design requirements that tend to be subjective in application?

Content and Comments

4.10.010 Purpose

4.10.020 Applicability

4.10.030 Standards Applicable to All Structures and Sites

The current design standards have been updated to establish more objective standards, primarily based on structure form and site layout. Approved materials have been updated with a focus on durability and mountain climate appropriateness. Standards requiring pedestrian, bicycle, and vehicle route connectivity have been added to support safe and easy transportation options within Eagle.

The ReCode Code Committee is reviewing the draft design standards and will discuss this Chapter on April 4 prior to the TC/PZC meeting.

4.10.040 Residential Structure and Site Design Standards

4.10.050 Mixed-Use and Commercial Structure and Site Design Standards

Large format retail development standards have been added to guide development in East Eagle.

4.10.060 Industrial Structure and Site Design Standards

TC/PZC Question: Should industrial development have design standards that are a little less restrictive than commercial districts?

4.10.070 Screening (new)

This new section is provided to add a complete set of standards for utility and service area screening.

4.10.080 Inclusionary Residential Requirements for Local Employee Residency (LERP)

4.10.090 Erosion and Sedimentation Control

The erosion and sedimentation control regulations have been revised to change from a primarily plan-based approach to an approach that balances basic erosion and sedimentation control standards with the application of a site-specific plan.

Chapter 4.11 Landscaping and Buffering Standards

The current landscaping standards are very basic, focused on how much overall landscaping is required and what materials are appropriate. They have been revised and updated with more specificity to be more easily applied and enforced. Specifically, buffer yard widths and planting requirements have been linked to adjacent use type, screening of mechanical equipment has been specified by the location of the equipment, and the use of water-wise and fire-resistant plant materials has been added.

Key Changes:

- Current requirements clarified and illustrated
- Wildfire protection buffer standards added
- Parking lot landscaping requirements updated and clarified
- Landscaping irrigation made optional, standards added for low water use systems
- Water-wise and FireWise landscaping materials requirement/turf grass limitation added

Content and Comments

4.11.010 Purpose

4.11.020 General Applicability

4.11.030 Front Street Buffer

4.11.040 Boundary Buffer

4.11.050 Wildfire Protection Buffer (new)

This new section is intended to establish a minimal wildfire safety zone around habitable structures. It does not address building materials or sprinkler requirements that are covered in the building and fire codes.

4.11.060 Parking Lot Landscaping

4.11.070 Drainage Easements

4.11.080 Clear Vision Area

4.11.090 Location-Specific Standards

4.11.100 Irrigation (revised)

Irrigation has been changed from mandatory to optional. Where it is provided, it needs to meet updated low-flow irrigation standards.

4.11.110 Materials (revised)

1. Tree and plant materials shall be selected for energy and water efficiency; fire resistance; adaptability and relationship to the native or built environment; color, form, and pattern; ability to provide shade; and soil retention.
2. At least 75 percent of all annuals and trees, and 100 percent of shrubs, perennials, groundcovers, and ornamental grasses used to landscape each site regulated by this section shall be selected from both the Colorado State University Extension FireWise Plant Material List or other FireWise materials applicable to the Eagle region.

Table 4.0-2: Use of Turf Grass By Zone District	
Residential R1to R3	5,000 square feet per dwelling unit
Residential R4 and R5	Limited to private open space areas
Mixed-Use	Limited to private open space areas
Commercial and Industrial	No turf grass allowed
Public	Allowed
Rural	5,000 square feet per dwelling unit

Chapter 4.12 Parking and Loading Standards

The current required off-street parking ratios are very high for most commercial/eating/drinking/residential uses. The updated LUDC includes reductions to these requirements. Parking requirements have also been organized in a table format that parallels the use table to minimize the amount of interpretation required to determine what parking requirements apply to which uses. Joint parking, important in mixed-use development, is made easier through the creation of pre-established joint parking percentages. that specifies how shared parking works across different uses.

Key Changes:

- Applicability to expansion and redevelopment clarified in favor of new uses
- Off-street parking requirements clarified, updated, and reduced
- Bicycle parking standards added
- Parking reduction added for transit proximity and provision of active transportation route

Content and Comments

4.12.010 Purpose

4.12.020 Applicability

4.12.030 Parking Plan

4.12.040 Required Off-Street Vehicle Parking

ReCode Eagle Summary

The current off-street parking standards require substantially more parking for some uses than other, similar communities do. For example, Eagle requires a restaurant with 2,500 sf of floor area to provide 38 (rounded up from 37.5) parking spaces while Glenwood Springs would require 13 and Breckenridge would not require any in their MU area or 20 outside of the MU area. An excerpt from the draft parking table is provided here. Information from Glenwood Springs and Breckenridge will be removed in the adopted LUDC:

Table 4.12-2: Off-Street Parking Standards					
Use Category	Eagle Current Required Spaces	Glenwood Springs Required Spaces	Breckenridge Required Spaces		Eagle Update Recommendation (Minimum)
			Mixed-Use Service Area (mapped)	Non-MU Area	
KEY: DU = Dwelling Unit BR = Bedroom GFA = Gross Floor Area (total) TSF-GFA = 1,000 SF GFA CHANGES: Blue Font = Recommended Reduction Gold Font = Changed Measurement (e.g., employees to SF) Orange Font = New Standard					
Studio or Instruction Service	Per uses not listed (health club)	1 per 400 SF	Max. 2.0 per TSF-GFA	By special review of the director and planning commission	1 per 400 SF GFA
Eating and Drinking Establishment [Subcategory description: Section 4.09.020D.2]					
All Restaurant/Food Service	1.5 per 100 SF of floor area used or designed for use by the public, plus 1.5 per 200 SF of kitchen floor space.	1 per 200 SF	Max 3.5 per TSF-GFA	Min 1, Max 1.1 per 125 SF GFA	1 per 250 SF including outdoor dining, plus stacking if there is a drive-thru
Tavern or Bar	1.5 per 100 SF of floor area used or designed for use by the public, plus 1.5 per 200 SF of kitchen floor space.	1 per 200 SF	n/a	Min 1, Max 1.1 per 125 SF GFA	1 per 200 SF GFA
Craft Alcohol Production and Tasting	Per uses not listed	1 per 200 SF seating/tasting area, plus 1 per 500 SF production area	n/a	Min 1, Max 1.1 per 125 SF GFA	1 per 200 SF GFA in the seating/tasting area, plus 1 per 500 SF production area
Financial Services [Subcategory description: Section 4.09.020D.2]					
Financial Institutions	1 per 250 SF of floor area used or designed for office or public use.	1 per 300 SF	Max. 1.9 per TSF-GFA	2 required then Min 1, Max 1.1 per 400 SF GFA	1 per 300 SF GFA plus stacking if there is a drive-thru
Alternative Financial Services	1 per 250 SF of floor area used or designed for office or public use.	1 per 300 SF	Max. 1.9 per TSF-GFA	2 required then Min 1, Max 1.1 per 400 SF GFA	1 per 300 SF GFA
Lodging [Subcategory description: Section 4.09.020D.2]					

New electric vehicle (EV) parking standards have been included in the draft. The State of Colorado will be releasing generally applicable EV parking requirements in early June and this section will need to be updated to conform to state requirements.

4.12.050 Required Bicycle Parking

Bicycle parking standards have been added for both short and long-term bike parking. An excerpt from the bike parking table is provided here:

Table 4.12-4: Bicycle Parking			
Use Category	Short-Term (bike rack, less than 2 hours)	Long-Term (secure area, longer than 2 hours)	Exceptions
KEY: DU = Dwelling Unit BR = Bedroom GFA = Gross Floor Area (total)			
RESIDENTIAL [Category description: Section 4.09.020B]			
Household Living [Subcategory description: Section 4.09.020B.2]			
Dwelling Detached, Single Unit	Not required	Not required	
Dwelling Attached, Two Units	Not required	Not required	
Dwelling Attached, with private garage or appropriately sized locked storage unit for each unit	Not required	Not required	
Dwelling, Multi-Unit Building (3+ DUs per structure) with private garage or appropriately sized locked storage unit for each unit	Min 2 + .05 per BR	Not required	
Dwelling, Multi-Unit Building (3+ DUs per structure), without private garage or appropriately sized locked storage unit for each unit	Min 2 + .05 per BR	Min 2 + 0.5 per BR	
Manufactured Home	Not required	Not required	
Mixed-Use Structure including DUs	Apply multi-unit standards based on garage availability		

4.12.060 Vehicle Parking Exceptions and Reductions

Vehicle parking reductions have been added for connections to active transportation routes, employers that provide flexible work options (documented transportation demand agreement), housing for reduced need populations, and sites that provide enhanced bicycle parking (electric bike charging or storage with showers).

TC/PZC Question: The current Downtown change of use parking exception has been removed. Changed uses will be required to provide parking or pay the in-lieu fee. Does this reflect current Town policy?

4.12.070 Vehicle Parking Access, Location, and Design

4.12.080 Drive-Through and Stacking Spaces

4.12.090 Loading Spaces

Chapter 4.13 Outdoor Lighting

This section has been revised to reflect a less complicated but still effective approach to outdoor lighting regulation. Key Dark Sky concepts are included to support the goal of increased compliance but revised to reduce the considerable time and cost of administering full IDSC standards. Some Eagle-specific components of the current code have been incorporated, including lighting exemptions and prohibitions.

Key Changes:

- Current approach revised and streamlined to reflect Town lighting priorities
- Color temperature standard added to align lighting levels with humans and wildlife

TC/PZC Question: Does the Town want to regulate string lighting?

Content

4.13.010 Purpose

4.13.020 Demonstration of Compliance

4.13.030 Applicability

4.13.040 Standards

Chapter 4.14 Environmentally Sensitive Areas and Natural Hazards

This chapter includes regulations designed to protect environmentally sensitive areas and limit development in those areas prone to natural hazards.

Key Changes:

- New standards for review of potential geologic hazards added
- New standards for consideration of impacts to wildlife habitat added
- Stream setback standards updated to designate 2 buffer zones with different impacts

Content and Comments

4.14.010 Natural Hazards

Geologic Hazards: Intended to help applicants and the Town identify when there are geologic hazards on a site that might cause life safety issues. A three-step review: (1) letter, (2) mitigation plan, and (3) hazard plan and report, allows both the applicant and Town to study potential geologic hazards along an increasingly detailed scale of information.

4.14.020 Environmentally Sensitive Areas

- Wildlife Habitat: Intended to create a standardized method for site-specific review and planning to address potential impacts on wildlife habitat created by most new development, and establish baseline avoidance and mitigation standards for types of development that typically have minimal impact on wildlife habitat.

- Water Body and Riparian Area Buffer: this update to the current live stream setback requirements is intended to provide more specificity about the areas being protected, identify areas and activities that are exempt, and clarify the list of limited uses permitted within the buffer.

Chapter 4.15 Subdivision Design and Improvement Standards

This chapter contains the Town's regulations for how subdivisions are designed.

Key Changes:

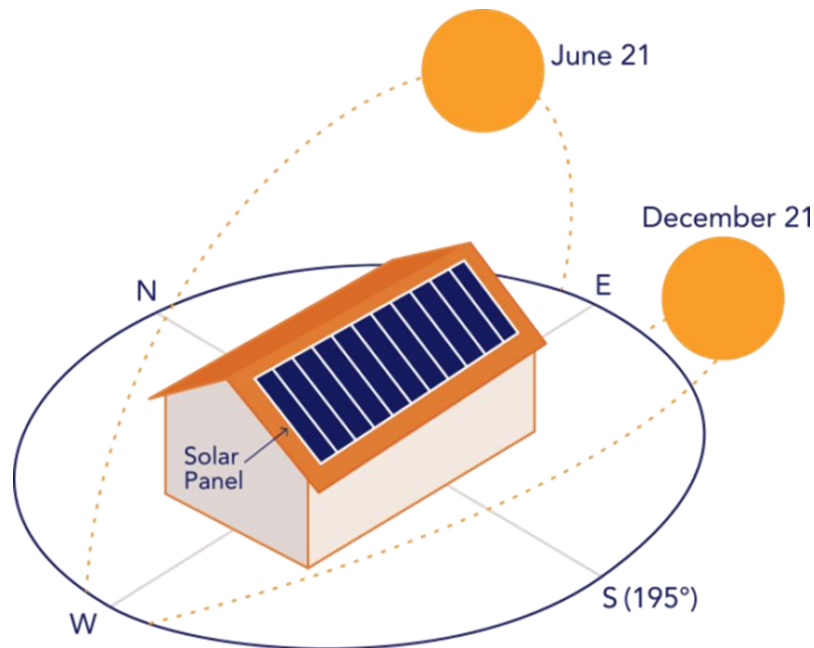
To help clarify that many of the subdivision design requirements are also applicable to new development and redevelopment, the following topics have been relocated to generally applicable sections.

- Current 4.13.010 regulating required subdivision improvements and fees has been moved to 4.17.140, Required Improvements.
- Current 4.13.030, Land Subject to Natural Hazards has been moved to 4.14.010.
- Current 4.09.040, Fire Protection, has been moved to 4.10.030.B.4, Fire Protection and 4.11.050, Wildfire Buffer.
- Current 4.09.060, Erosion and Sediment Control has been moved to 4.10.070, Erosion and Sediment Control.

Content and Comments

4.15.010 Design and Improvement Standards

Solar access and orientation standards have been added.



Solar-orientation is required to ensure that new development can be placed on a lot in a manner to maximize the availability of solar exposure.

4.15.020 Lot and Block Design and Access

4.15.030 Streets, Alleys, Sidewalks, and Bikeways

4.15.040 Easements

4.15.050 Infrastructure and Utilities

4.15.060 Boundary and Survey Monumentation

Chapter 4.16 Signs

The Town adopted updated sign regulations in 2022. They will be incorporated in this section following the adoption of this Code.

Chapter 4.17 Administration and Procedures (attached starting on pg. <>)

Chapter 4.71 includes both the general procedures and specific procedures that apply to the review and determination of development applications. It has been organized into common procedures (Sections 4.17.020 to 4.17.080), applicable to many specific development processes, and specific procedures (Sections 4.17.080 to 4.17.120). The revised Development Review Procedures incorporates all land development processes from across the LUDC. Application submission requirements, currently included with the specific procedures, have been moved into a separate section to help make the specific procedures shorter and easier to read. Required improvements and adequate public facility requirements have been moved to this section to reflect that they are applicable to both subdivision and non-subdivision applications.

Key Changes:

- Complete set of common procedures created to describe application review basics
- Instructions provided for applications that move “off-track,” such as:
 - Withdrawn applications
 - Postponed applications
 - Abandoned applications
 - Approved applications that need to be modified
 - Approved applications that have been abandoned or need to be revoked.
- A new type of notice provision, Administrative Decision Informational Notice, has been added to let neighbors know about pending administrative approvals.
- Clarification about constructive notice has been added, including instructions that a public hearing does not need to be delayed for minor defects in the notice provided.
- A new Referral and Call-Up process has been added to allow the Director to refer administrative applications to P&Z or allow P&Z to refer applications to the Town Council. P&Z can also call-up administrative approvals and Town Council can call up P&Z approvals.

- Standards are provided to determine whether applications have lapsed and how an applicant can request a time extension to an approval. A process to revoke approved applications has been added.
- Review criteria tailored to different types of specific applications
- Application submission requirements collected in one location and updated
- Required development improvements moved from subdivision for general applicability
- Standards for cost-sharing agreements added for consideration

Content and Comments

4.17.010 Overview of Procedural Requirements

A set of six common review procedures have been described to help applicants understand all of the steps in the process.



A summary of the application review requirements applicable to each type of development application has been added at the front of the procedures chapter.

Table 4.0-3: Application Review Requirements

Application Type	LUDC Section	Pre-Sub. Conf.	N'hd Mtg.	Notice	Admin (Staff)	PZC BOA DRC	Town Council	Form of Final Decision
Key: ✓ = Required R = Review and Recommend D = Decision A = Appeal RA = Ratify NoD = Notice of Decision Res. = Resolution Ord. = Ordinance								
Approval Processes								
Annexation	4.17.080.A	<i>Per Colorado Statutes</i>						
Comp. Plan Approve or Amend	Error! Reference source not found.	✓		✓	R	D	RA	Ord.
Conditional Use Permit	Error! Reference source not found.	✓	✓	✓	R	D	A	Permit

Table 4.0-3: Application Review Requirements								
Application Type	LUDC Section	Pre-Sub. Conf.	N'h'd Mtg.	Notice	Admin (Staff)	PZC BOA DRC	Town Council	Form of Final Decision
Key: ✓ = Required R = Review and Recommend D = Decision A = Appeal RA = Ratify NoD = Notice of Decision Res. = Resolution Ord. = Ordinance								
Development Plan	Error! Reference source not found.							
Administrative		✓			R, D	A (BOA)		NoD
Minor		✓		✓	R	D	A	NoD
Major		✓	✓	✓	R	R	D	NoD
PUD Rezoning	Error! Reference source not found.							
Concept Plan		✓	✓	✓	R	R	D	N/A
Development Plan		✓	✓	✓	See Development Plan, Major			
PUD Amendment		✓	✓	✓	R	R	D	Ord.
Rezoning	Error! Reference source not found.	✓	✓	✓	R	R	D	Ord.
Special Use Permit	Error! Reference source not found.	✓	✓	✓	R	R	D	Ord.
Subdivision		✓	✓	✓				
Minor Subdivision	Error! Reference source not found.	✓			R, D	A (BOA)		NoD
Sketch Plan	Error! Reference source not found.	✓		✓	R	R	R	N/A
Preliminary Plan	Error! Reference source not found.	✓		✓	R	R	D	Ord.
Final Plat	Error! Reference source not found.	✓		✓	R	R	D	NoD
Final Plat, Condo/Townhome	Error! Reference source not found.	✓		✓	R, D	A (BOA)		NoD

Table 4.0-3: Application Review Requirements								
Application Type	LUDC Section	Pre-Sub. Conf.	N'h'd Mtg.	Notice	Admin (Staff)	PZC BOA DRC	Town Council	Form of Final Decision
Key: ✓ = Required R = Review and Recommend D = Decision A = Appeal RA = Ratify NoD = Notice of Decision Res. = Resolution Ord. = Ordinance								
Vacation of ROW	Error! Reference source not found.	✓	✓	✓	R	R	D	Ord.
Variance	Error! Reference source not found.	✓	✓	✓	R	D		Res.
Vested Property Rights,	Error! Reference source not found.	✓		✓	R			
Adjustment Processes								
Administrative Adjustment	Error! Reference source not found.	✓			R, D	A (BOA)		NoD
Design Variance	Error! Reference source not found.	✓	✓	✓	R	D	D	NoD
Lot Line Adjustment	Error! Reference source not found.	✓			R, D	A (BOA)		NoD
Administrative Permits								
Administrative Permits	Error! Reference source not found.				R, D			Permit
Code Administration								
Appeal of Admin. Decision	Error! Reference source not found.	✓		✓	R	D		NoD
Code Interpretation	Error! Reference source not found.	✓			R, D	A (BOA)		NoD
Code Text Amendment	Error! Reference source not found.	✓		✓	R	R	D	Ord.

4.17.020 Pre-Submittal Conference with Staff

TC/PZC Question: Should applicants be required hold a neighborhood meeting (for certain applications) prior to formal submittal?

4.17.030 Application Submittal and Completion Review

4.17.040 Complete Application Review and Action

TC/PZC Question: At what point in the referral process should an application be scheduled for hearing?

4.17.050 Scheduling and Notice of Public Hearings

4.17.060 Review and Decision-Making

Provision for bump-up/call-up of administrative approvals added

4.17.070 Post-Decision Actions and Limitations

4.17.080 Development Review Process: Specific Applications

New procedures and major revisions include:

- Comprehensive Plan Adoption or Amendment
- Conditional Use Permit (PZC use approval)
- Development Plan (was development permit)

4.17.090 Historic Preservation

New procedures added to create a simple historic preservation process.

4.17.100 Subdivision Applications

- New lot line adjustment/consolidate process incorporated
- Minor subdivision reclassified as administrative approval
- Final plat reclassified as administrative approval
- New process for vacation of public right-of-way or easement added

4.17.110 Administrative Permits and Determinations

Administrative adjustment procedure added to allow minor modifications or deviations from the dimensional or numeric standards of this Code with approval by the Director. Administrative adjustments are intended to provide greater flexibility, when necessary, without requiring a formal zoning amendment or variance. The administrative adjustment procedure is not a waiver of current standards of this Code and shall not be used to circumvent the variance procedure.

Table 4.0-4 Administrative Adjustments to Code Standards	
Code Standard	Allowable Administrative Adjustment (max. %)
Site Standards	
Lot area, min	15
Lot coverage, max	15
Lot Dimensional Standards	
Front setback, minimum	15
Side setback, minimum	15
Rear setback, minimum	15
Encroachment into setback	15
Building Standards	
Building height, maximum (excludes WCF)	15
Accessory building height, maximum (excludes WCF)	15
Development Standards	
Number of required parking spaces, maximum or minimum	15
Lighting height, maximum	15
Sign height, maximum	15
Fence or wall height, maximum	15, one foot maximum
Minimum landscaping requirements	15

Administrative approval of FFHA reasonable accommodations and RLUIPA adjustments to relieve substantial burden also included.

4.17.120 Code Administration

- New process added for Code Interpretation.
- New process added to determine how Code standards apply to redevelopment or infill development.

4.17.130 Application Submission Requirements

4.17.140 Required Improvements

4.17.150 Assurance of Adequate Public Facilities

Chapter 4.18 Nonconformities

The nonconformities chapter identifies how the Town addresses lots, structures, uses, and “site elements” such as parking or landscaping, that were legally established but that do not comply with the regulations applicable to the site. The current standards establish only the basics in terms of nonconformity regulations, defining nonconforming uses, structures, and lots and establishing the standards for continuance or requirement for discontinuance. All of the nonconformity regulations have been grouped into a single section and revised for clarity.

4.18.010 Purpose and Intent

4.18.020 Applicability

4.18.030 Nonconforming Status

4.18.040 Nonconforming Uses

4.18.050 Nonconforming Structure

4.18.060 Nonconforming Lots

Chapter 4.19 Violations and Enforcement

The violations and enforcement chapter identifies specific and general activities that are LUDC violations and describes the options available to the Town to enforce the provisions of the Code. The existing enforcement provisions are fairly summary in nature. This does not limit the Town's ability to enforce the Code, but it does miss an opportunity to help Code users understand the various tools available to the Town's code enforcement team. The updated chapter provides a clearer statement of what actions or non-actions constitute a violation of the LUDC and a detailed listing of the broad range of penalties and remedies available to the Town pursuant to Colorado law.

4.19.010 Purpose

4.19.020 Compliance Required

4.19.030 Permits and Approvals

4.19.040 Enforcement

4.19.050 Violations

4.19.060 Remedies and Penalties

Chapter 4.20 Measurements and Definitions

The measurements and definitions chapter provides a set of standardized measurements that can be used across the LUDC and defines the specific terms used in different parts of the Code.

Key Changes:

- Measurements consolidated in one location, updated, and illustrated
- General definitions reviewed, updated, and added as needed

Content and Comments

4.20.010 Term Inclusions

4.20.020 Rules of Construction

4.20.030 Rules of Interpretation

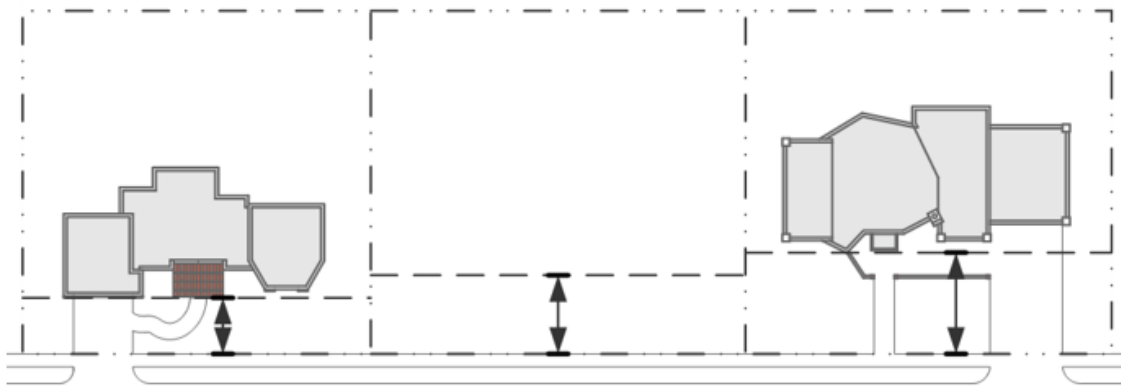
4.20.040 Measurement Descriptions and Instructions

Generally applicable rules of measurement have been identified and illustrated to help set shared expectations between the Town and development applicants. A sample measurement standard is provided here:

A. Block Face Averaging

The block face setback or build-to average shall be calculated as follows:

1. **Front Lots:** The average of the front setbacks of the next two lots on each side of the lot on the same side of the street. If any applicable lots are vacant, the minimum front setback or build-to zone from the site and structure regulations of the district shall be used in the calculation.
2. **Street Side Lots.** The average of the front setbacks of the next two lots adjacent to the lot with the same street frontage as the lot in question. If any applicable lots are vacant, the minimum front build-to zone shall be used in the calculation.



4.20.050 General Definitions

General definitions have been updated and regulatory standards removed from the definitions and located with similar substantive regulations.

4.20.060 Sign Definitions

All of the sign definitions are collected in one section for ease of use.

4.20.070 Wireless Telecommunications Definitions

All of the wireless telecom definitions are collected in one section for ease of use.

Attachment A: Zoning Map Updates

ZONED OR REZONED TO

- A Commercial General or Light Industrial
- B Highway Commercial
- C Commercial General
- D Commercial Mixed-Use 1 - For West Eagle on currently commercial lots setback from Grand Ave
- E Commercial Mixed-Use 2 - For Commercial lots along Grand Ave or at Roundabouts (only for currently commercial lots) - On Grand Ave we want to allow for vertical & horizontal mixed-use.
- F Mixed Residential High Density
- G Downtown Neighborhood Mixed Residential - Revise to allow for multi-family up to 8 units.
- H Public & Civic 2 Open Space

DISCLAIMER:

The zoning information shown on this map is provided as a public resource for general purposes only. The representation of locations on the map cannot be substituted for actual legal surveys. Use of this information is the sole responsibility of the user and the Town of Eagle assumes no liability with the use or misuse of the information.

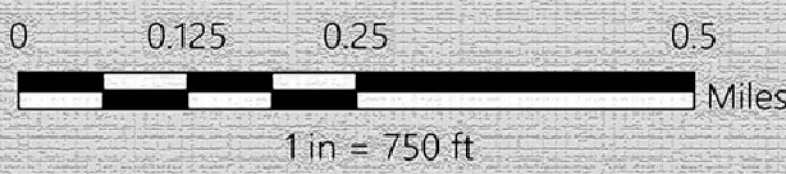
LEGEND

- Town Boundary
- Zone District
- Central Business District (CBD)
 - Commercial General (CG)
 - Commercial Limited (CL)
 - Industrial (I)
 - Residential Medium (RM)
 - Residential High Density (RH)
 - Residential Multi-Family (RMF)
 - Rural Residential (RR)
 - Planned Unit Development (PUD)
 - Public Area (PA)
 - Resource (R)
 - Broadway Overlay District

PUD LIST

1. Eagle Ranch
2. The Terrace
3. Cedar Ridge
4. Golden Eagle Elderly Housing
5. The Bluffs
6. The Lofts on Eagle River
7. Nock Subdivision
8. Lot 2/Eagle Interchange South
9. Brooks Lane Subdivision
10. Art's Court
11. Eagle Landing
12. Haymeadow PUD
13. Soleil Homes
14. Reserve at Hocket Gulch
15. Red Mountain Ranch

TOWN OF EAGLE
ZONING MAP



PREPARED BY: TOWN OF EAGLE
MAP DATE: MARCH 21, 2022

Attachment B: PUD Updates

Chapter 4.08 Planned Unit Development

Update Comment: This section includes the PUD review procedures AND the PUD content requirements. The updated LUDC includes updated development standards that are designed to address the problems that most typically require a community to rely on PUD zoning. Future PUDs will be more closely linked to this LUDC to ensure that the full range of standards in this Code are applicable unless the Town agrees to specific modifications. This new language also reformats the PUD process so that the first step is conceptual (more of a comp plan review) and the second and final step is when all applicable standards and conditions apply. Vesting is given with the approval of the final PUD.

4.08.1 AUTHORITY AND DESCRIPTION

A. Authority

This chapter is authorized by C.R.S. Title 24, Art. 67, as amended, the Planned Unit Development Act of 1972.

B. Description

1. A planned unit development (PUD) is a large land area designed for development as a unit, where uses and innovations in design and layout of the development provide public benefits over standard, uniform lot and block patterns and design features.
2. In a PUD, the various land use elements are designed so that they inter-relate cohesively with each other. The boundary between the PUD and adjacent land areas requires particular attention to ensure that land use patterns are compatible or buffered.

4.08.2 PURPOSES

The purposes of this chapter are to:

- A. Encourage innovations in residential, commercial and industrial development so that the needs of the population may be met by greater variety in type, design and layout of buildings and land uses and by the conservation and more efficient use of open space;
- B. Support the Comprehensive Plan while providing flexibility by allowing projects that do not comply with standards of an established zone district;
- C. Promote the most appropriate use of the land;
- D. Improve the design, character, and quality of new development;
- E. Facilitate the adequate and efficient provisions of streets, utilities, and government services;
- F. Facilitate efficient provision of solar access;
- G. Achieve beneficial relationships with the surrounding area;
- H. Preserve the unique, natural and scenic features of the landscape;
- I. Preserve open space as development occurs;
- J. Provide for necessary commercial, recreational, and educational facilities conveniently located to housing; and

- K. Lessen the burden of traffic on streets and highways.

4.08.3 COMMUNITY BENEFIT

In order to be deemed as an acceptable alternative to the Town's established zone districts, the Conceptual and Final PUD shall include one of the following community benefits:

A. Affordable Housing

Affordable housing provided at three times the amount required under the Town's LERP standards, Section <> [LERP]

B. Sustainable/Resilient Design

The application must propose project, site, or building design features demonstrated to achieve two or more of the following reductions in resource consumption or trip generation when compared to those levels anticipated for developments of a similar type under the reference base district:

1. A reduction in water consumption of at least 25 percent; or
2. A reduction in non-renewable energy use of at least 25 percent; or
3. A reduction in average daily motor vehicle trip generation of at least 25 percent

C. Park or Trail Dedication to Remedy Current Deficiencies

The application shall include a report that describes deficiencies in the existing local parks and recreation system. The application shall include information as to how the project will solve or improve such deficiencies.

4.08.4 STANDARDS

PUDs shall be in conformance with this Code and the Town's requirements, policies, and plans. The requirements of this section shall apply to all PUDs and shall take precedence over other standards and requirements. In a PUD, design standards may be varied where the Planning and Zoning Commission and Town Council find that the variation will be in conformance with the Comprehensive Plan, produce a public benefit over strict application of the regulation varied from, and that the variation does not impair the intent and purposes of this Title.

A. Minimum Size

1. Every PUD shall have a minimum gross area of five acres.
2. Exception to this requirement may be made by the Town Council upon recommendation from the Planning and Zoning Commission at the time of PUD Concept Plan approval, provided Town Council finds that the PUD size and PUD Concept Plan are in conformance with the intent and purposes of this chapter and the Town's plans.

B. Designation

Planned Unit Developments are permitted only on land rezoned to "PUD."

C. Density, Structures, and Uses

1. The density allowed in a PUD shall not.
2. PUDs may include any uses or a mix of uses supported by the Comprehensive Plan and approved by the Planning and Zoning Commission and the Town Council. PUDs may include

uses typically approved as Administrative, Conditional, or Special Use Permits without the need for those separate approvals, but subject to similar conditions of approval.

3. The PUD Final Plan shall specify what uses and structures are permitted, including their locations, size and restriction or conditions of use. Within each PUD, specific uses shall be allowed only as set forth in the approved Final PUD.

D. Open Space

1. A minimum of 20 percent of the total gross area of a PUD shall consist of common open space. This may be counted toward applicable subdivision open space requirements. Open space restrictions shall be permanent.
 - a. The Town may consider a request by the applicant to provide less than 20 percent common open space when deemed appropriate because of size, location, or nature of the proposed development.
 - b. In its consideration of a reduction in the amount of open space, the Town may require compensation in the form of a cash-in-lieu of open space payment and/or construction of appropriate amenities, including off-site improvements.
 - c. The payment of cash-in-lieu of open space and/or amenities shall be utilized by the Town or placed by the applicant to mitigate the reduction of open space or to fulfill the recreational needs of the neighborhood.
- E. 75 percent of the common open space contained in a PUD shall have a slope of 10 percent or less and shall be designed as common open space for recreational purposes. At least one-half of the common open space shall be developed for active recreation which may include play fields, sport courts, picnic sites, boating areas, and similar recreation sites.
 1. Adequate water rights dedication and tap fee payment shall be provided pursuant to Title 12 ~~and irrigation system development shall be provided for open space areas.~~
 - a. For irrigation systems using treated water, tap fees shall be paid and water rights dedicated to the Town. Irrigation system development shall be conveyed to the entity responsible for the ongoing maintenance of the open space.
 - b. For irrigation systems using raw water, water rights and irrigation system development shall be conveyed to the entity responsible for the ongoing maintenance of the open space.
 2. An organization that is responsible for ownership, permanent care and maintenance of open spaces and recreational areas and facilities shall be established and is subject to approval of the Town Attorney.
 - a. The organization shall be established pursuant to an instrument recorded with the County Clerk and Recorder's office, setting forth the character, duration, rights, obligations and limitations of said organization.
 - b. The instrument shall be recorded prior to the sale of any residence, and membership shall be mandatory for each property owner, and shall be considered a covenant running with the land.
 - c. The organization shall be responsible for utilities, maintenance, liability insurance and taxes on open space and recreational facilities.

- d. The organization shall have the power to levy assessments which can become liens on individual properties for the purpose of financing the operation and maintenance of common facilities.
- e. In the event the organization established to own and maintain common open space, recreational areas or commonly owned facilities, or any successor organization, shall at any time fail to maintain the areas or facilities in reasonable order and condition in accordance with the approved PUD plan, the Town may take action as provided by C.R.S. § 24-67-101 et seq.

F. PUD Perimeter

The boundary between a PUD and adjacent land uses shall be landscaped so as to adequately buffer potential incompatibility between land uses.

G. Infrastructure and Utilities

Infrastructure and utilities shall be provided as required by Section <>.

4.08.5 PHASING

- A. Where a PUD is developed in phases, a proportional amount of the required open space and recreation areas shall be included in each phase, such that the project as it is built will comply with the overall density and open space requirements of this chapter at the completion of each phase of development. Phasing shall be accomplished such that at the completion of any phase the development is consistent with the Town's goals and policies.
- B. [insert phasing/vesting time limits for long term PUDs]

4.08.6 PLANNED UNIT DEVELOPMENT REVIEW

A. Overview

- 1. Applications for Planned Unit Developments shall be reviewed in two stages: (1) the PUD Concept Plan, and (2) the PUD Final Plan.
- 2. Review of a subdivision sketch plan, per Section 4.17.100.D.2, may be waived with review of the PUD Concept Plan, at the discretion of the Director.

B. PUD Concept Plan

1. Review Procedures PUD Concept Plan

Applications for PUD Concept Plan shall meet the common review procedures in Table 4.17-7, and shall include the information identified in Section 4.17.130.C.

2. Public Notice and Public Hearing Requirements

The application shall be scheduled for a public hearing before the Planning and Zoning Commission and Town Council that shall be noticed pursuant to Section 4.17.050.

3. Site Review

Before the Planning and Zoning Commission reviews the PUD Concept Plan, at least three members of the Planning and Zoning Commission shall review the proposed PUD site. They may make written or verbal or oral recommendations to the full Planning and Zoning Commission regarding characteristics of the site which may have a bearing on the PUD Concept Plan.

C. Review Criteria and Decision-Making

- a. The Planning and Zoning Commission shall review and recommend and Town Council shall review and decide on the application based on the following criteria:
 - i. **Comprehensive Plan**
The PUD Concept Plan is consistent with the provisions of applicable adopted comprehensive plan policies and any adopted area or corridor plans;
 - ii. **Land Use and Development Code Standards**
The PUD Concept Plan meets the requirements of this Code, including the provision of a sufficient Community Benefit per Section <>.
- b. A Planning and Zoning Commission recommendation of approval of the PUD Concept Plan is a recommendation for approval of the proposed base zone districts, densities, and uses within the PUD and their general locations.
- c. The Town Council's decision to approve the PUD Concept Plan conveys approval for the applicant to proceed to PUD Final Plan submission in compliance with the approved Concept Plan. The Town Council shall also determine whether any required dedications shall be in the form of a fee or actual land dedication.

2. Post-Decision Actions

- a. **Modification or Amendment**
Requests for modification or amendment shall be reviewed per Section 4.17.070.B, Modification or Amendment of Approvals.
- b. **Lapsing and Extension of Approvals**
PUD Concept Plan approvals lapse and may be extended as follows:
 - i. Within 24 months of PUD Concept Plan approval, the applicant shall submit a PUD Final Plan for all or part of the project area for review.
 - ii. The applicant may request and the Town Council may grant an extension to the PUD Concept Plan approval, based on a request made by the applicant prior to the expiration of the 24-month period.
 - iii. If more than 24 months elapse from the PUD Concept Plan approval date without submission of a PUD Final Plan and no extension has been granted, the PUD Concept Plan approval shall lapse and be considered void and of no effect.

D. PUD Final Plan

1. Application Submission

- a. A PUD Final Plan shall be submitted with a Section 4.17.080.F, Rezoning application.
- b. Where a PUD or any phase of a PUD involves a subdivision of land, the subdivision application shall be reviewed per Section 4.17.100.D, Subdivision.
- c. The subdivision review may run concurrently with the PUD Final Plan review.
- d. If the applicant elects to have the subdivision reviewed concurrently with the PUD Final Plan, upon approval of the PUD Final Plan and the final subdivision plat by the Town Council, the Council shall adopt an ordinance zoning the subject property PUD Overlay.

2. Review Criteria and Decision-Making

The Planning and Zoning Commission shall review and recommend and Town Council shall review and decide on the PUD Final Plan based on conformance with the following criteria:

a. Rezoning Standards

The PUD Final Plan meets the approval criteria for rezonings, per 4.17.080.F.5.d;

b. PUD Concept Plan

The PUD Final Plan complies with the approved PUD Concept Plan and the requirements of Chapter 4.08, Planned Unit Development District; and

c. Land Use and Development Code Standards

The PUD Final Plan meets all applicable standards of this Code not expressly modified by the PUD application.

3. Post-Decision Actions

a. Modification or Amendment

Requests for modification or amendment shall be reviewed per Section 4.17.070.B, Modification or Amendment of Approvals.

b. Lapsing and Extension of Approvals

If the applicant does not establish vested rights for a PUD pursuant to Section 4.17.080.I, and no development has occurred on the site in three years following the approval date of the PUD Final Plan, the PUD Final Plan shall be considered lapsed and the requirements of the base zone districts shall be applicable to any future development unless a new PUD Final Plan is approved.

4.08.7 PUD AMENDMENTS

A. Minor Amendments

1. Classification of Minor Amendments

a. Allowed Minor Amendments

Minor amendments to an approved PUD Final Plan may be approved by the Director if the proposed amendment complies with the following criteria:

- i. The amendment shall not change the ratio of residential units to square feet of non-residential building square footage by more than 10 percent.
- ii. The gross square footage of non-residential building area shall not be increased by more than 10 percent.
- iii. The number or location of vehicular access points shall not be changed in a way that negatively impacts public safety or the flow of traffic onto public streets.
- iv. The numeric standards in the PUD Final Plan not specified above shall not be revised by more than would be allowed through Section 4.17.110.A, Administrative Adjustment.

b. Prohibited Amendments

The following changes may not be approved through the minor amendment process:

- i. Changes the allowed uses listed in the approved PUD Final Plan,

- ii. Changes to required open space, or
- iii. Changes to the PUD perimeter boundary.

2. Review Criteria and Decision-Making

The Director shall consider the following criteria with respect to the proposed change(s) when reviewing a PUD Final Plan amendment:

a. PUD Concept Plan

The minor amendment is compatible with the approved PUD Concept Plan.

b. Adverse Impacts

The minor amendment will not cause adverse impacts to development within the PUD or adjacent development.

c. Technical Change

The change is of a technical nature that is required to:

- i. Compensate for an unusual site condition;
- ii. Correct a minor, inadvertent failure to comply with an applicable Code standard; or
- iii. Protect a sensitive resource or natural feature that was not discovered during the PUD review and approval process.

B. Major Amendments

Major PUD amendments shall be reviewed in the manner set forth for original PUD applications.

4.08.8 PUDs APPROVED UNDER PRIOR CODES

A. Intent

The Town's intent is to continue to allow the development of PUDs approved under prior codes, determining that they remain valid under this Code subject to expiration or revocation of subsequent approvals. To give effect to this intent, interpretation may be required to fully describe applicable terms and requirements and to avoid the continuance of shell PUDs that cannot be fully implemented or developed.

B. Interpretation

PUDs approved under prior codes shall be interpreted as follows:

1. Planned Unit Developments that predate this Code shall be narrowly interpreted and are limited to the specified terms of approval.
2. If the PUD approval is silent as to a term or requirement, the most closely similar provision of this 2023 LUDC shall be applied. For example, if a Planned Unit Development does not specify a process for amendment, the process for amending Planned Development approvals in Section <> will be used.
3. Where a base zone district(s) was not specified in the PUD approval, the Director shall interpret and apply a zone district(s) from this LUDC that most closely reflects the PUD's dimensional and use standards.
4. Where this Code changes a generally applicable standard, such as updates to ADU or outdoor lighting standards, the updated generally applicable standards are also applicable to approved PUDs unless the PUD was approved with a specific standard(s) regulating the same topic.

Attachment C: Chapter 4.17, Administration and Procedures

Chapter 4.17 Administration and Procedures

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4.17.010 OVERVIEW OF PROCEDURAL REQUIREMENTS

A. Organization

The administration of development processes and permits is divided into two categories. Common Review Procedures (Sections 4.17.020 to 4.17.070) and Specific Applications (Sections 4.17.080 to 4.17.120). Both are described in this section.

B. Common Review Procedures

The following requirements are common to many of the procedures contained in this Code. Applications are typically processed in accordance with the steps shown in Figure __. Additional details may be included in each specific procedure.

1. Pre-Submittal Conference with Staff (Sec. 4.17.020)
2. Application Submittal and Completion Review (Sec. 4.17.030)
3. Complete Application Review and Action (Sec. 4.17.040)
4. Scheduling and Notice of Public Hearings (Sec. 4.17.050)
5. Review and Decision-Making (Sec. 4.17.060)
6. Post-Decision Actions (Sec. 4.17.070)



C. Common Development Approval Requirements

This chapter also includes standards for the following requirements that are applicable to a range of development approvals:

1. Assurance for Completion of Public Improvements
2. Development Impact Report
3. Dedications and Impact Fees

D. Specific Review Procedures

Sections 4.17.080 to <> provide the application-specific requirements for review and submission of each type of application or permit available:

E. Summary of Application Steps

Table 4.17-1 summarizes the application procedures in this Code and identifies whether pre-application and neighborhood meetings are required. Exceptions to these general rules apply and may be specified in the regulations for the individual procedure.

Table 4.17-1: Application Review Requirements

Application Type	LUDC Section	Pre-Sub. Conf.	N'h'd Mtg.	Notice	Admin (Staff)	PZC BOA DRC	Town Council	Form of Final Decision
Key: ✓ = Required R = Review and Recommend D = Decision A = Appeal RA = Ratify NoD = Notice of Decision Res. = Resolution Ord. = Ordinance								
Approval Processes								
Annexation	4.17.080A	<i>Per Colorado Statutes</i>						
Comp. Plan Approve or Amend	4.17.080B	✓		✓	R	D	RA	Ord.
Conditional Use Permit	4.17.080C	✓	✓	✓	R	D	A	Permit
Development Plan	4.17.080D							
Administrative		✓			R, D	A (BOA)		NoD
Minor		✓		✓	R	D	A	NoD
Major		✓	✓	✓	R	R	D	NoD
PUD Rezoning	Ch. 4.08							

Table 4.17-1: Application Review Requirements

Application Type	LUDC Section	Pre-Sub. Conf.	N'h'd Mtg.	Notice	Admin (Staff)	PZC BOA DRC	Town Council	Form of Final Decision
Key: ✓ = Required R = Review and Recommend D = Decision A = Appeal RA = Ratify NoD = Notice of Decision Res. = Resolution Ord. = Ordinance								
Concept Plan		✓	✓	✓	R	R	D	N/A
Development Plan		✓	✓	✓	See Development Plan, Major			
PUD Amendment		✓	✓	✓	R	R	D	Ord.
Rezoning	4.17.080E	✓	✓	✓	R	R	D	Ord.
Special Use Permit	4.17.080F	✓	✓	✓	R	R	D	Ord.
Subdivision		✓	✓	✓				
Minor Subdivision	4.17.100C	✓			R, D	A (BOA)		NoD
Sketch Plan	4.17.100D.2	✓		✓	R	R	R	N/A
Preliminary Plan	4.17.100D.3	✓		✓	R	R	D	Ord.
Final Plat	4.17.100E	✓		✓	R	R	D	NoD
Final Plat, Condo/Townhome	4.17.100F	✓		✓	R, D	A (BOA)		NoD
Vacation of ROW	4.17.100G	✓	✓	✓	R	R	D	Ord.
Variance	4.17.080G	✓	✓	✓	R	D		Res.
Vested Property Rights,	4.17.080H	✓		✓	R			
Adjustment Processes								
Administrative Adjustment	4.17.110A	✓			R, D	A (BOA)		NoD
Design Variance	4.17.100A	✓	✓	✓	R	D	D	NoD
Lot Line Adjustment	4.17.100B	✓			R, D	A (BOA)		NoD
Administrative Permits								
Administrative Permits	4.17.110B				R, D			Permit
Code Administration								
Appeal of Admin. Decision	4.17.120A	✓		✓	R	D		NoD
Code Interpretation	4.17.120B	✓			R, D	A (BOA)		NoD
Code Text Amendment	4.17.120C	✓		✓	R	R	D	Ord.

4.17.020 PRE-SUBMITTAL CONFERENCE WITH STAFF

A. Purpose

1. The purpose of the Pre-Submittal Conference is to provide an opportunity for the applicant and the Town Staff to discuss the development concept prior to the application submission for a project or permit in order to:

- a. Determine the required application(s) and, if necessary, the timing of multiple application submittals (i.e., whether they may be processed concurrently or must be processed sequentially);
 - b. Provide the applicant with application materials and inform the applicant of submittal requirements;
 - c. Provide the applicant with an estimated time frame for the review process;
 - d. Discuss general compliance with the Code's zoning, use, density, development, and design standards, and attempt to identify potentially significant issues regarding compliance;
 - e. Determine whether additional Pre-Submittal Conference(s) with the Planning and Zoning Commission or Town Council will be necessary;
 - f. Discuss the need for any neighborhood meetings and public notice requirements; and
 - g. Engage the applicant in conversation with other departments or agencies to discuss potential significant issues prior to application submittal.
2. Pre-Submittal Conferences are informational for the applicant and are not open to the public.

B. Applicability

A Pre-Submittal Conference is required prior to the submission of all development applications, including administrative applications and permits. The Pre-Submittal Conference will be held with staff unless there are issues with comprehensive plan compliance; compliance issues will be addressed per Section 4.17.020B.2.

1. Applicant Responsibilities

The applicant shall prepare the following general information and any additional information required by the specific application type for the Pre-Submittal conference:

- a. An application for the requested approval on a form provided by the Town;
- b. If the development is on previously subdivided land, a copy of the approved subdivision plat; and
- c. A concept plan of the proposed development per Section 4.17.130A.

2. Staff Responsibilities/Outcome

- a. Town staff attending the Pre-Submittal Conference shall identify concerns or factors the applicant should consider related to the scope, features, and potential impacts of the project as they relate to this Code, adopted building or engineering standards, or other policies or regulations enforced by the Town and/or other public entities.
- b. Town staff shall also indicate to the extent possible whether additional approval procedures are required for the proposed project, such as a variance or administrative adjustment.
- c. If the Director determines that overall compliance with the Comprehensive Plan or sub-area plans is in question, the Director may schedule a follow-up Pre-Submittal Conference(s) with the Planning and Zoning Commission or Town Council pursuant to the process described in this section and using the same materials prepared for the Pre-Submittal Conference with staff.

C. Record and Effect

1. The Town is not responsible for making or keeping a summary of the general topics discussed at the Pre-Submittal Conference.
2. A Pre-Submittal Conference is advisory only and does not constitute or effect approval of any aspect or item of an application.
3. Discussions of potential conditions to mitigate impacts do not reflect actions by the decision-making body until and unless a decision-making body takes formal action to attach that condition to a development approval.

4.17.030 APPLICATION SUBMITTAL AND COMPLETION REVIEW

A. Authority to File

1. Property Owner Application

- a. The person having legal authority to take action according to the approval sought shall file an application for a project review or approval under this Code. The person is presumed to be one of the following: (1) the record owner, (2) purchaser under a sale or option to purchase, or (3) the duly authorized agent of the record owner.
- b. If there are multiple owners, contract purchasers, or other persons authorized to submit the application, all such persons shall sign the application or a notarized letter or document consenting to the application.
- c. If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the Town Attorney.
- d. Agents may only submit applications where the owner(s) indicates consent in writing on the application or appropriate form.

2. Town Application

A Town-submitted request for action pursuant to the Code shall be initiated by the appropriate managing department (e.g., Public Works or Police Department). Requests made by elected or appointed bodies with the authority to request a change or other action pursuant to this Code shall be initiated by a vote of that body and then processed by the Director.

B. Application Submission Requirements

1. Applications shall be submitted in accordance with the application submittal schedule, required forms, and required numbers of copies of each document (if any), established and revised from time -to time by the Director.
2. The applicant bears the burden of demonstrating compliance with application requirements.

C. Development Impact Report (DIR)

1. Purpose

It is the purpose of this section to:

- a. Ensure that complete information concerning any adverse effects of the proposed development on the environment, essential public and private services and facilities, including educational facilities, as well as the health, safety, order, convenience, prosperity, and welfare of present and future inhabitants of the Town is available to the Town Council, the Planning and Zoning Commission and the general public;
- b. Ensure that long-term protection of the environment, creation of local housing, and the provision of essential public and private services and facilities such as streets, utilities, and educational facilities are considered in development planning and that land use and development decisions, both public and private, take into account the relative merits of possible alternative actions;
- c. Ensure that proposed developments promote a healthful and convenient distribution of population, the wise and efficient expenditure of public funds, including the funds of other governmental entities, as well as the adequate provision of essential public services, facilities and requirements, including schools;
- d. Provide procedures for local review and evaluation of the environmental and social-economic effects of proposed development projects, including essential public and private services and facilities, prior to granting development approvals or permits; and
- e. Provide for the reasonable and adequate mitigation of on-site and off-site impacts generated by the proposed development or subdivision on the environment and essential public or private services and facilities, including streets, utilities, and educational facilities.

2. Applicability

All applications shall be accompanied by a Preliminary DIR Statement per Section C.3, below. If a proposed project triggers any of the impacts identified on the checklist, the applicant shall prepare a full Development Impact Report as described in Section C.4.

3. Preliminary Statement

Every development application shall include a preliminary statement of whether the proposed project will, will not, or could possibly affect the environment, either during construction or on a continuing basis, in each of the following respects:

- a. By altering an ecological unit or landform, such as a ridgeline, saddle, draw, ravine, hillside, cliff, slope, creek, marsh, watercourse, or other natural land form feature;
- b. By directly or indirectly affecting a high priority wildlife habitat;
- c. By substantially altering or removing native grasses, trees, shrubs, or other vegetative cover;
- d. By affecting the appearance or character of a significant scenic area or resource, or involving buildings or other structures that are of a size, bulk, or scale that would be in marked contrast to natural or existing cultural features;
- e. By potentially resulting in avalanche, landslide, siltation, settlement, flood, or other hazard to health and safety;
- f. By discharging toxic or thermally abnormal substance or involving use of herbicides or pesticides, or emitting smoke, gas, steam, dust, or other particulate matter;
- g. By involving any process which results in odor that may be objectionable or damaging;

- h. By requiring any waste treatment, cooling, or settlement pond, or requiring transportation of solid or liquid wastes to a treatment or disposal site;
- i. By discharging significant volumes of solid or liquid wastes;
- j. By increasing the demand on existing or planned sewage disposal, storm drainage, water distribution system, streets, or other utility systems to a level which is likely to cause an adverse impact on the environment;
- k. By involving any process which generates noise that may be offensive or damaging;
- l. By either displacing significant numbers of people or resulting in a significant increase in population;
- m. By pre-empting a site which is desirable for recreational uses or planned open space;
- n. By altering local traffic patterns or causing an increase in traffic volume or transit service need;
- o. By substantially affecting the revenues or expenditures of the Town government;
- p. By increasing the demand on existing or planned school facilities to a level which is likely to cause an adverse impact on such school facilities, an adverse impact on educational opportunities, or an adverse impact on the revenues and expenditures of the Eagle County School District RE 50-J;
- q. By being a part of a larger project which, at any future stage, may involve any of the impacts listed above.

4. Development Impact Report Requirements

- a. For each potential impact identified in Section 4.17.030C.2 for which the response is "will" or "could possibly," a Development Impact Report addressing the potential impact may be requested by the Director before development review by the Planning and Zoning Commission or Town Council at any time prior to final approval. In addition, a public facilities impact statement may be required in accordance with the provisions of Section <>.
- b. The Development Impact Report shall include technical studies, data, conclusions, summaries, and recommendations, performed by qualified professionals at a level of detail commensurate with the potential impact of the development. The content, form, preparers, and detail shall be adequate to enable the Town staff, Planning and Zoning Commission, and Town Council to assess the impact of the proposal and the adequacy of the proposed mitigating measures, and shall be subject to approval of the Town Manager.
- c. The Development Impact Report shall describe temporary and long-term impacts of the project, both primary and secondary as well as beneficial and detrimental. The report shall include assessment of the following:
 - i. Adverse effects which cannot be avoided if the proposal is implemented,
 - ii. Mitigating measures proposed to minimize the impact,
 - iii. Cumulative and long-term effects of the proposal, which either significantly reduce or enhance the state of the environment,
 - iv. Possible alternatives to the proposed action,

- v. Irreversible environmental changes resulting from implementation of the proposal, and
- vi. Population and economic impacts of the proposal.

D. Concurrent Applications

1. Where an applicant seeks approval of two different requests for the same parcel simultaneously, except for annexation requests, the applicant shall submit all necessary documents, plans, maps, and other required information in accordance with the provisions relating to both submitted applications and pay all appropriate fees for both applications.
2. Whenever two or more different application types, except for annexation requests, are being processed simultaneously and this Code provides different time frames for review or decision-making, all related applications and approvals shall be completed within the longest time frame applicable to any of the relevant procedures.
3. Applicants with annexation requests shall confer with staff about the timing of application submission and review during the Pre-Application Conference.

E. Fees

1. Generally

- a. Application fees shall be established and may be updated by the Town Council by resolution.
- b. Application fees shall be based on the cost of Town staff time and administrative costs of processing of applications.
- c. The application fee shall be paid in full when the application is filed or the application will not be reviewed for completeness.
- d. Application fees are nonrefundable.
- e. The applicant may incur additional processing fees following the submission of a complete application. Application approvals shall be withheld and not be considered final until the applicant has submitted full fee payment.

2. Technical Assistance Pass-Through Costs

The applicant shall reimburse the Town for all actual costs incurred by the Town for work performed by consultants or contractors engaged by the Town to review the application and related documents, including the Town Attorney, the Town's water attorney, planning consultants, and engineering consultants.

a. Deposit

- i. A deposit may be necessary to cover technical assistance pass-through costs for complex applications, as determined by the Director. The deposit shall be established and may be updated by the Town Council by Resolution.
- ii. Payment of the deposit is due at application and is required to be paid in full prior to a completeness review.
- iii. The Town shall return any remaining deposit to the applicant within 60 days of final disposition or withdrawal of the application, less any unpaid pass-through costs.

b. Billing and Payment

- i. The applicant shall be billed on a monthly basis by the Town for all pass-through technical assistance costs incurred by the Town during the prior month.
- ii. Full payment of technical assistance pass-through costs is due with the application fees. Full payment of any pass-through costs incurred by the Town after acceptance of the application is due within seven days of receipt of an invoice from the Town.
- iii. The Town may delay consideration of the application or withhold the final approval document (e.g., PUD or permit) or recording of any subdivision plat if there are unpaid pass-through costs. Any ordinance or resolution approving an application shall not become effective until all outstanding invoices issued by the Town are paid in full.

3. Unpaid Fees

All unpaid application fees and pass-through costs shall be subject to Section <>.

4. Fee Changes to Complete Applications.

In addition to fees set forth in the Town Fee Schedule, the following fees shall apply to actions taken on a complete application:

a. Withdrawn Application

- i. All application fees are forfeited in the event the Town has incurred any time or expense related to the review of the application.
- ii. The submission fee shall be paid again in full if the application is resubmitted. .

b. Continuance of Application

Payment of additional fees may be required to cover the cost of additional notice.

c. Reapplication

Payment of full fees shall be required for a reapplication where a previous application has been denied.

d. Modification or Revision of Approved Site Plan

- i. Minor modifications: Applications that qualify for approval through administrative relief shall be considered minor modifications and shall be required to pay the application submission fee in the Fee Schedule.
- ii. Major modifications: Any requested modifications that do not qualify for administrative relief shall be considered major modifications. A new application is required along with the associated application fee.

F. Application Submission Waiver

1. At or following a Pre-Submittal Conference, the Director may agree to waive specific project submittal requirements in order to reduce the burden on the applicant and tailor the requirements to the information required to review a specific application.
2. The Director may waive such requirements where the applicant has made an itemized, written request identifying the specific submission items to be waived and why, and the Director finds the following:
 - a. The applicant shows good cause for the requested waiver;

- b. The project size, complexity, anticipated impacts, or other factors support a waiver;
 - c. The waiver does not compromise a proper and complete review; and
 - d. The information is not material to describing the proposal or demonstrating compliance with approval criteria.
3. A copy of the Director's waiver approval shall be submitted with the application along with a statement that the applicant understands that the Planning and Zoning Commission or Town Council may require the waived information if it is deemed necessary for review of the application.

G. Determination of Completeness

1. Complete Application Required

All applications must be complete prior to any processing by the Town. A complete application includes all the submittal information identified on the application form and any items or exhibits requested by the Director that are consistent with the standards and requirements of this Code. A complete application is also accompanied by full payment of the applicable fee(s).

2. Determination of Application Completeness

The Director shall determine whether the application is complete or incomplete and, if determined to be incomplete, shall provide a written determination of the incomplete items to the applicant. Any deficiencies noted by the Director shall be addressed by the applicant prior to resubmitting the application.

- a. A complete application shall be processed according to the procedures in this chapter.
- b. An incomplete application shall not be processed or reviewed.

3. Minor Application Revisions

- a. An applicant may revise an application after receiving notice of inconsistencies with the requirements of this chapter following staff review or after requesting and receiving permission from an advisory or decision-making body after that body has reviewed, but not yet taken action on, the application.
- b. Revisions shall be limited to changes that directly respond to specific requests or suggestions made by staff or the advisory or decision-making body, as long as they constitute only minor additions, deletions, or corrections and do not include significant substantive changes to the development proposed in the application, as determined by the Director. All other application revisions shall be processed as a new application.

4. Abandoned Applications

If an application has not been resubmitted to address staff-noted deficiencies or requests or suggestions from the advisory or decision-making body within 60 days, the application shall be deemed abandoned. Resubmission of abandoned applications shall require a new Pre-Submittal Conference and may be subject to additional fees.

H. Complete Applications with Changed Status

1. Withdrawn Application

- a. After an application has been accepted for review, the applicant may withdraw the application at any time by prior to public hearing submitting a written request for withdrawal to the Director.
- b. An applicant is not entitled to a refund of application fees for withdrawn applications. However, the Director may refund fees not expended during the first round of staff review if the application is withdrawn within 10 days of acceptance and prior to preparation or distribution of any official written comments.

2. Postponement

The applicant may request an application be postponed to a future scheduled public hearing date.

- a. Request submitted prior to public notice: the request must be in writing, either by mail or email, and the request must be received by the Director prior to date of publication of the notice of public hearing.
- b. Request submitted following public notice: If the request is received by the Director after the date of publication of the notice of public hearing, the applicant must attend the public hearing to request the application be tabled to a future scheduled public hearing date.

3. Application Abandonment

- a. If the Director determines the applicant has not, within 180 days, taken affirmative steps to advance a postponed application for a final determination or the applicant requests that an application be postponed for a second time, the Director may determine that the application has been abandoned.
- b. No further processing of the application shall occur and the application fees shall be forfeited.
- c. Any re-submittal of the application shall be treated as a new application for purposes of review, scheduling, and payment of application fees.

4.17.040 COMPLETE APPLICATION REVIEW AND ACTION

A. Review Following Determination of Complete Application

Following the determination that an application is complete, the Director shall do the following:

1. Submit the application to any relevant Town departments and external county, state, or federal agencies for review and comment;
2. If an application is subject to staff and/or DRC review and recommendation:
 - a. Staff and/or the DRC shall review the application and submit recommendations and comments to the applicant in a form established by the Director.
 - b. The applicant shall attend a meeting with the appropriate staff as determined by the Director to discuss staff and/or DRC recommendations and comments.
 - c. The application will not move forward for further review until the Director determines that the applicant has adequately responded to the Town's recommendations and comments.

- d. Staff and/or the DRC may recommend conditions for approvals to mitigate any adverse impacts from the development proposal or any changes necessary to bring the application into compliance with the provisions of this Code.
- e. The Director shall submit a copy of the staff report to the applicant and the advisory and/or decision-making body and shall make the staff report and related materials available for public review.
 - i. For hearings before the Planning and Zoning Commission, the staff and/or DRC report shall be distributed no later than the Friday prior to the scheduled Planning and Zoning Commission hearing where the application is to be heard.
 - ii. For hearings before the Town Council, the staff and/or DRC report shall be distributed prior to the scheduled Town Council hearing where the application is to be heard.

B. Technical Assistance

- 1. Where the application includes technical information that requires expert analysis outside of that provided by staff, the Town may contract with a technical expert to review the application and charge the consultant's fees to the applicant.
- 2. The Town shall notify the applicant if expert analysis will be necessary and will discuss the estimated fee with the applicant prior to engaging the expert.
- 3. Technical information subject to outside expert analysis shall be limited to those issues outside of the scope of typical Community Development department review. Outside technical experts will not be hired for routine site, structural, use, or transportation issues unless the Town Administrator finds that staff capacity to undertake this work has been limited by circumstances such as a staff shortage or an unusually high number of applications.

C. Neighborhood Meeting

1. Purposes

The purposes of a neighborhood meeting are to: inform neighboring property owners of the details of a proposed development, identify how the developer intends to meet the standards contained in this Code, and to allow the applicant to receive preliminary public comment on the proposal.

2. Applicability

- a. Neighborhood meetings are required for any application that is reviewed through a public hearing process.
- b. The Director may require a Neighborhood Meeting for any application identified to have an impact in the Development Impact Report in Section 4.17.030C.
- c. An applicant may voluntarily conduct a neighborhood meeting prior to submission of any application.

3. Notice

- a. The neighborhood meeting shall be held after the Pre-Submittal Conference and prior to publication of notice for Town review of the application.
- b. The applicant shall provide written notice of the date, time, and location of the neighborhood meeting to:

- i. Persons on the surrounding property owner list collected by the applicant;
 - ii. Additional persons, businesses, or property owners as identified by the Town; and
 - iii. The Community Development Department.
- c. The written notification shall be mailed at least seven calendar days prior to the scheduled meeting. The written notification shall include the information required for public notice as listed in Section 4.17.050C.
- d. Courtesy electronic notice of the neighborhood meeting shall also be provided to any affected neighborhood organizations that request notification from the Community Development Department. Planning staff is not responsible for verifying or correcting email addresses provided by a neighborhood organization and failure of a neighborhood organization or individual member to receive notice does not affect the validity of the neighborhood meeting.

4. Meeting

- a. The applicant or applicant's agent shall conduct a neighborhood meeting to explain the proposed development and receive comment from the surrounding property owners.
- b. The neighborhood meeting shall be conducted at a location that is within two radius miles of the subject parcel. The meeting may be scheduled after 5:00 p.m. on a weekday or on a weekend day between 8:00 a.m. and 7:00 p.m.
- c. The neighborhood meeting shall be conducted at least seven calendar days but no more than 60 calendar days prior to the submittal of the proposed development application to the Community Development Department.
- d. The applicant shall obtain a roster of the names of the persons that attend the pre-application Neighborhood Meeting.
- e. A Staff member shall attend the meeting as an observer; they are not required to facilitate the meeting.

5. Written Summary and Effect

- a. The applicant shall provide a written summary of the neighborhood meeting with the completed application.
- b. The written summary shall include a list of those in attendance, a summary of the issues discussed, comments by those in attendance and the applicant's response, and any other comments the applicant deems appropriate.
- c. The written summary shall be made available to the meeting attendees and the public for inspection following the filing of a complete application.

D. Administrative Approval: Applications that Require Staff Decision

1. Decision

- a. If an application is subject to administrative approval (staff review and a final decision by the Director), the Director shall make a decision based on the review standards applicable to the application type.

- b. The decision shall be in writing and shall clearly state reasons for a denial or for conditions of approval. Any conditions of approval shall be limited to conditions necessary to ensure compliance with the requirements of this Code and shall relate to the anticipated impacts of the proposed development.

2. Finality of Decision

- a. For all application types except administrative development plans, the Director's decision is immediately final.
- b. For administrative development plans, the Director shall regularly make available to the Planning and Zoning Commission a record of pending applications. The Commission may elect to call up such applications within 10 days of providing notice, pursuant to Section 4.17.060C.5, Referral and Call-Up Procedures. The Director shall decide such applications that are not called up following the end of the 10-day period.

4.17.050 SCHEDULING AND NOTICE OF PUBLIC HEARINGS

A. Required Notice

Notice for specific application shall be provided as described in the procedure and summarized here in Table 4.17-2: Public Notice Requirements.

Table 4.17-2: Public Notice Requirements						
Application Type	LUDC Section	Notice Type	Publish §4.17.05 0C.7	Post on Site §4.17.05 0C.8	Mail §4.17.05 0C.6	Mail Distance
Notice Types: PH – Public Hearing Notice ADIN –Administrative Decision Information Notice Key: R = Required O = Optional X = Not Required						
Approval Processes						
Annexation	<i>Per Colorado Statutes</i>					
Comp. Plan Approve or Amend	4.17.080B	PH	R	X	X	
Conditional Use Permit	4.17.080C	PH	R	R	R	Adjacent property owners
Development Plan	4.17.080D					
Administrative		ADIN				
Minor		PH	R	R	R	Adjacent property owners
Major		PH	R	R	R	All property within 250 feet
PUD Rezoning	4.08					
Concept Plan		PH	R	R	R	All property within 250 feet [1]; PUD Amendment only complies with Note [2]
Development Plan		PH	R	R	R	
PUD Amendment		PH	R	R	R	
Rezoning	4.17.080E	PH	R	R	R	
Rezoning for Entire District or Multiple Districts		PH	R	X	X	

Table 4.17-2: Public Notice Requirements						
Application Type	LUDC Section	Notice Type	Publish §4.17.05 0C.7	Post on Site §4.17.05 0C.8	Mail §4.17.05 0C.6	Mail Distance
Notice Types: PH – Public Hearing Notice ADIN –Administrative Decision Information Notice Key: R = Required O = Optional X = Not Required						
Special Use Permit	4.17.080F	PH	R	R	R	
Subdivision						
Minor Subdivision	4.17.100C	ADIN	R	R	R	
Sketch Plan	4.17.100D.2	ADIN	R	R	R	Adjacent property owners
Preliminary Plan	4.17.100D.3	PH	R	R	R	
Final Plat	4.17.100E	ADIN	R	R	R	
Final Plat, Condo/Townhome	4.17.100F	ADIN	R	R	R	
Vacation of ROW or Easement	4.17.100G	PH	R	X	R	Adjacent property owners
Variance	4.17.080G	PH	R	R	R	All property within 250 feet [1]
Vested Property Rights	4.17.080H	See specific application type				
Adjustment Processes						
Administrative Adjustment	4.17.110A	ADIN	X	X	R	
Design Variance	4.17.100A	See specific application type				
Lot Line Adjustment	4.17.100B	ADIN	X	X	X	
Administrative Permits						
Administrative Permits	4.17.110B	ADIN	X	R	R	
Code Administration						
Appeal of Admin. Decision	4.17.120A	PH	R	R	R	
Code Interpretation	4.17.120B	X	X	X	X	
Code Text Amendment	4.17.120C	PH	R			
Notes:						
[1] In determining owners of land within a specified distance, the width of public and private rights-of-way shall be included in the distance calculation.						
[2] All property owners in PUD and property owners abutting the PUD when revisions would affect PUD boundary property						

B. Scheduling

1. If an application is subject to a public hearing per the specific application process or Table 4.17-1: Application Review Requirements, the Director shall schedule the public hearing for either a regularly scheduled meeting or special meeting of the appropriate decision-making body.
2. The public hearing shall be scheduled to allow sufficient time to prepare a staff report per 4.17.040.

C. Public Notice Requirements

1. Public Hearing Notice (PH)

When an application is subject to public hearing, notification shall be provided in all of the forms specified in Table 4.17-2: Public Notice Requirements as follows:

- a. Published once in a newspaper of general circulation within the Town, at least 15 days prior to the hearing, including the content specified in Section 4.17.050C.7.
- b. Mailed by first-class mail at least 15 days prior to the hearing to those landowners listed in Section 4.17.050C.6, within the distance identified in Table 4.17-2.
 - i. The Director may modify the notification area as follows:
 - (a) Adjust the area to coincide with streets or other distinctive physical features to create a more practical boundary;
 - (b) Contract the area if the potential impacts from the proposed development will likely only affect the subject parcel or the immediately adjacent properties; or
 - (c) Expand the area if the proposed development may create community or regional impacts.
 - ii. Notice of subdivision review shall be sent by certified mail for delivery signature.
 - iii. Notice to a mineral estate owner shall be mailed no later than required by state statute, see C.R.S. § 24-65.5-103.
- c. Posted on the property per Section 4.17.050C.8.
- d. Included in the agenda notice displayed at the Eagle Town Hall, 200 Broadway, Eagle, or on the Town's website at least 24 hours prior to the hearing.

2. Administrative Decision Informational Notice (ADIN)

- a. The purpose of informational notice is to allow the public to submit written comments to the Director prior to decision-making on an administrative application. Informational notice is required when identified in Table 4.17-2: Public Notice Requirements and for the following requests:
 - i. Telecommunication towers
 - ii. Outdoor retail sales or services
 - iii. Sports courts adjacent to residential homes
 - iv. [other?]
- b. The Director may establish reasonable timeframes for comment submission, based on the detail and potential off-site impact of the application. The minimum timeframe for comment submission shall be 10 days. The Director shall require comments to be submitted in writing and may allow electronic comment submission.
- c. ADIN shall be mailed to adjacent property owners. The notice shall specify that the application is only required to meet the applicable standards in this Code and comments submitted regarding the project are recommendations only that may not be incorporated into the final approval.

3. Incomplete Applications

No public hearing notice shall be made for incomplete applications per Section 4.17.030G.

4. Certification of Notice

The applicant shall provide certification that proper notice has been provided, including photographic evidence (for posted notices) and a signed affidavit. The format of the certification shall be established by the Director. The applicant shall submit the certification to the Director prior to the scheduled public hearing.

5. Content of Notice

- a. Mailed and published Public Hearing Notices, when required by this section or a specific application type, shall meet the general requirements of notice provided by the Town and provide the following information:
 - i. Address or location of the property subject to the application and the name, address, email, and telephone number of the applicant or the applicant's agent;
 - ii. Date, time, and place of the public hearing;
 - iii. Description of the nature, scope, and purpose of the application or proposal including a description of the development plan and, where appropriate, the classification or change sought;
 - iv. Notification about where the public may view the application; and
 - v. Statement that the public may appear at the public hearing.
 - vi. The following hearing access information or reference to whatever access technology is in place:
 - (a) All meetings are held in buildings and locations that comply with accessibility standards according to the Americans with Disabilities Act (ADA). A TTY number for the hearing impaired, << phone number >>, is available upon request.
 - (b) Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify the <<title, phone number>>.
- b. Mailed Administrative Decision Informational Notices, when required by this section or a specific application type, shall meet the general requirements of notice provided by the Town and provide the following information:
 - i. Address or location of the property subject to the application and the name, address, email, and telephone number of the applicant or the applicant's agent;
 - ii. Description of the nature, scope, and purpose of the application or proposal including a description of the development plan and, where appropriate, the classification or change sought; and
 - iii. Information about how to submit a comment regarding the application and the deadline for comment submission.

6. Mailed Notice

- a. Mailed notice shall be sent to:

- i. Owners of any property within the distance from the subject property specified in Table 4.17-2; the applicant shall be responsible for the accuracy of the list of names and addresses of owners as they appear in the records of the County Clerk and Recorder;
 - ii. Owners of subsurface mineral rights within the property boundary pursuant to the provisions of C.R.S. § 24-65.5-101 et seq. Mailed notice shall be provided not less than 30 days prior to the initial public hearing, or not less than 30 days prior to the final decision if the application does not require a public hearing. The burden of determining mineral estate owners and lessees shall be on the applicant.
 - iii. Registered neighborhood groups whose defined boundaries lie within the required notification area;
 - iv. Others who have filed a timely written request to receive notice on a particular matter with the Town; and
 - v. Occupants of property within the distance from the subject property specified in Table 4.17-2, if the Director determines that the application could have a significant impact on occupants as well as owners.
- b. Public Hearing Notice shall be mailed no later than 15 days before any meeting or action that requires written notice, except that notice shall be mailed to the mineral estate owner no later than required by state statute, see C.R.S. § 24-65.5-103.
- c. Public Informational Notice shall be mailed as soon as reasonably possible after the Town confirms the receipt of a complete application.
- 7. Published Notice**
- The Director shall be responsible for preparing the content of the notice and shall ensure that notice is published in a newspaper of general circulation in the Town.
- 8. Posted Notice**
- a. The purpose of posted notice is to notify the general public of an application for development of the property.
 - b. Where posted notice is required, Planning staff shall create the signs and the applicant shall place notice of the public hearing on the property subject to the application at least 15 days in advance of the date of public hearing. All posted notices required in Table 4.17-2 shall comply with the following:
 - i. Printed on weatherproof material and be approved for size, durability, and content by the Director;
 - ii. Placed on the subject property along each abutting improved public street and oriented so that each sign is clearly visible to neighboring residents and passers-by with at least one sign posted on a street frontage;
 - iii. On large parcels, interior parcels, or parcels that are difficult to see from the exterior boundary lines, the Director may require additional posted signs as may be necessary to reasonably ensure that notice is provided around the property;
 - iv. Be in place during the period leading up to the decision-making or appeal body's final action; and

- v. If the decision-making body continues the meeting or public hearing at which the application is being considered to a later date, or if the decision-making body decides to consider the application at any time other than that specified on the notification signs, the applicant shall update the existing signs with the new date.
- vi. Signs shall be removed by the applicant within five days after the meeting or public hearing for which they were required.
- vii. No person other than the applicant, applicant's agent, or Town staff shall erect, remove, or alter such signs.

9. Courtesy Notice

- a. The Town may, as a courtesy, provide notice to any persons or organization in the Town or Eagle County, or to any governmental, public, or quasi-public organization regarding any matter related to this Code that may be of interest to that person or organization, or on any matter on which any such person or organization has requested notice.
- b. Courtesy notice may be provided in any appropriate manner, including electronically, and may be directed to an organization through its leadership for distribution rather than to the entire membership.
- c. The failure of the Town to send courtesy notice or the failure of any resident or property owner to receive such notice shall not affect the validity of any Town action with respect to an application.

10. Constructive Notice, Adequacy

- a. Minor defects in any notice 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 in notice shall be limited to errors in legal descriptions, typographical or grammatical errors, or errors of actual acreage that do not impede communication of the notice to the affected parties.
- b. Failure of a party to receive written notice shall not invalidate subsequent action nor require a public hearing to be continued or delayed. Notice that was not continuously posted for the full period shall not constitute grounds for continuance where the applicant can show that a good faith effort to meet this posting requirement was made.
- c. A person shall be deemed to have received sufficient notice under this Code if that person became aware of the item under review in time to attend the noticed public hearing or submit written comments.
- d. If questions arise at a review hearing regarding the adequacy of notice, the decision-making authority shall direct the Director to make a formal finding as to whether there was substantial compliance with the notice requirements of this Code, and such finding shall be made available to the decision-making authority prior to final action on the request.
- e. When Town records document the publication, mailing, or posting of notices as required by this section, it shall be presumed that notice of a public hearing was given as required by this section.

4.17.060 REVIEW AND DECISION-MAKING

A. Hearing, Review, and Decision

1. The application shall be subject to review, hearings, recommendations, and decisions as indicated in Section<>**Error! Reference source not found.**
2. If the application is subject to a public hearing, the applicable review body shall hold a public hearing on the application. The applicable review body shall consider the application, relevant support materials, staff report, and any evidence and public comments from the public hearing.
3. The applicable review body shall approve, approve with conditions, or deny the application based on conformance to the applicable approval criteria listed in the application-specific procedures. The body may also continue the hearing or refer the application to another authority as provided in Section 4.17.060C.5, Referral and Call-Up Procedures.
4. If the review involves a quasi-judicial hearing, the recommendation or decision (as applicable) shall be based only on the record of the public hearing; shall be in writing; shall include findings of fact based on competent, material, and substantial evidence presented at the hearing; shall reflect the determination of contested facts; and shall state how the findings support compliance with applicable review standards.
5. The applicable review body shall clearly state the factors considered in making its recommendation or decision, as well as the basis or rationale for the recommendation or decision.
6. Following any decision by the Planning and Zoning Commission, the Director shall provide written notification of such decision to the Town Council.

B. Conditions of Approval

1. Where this Code authorizes a review body to approve or deny an application subject to applicable criteria, the review body may approve the application with conditions necessary to bring the proposed development into compliance with this Code or other regulations, or to mitigate the impacts of that development on surrounding properties and streets.
2. Conditions of approval shall be reasonably related to the anticipated impacts of the proposed use or development or shall be based upon standards duly adopted by the Town. Such conditions may include those necessary to carry out the purpose and intent of the Comprehensive Plan, other adopted Town plans, and this Code. No conditions of approval shall be less restrictive than the requirements of this Code, except where the Code expressly allows deviations.
3. Any condition of approval that requires an applicant to dedicate land or pay money to a public entity in an amount that is not calculated according to a formula applicable to a broad class of applicants shall be roughly proportional both in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts. The Town shall bear the burden of determining such impacts.
4. During its consideration, the decision-making body may consider alternative potential conditions, and no discussion of potential conditions shall be deemed an attempt or intent to impose any condition that would violate the federal or state constitutions, statutes, or regulations. Discussions of potential conditions to mitigate impacts do not reflect actions by the

decision-making body unless and until the decision-making body takes formal action to attach that condition to a development approval.

5. The Town Council may modify conditions recommended by the Planning and Zoning Commission prior to making a decision.
6. Unless otherwise provided in this Code, any representations of the applicant in submittal materials or during public hearings shall be binding as conditions of approval.

C. Review and Decision-Making Bodies

1. Applicant Responsibilities and Options Before a Recommending or Decision-Making Body

- a. The burden of demonstrating that an application complies with applicable review and approval criteria is on the applicant unless otherwise specified in this Code. The Town or other parties do not have the burden to show that the criteria have not been met.
- b. The time limits set forth in this section may be extended by the applicant at any time.

2. Administrative Decisions Made by the Community Development Director

The Director shall make administrative decisions according to the following steps:

a. Review

- i. The Director shall review the application for conformance with all applicable provisions of this Code.
- ii. Within the timeframe specified by the application type, 15 business days following the last day of an ADIN comment period, or 15 business days of the determination of a complete application if comment period is required, the Director shall approve or deny the application and provide written notification of the decision to the applicant. If an application is denied, the written notification shall include the reasons for denial.

b. Review Criteria

When the Director has the authority to decide an application, except in the case of an interpretation, the application shall be reviewed against the applicable provisions of this Code. To be approved, an application shall be fully consistent with the standards of this Code unless administrative adjustment is concurrently approved to allow specified deviation from applicable standards. An administrative approval may include instructions and conditions regarding compliance with this Code but shall not be approved with conditions that require action beyond the specific requirements of this Code.

3. Planning and Zoning Commission Recommendation or Decision

- a. The Director shall schedule the complete application for review and public hearing, where applicable, by the Planning and Zoning Commission at the next available meeting following completion of the staff report per Section 4.17.040A. .
- b. The Planning and Zoning Commission shall review the application and hold either a meeting or public hearing on the application. The Planning and Zoning Commission may also:
 - i. Continue the meeting or public hearing, or
 - ii. Table an application that does not have a specific review timeframe. The application may be returned to the agenda if the applicant is able to address the concerns that resulted in

the matter being tabled without having to recommence the application process at a different step.

- c. The Planning and Zoning Commission shall consider the application and evidence from the public hearing and then either, depending on the type of application, make a recommendation or decision on the application. Where the Planning and Zoning Commission is the decision-making body for an application, it may:
 - i. Approve the application or approve the application with conditions;
 - ii. Deny the application, or
 - iii. Allow withdrawal of the application.
- d. The Planning and Zoning Commission shall either:
 - i. Render its decision on the application, and notice of the decision shall be provided to the applicant no later than 15 days following conclusion of the public hearing, or if no public hearing is required, 15 days following consideration of the submittal; or
 - ii. Recommend approval, approval with conditions, or denial of the application based on its compliance or noncompliance with the applicable review standards.

4. Town Council Decision

- a. The Town Council shall review any application, submittal, or appeal, and hold a public hearing thereon, if required, at the next available meeting scheduled at least 20 days following the issuance of a decision or recommendation of the Planning and Zoning Commission, unless a different timeframe is provided for in this Code. The Town Council may also:
 - i. Continue a public hearing may be continued, or
 - ii. Table an application that does not have a specific review timeframe. The application may be returned to the agenda if the applicant is able to address the concerns that resulted in the matter being tabled without having to re-commence the application process at a different step.
- b. The Town Council shall consider the recommendations of the Planning and Zoning Commission, if any, and the comments, testimony, and other evidence presented at the public hearing and make a decision as follows:
 - i. Approve the application or approve the application with conditions;
 - ii. Deny the application, or
 - iii. Allow withdrawal of the application, other submittal, or appeal.
- c. The Town Council shall render its decision on the application and notice of the decision shall be provided to the applicant no later than 15 days following conclusion of the public hearing, or if no public hearing is required, 15 days following consideration of the submittal.

5. Referral and Call-Up Procedures

- a. **Administrative Applications and Permits**
 - i. Administrative applications shall be processed per Section 4.17.040D.

- ii. The Director may refer any application subject to administrative approval to the Planning and Zoning Commission for a final decision.
 - iii. After reviewing a referred administrative application, the Planning and Zoning Commission shall vote to make a final decision or to refer the application to the Town Council for a final decision.
- b. Planning and Zoning Commission Call-Up**
- i. The Director shall regularly make available to the Planning and Zoning Commission a record of pending applications for administrative approval.
 - ii. If at least three members of the Planning and Zoning Commission request that the Planning and Zoning Commission make the final decision on any application within 10 days of receiving such notice, the Director shall inform the applicant of such decision. The Director shall schedule the application to be considered at the next available regularly scheduled Planning and Zoning Commission meeting at which any required notice periods can be met. Notice shall be given as required by the application type.
- c. Planning and Zoning Commission Referral to Town Council**
- The Planning and Zoning Commission may refer P&Z approved applications to the Town Council for a final decision. The Director shall inform the applicant of such decision to refer the application and schedule the application to be considered at the next available regularly scheduled Town Council meeting.
- d. Town Council Call-Up**
- The Director shall regularly make available to the Town Council a record of pending applications for Planning and Zoning Commission approval. If at least three members of the Town Council request that the Town Council make the final decision on any such application on or before the next regular Council meeting but not less than 10 days of the Director providing such notice, the Director shall inform the applicant of such decision. The Director shall schedule the application to be considered at the next regularly scheduled Town Council meeting. Notice shall be provided as required by the application type.

4.17.070 POST-DECISION ACTIONS AND LIMITATIONS

A. Notice of Decision

Following approval of an application for which a Notice of Decision is issued as the Form of Final Decision in Table <>, the Director shall prepare a Notice of Decision that identifies all conditions attached to the approval and all applicable validity timeframes from this Code or as established by the approving authority. The Director shall have the Chair of the Planning & Zoning Commission or Mayor sign the Notice of Decision and a copy shall be mailed or provided to the applicant.

B. Successive Applications

No application for zone change, special use review, or variance on the same request or the substantially same request involving the same tract shall be permitted within one year of an application denial unless the Town Council's denial explicitly states that an earlier reapplication will be considered. Following the one year period a new application may be submitted.

C. Modification or Amendment of Approvals

1. Application

If, at any time, the owner of land with an existing development approval desires to modify the terms of that approval or the conditions attached to that approval, the owner shall submit a written application requesting such revision.

2. Review and Determination of Major/Minor Modification Status

- a. Applications for modification shall be reviewed by the Director to determine whether the proposed modifications constitute a major or minor revision to the existing approval.
- b. Minor modifications are those that qualify for Section 4.17.110A, Administrative Adjustment or modification to an application that was approved administratively.
- c. Major modifications are those that do not qualify for Section 4.17.110A, Administrative Adjustment, request for modification to a special use review approval, or request for modification to a condition established by the Planning and Zoning Commission or Town Council.

3. Action by Decision-Making Body

- a. Applications for minor modifications shall be treated as applications for administrative adjustment. The Director may require that an application for administrative adjustment be treated as an application for a major modification if the Director determines that the application raises a significant public controversy in which numerous parties other than the owner of the property may want to offer testimony.
- b. Applications for major modifications shall be treated as new applications for an approval of the same type being modified and shall meet all the requirements for a new application. If the Director determines that an application for major modification of is not consistent with an approved preliminary plan or plat for the property, the Director shall inform the applicant that the major modification is inconsistent with the earlier application and will not be processed. PUD modifications shall be reviewed per Section <>**Error! Reference source not found.**, PUD Amendment.

4. Effect of Modification

If approved, the modification shall then supersede the previous approval, and subsequent development on the property shall be in accord with the amended approval.

D. Lapsing and Extension of Approvals

Approvals granted under this Code are considered abandoned and lapsed if unused by the applicant after a reasonable period of time.

1. Abandonment and Lapse

a. Administrative Approval and Permits

Except where a different timeframe is provided in a specific procedure or application approval, an administrative approval or permit approved under this Code shall lapse and shall become void one year following the date of final approval unless, prior to the expiration date, a building permit or other approval based upon such approval is issued and construction is commenced and pursued toward completion.

b. Approvals that Required a Public Hearing

- i. An application that required a public hearing prior to approval does not lapse unless the Planning and Zoning Commission or Town Council established a specific time limit for the approval.
- ii. Rezoning approvals are not subject to a specified time limit for approval.
- iii. The Town may act to change an approval made in a public hearing through a separate application with public hearing that has the effect of changing the earlier approval. For example, the Town may elect to rezone a property for which an earlier rezoning was approved.

2. Extension of Approval

- a. Any approval that is subject to lapsing, regardless of which body acted as original decision-maker, may be extended one time by the Director for a period of time not to exceed six months. A second extension request, if needed, shall be made to the body that issued the original approval, such as the Planning and Zoning Commission. This may also be a second request to the Director if the Director issued the original approval. The second extension request may also be for a period of time not to exceed six months. The total time approved for extensions may not exceed one year unless circumstances beyond the applicant's control, such as a regional or national recession or health emergency have impacted the availability or cost of labor or supplies. Where this has been the case, a longer extension may be granted.
- b. All requests for extensions should be submitted to the Director in writing at least 30 days prior to the expiration of approval.
- c. An extension request shall include payment of required fees and written description of the reasons for the applicant's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any changes to the Comprehensive Plan or this Code that have occurred since approval of the permit/plan as these changes affect the permit/plan, and the anticipated time schedule for completing the review project and/or the specific project.
- d. Additional review of the permit/plan may result in additional conditions.
- e. If an approval lapses at the end of an extension period, the applicant may re-submit a new application, subject to the fees and regulations in effect at the time of re-submittal, for the same project.

3. Abandonment

a. Administrative Approvals

- i. An administrative permit or approval shall be considered abandoned one year after the last significant progress toward the construction of the development occurred.
- ii. The Director shall provide the permit or approval holder written notice of abandonment. The permit or approval holder shall have 30 days to respond in writing with an explanation of good cause for the abandonment. The Director shall determine whether to extend the approval for up to one year or find the project abandoned and require the applicant to reapply for the permit or approval.

b. Special Use and Conditional Use Permits

- i. If use has not commenced, Special Use and Conditional Use permits shall be considered abandoned one year after the last significant progress toward the construction of the development or establishment of the use occurred.
- ii. Abandonment shall be determined in the same procedural manner as Section 4.17.070D.4, Revocation.

4. Revocation

- a. Any permit granted pursuant to this Code may be revoked by the approval body.
- b. In the event the Director has reasonable cause to believe that one or more conditions or requirements of an approved permit have been violated, the Director shall notify the record owner of the property subject to the permit and the holder of such permit (if other than the owner), in person or by certified mail, return receipt requested, a notice to show cause why the permit should not be revoked and any vested property rights related thereto forfeited.
 - i. The notice shall be served at least 15 days prior to the hearing and shall state the date, time, and place for a public hearing at which the Town Council or designated Hearing Officer will consider whether the permit should be revoked.
 - ii. The notice shall also set forth a concise statement of the grounds for revocation.
- c. The public hearing shall be conducted by the Town Council, or a Hearing Officer appointed by the Town Council, pursuant to Chapter 2.20. Following such hearing, the Town Council shall issue a written decision either revoking the permit or finding insufficient evidence exists to revoke the permit.

4.17.080 DEVELOPMENT REVIEW PROCESS: SPECIFIC APPLICATIONS

Update Comment: Annexation is a process that is governed by state statute. Eagle is required to follow the statutory requirements. Changes in this section have been provided for clarification only.

A. Annexation¹

1. Purpose

The purpose of this process is to allow for the annexing new land into the Town.

2. Applicability

This section applies to all petitions to annex new land into the Town.

3. Annexation Procedure

- a. Annexation of land shall be comply with the procedures of C.R.S. Title 31, Art. 12, as amended.
- b. The final annexation plat shall conform to all applicable requirements in this Code.
4. All petitions for annexation and all petitions for an annexation election filed pursuant to C.R.S. § 31-12-107 shall be accompanied by:
 - a. A request for zoning of the area proposed for annexation,
 - b. A statement identifying the proposed water rights to be dedicated to the Town at the time of annexation,
 - c. A Fiscal Impact Report, and
 - d. A Reimbursement Agreement.
5. Following approval of a resolution of intent in accordance with C.R.S. § 31-12-106 or after a petitions for annexation or a petition for annexation election has been found to be valid in accordance with the provisions of C.R.S. § 31-12-107, as amended, a Section 0, Rezoning procedure shall be started; provided, however, the proposed zoning ordinance shall not be passed on final reading prior to the date when the annexation ordinance is passed on final reading.
 - a. Any area annexed to the Town shall be brought under the Town's zoning ordinance and map within 90 days after the effective date of the annexation ordinance, irrespective of any legal review which may be instituted.
 - b. The Town shall not issue any building or occupancy permit for any portion of the newly annexed area for the 90-day period.
6. In the event the area proposed to be annexed requires any development approvals pursuant to this Code, the Town or the developer may, at its option, start any approval processes at any time after a resolution of intent has been passed in accordance with C.R.S. § 31-12-106 or after a petition for annexation or a petition for annexation election has been found to be valid in accordance with the provisions of C.R.S. § 31-12-107. Development approvals shall not be considered final prior to the date when the annexation ordinance is passed on final reading.

¹ Current Chapter 4.15, revised for clarity.

7. At any time after a petition for annexation has been found to be valid in accordance with the provisions of C.R.S. § 31-12-107, the Town may require the petitioner to submit a concept plan for the area proposed to be annexed in accordance with Section<>.

B. Comprehensive Plan Adoption or Amendment²

1. Purpose

The purpose of this process is to establish a process for Comprehensive Plan adoption or large-scale legislative amendment and ensure that proposed site-specific amendments to the adopted Comprehensive Plan are consistent with the vision, goals, and policies included in the Plan.

2. Applicability

- a. This section shall apply to:
 - i. The adoption or large-scale (legislative) amendment of the Town's Comprehensive Plan, and
 - ii. All proposed site-specific amendments to the Comprehensive Plan.
- b. For purposes of this section, the Comprehensive Plan shall include all sub area plans, corridor plans, transportation plans, and all other elements adopted as a part of the Comprehensive Plan.

3. Authority

Comprehensive Plan adoption or legislative amendment may only be requested by the Town. A site-specific Comprehensive Plan amendment may be applied for by a property owner subject to the review procedures below.

4. Review Procedure

Site-specific Comprehensive Plan amendment applications shall meet the common review procedures described in Table 4.17-3 with the following modifications:

a. Pre-Application Review

- i. The Director may limit the timing and frequency of when Comprehensive Plan Amendments are considered to better ensure a holistic review process and avoid small or piecemeal amendments.
- ii. Before processing an application, the Director shall determine whether it is in the best interests of the Town to devote staff and Planning and Zoning Commission resources to a full review of the Comprehensive Plan amendment application.

Table 4.17-3 Comprehensive Plan Amendment

Applicable Common Procedures

1	Pre-Submittal Conference Sec. 4.17.020
2	Application Submittal & Completion Review Sec. 4.17.030
3	Complete Application Review and Action Sec. 4.17.040
4	Scheduling and Notice of Public Hearing Sec. 4.17.050
5	Planning & Zoning Commission Adoption Town Council Ratification Sec. 4.17.060
6	Post-Decision Actions and Limitations: No expiration Sec. 4.17.070

² New process that incorporates the requirements of §31.23.206 C.R.S., Master Plan.

iii. Legislative Comprehensive Plan Amendments are exempt from Steps 1- 3 of the common review procedures in Section 4.17.010B.

b. Public Notice and Public Hearing Requirements

The application shall be scheduled for a public hearing before the Planning and Zoning Commission and shall be noticed pursuant to Section 4.17.050.

c. Review Criteria and Decision-Making

The Planning and Zoning Commission shall review and decide on a Comprehensive Plan Amendment request based on conformance with the following criteria:

i. Comprehensive Plan

The proposed change is generally consistent with the vision (intent), goals and policies of the Comprehensive Plan;

ii. Character of Area

The character and/or conditions of the area has changed or may be changed such that the amendment is necessary;

iii. Infrastructure and Facilities

Public and community facilities are adequate to serve the type and scope of land uses that could result from the proposed Amendment; and

iv. Impact

The proposed change will result in a neutral or positive impact to the neighborhood or area subject to the proposed amendment.

5. Lapsing and Extension of Approvals

An approved Comprehensive Plan Amendment does not expire.

C. Conditional Use Permit³

1. Purpose

The purpose of this section is to provide an opportunity for an applicant to request to use a property for an activity that is only allowed in the zone district based on a determination of appropriateness through this process. A conditional use may be permitted under circumstances particular to the proposed location and subject to conditions that provide protection to adjacent land uses.

2. Applicability

This section shall apply to any use that is classified as a Conditional Use in the <> Use Table or elsewhere in this Code.

3. Review Procedures

Applications for Conditional Use Permits shall meet the common review procedures in Table 4.17-4, with the following modifications:

A Development Plan shall be submitted with the Conditional Use Permit application. See Section 4.17.130B.

4. Public Notice and Public Hearing Requirements

The application shall be scheduled for a public hearing before the Planning and Zoning Commission and shall be noticed pursuant to Section 4.17.050.

5. Review Criteria and Decision-Making

The Planning and Zoning Commission shall review and decide on a Conditional Use Permit request based on conformance with the following criteria:

a. Comprehensive Plan

The proposed use is consistent with the comprehensive plan and the purpose of the applicable zone district.

b. Land Use and Development Code Standards

The proposed use complies with the requirements of this LUDC, and in particular:

- i. Any use-specific standards found in Section <>,
- ii. Applicable development and design standards found in Section <>, and
- iii. The Town's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems, have adequate capacity to serve the proposed

Table 4.17-4 Conditional Use Permit

Applicable Common Procedures

1	Pre-Submittal Conference Sec. 4.17.020
2	Application Submittal & Completion Review Sec. 4.17.030
3	Complete Application Review and Action Sec. 4.17.040
4	Scheduling and Notice of Public Hearing Sec. 4.17.050
5	Planning & Zoning Comm'n Review and Decision-Making Sec. 4.17.060
6	Post-Decision Actions and Limitations Sec. 4.17.070

³ This new procedure is proposed to allow Planning and Zoning Commission review of specific uses that should be reviewed for impact before being allowed in a zone district. The Use Table in Chapter 4.09 identifies uses that may be allowed through the Conditional Use Permit process.

development and any burdens on those systems have been mitigated to the maximum extent feasible.

c. Surrounding Uses and Structures

The proposed use is of a scale and design and in a location that is compatible with surrounding uses and structures, and potential adverse effects of the use will be mitigated to the maximum extent feasible.

d. Impact of Allowing Conditional Use

The proposed conditional use will not substantially diminish the availability of land for primary uses within the applicable zone district.

e. Infrastructure and Facilities

6. Post-Decision Actions

a. Issuance of Conditional Use Permit

An approved CUP shall be issued per Section <>, Notice of Decision.

b. Modification or Amendment

Requests for modification or amendment shall be reviewed per Section 4.17.070C, Modification or Amendment of Approvals.

c. Abandonment or Revocation

i. Conditional Use Permits may be considered abandoned if the use is abandoned and nonoperational for a period of 12 consecutive months.

ii. Conditional Use Permits may be determined to be abandoned or revoked pursuant to Section 4.17.070D.4

d. Lapsing and Extension of Approvals

A Conditional Use Permit approval shall remain valid until the property changes use or ownership.

D. ⁴Development Plan (Revised Development Permit Process)

Update Comment: The current Development Permit process has been renamed Development Plan and revised from the current two categories (1) major and (2) minor applications to three categories (1) administrative, (2) minor, and (3) major. Table 4.17-5 has been added to clarify the development types for each category of review. The purpose of this change is to streamline the review process for small or low impact projects through administrative review and expand the capacity for Planning and Zoning Commission review of minor development plans. Major Development Plans are still reviewed by the Town Council, but a number of the smaller infrastructure review categories have been reassigned to staff review to eliminate the need for the Town Council to review changes such as fire hydrants or sidewalk expansion.

1. Purpose

The purpose of Development Plan review is to determine if a proposed development complies with this Code, the Comprehensive Plan, and other applicable regulations.

2. Applicability

a. Development Plan Required

Development Plan approval is required prior to the issuance of a building permit unless the development is exempt as described below:

b. Exceptions

- i. A change in use that does not involve or require other development (such as new or expanded buildings, additional parking, etc.);
- ii. Conversion of non-residential building area into up to five dwelling units, or mixed-use building area into up to five dwelling units, without changing the existing building footprint or increasing the building area;
- iii. Alteration, repairs, or additions to existing residential buildings that increase the gross floor area or total impervious surface by less than 25 percent;
- iv. Improvements inside the structure that do not increase gross floor area or building height, increase the density or intensity of use, or affect other development standards (such as parking or landscaping requirements);
- v. Construction of a single-family detached or two-family dwelling, additions to such dwellings, and structures accessory to such dwellings; and
- vi. Construction or erection of accessory buildings, fences, hedges, or walls.

3. Development Plan Types and Thresholds

a. Threshold Table

- i. Table 4.17-5 describes the applicable development plan review type (administrative, minor, and major), unless exempted from the development plan review procedure under paragraph D.2.b above.
- ii. Residential thresholds are based on the new dwelling units added, not the total number of dwelling units (existing plus new).

⁴ This section carries forward and updates the current Sec. 4.06.020 Development Permit process.

Table 4.17-5: Development Plan Review Thresholds [1]			
Type of Development	Administrative Development Plan (Director)[2]	Minor Development Plan (Planning & Zoning Commission)	Major Development Plan (Town Council)
Residential	More than 1 new SF or duplex dwelling unit unless exempt in §D.2.b above	New construction, renovation, or additions to residential structures that require design review	Planned Unit Development
Nonresidential	Renovation or addition that requires additional parking	• Construction of any new building • Renovation or addition that requires design review	Planned Unit Development
Mixed-Use	Up to 24 new dwelling units or up to 50,000 square feet non-residential gross floor area	More than 24 new dwelling units or more than 50,000 square feet non-residential gross floor area	Planned Unit Development
All Development	n/a	n/a	See 4.17.080D.3.b
Parking as a Principal Use, or Parking Structure	Up to 25 vehicle spaces	26 or more spaces	Parking structure

b. Additional Actions that Require Major Development Plan Review

Any development that requires any one of the following shall be reviewed and decided on by the Town Council:

- i. Extension of municipal facilities beyond locations or other limits set forth in the Town's regulations, policies or plans, or a proposal to oversize utilities with Town funding participation.
- ii. A dedication of land that the Town will be required to maintain or payment of fee in lieu of, including a street, alley, park, trail, or other public land or right-of-way.
- iii. A development impact report per Section 4.17.030C.

c. Companion Applications

Where a Development Plan is required as part of the application for a specific application type, review and approval of the development plan shall be done by the decision-making body reviewing the specific application. Examples include:

- i. Special Use Permit, Section 4.17.080F; and
- ii. Conditional Use Permit, Section 4.17.080C.

4. Review Procedure

a. Application

Development Plan applications shall meet the common review procedures identified in Table 4.17-6, with the following modifications:

- i. The Development Plan application shall include the information required in Section 4.17.130A and any additional information required by the application form.

5. Public Notice and Public Hearing

- a. Public notice shall be provided as required in Table 4.17-2: Public Notice Requirements.
- b. Minor Development Plans shall be scheduled for a public hearing for Planning and Zoning Commission review and decision.
- c. Major Development Plans shall be scheduled for a public hearing for Planning and Zoning Commission review and Town Council decision-making and shall be noticed pursuant to Section 4.17.050.

6. Review Criteria and Decision-Making

The following review criteria are applicable to all Development Plan applications:

a. Land Use and Development Code Requirements

The development plan is consistent with all applicable standards of this Code;

b. Previous Approvals

The development plan is consistent with any previously approved and still valid land use approval, such as a plat or PUD; and

c. Comprehensive Plan

The development plan is consistent with the Comprehensive Plan and other adopted area or corridor plans.

7. Review and Decision-Making

- a. Administrative Development Plans shall be reviewed and decided on per Section 4.17.060C.2.
- b. Minor and Major Development Plans shall be reviewed and decided on per Section 4.17.060C.3.
- c. Development Plans submitted as part of a specific application shall be reviewed as part of the specific application.

8. Post-Approval Actions

- a. If a Development Plan is approved, it shall be signed by the Director and attached to a Notice of Decision per Section <>. A copy shall be filed at Town hall, along with a copy of the approved development plan, both of which shall become part of the permanent records of the Town.
- b. The Development Plan shall be incorporated into the building permit and all conditions shall apply to the building permit.

9. Changes in Development Plan

Table 4.17-6 Administrative Development Plan

Applicable Common Procedures

- 1 Pre-Submittal Conference
Sec. 4.17.020
- 2 Application Submittal & Completion Review
Sec. 4.17.030
- 3 Complete Application Review and Action
Sec. 4.17.040
- 4 Administrative Review and Decision-Making
Sec. 4.17.060
- 5 Post-Decision Actions and Limitations
Sec. 4.17.070

Any change in the development plan made after original submittal of the plan, either before or after approval, shall require reapplication unless:

- a. The change is directed by the Planning and Zoning Commission; or
- b. The Director determines that the change can be reviewed as an Administrative Adjustment and it complies with the Town's regulations, goals, and policies.

10. Extension and Lapsing of Approvals

a. Extension

A development plan approval may be extended by the original decision-maker. Administrative development plan approvals shall not be extended for more than a total period of one year.

- i. Application for extension of major and minor development plans shall be made at least 30 days before the Planning and Zoning Commission or Town Council meeting at which it is to be reviewed. The application extension fee shall be established in the Fee Schedule.
- ii. In granting a renewal of the development permit, the Planning and Zoning Commission or Town Council may add, delete, or modify any terms or conditions of the permit in accordance with this Code and the Town's goals and policies.

b. Lapsing

Development plans shall lapse and be considered expired as follows:

- i. Three years from its approval date, unless application for a building permit is made or unless the approval is extended per 4.17.080D.10.a;
- ii. After three years:
 - (a) Upon expiration of the building permit; or
 - (b) Upon a finding of abandonment of the development per Section 4.17.070D.3.

E. Rezoning (Zoning Map Amendment)⁵

1. Purpose

The purpose of this section is to establish the procedure and requirements for requested amendments the Zoning Map.

2. Applicability

- a. The rezoning procedure allows amendments to the Zoning Map to reflect changes in public policy, changed conditions, or to advance the welfare of the Town. The zoning classification of any parcel in the Town may be amended using this procedure. The purpose is neither to relieve particular hardships nor to confer special privileges or rights on any person. Rezoning should not be used when a special use permit, variance, or administrative adjustment could be used to achieve a similar result.
- b. Changes to the characteristics of zoning districts (such as setback requirements) and development standards (such as parking requirements) shall be processed as Section 4.17.120C, Code Text Amendments.

3. Authority to Initiate

Amendments to the Zoning Map may be proposed by property owners, the Community Development Department, the Planning and Zoning Commission, or Town Council.

- a. When amendments are proposed by the Planning and Zoning Commission or Town Council, they must be initiated through a majority vote of the body.
- b. Applications for property owner-initiated amendments that include property not owned by the applicants shall be signed by a minimum of 50 percent of the owners of the property to be rezoned.

4. Review Procedure

Applications for Rezoning shall meet the common review procedures identified in Table 4.17-7.

5. Public Notice and Hearing Requirements

- a. The application shall be scheduled for public hearings before the Planning and Zoning Commission and Town Council and shall be noticed pursuant to Section 4.17.050.
- b. Town-initiated Rezoning updating the zoning designations for an area of the Town encompassing more than 100 acres of land or involving more than 25 properties owned by unique owners establish Town-wide policy regarding future urban growth and do not require mailed notice to individual property owners.

Table 4.17-7 Rezoning

Applicable Common Procedures

1	Pre-Submittal Conference Sec. 4.17.020
2	Application Submittal & Completion Review Sec. 4.17.030
3	Complete Application Review and Action Sec. 4.17.040
4	Scheduling and Notice of Public Hearing Sec. 4.17.050
5	Review and Decision-Making Sec. 4.17.060
6	Post-Decision Actions and Limitations Sec. 4.17.070

⁵ Current Section 4.05.030, revised to reflect importance of Town's adopted comprehensive plan.

- c. The Planning and Zoning Commission or Town Council may add additional property to be considered for a Rezoning if such additional property is identified in the notice.

6. Review Criteria and Decision-Making

Update Comment: The Rezoning review criteria have been updated to reflect modern best practice. The previous criteria required a showing of “change or mistake” in the applicable zoning, which was intended to put the burden of proving the need for rezoning on an applicant. With a new, Eagle-specific comprehensive plan in place, the criteria have been updated to create a streamlined rezoning process where the rezoning implements the plan.

- a. The Planning and Zoning Commission shall review and recommend and Town Council shall review and decide on the application based on the following criteria:
 - i. **Comprehensive Plan Future Land Use Plan**
The Rezoning is consistent with the Comprehensive Plan Future Land Use Plan for the project site, as well as any applicable area or corridor plans;
 - ii. **Comprehensive Plan Goals and Strategies**
The Rezoning promotes at least two Comprehensive Plan goals; and
 - iii. **Strategic Objectives**
The Rezoning presents the Town with an opportunity or an appropriate site, at an appropriate location, for the particular type of land use or development proposed and will help the Town achieve a balance of land use, tax base, or housing types consistent with the Town's overall planning and economic development goals.
- b. The Town Council may impose reasonable conditions on the rezoning, including, but not limited to:
 - i. Reduction in the number and type of permitted uses.
 - ii. Reduction or other limits on permitted density or intensity of development.
 - iii. Required review at the end of a specified period of time to determine if the construction of the allowed uses has commenced, and if not, then whether the rezoning should remain in place or a follow-up Rezoning process should be pursued.
 - iv. Consistency with any architectural plans, landscape plans, and/or site plans submitted by the applicant as part of the rezoning application.

7. Post-Decision Actions

- a. **Modification or Amendment**
Requests for modification or amendment shall be reviewed per Section 4.17.070C, Modification or Amendment of Approvals.
- b. **Lapsing and Extension of Approvals**
Rezoning approvals do not lapse.

F. Special Use Permit

1. Purpose

Each zone district is primarily intended for a predominant type of use as identified in Table <> [Use Table]. There are also a limited number of specific uses that may or may not be appropriate in a particular district, depending upon all the circumstances of the individual use on the site and in context with surrounding development. Consideration of these uses includes examination of the location, nature of the proposed use, the character of the surrounding development, traffic capacities of adjacent streets, and potential environmental effects, and whether specific conditions can be applied to mitigate the potential negative impacts of the use. Special Uses are special exceptions to the general terms of this Code.

2. Applicability

This section shall apply to any use that is classified as a Special Use in the Section <> Use Table or elsewhere in this Code.

3. Review Procedure

Special Use Permit applications shall meet the common review procedures identified in Table 4.17-8 Special Use Permit, with the following modifications:

a. Application

A Development Plan is required as part of the application information.

b. Public Notice and Public Hearing Requirements

The application shall be scheduled for a public hearing before the Planning and Zoning Commission and Town Council and shall be noticed pursuant to Section 4.17.050.

c. Review Criteria and Approval

The Planning and Zoning Commission shall review and recommend and the Town Council shall decide on a Special Use Permit request based on the following criteria:

i. Comprehensive Plan

The special use is consistent with the Town's Comprehensive Plan and applicable sub area and corridor plans, if any;

ii. Continued Maintenance

The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;

iii. Land Use and Development Code Standards

Table 4.17-8 Special Use Permit

Applicable Common Procedures

- 1 Pre-Submittal Conference
Sec. 4.17.020
- 2 Application Submittal & Completion Review
Sec. 4.17.030
- 3 Complete Application Review and Action
Sec. 4.17.040
- 4 Scheduling and Notice of Public Hearing
Sec. 4.17.050
- 5 Planning & Zoning Commission Review
Town Council Decision-Making
Sec. 4.17.060
- 6 Post-Decision Actions and Limitations
Sec. 4.17.070

The site for the proposed use is adequate in size and topography to accommodate the use while meeting the other requirements of this Code, including zone district dimensions, landscaping requirements, and parking;

iv. Off-Site Impacts

- (a) The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
- (b) The special use will not impede the normal and orderly development and improvement of the surrounding property;

v. Appropriate Conditions

It will be possible to establish conditions necessary to protect the public health, safety, and general welfare, including but not limited to conditions on:

- (a) Regulation of the use;
- (b) Special setbacks, buffers, or screening;
- (c) Surfacing of parking areas;
- (d) Street, alley, or service road dedications, improvements, or bonds;
- (e) Regulation of points of vehicular ingress and egress;
- (f) Regulation of signs;
- (g) Regulation on the performance of the site, including noise, vibration, and odors;
- (h) Regulation of the hours of activities;
- (i) Timeframe for development
- (j) Duration of use; and
- (k) Other relevant conditions that will ensure the orderly development of the site.

d. Approval Conditions

- i. A non-industrial special use permit may be approved with conditions that limit the following:
 - (a) Duration of the use, but not less than three years,
 - (b) Location,
 - (c) The party entitled to own or operate the use, or
 - (d) Other conditions specific to the requested use.
- ii. A Special Use Permit for an industrial use or operation shall include conditions requiring the use to have no adverse effect on the following:
 - (a) Existing lawful use of water through depletion or pollution of surface run-off, stream flow or groundwater.
 - (b) Wildlife and domestic animals through creation of hazardous attractions, blockade of migration routes or patterns or other means.

4. Post-Decision Actions

a. Major or Minor Change or Expansion

If the applicant proposes to change or expand a structure or other features of a site that is subject to a Special Use Permit, the Director shall determine whether the expansion or change is major or minor per Section <>.

b. Amendment, Revocation, or Termination

Special Use Permits may be revoked pursuant to Section 4.17.070D.4.

c. Extension and Lapsing of Approvals

A Special Use Permit approval shall remain valid until the property changes use or the use is abandoned and nonoperational for a period of 12 consecutive months.

G. Variance

1. Purpose

The variance process allows an applicant to request relief from the strict application of the regulations of this Code.

2. Applicability

3. An applicant may request a variance to applicable regulations that meet the requirements of the review criteria below. A variance may not be requested to allow a use in any zone district in which it is not listed as a permitted or special use. Review Procedure

Variance applications shall meet the common review procedures identified in Table 4.17-9, with the following modifications:

Table 4.17-9 Variance

a. Application

- i. Each application for a zoning variance shall be made on a form provided by the Town and signed by the applicant which clearly states the reasons for the request and how it complies with the conditions for variance.
- ii. An applicant may request a variance concurrently with an associated development permit application by submitting a request for variance as part of the overall application package.
- iii. Public Notice and Public Hearing Requirements
The application shall be scheduled for a public hearing before the Planning and Zoning Commission and shall be noticed pursuant to Section 4.17.050.

Applicable Common Procedures

1	Pre-Submittal Conference Sec. 4.17.020
2	Application Submittal & Completion Review Sec. 4.17.030
3	Complete Application Review and Action Sec. 4.17.040
4	Scheduling and Notice of Public Hearing Sec. 4.17.050
5	Planning & Zoning Commission Decision-Making Sec. 4.17.060
6	Post-Decision Actions and Limitations Sec. 4.17.070

b. Review Criteria and Decision

The Planning and Zoning Commission shall review and decide on a variance request to the standards of this Code or to consider access to sunlight for solar energy devices based on conformance with all of the following criteria

- i. The subject property has an exceptional shape, topography, building configuration, or other exceptional site condition that is not a general condition throughout the zone district;
- ii. The strict application of the Code standards for which a variance is sought would produce undue hardship;
- iii. The applicant's actions did not create the hardship;

- iv. The variance requested does not harm the public and does not impair the intent or purposes of this Code, goals, and policies, including the specific regulation for which the variance is sought;
- v. The variance request demonstrates exceptional hardship not related to purposes of convenience or financial burden;
- vi. The variance request will not violate building or fire code requirements; and
- vii. The variance is the minimum variance that will afford relief of the subject standards of the Code.

4. Post-Decision Actions

a. Modification or Amendment

Variance approvals cannot be modified or amended. An applicant who would like to change an approved variance shall file a new Variance application.

b. Extension and Lapsing of Approvals

- i. The property owner shall commence development or obtain the required permits to carry out the approved variance within three years of the Variance approval or the approval shall be deemed lapsed.
- ii. The Planning and Zoning Commission may grant additional extension of up to three years to any Variance approval.

c. Non-Transferable

An approved variance shall apply only to the property or structure described in the approval and shall not be transferable to any other property or structure.

H. Vested Property Rights

1. Purpose

The purpose of this chapter is to provide the procedures necessary to implement the provisions of § 24-68-101 C.R.S., et seq. and § 29-20-101 C.R.S. et seq. .

2. Definitions

The following definitions are for the purposes of administration of this section only and do not apply to any other sections of this Code.

- a. Site-Specific Development Plan means for all developments requiring a public hearing, the final approval (regardless of its title) that occurs prior to building permit application. If the landowner wants the final approval to have the effect of creating vested rights, pursuant to § 24-68-101 C.R.S., et seq., the landowner must request, in writing, at the time of application vested rights approval. Failure to make a vested rights request renders the approval not a “site-specific development plan,” and no vested rights shall be deemed to have been created.
- b. “Vested property right” means the right to undertake and complete the development and use of property under the terms and conditions of a site-specific development plan.

3. Limitations

Nothing in this section is intended to create any vested property right, but only to implement the provisions of § 24-68-101 C.R.S., et seq. and § 29-20-101 C.R.S., et seq. In the event of the repeal of § 24-68-101 C.R.S., et seq. and § 29-20-101 C.R.S., et seq. or a judicial determination that these statutory provisions are invalid or unconstitutional, this section shall be deemed to be repealed, and the provisions hereof no longer effective.

4. Applicability

a. Permitted Site Specific Development Plans

- i. An applicant may request, in writing, to have property rights vest for any of the following Site-Specific Development Plans:

Table 4.17-10 Site Specific Development Plans	
Development Review Procedure	Site-Specific Development Plan
Special use permit review pursuant to Section <>	Development plan approved by Town Council
Minor development plan, pursuant to Section<>, not accompanied by subdivision of land	Final development plan approved by Planning and Zoning Commission
Major development plan, pursuant to Section<>, not accompanied by subdivision of land	Final development plan approved by Town Council
PUD review, pursuant to Section <>, not accompanied by subdivision of land	PUD Final Plan approved by Town Council
PUD review, pursuant to Section <>, accompanied by subdivision of land	PUD Final Plan and Final Plat approval by Town Council
Subdivision review, pursuant to Chapter <>, including minor, subdivisions, lot line adjustments, division of property into condominium or townhouse units	Final Plat approved by Town Council

b. Exclusions

The following are specifically excluded from, and shall not constitute, a site-specific development plan:

- i. Variances issued by the Planning and Zoning Commission,
- ii. Business licenses,
- iii. Floodway or floodplain permits,
- iv. Franchises, ,
- v. Any comprehensive master plan element,
- vi. Designation of areas of state interest,
- vii. Creation of improvement districts,
- viii. Encroachment permits,
- ix. Zoning in conjunction with annexation to the Town, or
- x. Rezoning.

5. Alternative Creation of Vested Property Rights

- a. If an applicant desires an approval by the Town Council or Planning and Zoning Commission other than as defined in Section 4.17.020 to be an approval of a Site-Specific Development Plan for which state law requires that a vested property right be granted, pursuant to § 24-68-101 C.R.S., et seq. and § 29-20-101 C.R.S., et seq., the applicant shall submit a written request at least 30 days prior to the date of the application review by the Town Council or Planning and Zoning Commission.
- b. Failure to submit a written request for alternative creation of vested property rights per Section 5.a means the approval by the Town Council or Planning and Zoning Commission does not establish a Site-Specific Development Plan and no vested property rights shall be deemed to have been created.

6. Review Procedures

a. Application

Vested Rights Determination applications shall meet the common review procedures identified in Table 4.17-8 Special Use Permit, with the following modifications:

- i. An application for approval of a Site-Specific Development Plan shall be submitted and reviewed concurrently with an application for the final approval identified in Table 4.17-10 Site Specific Development Plans or alternative application identified through Section 4.17.080H.5.
- ii. It is the applicant's responsibility to ensure that each final plan, map, plat or site plan, or other document constituting a Site-Specific Development Plan contains the following language: "Approval of this plan may create a vested property right pursuant to § 24-68-101 C.R.S., et seq." Omission of this statement shall invalidate the creation of the vested property right.

b. Public Notice and Public Hearing Requirements

The application shall be scheduled for a public hearing before the Planning and Zoning Commission and Town Council and shall be noticed pursuant to Section 4.17.050.

c. Review Criteria and Approval

i. The Planning and Zoning Commission shall review and recommend and the Town Council shall decide on a Vested Rights request based on the following criteria:

(a) The action of the Town Council or Planning and Zoning Commission for approval of a site-specific development plan shall be in the same form as that required to approve any request being considered for the subject property in conjunction with the hearing on the site-specific development plan.

(b) The approval may include such terms and conditions as may be reasonably necessary to protect the public health, safety, and welfare., Terms and conditions imposed or agreed upon may include, without limitation:

(i) Future approvals by the Town not inconsistent with the original approval;

(ii) Approvals by other agencies or governments;

(iii) Satisfactory inspections;

(iv) Completion of all or certain phases of a project by certain dates;

(v) Waivers of rights;

(vi) Completion and satisfactory review of studies or reports;

(vii) Payment of fees to the Town or other governmental or quasi-governmental agencies as they become due and payable;

(viii) Payment of costs and expenses incurred by the Town relating to the approval;

(ix) Continuing review and supervision of the plan and its implementation and development;

(x) Obtaining and paying for building permits;

(xi) Compliance with other codes and laws such as the adopted building code,

(xii) Construction of improvements or facilities for the use of future landowners or the public at large; and

(xiii) Dedication of common area or open space, with provision for its maintenance.

(c) Each map, plat, or site plan constituting a site-specific development plan shall contain the following language conspicuously displayed on at least the first page of each document:

"APPROVAL OF THIS PLAN CREATES A VESTED PROPERTY RIGHT PURSUANT TO C.R.S. § 24-68-103."

Failure to include this statement shall invalidate the creation of the vested property right.

7. Effect of Determination

- a. A Site Specific Development Plan shall be deemed approved upon the last action by the City Council related to the plan.
- b. Approval of a Site Specific Development Plan shall not constitute an exemption from, or waiver of, any other provisions of this Code pertaining to the development or use of property.

8. Post-Decision Actions

Within 14 calendar days after the approval of the SSDP, the applicant shall:

- a. Satisfy the notice requirements of § 24-68-103(1) C.R.S. by publishing at their expense a notice, in a newspaper of general circulation within the Town, advising the public of the SSDP approval and creation of vested property rights pursuant to law, together with a legal description of the property at issue in the SSDP; and
- b. Acknowledge by written instrument that the applicant confirms their obligation to satisfy all other requirements under Town codes, rules and regulations including, but not limited to, all studies that may be required, including studies concerning traffic, drainage, erosion control, and utilities.
- c. No amendment of a SSDP shall extend or change the effective date of vesting of a property right unless specifically provided by written agreement. In the event amendments to a SSDP are proposed and approved, the effective date of such amendments, for purposes of duration of vested property right, shall be the initial date of the approval of the SSDP.
- d. Any waiver, be it in part or in full, of a vested property right shall be accomplished by written agreement between the owner and the Town and shall be recorded in the Eagle County land records. Unless otherwise agreed to by the Town, any landowners requesting annexation to the Town shall waive in writing any pre-existing vested property rights as a condition of such annexation.

9. Lapsing and Extension of Approvals

- a. The duration of any vesting shall be no longer than required by state law unless a different duration is provided by written agreement between the owner and the Town.
- b. Failure to abide by applicable terms and conditions may, at the option of the Town Council or Planning and Zoning Commission, as applicable, and after public hearing, result in the forfeiture of vested property rights. This section shall be strictly construed.

10. Exceptions to Vesting of Property Rights

A vested property right, even though established as provided in this section, precludes any zoning or land use action by the Town or pursuant to an initiated measure which would alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in the site-specific development plan, except:

- a. With the consent of the affected landowner; or
- b. Upon the discovery of natural or manmade hazards on or in the immediate vicinity of the subject property, which hazards could not reasonably have been discovered at the time the

site-specific development plan was approved, and which hazards, if uncorrected, would pose a serious threat to the public health, safety, and welfare; or

- c. To the extent the affected landowner receives just compensation for all costs, expenses, and liabilities incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultants fees incurred after approval by the Town Council or Planning and Zoning Commission, as applicable, together with interest thereon at the legal rate until paid. Just compensation shall not include any diminution in the value of the property which is caused by such action.
- d. The establishment of a vested property right pursuant to law shall not preclude the application of ordinances or regulations which are general in nature and are applicable to all property subject to land use regulation by the Town, including, but not limited to, building, fire, plumbing, electrical, housing, and dangerous building codes.

11. Amendment to Site-Specific Development Plan

In the event amendments to a Site-Specific Development Plan are approved, the effective date of such amendments, for the purpose of the duration of a vested property right, shall be the date of the approval of the original site-specific development plan, unless the Town Council or Planning and Zoning Commission specifically finds to the contrary and incorporates such finding in its approval of the amendment.

a.

12. Applicability

This chapter shall apply only to site-specific development plans approved after January 1, 1988.

4.17.090 HISTORIC PRESERVATION⁶

Update Comment: This new section has been added to create a fairly modest historic preservation process in Eagle. If the Town decides to proceed with this approach, additional assistance is available from _____.

A. Purpose

The purpose of this section is to promote the public health, safety, and welfare through the following:

1. The protection and preservation of the Town's historic and cultural heritage, as represented by designated Landmarks.
2. The enhancement to quality of life through the maintenance of designated Landmarks.
3. The protection and enhancement of the Town's economy through the preservation of historical attractions for local residents, tourists, and visitors to the Town.
4. The expansion of public awareness, appreciation, and knowledge of the Town's unique local history.

B. Application of Historic Preservation Regulations

It shall be the responsibility of the Planning and Zoning Commission to oversee the rules and regulations listed in this section. The Planning and Zoning Commission shall:

1. Review and determine qualifications of Buildings, Structures, Objects, Sites, and districts nominated for designation and recommend that the Town Council designate by ordinance such Buildings, Structures, Objects, Sites, or districts qualifying for such designation.
2. Recommend to the Town Council the establishment of Construction and Design Guidelines, consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties, for review of proposals to Alter, Relocate, or Demolish Historic Properties.
3. Review and make recommendations on any application for Alteration, Relocation, or Demolition of a Historic Property or Historic District or planning and design project that may affect the character or Integrity of the Historic Property or Historic District.
4. Participate in review of National Register of Historic Places nominations.
5. Advise and assist Owners on physical and financial aspects of preservation, rehabilitation, restoration, and reconstruction, including nomination to the Town's Historic Register, the Colorado State Register of Historic Properties, and the National Register of Historic Places.
6. Advise the Town Council on matters related to preserving the historic character and substance of the Town and recommend easements, covenants, licenses, and other methods which will implement the completion of the purposes of this section.
7. Participate in Federal Section 106 Review as requested by Town Council or staff.
8. Draft and recommend for adoption by the Town Council such by-laws, operating policies, and other rules of procedure as the Planning and Zoning Commission may deem appropriate.

C. Establishment of City Register and Designation Criteria

⁶ This new section has been added for Town review.

1. The Town Council hereby establishes the Town of Eagle Register of Historic Places (the “Town’s Historic Register”).
2. Properties or districts may be listed in the Town’s Historic Register only if such Property or district has been so designated pursuant to this ordinance.
3. All Properties listed in the Colorado State Register of Historic Properties and the National Register of Historic Places are eligible for the Town’s Historic Register but are not designated until approval, pursuant to this ordinance, is obtained.

4. Eligibility Criteria

Properties or districts shall be at least fifty years old and meet one or more of the following criteria or subcriteria in order to be considered for designation:

- a. Association with events that have made a significant contribution to history;
 - i. Is a site of a historic event that had an effect upon society; or
 - ii. Exemplifies cultural, political, economic, or ethnic heritage of the Town.
- b. Connection with persons significant in history;
- c. Distinctive characteristics of a type, period, method of Construction, or artisan;
 - i. Exemplifies specific elements of an architectural style or period;
 - ii. Is an example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally, or locally;
 - iii. Demonstrates superior craftsmanship or high artistic value;
 - iv. Represents a style that is particular to the Town or the heritage of the region;
 - v. Represents an innovation in construction, materials, or design; or
 - vi. Represents a built environment of a group of people in an era of history.
- d. Geographic importance; and/or
 - i. Enhances the sense of identity of the Town or community; or
 - ii. Is an established and familiar natural setting or visual feature of the Town or community.
- e. Possibility to yield important information related to prehistory or history.
 - i. Addresses research questions or fills recognized data gaps;
 - ii. Embodies construction, development, or design adaptations or
 - iii. Informs on the development of engineering systems.

A Property or district may be exempted from the age standard if the Town Council finds it to be exceptionally important in other criteria.

5. Integrity Criteria

All Properties and districts shall be evaluated for their physical Integrity using the following criteria:

- a. Location. The place where the property was constructed or the place where the historic event occurred.

- b. Design. The combination of elements that create the form, plan, space, structure, and style of a property.
- c. Setting. The physical environment of a property.
- d. Materials. The physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a property.
- e. Workmanship. The physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.
- f. Feeling. A property's expression of the aesthetic or historic sense of a particular period of time.
- g. Association. The direct link between an important historic event or person and a property.

6. Historic Districts

- a. A "Historic District" is a geographically definable area including a concentration, linkage, or continuity of Properties within a specified Period of Significance and may include within its geographic boundaries one or more Contributing Properties, which has been designated by the Town Council pursuant to this ordinance.
- b. A Historic District is related by a pattern of either physical elements or social activities. Historic Significance is determined by applying eligibility and Integrity criteria to the pattern(s) and unifying element(s).
- c. Historic District boundaries will be defined by visual changes, historical documentation of different associations or patterns of development, or evidence of changes in Property type, density, or Integrity.
- d. Properties that do not contribute to the Historic Significance of the Historic District may be included within its boundaries.

D. Designation Procedure

1. Nomination and Application

- a. Applications shall be submitted to the Planning Department for consideration on a form provided by the Commission.
- b. A nomination for listing in the Town's Historic Register may be made:
 - i. By the Owner or Owners of the Property or Properties to be designated;
 - ii. By a member or members of the Commission;
 - iii. By a member or members of Town Council; and/or
 - iv. By non-Owners of the Property or Properties to be designated, in which case the Applicant must be a resident or Owner of Property in the Town, or have a place of business in the Town.
- c. Where nominated by someone other than the Property Owner or less than all of the Property Owners in a district nominated for designation, the staff person assigned shall contact the Owner or Owners of such Property or Properties nominated for designation in writing,

outlining the reasons and effects of listing in the Town's Historic Register within 45 days of receipt of nomination.

- d. Applications determined incomplete shall be returned to the Applicant within 45 days with a request for additional information.
- e. Applications for a district nomination shall not be complete if more than 25% of the Property Owners within the proposed district oppose the nomination in writing or through ballot prepared and administered by the Town.

2. Designation Hearing

The Public Hearing for designation shall follow the Rezoning procedure in Section <>.

3. Records

The Town shall maintain a current record of all Historic Properties, Historic Districts, and pending designations and will send a notice of the designation of the historic district to the State Historic Preservation Officer.

4. Amendment of Designation

An application to amend the designation of a historic property or historic district shall be administered by the Planning Department and Planning and Zoning Commission in accordance with the Rezoning procedure in Section <>.

5. Revocation of Designation

If a historic property or district has been altered to a degree that it no longer retains its eligibility criteria, the owner, staff, a Planning and Zoning Commission member, or Town Council member may apply to the Planning and Zoning Commission for a revocation of the designation. The revocation application shall be administered in the same manner as an amendment of designation.

E. Alterations to Listed Properties and Historic Districts⁷

1. Requirements

- a. Before carrying out any new construction, alteration, relocation, or demolition involving the exterior of any historic property or contributing property within a historic district, such owner(s) must first submit the proposed work to the Planning Department. The application shall include anything staff or the Commission deems necessary, including, but not limited to, a description of the type of work proposed and its effect or impact upon the historic property or historic district and plans and specifications showing the proposed exterior appearance, with finishes, materials, samples of materials, and architectural design and detail. The application will not relieve the applicant from the responsibility to apply to any other permit required by this Code.
- b. The Planning Department shall review the application received to determine whether the property is a listed historic property, or a contributing property located in a historic district. If so, the Planning Department shall determine when the application is complete and whether the application qualifies as a minor alteration or a major alteration. If the Planning

⁷ **DE:** This will require the listing of a new procedure -- a certificate of appropriateness -- to be approved by the PC (although it could also be drafted to be approved by staff, with appeal to the PC). Most communities have major alterations/demolitions be PC decisions but then delegate minor decisions to staff.

Department determines the application is incomplete, the applicant shall be advised of the reasons in writing within 30 days of submittal.

i. Minor Alteration

A minor alteration shall be any alteration that does not constitute a major alteration and shall be determined administratively by staff within 60 days of a complete application:

ii. Major Alteration

The following shall constitute a major alteration and shall be reviewed and determined by the Commission at a Public Hearing:

(a) Demolition of a historic building

(b) Partial demolition of a historic building

(c) Re-landscaping of a historic site

- c. The Town shall review any building permit application received to determine whether the property is a listed historic property or located in a historic district and if so, if the applicant has completed review by the Planning Department or the Commission as required by this Section. If a Certificate of Appropriateness has been issued on the permit application and the proposed work conforms thereto, the Town shall process it without further action. If no Certificate of Appropriateness has been issued or if the Town determines that the permit application does not conform to such, the Town shall not approve the permit application and shall not issue a permit until a Certificate of Appropriateness has been issued and the permit application conforms thereto.
- d. No person shall receive a building permit to construct, alter, remove, or demolish any building, structure, object, or other feature on a Site or element of a district nominated for designation after an application has been filed to initiate the designation of such property or district. No such building permit shall be approved while proceedings are pending on such designation.

2. Application⁸

3. Alteration Hearing.

Within 45 days after an application is determined complete by the City, or within a time frame agreed upon by the Applicant and the City, a public hearing shall be held by the Commission. Such notice and hearing shall be conducted in conformance with the procedures set forth in Section 4, Subsections 2(a) – (d)⁹.

4. Review Criteria and Decision-Making

- a. Compliance with any Design Guidelines adopted by the Town and the Secretary of the Interior's Standards for the Treatment of Historic Properties.
- b. For Non-Contributing Properties within a Historic District:
- i. Compatibility with the Property's current design, materials, features, size, scale and proportion, and massing; or

⁸ DE: Standard development approval applications can apply

⁹ DE Only necessary for those HP review decisions you send to the PC -- and the standard PC hearing procedures can apply

- ii. Compatibility with the Historic District's design, materials, features, size, scale and proportion, and massing.
- c. Infill construction within Historic Districts shall be differentiated from the Historic Properties but be compatible with the historic materials, features, size, scale and proportion, and massing to protect the Integrity of the Historic District and its environment.

5. Appeal of Denial of Certificate of Appropriateness¹⁰

F. Demolition of Listed Properties¹¹

In order to demolish a Historic Property or a contributing property in a Historic District, the property owner shall either apply for a Major Alteration as described above or apply to remove the historic designation status from the property prior to application for a demolition permit.

1. General

- a. In addition to the criteria and procedures in Section 5, the Commission will use the criteria of this Section in considering applications for Demolition of Historic Properties and Contributing Properties in a Historic District.
- b. Applicants for Demolition shall provide:
 - i. A professionally prepared estimate of costs of continued Maintenance of the Property in its current condition, of rehabilitation, and of Demolition;
 - ii. An engineer's or architect's report as to structural soundness; and
 - iii. Professionally prepared estimates of the Property's market value in its current condition, as rehabbed and after Demolition.
- c. If a Demolition approval is granted on any basis other than that of an imminent hazard, a Certificate of Appropriateness will not be issued until a replacement/reuse plan for the Property has been approved by the Town.

2. Review Criteria for Total Demolition

Applicants requesting a Certificate of Appropriateness for total Demolition must provide data to clearly demonstrate the following criteria:

- a. The Property proposed for Demolition is not structurally sound, despite evidence of the Owner's efforts to properly maintain said Building, Structure, or Object;
- b. The Property cannot be preserved, restored, rehabbed, or reused on site to provide for any reasonable, beneficial use of the Property regardless of any proposed development plan for the Property's site or adjacent Properties;
- c. The Property cannot be practically moved to another site in the City; and

¹⁰ DE Standard provisions for appeal of a staff or PC decision apply.

¹¹ DE This is the big policy question -- can the Town stop a demolition of a building by refusing to issue a certificate or occupancy or a demolition permit. This text says they can, but many communities decide that they can only delay the demolition 90 or 180 days to try to find a different buyer willing to buy and preserve the property. If you don't want to have a separate procedure for this, some communities say the owner has to apply to remove the property from the historic district (or have it listed as a non-contributing property) or have it de-listed as an individual landmark, and that if the TC agrees to amend the zoning to do so, then the owner can apply for a demolition permit. Your choice about what to do on this issue.

- d. The Applicant demonstrates that the proposal mitigates, to the greatest extent practical, all the following:
 - i. Any impacts that occur to the visual character of the neighborhood where Demolition is proposed to occur;
 - ii. Any impact on the Historic Significance of the Buildings, Structures, or Objects located on the Property and adjacent Properties;
 - iii. Any impact to the Integrity of Buildings, Structures, or Objects located on the Property and adjacent Properties; and
 - iv. Any impact to archaeological deposits or ruins or the potential to access such resources and whether information can be recovered as part of the Demolition process.

3. Review Criteria for Partial Demolition.

Applicants requesting a Certificate of Appropriateness for partial Demolition must provide data to clearly demonstrate all of the following criteria:

- a. The partial Demolition is required for the preservation, restoration, or rehabilitation of the Property; and
- b. The Applicant demonstrates that the proposal mitigates to the greatest extent practical, all the following:
 - i. Any impact on the Historic Significance of the Buildings, Structures, or Objects located on the Property and adjacent Properties; and
 - ii. Any impact on the Integrity of the Buildings, Structures, or Objects located on the Property and adjacent Properties.

G. Alteration Exemptions

Exemptions shall use the Variance procedures in Section <> with the following criteria:

1. Criteria for Exemption

a. Economic Hardship

The following factors, evidence, and testimony are to be considered:

- i. The structural soundness of any Buildings or Structures on the Property and their potential for rehabilitation.
- ii. The economic feasibility of rehabilitation or reuse of the existing Property in the case of a proposed Demolition.
- iii. The consideration for economic hardship shall not include any of the following:
 - (a) Willful or negligent acts by the Owner;
 - (b) Purchase of the Property for substantially more than its market value;
 - (c) Failure to perform normal Maintenance and repairs;
 - (d) Failure to diligently solicit and retain tenants;
 - (e) Failure to prescribe a rental amount which is reasonable; or
 - (f) Failure to provide normal tenant improvements.

2. Decision¹²

H. Maintenance

No Owner, lessee, or occupant of any Historic Property or Contributing Property within a Historic District shall fail to prevent significant deterioration of the exterior of the building, structure, object, or special feature beyond the condition of such Historic Property or Contributing Property within a Historic District on the effective date of the designating ordinance.

I. Unsafe or Dangerous Conditions Exempted

Nothing in this ordinance shall be construed to prevent any measures of Construction, Alteration, removal, or Demolition necessary to correct the unsafe or dangerous condition of any Property, other feature, or parts thereof where such condition is declared unsafe or dangerous by the City and where the proposed measures have been declared necessary by the City to correct the condition, as long as only such work that is absolutely necessary to correct the condition is performed. Any temporary measures may be taken without first obtaining a Certificate of Appropriateness under this ordinance, but a certificate is required for permanent Construction, Alteration, removal, or Demolition.

J. Incentives

1. Any owner of a Historic Property or contributing property within a Historic District under this ordinance may be eligible for economic incentives for the restoration or rehabilitation of that property as provided by the State of Colorado and such additional incentives as may be developed by the Town Council.
2. The Planning Department and Commission shall identify and advise the Town Council regarding the implementation of economic incentives for Historic Properties. The Planning Department shall notify the owners of Historic Properties of economic incentive opportunities available.
3. The Town Council shall make the determination for each request regarding economic incentives with a recommendation by the Planning and Zoning Commission.

4.17.100 SUBDIVISION APPLICATIONS

A. Design Variance, Subdivision¹³

1. Purpose

A subdivision design variance is intended to allow specific changes to the provisions of Section <> [Subdivision Design, Improvements, and Dedications] where there are conditions on the site that require design variance to protect a natural feature or environmentally sensitive area or improve the subdivision design.

2. Applicability

An applicant may request a subdivision design variance to specific regulations for projects that meet the requirements of the review criteria below.

3. Review Procedures

¹² DE: Standard Variance and appeal of denial of Variance provisions can apply.

¹³ Current Section 4.13.200.

Subdivision Design Variance applications shall meet the common review procedures in Table 4.17-11, with the following modifications:

a. Application

Applications for subdivision design variance shall be made as follows:

- i. A subdivision design variance request shall be made and reviewed concurrently with the development plan or preliminary subdivision plan and, if granted, shall be described and acknowledged in the development permit or subdivision agreement.
- ii. The Section <> [subdivision design standards], but not the Town's street construction regulations, may be modified by the Planning and Zoning Commission for a planned unit development without a separate application for a subdivision design variance.
- iii. Each application for a subdivision design variance shall be made on a form provided by the Town that shall include, at a minimum, the information required in Section 4.17.130H.

b. Review Criteria and Approval

The Planning and Zoning Commission or Town Council shall review and decide on a subdivision design variance based on conformance with the following criteria:

- i. There exists on the site exceptional topographical, soil, or other subsurface condition, or other extraordinary conditions peculiar to the site or existing buildings or lot configuration such that strict application of the requirement of the regulation from which the design variance is requested would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the applicant or owner of the property in question.
- ii. A subdivision design variance shall not be granted if granting it would impair the intent and purposes of this Code.

4. Post-Decision Actions

a. Modification or Amendment

Requests for modification or amendment shall be reviewed per Section 4.17.070C, Modification or Amendment of Approvals.

b. Revocation or Termination

A subdivision design variance is revoked or terminated if the approval to which it was submitted is revoked or terminated.

Table 4.17-11 Design Variance, Subdivision

Applicable Common Procedures

1	Pre-Submittal Conference Sec. 4.17.020
2	Application Submittal & Completion Review Sec. 4.17.030
3	Complete Application Review and Action Sec. 4.17.040
4	Scheduling and Notice of Public Hearing Sec. 4.17.050
5	Planning & Zoning Commission or Town Council Decision-Making Sec. 4.17.060
6	Post-Decision Actions and Limitations Sec. 4.17.070

c. Lapsing and Extension of Approvals

A subdivision design variance lapses and may be extended in the same manner as the approval to which it was submitted.

B. Lot Line Adjustment/Lot Consolidation¹⁴

1. Purpose

This purpose of this Section is to allow for the administrative approval of lot line adjustments, including vacation of interior lot lines.

2. Applicability

- a. A lot line adjustment shall apply to subdivisions in which a lot line or a portion thereof is being moved to a location different from that shown on an official plat. A lot consolidation shall apply to subdivisions in which one or more interior lot lines are vacated to reduce the overall number of lots.
- b. An applicant for Lot Consolidation is required to own both (all) parcels.
- c. For lots within the original Town plat, a Lot Line Adjustment or Lot Consolidation shall not be required if all the following conditions exist:
 - i. The applicant owns four adjacent lots that could not be built on individually in compliance with this Code;
 - ii. All lots were platted in 1905 as part of the original plat of the Town;
 - iii. The lots are zoned residential and the proposed improvements will comply with all applicable requirements of this Code if the four lots are treated as one lot; and
 - iv. The applicant executes an agreement, in a form approved by the Town and to be recorded against all the lots, waiving any rights to sell any of the lots separately.

Table 4.17-12 Lot Line Adjustment

Applicable Common Procedures	
1	Pre-Submittal Conference Sec. 4.17.020
2	Application Submittal & Completion Review Sec. 4.17.030
3	Complete Application Review and Action Sec. 4.17.040
4	Administrative Decision-Making Sec. 4.17.060
5	Post-Decision Actions and Limitations Sec. 4.17.070

3. Review Procedures

Lot Line Adjustment or Lot Consolidation applications shall meet the common review procedures in Table 4.17-12, with the following modifications:

- a. The applicant shall submit an application complying with the final subdivision plat requirements of Section <>, and a final plat showing all proposed adjustments to the lot lines.
- b. An applicant may file a subsequent application based on the approved Lot Line Adjustment or Lot Consolidation application, but no subsequent applications shall be approved prior to final plat approval.

¹⁴ Current Section 4.12.040 as amended in 2022.

c. Review and Decision-Making

The Director shall review the application and make a determination per Section 4.17.040D. An approved Lot Line Adjustment or Lot Consolidation final plat shall be placed on the Town Council consent agenda and be signed by the Mayor prior to recordation.

d. Review Criteria

In reviewing a Lot Line Adjustment or Lot Consolidation application, the Director shall consider the following criteria:

- i. All of the required public improvements have been installed and approved;
- ii. All parcels created meet the minimum standards required by this Code and other applicable regulations;
- iii. The lot line adjustment does not adversely affect the character of the neighborhood or create other adverse impacts; and
- iv. The lot line adjustment does not result in density that exceeds the allowed density of the original subdivision.

4. Post-Decision Actions

a. Recording Required

A final plat shall be prepared for the Mayor's signature and filing showing all changes required as part of the approval. The applicant shall record the approved final plat with Eagle County at the applicant's expense.

b. Modification or Amendment

Requests for modification or amendment shall be submitted as a new application.

c. Lapsing and Extension of Approvals

A Lot Line Adjustment or Lot Consolidation approval lapses if a final plat is not filed within 90 days of approval and may be extended by the Director for an additional 90 days.

C. Minor Subdivision¹⁵

1. Purpose and Definition

The minor subdivision process is used to evaluate proposed subdivisions that will create few lots or involve minimal adjustments to approved final plats.

2. Applicability

The minor subdivision process shall apply to the one-time resubdivision of previously subdivided land that meets the following criteria:

Table 4.17-13 Minor Subdivision

Applicable Common Procedures

1

**Pre-Submittal Conference
Sec. 4.17.020**

¹⁵ Current Section 4.12.060, expanded to include a full set of procedures and revised to specify administrative approval.

- a. Creation of no more than four residential lots or 10 condominium units within a single plat that does not require the development or dedication of any public or private improvements in addition to those already existing from the original subdivision;
- b. Creation of condominiums or townhomes within an existing building that does not include land dedication; or
- c. Creation of no more than four mixed-use or nonresidential lots that does not include development of or dedication of any public or private improvements in addition to those already existing from the original subdivision.

Table 4.17-13 Minor Subdivision

Applicable Common Procedures

2	Application Submittal & Completion Review Sec. 4.17.030
3	Complete Application Review and Action Sec. 4.17.040
4	Administrative Decision-Making Sec. 4.17.060
5	Post-Decision Actions and Limitations Sec. 4.17.070

3. Review Procedures

- a. **Minor Subdivision applications shall meet the common review procedures in Table <>, Review and Decision-Making**
The Director shall review the application and make a determination per Section 4.17.040D.
- b. **Review Criteria**
In reviewing a Minor Subdivision application, the Director shall consider the following criteria:
 - i. **Comprehensive Plan**
Whether the resulting development will be consistent with the Comprehensive Plan;
 - ii. **Land Use and Development Code Standards**
Whether the approved lots will be consistent with the intent of the underlying zoning district and the applicable standards of this Code;
 - iii. **Easements, Facilities, and Services**
That the proposed lot changes:
 - (a) Do not affect a recorded easement without approval from the easement holder; and
 - (b) Will not limit the City's ability to effectively provide facilities or services.

4. Post-Decision Actions and Limitations

- a. Post-decision actions and limitations in Section <> shall apply and the applicant shall record the approved minor subdivision with the Eagle County Clerk and Recorder as soon as practicable.
- b. When reviewing a proposal to divide an existing structure into condominium or townhouse units, the Director may require the subject property to come into compliance with this Code and all applicable life safety codes as necessary to safeguard the public health, safety, and welfare.

D. Major Subdivision¹⁶

¹⁶ Current Section 4.12.030

1. Overview

a. Purpose

This section is intended to provide for full review of any proposed subdivision of land in order to ensure that the potential effects of the proposal are considered.

b. Applicability and Process

- i. Every proposal including a subdivision of land shall include review of:

Major Subdivision Review Steps

- (a) A sketch plan in accordance with Section 4.17.100D.2,

1

Sketch Plan
Sec.

- (b) A preliminary plan in accordance with Section 4.17.100D.3, and

2

Preliminary Plan
Sec.

- (c) A final plat in accordance with Section 4.17.100E,

3

Final Plat
Sec.

- ii. Lot line adjustment, condominium and townhouse plats, and minor subdivision applications are exempt from this three-step process but may need to conform to specific steps as directed in the individual application process.

2. Sketch Plan¹⁷

a. Purpose

The sketch plan review process has two purposes. First, it provides the Town the opportunity to describe the community's vision to the applicant. Second, it gives the applicant an opportunity to discuss proposed subdivision and development plans, explain how the plans will further the community's vision, and obtain input and direction from the Planning and Zoning Commission and Town Council early in the process. The ultimate goal of this process is to help the applicant develop a subdivision plan that fosters the community's vision.

b. Applicability

- i. All subdivision applicants for any of the following shall submit a sketch plan:

- (a) Subdivision of land that has not been platted;

- (b) Subdivision that will include the dedication of public right-of-way, other public tracts, or public improvements not determined to be eligible for minor subdivision processing;
or

- (c) Any subdivision that is not eligible to be processed as a minor subdivision, lot line adjustment, or condominium/townhouse plat.

- ii. The Director may require all or part of any information waived from a sketch plan submission to be submitted with the preliminary subdivision plan.

¹⁷ Current Section 4.12.030 reorganized to group all Sketch Plan information.

c. Review Procedures

Applications for sketch plan review shall meet the common review procedures in Table <>

d. Public Notice and Public Hearing Requirements

Public notice is not required for sketch plan review.

e. Review and Decision-Making

i. Planning and Zoning Commission and Town Council Review

(a) The Planning and Zoning Commission and Town Council shall review the sketch plan application at one of their regular meetings. The Commission and Council shall make comments and recommendations regarding the proposed development that are to be considered by the applicant in preparation of the preliminary subdivision plan.

(b) Commission and Council comments are not binding.

(c) At the Town Council meeting, the Council may recommend that the applicant proceed or not proceed to the preliminary subdivision plan stage, based on its review of the proposal.

ii. Review and Discussion Criteria

The Planning and Zoning Commission and Town Council shall consider the following in their review of a sketch plan:

(a) How the proposed project complies conceptually with the comprehensive plan, and the applicable requirements of this Code.

(b) How the proposed development incorporates variety in the type, design, and siting of buildings.

(c) How the proposed subdivision will be connected to and integrated with surrounding natural and developed areas.

(d) How the project will impact neighboring properties (i.e., water drainage, traffic circulation, environmental impacts, view corridors).

(e) How the proposal promotes the efficient use of land and public streets, utilities, and governmental services.

f. Post-Decision Actions

i. Modification or Amendment

Requests for modification or amendment shall be submitted as a new sketch plan application.

3. Preliminary Plan¹⁸

a. Purpose

The Preliminary Plan procedure provides a mechanism for the Town to review an overall plan for a proposed subdivision to ensure compliance with this Code, the Comprehensive Plan, and the adequate provision of facilities and services in the Town.

b. Applicability

- i. A Preliminary Plan is required if the proposed subdivision:
 - (a) Meets the sketch plan applicability criteria but sketch plan submission was waived by the Director, or
 - (b) Has completed the sketch plan comments and recommendations process and the applicant wishes to proceed with the subdivision process.
- ii. At the Director's discretion, an applicant may combine the Preliminary Plan and Final Plat submission requirements together in a single submission.

c. Review Procedures

d. Applications for Preliminary Plan shall meet the common review procedures in Table 4.17-14 Preliminary PlanPublic Notice and Public Hearing Requirements

The application shall be scheduled for a public hearing before the Planning and Zoning Commission and Town Council and shall be noticed per Section 4.17.050.

e. Review and Decision-Making

i. Review Criteria

- (a) The Planning and Zoning Commission shall review and recommend on and the Town Council shall review and decide on the Preliminary Plan application based on the following criteria:
 - (i) **Comprehensive Plan**
The Preliminary Plan is consistent with applicable provisions of the Comprehensive Plan;
 - (ii) **Sketch Plan**
The Preliminary Plan Is substantially consistent with the recommendations made by Planning and Zoning Commission and Town Council at sketch plan application;

Table 4.17-14 Preliminary Plan

Applicable Common Procedures

1	Pre-Submittal Conference Sec. 4.17.020
2	Application Submittal & Completion Review Sec. 4.17.030
3	Complete Application Review and Action Sec. 4.17.040
4	Scheduling and Notice of Public Hearing Sec. 4.17.050
5	Planning & Zoning Commission Recommendation Town Council Decision-Making Sec. 4.17.060
6	Post-Decision Actions and Limitations Sec. 4.17.070

¹⁸ Current Section 4.12.030 reorganized to group all Preliminary Plan information.

(iii) Land Use and Development Code Standards

The Preliminary Plan complies with the applicable standards of this Code;

(iv) Infrastructure and Services

The Preliminary Plan provides evidence that public water and sewer system connections can be efficiently implemented; and

(v) Phasing

The Plan proposes reasonable project phasing in terms of infrastructure capacity, transportation connections, provision of open space and trails, and any other aspect of the development that will be developed across multiple phases.

- (b)** When a preliminary plan and development plan are submitted as a single application, the Planning and Zoning Commission and Town Council shall also apply the Section 4.17.080D.6 Development Plan Review Criteria.

ii. Phased Development

Whenever a Preliminary Plan is approved for development of the subdivision in phases, the Town Council may provide the periods of time allowed for final plat approval of each phase of the development after the first.

f. Post-Decision Actions

i. Modification or Amendment

Requests for modification or amendment of an approved Preliminary Plan shall be processed according to Section 4.17.070C.

ii. Lapsing and Extension of Approvals

- (a)** A Preliminary Plan approval shall lapse if a Final Plat for the first phase or all of the property included in the preliminary plan is not filed within 2 years of the Preliminary Plan approval.

- (b)** Upon a request by the applicant made prior to the expiration of the 2-year period, the Town may grant an extension for another two years. If more than 2 years elapse from the date of the Council's original approval or an approved extension to the date of the Preliminary Plan submittal, and if no extension has been granted, the applicant shall be required to resubmit the Preliminary Plan as a new application.

- (c)** If a Development Plan and Preliminary Plan are submitted jointly both approvals lapse pursuant to this section.

E. Subdivision, Final Plat¹⁹

1. Purpose

The Final Plat procedure completes the subdivision process and ensures compliance with the approved Preliminary Plan and applicable standards in this Code.

2. Applicability

The Final Plat procedure applies to all subdivisions in the Town unless otherwise stated in this Code.

¹⁹ Current Section 4.12.030, reorganized to group all Final Plat information and revised to allow administrative approval.

3. Review Procedures

Applications for Final Plat shall meet the common review procedures in Table <> with the following modifications:

If the applicant is seeking vested rights with the final plat, the vested rights application shall be reviewed concurrently with an application for a final plat. Applicants seeking vested rights shall comply with the procedures in Section 4.17.080H.

4. Review and Decision-Making

a. Review Criteria

The Director shall review and decide on the final plat application based on the following criteria:

i. Preliminary Plan

The final plat conforms to the approved Preliminary Plan, including any conditions of approval;

ii. Land Use and Development Code Standards

The development will comply with all requirements of this Code; and

iii. Platting Standards

The development will comply with all applicable technical standards and specifications..

b. Town Council Action

i. Upon approval of a Final Plat and Development Agreement as required by Section <>, the Council shall enact an ordinance authorizing the Town Council certification of the plat and accepting any dedications shown thereon.

ii. The applicant shall record the plat and Development Agreement with the County Clerk and Recorder within 30 days of the Town Council's certification.

5. Post-Decision Actions

a. Modification or Amendment

Requests for modification or amendment of an approved Final Plat shall be processed according to Section 4.17.070C.

b. Lapsing and Extension of Approvals

i. A Final Plat approval shall lapse if development has not started within 3 years of the preliminary plan approval. "Start of development," for the purposes of this section, shall mean either the commencement of construction of public improvements within the subdivision, or the sale of an individual lot, townhome or condominium unit within the development, or the issuance of the first building permit for construction within the subdivision, whichever event first occurs.

ii. Upon a request by the applicant made prior to the expiration of the 3-year period, the Town may grant an extension for a specified timeframe. If more than 3 years elapse from the date of the original certification or an approved extension, and if no extension has been granted, the applicant shall be required to resubmit the Final Plat as a new application.

F. Subdivision, Final Plat for Condo or Townhome²⁰

1. Purpose

This procedure provides a mechanism to ensure that condominium and townhome subdivisions and conversions will comply with the applicable provisions of this Code.

2. Applicability

The following procedures shall be followed before sale of individual units in a multifamily dwelling, or of individual commercial or other space within a larger building, whether or not there is tenancy in common. Condominium and townhome developments remain subject to the building lot, height, and setback requirements of the applicable zone district.

3. Review Procedures

Applications for final plat for a condominium or townhome shall meet the common review procedures in Table 4.17-15 Final Plat: Condo or Townhome, with the following modifications:

- a. The application shall include the information required in Section 4.17.130I.
- b. If no change is proposed in the potential for development beyond that existing or approved, division of property into condominium or townhouse units shall follow the procedures for Minor Subdivision in Section<>.
- c. Developments that have an approved Development Plan or Preliminary Plat that is no more than three years old, and for which an intent to subdivide into townhouses and/or condominiums was declared during that review shall bereviewed pursuant to this section

Table 4.17-15 Final Plat: Condo or Townhome

Applicable Common Procedures

1	Pre-Submittal Conference Sec. 4.17.020
2	Application Submittal & Completion Review Sec. 4.17.030
3	Complete Application Review and Action Sec. 4.17.040
4	Administrative Decision-Making Sec. 4.17.060
5	Post-Decision Actions and Limitations Sec. 4.17.070

4. Review and Decision-Making

- i. The Director shall review and decide on the proposed final plat of a condominium or townhouse subdivision within 45 days of a complete application determination.
- ii. Upon approval of a Final Plat for Condo or Townhouse, the Town Council shall place the Final Plat on the consent agenda and enact an ordinance authorizing the Town Council certification of the plat and accepting any dedications shown thereon. The Final Plat shall be signed by the Mayor prior to recordation.
- iii. The applicant shall record the plat and Development Agreement with the County Clerk and Recorder within 30 days of the Town Council's certification.

²⁰ Current Section 4.12.050 adjusted to allow administrative approval.

G. Vacation of Public Right-of-Way or Easement²¹

1. Purpose

The Vacation of Right-of-Way or Easement (Vacation) procedure provides a mechanism for implementing §43-2-303 C.R.S. to vacate rights, interests, or title of the Town in and to any right-of-way or easement located in the Town.

2. Applicability

This section shall apply to the vacation of any street, alley, easement, or other public reservation.

A request for Vacation may be filed when:

- a. The right-of-way or easement:
 - i. Has never been, or is not anticipated to be formally opened or used;
 - ii. Is no longer needed because of design changes made by the Town;
 - iii. Has never been used for public purposes, or
 - iv. Has been abandoned and removed.
- b. All portions of the right-of-way or easement to be vacated are within the Town; and
- c. None of the right-of-way to be vacated constitutes a boundary line between two counties or the boundary of the Town.

3. Review Procedures

Applications for Vacation shall meet the common review procedures in Table <>.

4. Public Notice and Hearing Requirements

The request for Vacation shall be reviewed at public hearings for Planning and Zoning Commission recommendation and the Town Council decision-making and shall be noticed per Section <>.

5. Review and Decision-Making

- a. The Planning and Zoning Commission shall review and recommend and the Town Council shall review and decide on an application for Vacation based on the following criteria:
 - i. **Comprehensive Plan**
The vacation is consistent with the Comprehensive Plan;
 - ii. **Land Use and Development Code Standards**
The vacation will comply with the applicable standards of this Code;

Table 4.17-16 Vacation of Public Right-of-Way or Easement

Applicable Common Procedures

1	Pre-Submittal Conference Sec. 4.17.020
2	Application Submittal & Completion Review Sec. 4.17.030
3	Complete Application Review and Action Sec. 4.17.040
4	Scheduling and Notice of Public Hearing Sec. 4.17.050
5	Planning & Zoning Commission Recommendation Town Council Decision-Making Sec. 4.17.060
6	Post-Decision Actions and Limitations Sec. 4.17.070

²¹ New process.

iii. Public Purpose

The right-of-way is no longer needed for transportation, public utility, or drainage purposes;

iv. Property Access

No land adjoining the right-of-way to be vacated or easement shall be left, as a result of the vacation, without adequate public services and/or vehicular access consistent with applicable standards.

- b.** Vacation of a right-of-way shall be accomplished by Town Council ordinance. Vacation of an easement shall be accomplished by Town Council resolution.

6. Post-Decision Actions

The Director shall record the approved ordinance or resolution with the Eagle County Clerk and Recorder as soon as practicable following approval.

7. Lapsing and Extension of Approval

A resolution or an ordinance for a Vacation of Public Right-of-Way or Easement shall not expire.

4.17.110 ADMINISTRATIVE PERMITS AND DETERMINATIONS

A. Administrative Adjustments (new)

1. Purpose

The administrative adjustment procedure is intended to allow minor modifications or deviations from the dimensional or numeric standards of this Code with approval by the Director. Administrative adjustments are intended to provide greater flexibility when necessary, without requiring a formal zoning amendment or variance. The administrative adjustment procedure is not a waiver of current standards of this Code and shall not be used to circumvent the variance procedure.

2. Types of Administrative Adjustments

This section establishes three types of Administrative Adjustments, each described in more detail below:

- a. Administrative Adjustments to Code Standards,
- b. Administrative Adjustments to Create Reasonable Accommodations Under the FHAA, and
- c. Administrative Adjustments to Eliminate a RLUIPA Substantial Burden.

3. Administrative Adjustments to Code Standards

- a. An application for an administrative adjustment to Code standards may request only the types of adjustments shown in Table 4.17-17 Administrative Adjustments.

Table 4.17-17 Administrative Adjustments to Code Standards	
Code Standard	Allowable Administrative Adjustment (max. %)
Site Standards	
Lot area, min	15
Lot coverage, max	15
Lot Dimensional Standards	
Front setback, minimum	15
Side setback, minimum	15
Rear setback, minimum	15
Encroachment into setback	15
Building Standards	
Building height, maximum (excludes WCF)	15
Accessory building height, maximum (excludes WCF)	15
Development Standards	
Number of required parking spaces, maximum or minimum	15
Lighting height, maximum	15
Sign height, maximum	15
Fence or wall height, maximum	15, one foot maximum
Minimum landscaping requirements	15

- b. Administrative Adjustments to Code Standards may not be requested for PUD applications.

4. Reasonable Accommodations Under the FFHA

- a. In response to a written application identifying the type of housing being provided and the portions of the Federal Fair Housing Act that require that reasonable accommodations be made for such housing, the Director is authorized to approve any of the following administrative adjustments in order to provide reasonable accommodations without the need for a rezoning or variance:
 - (a) Modify any facility spacing, building setback, height, lot coverage, or landscaping requirement by no more than ten percent; or
 - (b) Reduce any off-street parking requirement by no more than one space.
- b. The Director may approve an administrative adjustment to provide a type of reasonable accommodation different from that requested by the applicant if the Director concludes that a different form of accommodation would satisfy the requirements of the Federal Fair Housing Act with fewer impacts on adjacent areas. The decision of the Director shall be accompanied by written findings of fact as to the applicability of the Fair Housing Act, the need for reasonable accommodations, and the authority for any reasonable accommodations approved. Requests for types of accommodation that are not listed above may only be approved through a variance or rezoning process.

5. Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA)

The Director may grant administrative adjustments in order to eliminate a substantial burden on religious exercise as guaranteed by the Federal Religious Land Use and Institutionalized Persons Act of 2000, as amended. In no circumstance shall the Director approve an adjustment that allows a religious assembly use, or any uses, structures, or activities accessory to it, in a zoning district where this Code prohibits such use or accessory use, structure, or activity.

6. Limitations on Administrative Adjustments

- a. Except when requested as a reasonable accommodation for Federal Fair Housing Act ("FFHA") purposes, a request for an Administrative Adjustment shall not be used to further modify a development standard that, as applied to the subject property, already qualifies as an exception to, or modification of, a generally applicable development standard.
- b. The Administrative Adjustment procedure shall not apply to any proposed modification or deviation that results in:
 - i. An increase in the overall project density;
 - ii. A change in permitted uses or mix of uses;
 - iii. A deviation from the standards in Section <>, Use-Specific Standards;
 - iv. A deviation from the standards in <>, Sensitive Area Protection;
 - v. A deviation from building or fire codes;
 - vi. A deviation from the Town's Engineering Standards;
 - vii. Changes to requirements for public roadways, utilities, or other public infrastructure or facilities; or

- viii. A change to a development standard where that same standard was already modified through a separate administrative adjustment or variance.

7. Review Procedure

a. Application

Table 4.17-18 Administrative Adjustment

Applicable Common Procedures

1

Submit concurrent with other application

- i. An application for an administrative adjustment shall only be submitted and reviewed concurrently with an application for a conditional use permit, special use permit, temporary use permit, development plan approval (administrative, minor, or major), administrative permits, or building permit.
- ii. Each Code standard in Table 4.17-17 Administrative Adjustments shall be considered a separate administrative adjustment request as it relates to the Section 4.17.110A.7.b review criteria, but multiple adjustments may be considered in one administrative adjustment application.

b. Review Criteria

In reviewing a proposed administrative adjustment, the decision-making body shall consider whether and to what extent the adjustment:

- i. **Compatibility**
Will not negatively impact the function or enjoyment of adjacent properties or adjacent permitted uses
- ii. **Impacts**
Will not result in adverse impacts ; and
- iii. Is required to:
 - (a) Compensate for an unusual site condition; or
 - (b) Correct a minor inadvertent failure to comply with a Code standard; or
 - (c) Protect a previously undiscovered sensitive resource, or natural feature.

c. Review and Decision-Making

- i. Where the concurrently reviewed application requires review and approval by the Director, the Director shall review the application per Section 4.17.060C.2.
- ii. Where the concurrently reviewed application requires review and approval by the Planning and Zoning Commission or Town Council, the Commission or Council, as applicable, shall review and decide the administrative adjustment application based on the review criteria above.
- iii. Approval of an administrative adjustment authorizes only the particular adjustment of standards approved, and only to the subject property of the application.

8. Expiration

An administrative adjustment shall automatically expire if the associated development application is denied or if approval of the concurrently reviewed application expires, is revoked, or otherwise deemed invalid.

B. Administrative Permits

1. Overview

Administrative permits are reviewed and decided on by the Director or other specified City staff member.

2. Review Procedures

Procedures for review and decision of administrative permits are established in Table <>.

3. Review Criteria for All Administrative Permit Types

The Director shall review each application against the following criteria. Individual application types may include exceptions to these criteria or impose additional criteria.

- a. The application complies with all provisions of this Code;
- b. The application is consistent with the Comprehensive Plan;
- c. The application complies with any other approvals on the property;
- d. The applications complies with or will comply with other City, state, and federal regulations;
- e. The property is not subject to a pending notice of violation or legal action as a result of a violation of any federal, state, county, or city land use law or administrative rule; and
- f. As applicable, public facilities and utilities shall be available concurrent with the development.

4. Lapsing and Extension of Approvals

Administrative permits shall remain valid according to the following timeframes unless otherwise specified in this section:

- a. General, no other specified expiration date: One year
- b. Sign Permit: 180 days

5. Encroachment Permit

[insert]

6. Short-Term Rental Permit

7. Sign Permit

a. Applicability

A sign permit is required for any sign to be erected, re-erected, constructed, altered, or maintained unless except as provided in Section <>, Sign Permit Not Required, and Section <>, Exempt from Sign Regulations. Exemptions shall not be construed as relieving the owner of a sign from the responsibility of erecting, maintaining, and otherwise complying with the provisions of Section <>, Signs, or any other law or ordinance regulating an exempted sign:

b. Review Procedures

- i. Sign permit applications shall meet the common review requirements of Table 4.17-19 Administrative Permits.
- ii. Sign permit applications shall include the information required by the application form and, at a minimum, the information identified in Section 4.17.130D.
- c. **Review and Decision-Making**
Sign permit applications shall be decided on by the Director per Section 4.17.060C.2.
- d. **Lapse and Extension**
 - i. Sign permits shall lapse if erection of the sign authorized by the permit is not commenced within 180 days from the date of permit approval.
 - ii. Any permittee holding an unexpired permit may apply for an extension of time per Section <> The Director may extend the time for action for a period not exceeding 180 days. No permit shall be extended more than once.

Table 4.17-19 Administrative Permits

Applicable Common Procedures

- | | |
|---|--|
| 1 | Pre-Submittal Conference
Sec. 4.17.020 |
| 2 | Application Submittal & Completion Review
Sec. 4.17.030 |
| 3 | Complete Application Review and Action
Sec. 4.17.040 |
| 4 | Administrative Decision-Making
Sec. 4.17.060 |
| 5 | Post-Decision Actions and Limitations
Sec. 4.17.070 |

8. Temporary Use Permit
[insert]

9. Wireless Communication Facilities
[insert]

4.17.120 CODE ADMINISTRATION

A. Appeals of Administrative Decisions²²

1. Purpose

The appeal procedure establishes a mechanism for appealing decisions made in the administration or enforcement of this Code. Appeals shall be made in accordance with C.R.S. § 31-23-307.

2. Applicability

- a. Any person aggrieved by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of this Code may appeal the decision.
- b. Appeals may also be made by any officer, department, board, or bureau of the Town.

3. Review Procedures

Appeals of administrative decisions shall meet the common review procedures in Table 4.17-20 Appeal, with the following modifications:

- a. An application for appeal shall be made within 15 days of the decision from which the appeal is made.
- b. The party making the appeal (the appellant) shall have the burden of proving the necessary facts to warrant reversal or amendment of the decision being appealed. Proof shall include applicable specific section references within this Code and shall be provided with the application. The Appeal application shall include a narrative describing the specific reasons for the appeal and the grounds for changing the administrative determination.
- c. The Director shall review the appeal application and prepare a staff report in accordance with Section 4.17.040A, with the following modifications:
 - i. Staff review of the appeal shall only confirm that the application is complete and that the appeal will be heard by the appropriate authority.
 - ii. The staff report shall identify the relevant facts and procedural history, the decision that is the subject of the appeal and the action requested by the appellant on appeal.

Table 4.17-20 Appeal

Applicable Common Procedures

1	Pre-Submittal Conference Sec. 4.17.020
2	Application Submittal & Completion Review Sec. 4.17.030
3	Complete Application Review and Action Sec. 4.17.040
4	Scheduling and Notice of Public Hearing Sec. 4.17.050
5	Planning & Zoning Commission Decision-Making Sec. 4.17.060
6	Post-Decision Actions and Limitations Sec. 4.17.070

²² Current Section 4.03.050 expanded for clarity.

- iii. The staff report shall not make a formal recommendation on the merits of the appeal but may advise the appellate body of the actions it may take in response to the appeal.

4. Stay of Proceedings

- a. An appeal stays all proceedings in furtherance of the action appealed from except as provided in Section 4.b, below. No further action will be taken by the Town on the initial application or request while the administrative decision is being appealed.
- b. The Town may decide not to stay activities related to the application while the administrative decision is being appealed where a stay would cause imminent peril to life or property, determined as follows:
 - i. The appeal is filed; and
 - ii. The staff member from whom the appeal is taken certifies to the Planning and Zoning Commission that by reason of facts stated in the appeal, a stay would, in that officer's opinion, cause imminent peril to life or property.
 - iii. In such cases, proceedings shall not be stayed other than by a court of record upon application to same and notice to the officer from whom the appeal is taken and on due cause shown.

5. Public Notice and Public Hearing

Appeals shall be scheduled for a public hearing before the Planning and Zoning Commission. Notice of the hearing shall be provided to the applicant and is not required to be provided to anyone else.

6. Review and Decision-Making

- a. The Planning and Zoning Commission shall hold a hearing pursuant to Section <>.
- b. In considering a request for appeal, the Planning and Zoning Commission shall consider only those facts, evidence, testimony, and witnesses that were part of the official record of the decision-maker's action. No new evidence or testimony may be considered, except Town staff may be asked to interpret materials contained in the record.
- c. If the Planning and Zoning Commission finds that pertinent facts were not considered or made a part of the record, they shall remand the item back to the decision-maker for a rehearing and direct that such facts be included on the record.

7. Review Criteria and Findings

- a. The Planning and Zoning Commission shall review and determine whether the interpretation by the Director was in accordance with the intent and requirements of this Code.
- b. The appellate body shall consider, based on the information in the record before the Director, whether the Director:
 - i. Acted in a manner inconsistent with the provisions of this Code or other applicable local, State or federal law; or
 - ii. Made erroneous findings of fact based on the evidence and testimony on the record; or
 - iii. Failed to fully consider mitigating measures or revisions offered by the applicant that would have brought the proposed project into compliance; or

- iv. Acted arbitrarily, or capriciously.
 - c. In granting an Appeal, the Planning and Zoning Commission shall find:
 - i. The decision maker may have acted in a manner inconsistent with the provisions of this Code or other applicable local, State, or federal law; or
 - ii. The decision maker may have made erroneous findings of fact based on the evidence and testimony on the record; or
 - iii. The decision maker may have failed to fully consider mitigating measures or revisions offered by the applicant that would have brought the proposed project into compliance; or
 - iv. The decision-maker may have acted arbitrarily, acted capriciously, and/or abused its discretion; or
 - v. In addition to one or more of the above findings, the Planning and Zoning Commission shall find the appellant was present at the hearing during which the original decision was made or was otherwise on the official record concerning the development application.
 - d. The Planning and Zoning Commission may:
 - i. Affirm, reverse, or remand a decision in whole or in part, or may modify the order, requirement, decision, or determination appealed from; and
 - ii. Attach conditions of approval on any appeal to ensure the health, safety, and welfare of the general public.
- 8. Post-Decision Actions**
- Any further appeals shall be made to the courts in accordance with state law.

B. Code Interpretation²³

1. Purpose

The purpose of a code interpretation is to clarify how regulations are applied to a specific case as well as guide general application of the Code.

2. Applicability

- a. The Director is authorized to provide a written interpretation of the contents and requirements of this Code.
- b. Interpretations may be requested for a provision of this Code subject to a proposed or current application, hearing, or appeal.
- c. The Director may also provide a property-specific code interpretation in the form of a Code clarification that identifies whether specific regulations in this Code are applicable to the subject property.

3. Authority

²³ New process.

An interpretation may be requested by any:

- a. Applicant,
- b. Person affected by an action proposed pursuant to this Code, or
- c. Any Town departments or other governmental agencies that may be subject to the provisions of this Code.

4. Review Procedures

Applications for Code Interpretation shall meet the common review procedures identified in Table 4.17-21 Code Interpretation.

C. Code Text Amendment²⁴

1. Purpose

The Code Text Amendment process allows for amendment to the terms, tables, or graphics of this Code.

2. Applicability

An amendment to the text of this Code shall be initiated by the Director, the Planning and Zoning Commission, or the Town Council.

3. Review Procedures

a. Application

- i. An application for an amendment to the Code shall be prepared by the Director. If the amendment is initiated by the Planning and Zoning Commission or Town Council, the Director shall prepare the application at the request of the Planning and Commission or Town Council.
- ii. The application shall follow the common review procedures of Table <> but no Pre-Submittal Conference shall be required.

4. Public Notice and Public Hearing

Code Text Amendments shall be scheduled for a public hearing before the Planning and Zoning Commission for recommendation and Town Council for decision-making and shall be noticed pursuant to Section 4.17.050.

5. Review and Decision-Making

a. Substantive Code Text Amendments

Proposed amendments to the substantive requirements of this Code shall be reviewed and decided on by the Town Council.

b. Administrative Code Text Amendments

Table 4.17-21 Code Interpretation

Applicable Common Procedures

1	Pre-Submittal Conference Sec. 4.17.020
2	Application Submittal & Completion Review Sec. 4.17.030
3	Complete Application Review and Action Sec. 4.17.040
4	Administrative Decision-Making Sec. 4.17.060
5	Post-Decision Actions and Limitations Sec. 4.17.070

²⁴ Current Section 4.05.040, expanded for applicability to entire Code.

The Director may approve minor edits to the Code to improve clarity or correct typographical errors. Director-approved edits shall be submitted to the Town Council for approval on the consent agenda.

6. Review Criteria

The Planning and Zoning Commission shall review and recommend and the Town Council shall decide on the Code text amendment based on the following criteria:

a. Comprehensive Plan

b. The text amendment is consistent with the comprehensive plan; Land Use and Development Code Standards; Conflict

The text amendment is consistent with and does not conflict with or contradict other provisions of this Code or the Town of Eagle Municipal Code; and

c. Specific Reasons

A proposed Code Text Amendment shall meet at least one of the following specific reasons:

i. Community Need or Development Trend or Change

The text amendment is necessary to address a demonstrated community need or anticipated change in development trends;

ii. Changed Conditions

The text amendment is necessary to respond to specific changes in conditions and/or policy; or

iii. Clarification or Modification

The proposed Code Text Amendment provides a clarification or modification to current standards or procedures that will aid the overall function of the Code.

7. Post-Decision Actions

- a.** Approval of a Code amendment authorizes the approved revision to the text only. A Code amendment shall not authorize specific development activity.
- b.** A Code amendment shall remain valid until the revised text of the Code is subsequently amended in accordance with this subsection.
- c.** All interpretations shall be recorded for the purpose of assuring consistency of future interpretations.

D. Redevelopment Applicability or Adjustment of Standards Determination²⁵

1. Purpose

A Redevelopment Applicability or Adjustment of Standards Determination (RAASD) is used to assess the required level of applicability of specific new or changed standards in this Code to redevelopment and infill development. To encourage redevelopment, continuing property investment, and infill development, it may be necessary to determine site appropriate adjustments to applicable development standards that will allow the development to take place while applying proportional development standards. This process provides the method to determine project-specific adjustments.

²⁵ New process that allows specific development standards (e.g., parking, outdoor lighting, landscaping) to be applied on a sliding scale (proportionately) to redevelopment or infill development.

2. Applicability

a. Proportionate Adjustment

The following development categories may qualify for the Adjustable Development Standards listed in Section D.3, below:

i. Partial Redevelopment

Redevelopment of between 15 and 75 percent the gross building square footage of an existing principal structure (Partial Redevelopment) may qualify for Proportionate Compliance.

ii. Infill Development

Development on an undeveloped or underutilized lot in an area where at least 85 percent of the surrounding lots in a surrounding two block or 500-foot radius, whichever is less, are developed may qualify for Proportionate Compliance.

iii. Minimal Redevelopment

Redevelopment of less than 15 percent of the gross building square footage of an existing principal structure (Minimal Redevelopment) may qualify for Proportionate Compliance.

b. Full Compliance

The following development categories shall comply fully with the Adjustable Development Standards:

i. New Development

New development shall comply fully with all development standards.

ii. Complete Redevelopment

The redevelopment of 75 percent or more of the gross building square footage of an existing principal structure (Complete Redevelopment) shall comply fully with all development standards. Redevelopment shall be measured over a five-year period.

c. Specific Compliance

The following types of renovation shall apply with the specific development standards identified here:

i. Major Façade Changes

All applicable façade regulations shall be met if a renovation includes either of the following major façade changes:

(a) Expansion or change in location of 50 percent or more of the windows on any street façade of the structure.

(b) Replacement of 50 percent or more of façade materials on any street facade of the structure with a different facade material.

ii. Roof Renovation

If the renovation of the shape or style of more than 50 percent of the roof occurs, applicable roof regulations shall be met.

3. Adjustable Development Standards

An applicant with a Section <> qualifying application may request the applicability of a Proportionate Compliance calculation to the following development standards:²⁶

a. Section <> , Site Layout and Structure Design Standards

i. [list specific subsections]

ii. [list specific subsections]

b. Section <>, Off-Street Parking Standards

i. [list specific subsections]

ii. [list specific subsections]

c. Section <>, Landscaping, Buffering, and Screening

i. [list specific subsections]

ii. [list specific subsections]

4. Review Procedures

An application for RAASD review shall be submitted concurrently with a primary application for the project, such as a Development Plan or Conditional Use Permit. For applications that are approved by the Planning and Zoning Commission or Town Council, the Director shall make a RAASD recommendation that is submitted for review with the primary application.

²⁶ These sections will be identified during the Consolidated Draft review process.

4.17.130 APPLICATION SUBMISSION REQUIREMENTS

The following minimum requirements are established for the specific application type. The Town may identify additional submission requirements as part of the application form or through the Pre-Submittal Conference.

A. Concept Plan/PUD Concept Plan (PUD Step 1 of 2)

1. Concept Plan

Concept plan, which shall be 24 inches by 36 inches in size, with north arrow and scale and with title and date in lower right corner, at a scale of one inch equals 100 feet, or larger, which depicts the project area or the area within the boundaries of the proposed PUD and the following:

- a. Topography and natural features of land to be developed, including waterways, wetlands and vegetation;
- b. Existing development and land use
- c. Proposed street and path systems, proposed connections to adjacent streets and paths; and approximate right-of-way widths
- d. Proposed zoning, densities, and types of uses within the PUD and their locations;
- e. Planned common space areas and park land areas; and
- f. Existing and proposed Location of utilities

2. PUD Concept Plan

- a. A minimum of the following:
 - i. An application for PUD review on a form provided by the Town;
 - ii. Concept plan
 - iii. Proof of ownership of the land proposed for development. This land shall be under one ownership or shall be the subject of a joint request for PUD review by the owners of all property to be included. Shall be under the control of a single ownership entity.
- b. A statement of intent, with explanation of how the proposed PUD provides benefits that meet the requirements of Chapter 4.08, Planned Unit Development and a detailed description of how the proposed PUD complies with the applicable policies of the Comprehensive Plan. One copy of a list of names and addresses of the owners of record of all properties adjacent to the subject property.

B. Development Plan/PUD Final Plan (PUD Step 2 of 2)

Every development plan and PUD Final Plan application shall include the following:

1. A copy of the recorded subdivision plat(s) covering the subject lot(s), where the proposal is for development on previously subdivided lot(s);
2. A brief written description of the proposed development signed by the applicant;

3. A development plan map, at a scale of one inch equals 50 feet or larger, with title, date, north arrow and scale, on a minimum sheet size of 8½ inches by 14 inches, which depicts the area within the boundaries of the subject lots and including:
 - a. The location of existing and proposed land uses, and the square footage of building space devoted to each use;
 - b. The location and dimensions, including building heights, of all existing and proposed:
 - i. Buildings or structures and setbacks from lot lines, or building envelopes where exact dimensions are not available;
 - ii. Parking spaces and vehicular use area;
 - iii. Utility distribution systems and utility easements;
 - iv. Drainage improvements and drainage easements;
 - v. Roads, alleys, curbs, curb cuts, and other access improvements;
 - vi. Any other improvements;
 - vii. Any proposed reservations or dedications of public right-of-way, easements, or other public lands;
 - c. Existing topography, proposed grading or changes in topography, and proposed retaining walls using two-foot contour intervals;
 - d. Circulation and transportation information, such as volumes and traffic flow patterns, transit service needs, and potential changes or impacts, both on- and off-site;
 - e. Evidence of adequate water supply and other services and facilities needed to serve the development;
 - f. Evidence of adequate water rights needed to serve the development;
 - g. A statement of compatibility with the Town's Comprehensive Plan policies, with specific reference to those affected;
 - h. Any plans or reports required pursuant to Chapter 4.07, including, but not limited to, landscape plan, parking plan, architectural design plan, and development impact report;
 - i. A proposal for municipal or park land dedication or fee, pursuant to Section 4.13.190 or documentation that such dedication or fee has previously been made;
 - j. Any request for design variance or zoning action, including special use permit, zoning variance, or rezoning, with supporting evidence that the variance will be in conformance with the Town's goals and policies;
 - k. For any PUD, a list of any zone district regulations and/or design requirements, as set forth in Chapters 4.04, 4.07 and 4.13, which the applicant proposes to vary, with the proposed variations and supporting evidence that the variations will produce a public benefit and are in conformance with Section 4.11.030;
 - l. A schedule for phasing of development;
 - m. A PUD guide that lays out specific zoning and design regulations to be applied to the development. All of the applicable certifications set forth in the appendices to this Code;

- n. Any other information which the Director determines is necessary to determine whether the proposed development will comply with the Town's regulations, goals and policies, including, but not limited to, any information set forth in Section 4.12.020 for preliminary subdivision plan;

4. A lighting plan that demonstrates compliance with Section 4.07.010;

5. For all proposed developments containing ten or more residential units, a local employee residency plan that demonstrates compliance with Section 4.04.110 and the Town's local employee residency requirements and guidelines.

C. Lot Line Adjustment/Lot Consolidation

1. For the Pre-Submittal conference, an application for lot line adjustment or Lot Consolidation on a form provided by the Town; and

a. A copy of the previously recorded subdivision plat(s) covering the subject lots, on which are drawn the proposed lot line changes.

b. Final subdivision plat submittal

2. For the final plat: Section 4.17.130G.

D. Sign Permit

Application for a sign permit shall include submittal of:

- 1. A drawing to scale which depicts the location of the proposed sign in relation to buildings, setbacks, and property lines, plus the sign height and clearance above ground;
- 2. Design and construction plans adequate to demonstrate compliance with the Section <>, Signs;
- 3. A drawing to scale depicting each sign face with materials and colors; and
- 4. If illuminated, manufacture's cut sheets, specifications of light fixtures, lamp source(s), wattage, mounting heights, and light source shielding shall be submitted.

E. Subdivision Sketch Plan (Subdivision Step 1 of 3)

The sketch plan package shall include the following items:

1. Land use application form

2. Subdivisions - technical criteria form

3. Application review fee deposit (per Section 4.03.080)

4. Title commitment

The title commitment must be current, and the date must be no more than 30 days from the date of sketch plan application. An ALTA survey shall accompany all applications involving lands that have not been previously subdivided.

5. Surrounding and Interested Property Ownership Report

- a. Provide the Director with a current list (not more than 30 days old) of the names and addresses of the surrounding property owners (within 300 feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property, and appropriate ditch companies. Provide the Town with six sets of notification labels. The labels shall be

addressed to the surrounding property owners (within 300 feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property.

- b. The applicant shall certify that the report is complete and accurate and includes the public hearing notification labels.

6. Context/vicinity map

The context/vicinity map shall show the proposed development in relation to the surrounding area (1½ mile radius around the property). The map shall be 24 inches high by 36 inches wide and provide the following information:

- a. Title of project;
- b. North arrow, scale (not greater than one inch equals 1,000 feet), and date of preparation;
- c. Boundary of proposed project;
- d. Existing (for developed land) or proposed (vacant/agricultural land) land uses for the properties shown on the map (i.e., residential, commercial, industrial, park, etc.) - label land use and whether it is existing or proposed;
- e. Major streets (show and label street names);
- f. Existing public water and sewer lines and proposed connections;
- g. Town and regional open space/trail network;
- h. Major ditches, rivers, and bodies of water; and
- i. Adjacent properties identified by ownership, subdivision name, and zoning district.

7. Sketch plan

a. Planning and Zoning Commission Visioning Meeting

Applicants should bring the following items to the meeting as determined by the Director:

- i. Context/vicinity map, which shows the proposed development in relation to the surrounding area.
- ii. Base map, which shows existing development and site features (such as topography, ditches, drainage ways, wildlife habitat, trees and other vegetation, and view corridors).
- iii. Images (such as photographs, sketches, and/or plans) which illustrate the project intention. For example, an applicant might bring pictures of:
- iv. Important architectural elements (such as a porch, vertical windows, ADUs);
- v. Proposed architectural styles; ideas for landscaping features such as a xeriscape garden entryway;
- vi. Streetscape components which contribute to the project's character;
- vii. A special features of the property; and
- viii. Planned improvements.
- ix. Anything else that illustrates what the developer is trying to create.

b. Sketch Plan Application

The applicant shall submit the subdivision sketch plan. The sketch plan shall be 24 inches high by 36 inches wide that clearly shows:

- i. Title of project;
- ii. North arrow, scale (not greater than one inch equals 200 feet) and date of preparation;
- iii. Vicinity map;
- iv. Legal description;
- v. Acreage of property;
- vi. USGS topographic contours;
- vii. Location and approximate acreage of proposed land uses;
- viii. Existing easements and rights-of-way on or adjacent to the property;
- ix. Existing streets on or adjacent to the property (show and label street name);
- x. Note indicating how the school land dedication will be met (per Section 4.13.080);
- xi. Note indicating how the municipal and park land dedication will be met (per Section 4.13.190);
- xii. Proposed local, collector, and arterial streets;
- xiii. General locations of existing utilities on or adjacent to the property;
- xiv. Graphic and/or verbal explanation of how the property will be served by public utilities;
- xv. Location of any proposed sewer lift stations;
- xvi. Pedestrian circulation and trails - show how the development will tie into the Town and regional trail/pedestrian networks;
- xvii. Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plan) and high-water mark;
- xviii. Geologic hazard areas;
- xix. Existing and proposed zoning on and around the property;
- xx. Land use table identifying proposed land uses, approximate acreage of each land use, percentage of each land use, and the proposed density or floor area ratio for each proposed land use area, based on the measurement required by the applicable zone district; and
- xxi. Block and lot pattern with approximate lot areas noted.

c. General development information

Provide a written description of the existing conditions of the site and proposed development. Include the following items in the description:

- i. Design rationale-discuss how the development is connected to/integrated with surrounding area, how it responds to site features/constraints, and how it is consistent with the subdivision design section (Chapter 4.13) and the purpose of this Code. If it is

not consistent with the subdivision design standards section, explain how the intent of the purpose criteria of this Code is met;

- ii. Proposed number of lots or units, square feet of nonresidential building space and typical lot width and depth (not needed if information is on the sketch plan);
- iii. General description of plan for drainage and stormwater management (refer to adopted storm drainage design criteria per Section 4.13.050 that may be applicable or otherwise it shall be prepared as required by the Town Engineer);
- iv. Water supply information, including the number of water taps needed; the amount of raw water that will be provided to the Town; and source of water;
- v. Statement indicating whether any commercial mineral deposits are located on the site;
- vi. Description of any floodplain hazards on the site (only if additional information is needed than what is shown on the sketch plan map); and
- vii. A narrative describing how the proposed development complies with the adopted comprehensive plan and all other adopted Town plans applicable to the development type or site.

d. Plans, Maps, and Studies

i. Traffic Impact Analysis (TIA)

TIA shall be based on the projected traffic needs from existing development, future development, and the proposed development. Trip generations from future development over the design period shall be based on zoning, existing land use, proximity to developed areas, historic growth, and other factors expected to influence development. The TIA shall be prepared by a State Licensed Professional Engineer.

ii. Soils Report and Map

The report and map shall be based on USDA soils and conservation service information and discuss the existing conditions and any potential constraints/hazards. The report shall also address groundwater issues.

iii. Geologic Report

This report is required only for areas that have the potential for subsidence. It must be prepared by either a registered professional engineer or professional geologist. The report shall address:

- (a) Site conditions;
- (b) Geologic conditions;
- (c) Engineering and geologic considerations;
- (d) Limitations and any necessary additional investigations.

iv. Miscellaneous Site Report(s)

A report(s) on the site's history, vegetation, wetlands, wildlife, wildfire, radiation (e.g., radon gas), and other conditions which could affect development on the property and which could be affected by the proposed development.

v. Utility Report

A report on the impacts the development may have on existing utility systems (e.g., are current water and wastewater lines sized sufficiently for added flows, does the current water treatment plan and wastewater treatment plan have sufficient capacity to treat the added flows, do other utility providers, such as gas and electric, have the ability to serve the development, etc.).

vi. Population Report

(a) A report on the population impacts of the development to the Town and region (the region being the planning area of the Eagle Area Community Plan) Town of Eagle Comprehensive Plan, including number of residents and/or employees.

(b) A description of the need for development, in terms of the need for additional housing, commercial space, or other uses in the Town.

vii. A list and description of any lands for which a rezoning action will be requested.

viii. A list of any potential issues or problems in relation to this Code and the adopted comprehensive plan and other applicable Town plans.

ix. A development impact report, as required pursuant to Section 4.17.030C, if requested by the Director and Town Engineer.

F. Subdivision Preliminary Plan (Subdivision Step 2 of 3)

The preliminary plan application package shall include of the following items:

1. Land use application form

2. Subdivisions - technical criteria form

3. Application review fee deposit (per Section 4.03.080)

4. Title commitment

The title commitment must be current, and the date must be no more than 30 days from the date of preliminary plan application. If an ALTA survey was required for sketch plan review it shall be updated and submitted with the preliminary plan.

5. Surrounding and Interested Property Ownership Report

a. Provide the Director with a current list (not more than 30 days old) of the names and addresses of the surrounding property owners (within 300 feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property, and appropriate ditch companies. Provide the Town with two sets of notification labels. The labels shall be addressed to the surrounding property owners (within 300 feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property.

b. The applicant shall certify that the report is complete and accurate and includes the public hearing notification labels.

6. Preliminary Plan

The preliminary plan shall be 24 inches high by 36 inches wide and provide the following information:

a. Title of the project;

b. North arrow, scale (not greater than one inch equals 100 feet), and date of preparation;

- c. Vicinity map;
- d. Names and addresses of owners, applicant, designers, engineers, and surveyors;
- e. Legal description;
- f. Total acreage of the property;
- g. Subdivision boundaries, street right-of-way lines and lot lines in solid lines and easements, dedications, and other right-of-way lines in dashed lines, all with dimensions accurate to the nearest 0.01 foot. Bearing of all lines and central angle, tangent distance, chord distance, and arc length of all curves shall be noted;
- h. The location and description of all permanent survey control points;
- i. Existing contours at one-foot intervals (basis for establishing contours shall be noted on the preliminary plan);
- j. Name and location of abutting subdivisions and owners abutting property (if land is not platted);
- k. Lots, blocks, and street layout with approximate dimensions and square footage for each lot;
- l. Area and zoning of each lot, with use and setback restrictions unless they are standard for the zone district;
- m. Consecutive numbering of all lots and blocks;
- n. Existing and proposed rights-of-way and easements on and adjacent to the property;
- o. Existing and proposed street names for all streets on and adjacent to the property;
- p. Existing and proposed zoning on and adjacent to property;
- q. Location and size of existing and proposed sewer lines, water lines, and fire hydrants (Note: Applicant must consult with the appropriate utility service providers regarding the design of all utilities through the subdivision);
- r. Existing and proposed access and/or curb cuts on and adjacent to subject property;
- s. Location by field survey or aerial photography of existing and proposed watercourses and bodies of water such as irrigation ditches and lakes. Watercourses shall include direction of flow;
- t. Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plan) and high-water mark;
- u. General location of existing surface improvements such as buildings, fences, or other structures that will remain on the property as part of the subdivision;
- v. Location and acreages of site, if any, to be dedicated for streets, parks, open space, schools, or other public uses;
- w. Location, function, ownership, and manner of maintenance of any private open space.
- x. Land use table that summarizes land uses, approximate acreage of each land use, percentage of each land use, an explanation of how the school land dedication will be met per Section

4.13.080, and an explanation of how the municipal and park land dedication will be met per Section 4.13.190;

- y. Total number of lots; and
- z. Number of each type of dwelling unit proposed, and density or floor area ratio proposed, based on measurement requirement of applicable zone district.

7. General Development Information

Provide a written description of the existing conditions on the site and the proposed development. Include the following items:

- a. Explanation of how the preliminary plan is consistent with the sketch plan, whether there are any differences, what they are, and how the plan as changed is still compatible with the community's vision.
- b. Explanation of how the items of concern expressed during sketch plan review by the Planning and Zoning Commission and/or Town Council, have been addressed.
- c. Explanation of how the plan complies with this Code and the adopted comprehensive plan, as well as any applicable area, corridor, or other Town plans.

8. Preliminary Plans, Maps and Studies

The following plans, maps, and studies shall be provided. If information was provided with the sketch plan submission, it shall be updated as appropriate for the preliminary plan submission.

- a. Preliminary Grading and Drainage Plan and Report. This plan and report must be certified by a State Registered Professional Engineer, under the direction of the Town Engineer, including storm drainage concepts such as locations for on-site detention or downstream structural improvements, stormwater quality treatment methods, and soil erosion and sedimentation control plans and specifications (refer to Sections 4.13.050 and 4.13.060). It must also discuss the impacts on and to any existing floodways and/or floodplains on and adjacent to the site as well as any FEMA or Town applications required.
- b. Master Utility Plan. This plan shall be prepared by a registered professional engineer and include water, sanitary sewer, storm sewer, electric, gas, and communication. It is necessary that the engineer consult with the appropriate utility service providers regarding the design of all utilities through the subdivision. Plan and profiles shall be completed to a level that demonstrates delivery and provision of the service to the development. A higher level of completion may be required by the Town Engineer.
- c. Traffic Study. This study must be prepared by a State Professional Traffic Engineer. The traffic study shall include information and data and be formatted and prepared as directed by the Town Engineer.
- d. Master Street Plan. This plan shall be prepared by a registered professional engineer. Street plans and profiles shall be provided for all on-site and off-site roadway improvements. Streets shall be designed in accordance with Town standards and as promulgated by the Town Engineer. Plan views and centerline profile shall be depicted at a legible scale. These plans and profiles shall show all intersections with existing streets and all existing and proposed drainage features and easement crossing, or parallel to, the roads. Plans should show any known areas of high water table, unsuitable soils, and other geological hazards. These plans shall include a typical cross-section showing widths, including driving surface,

shoulders, curbs and gutters, drainage ditches, cut and fill slopes to the point of intersection with natural ground, and the pavement structure details proposed. The plan shall include the extremities of all cut and fill areas. A supplemental sheet shall be included to detail all drainage, retaining, and bridge structures to be constructed as part of the roadway. The master street plan shall also include a plan for locations and specifications of traffic control devices.

- e. Pedestrian circulation plan for trails, sidewalks, walkways, pathways, etc., through the subdivision and for connection to adjacent systems (i.e., local and regional trails). The plan must indicate width, surface, and type of pedestrian way, all designed in compliance with Town guidelines and standards.
- f. Engineering specifications and cross-section drawings for any off-site road impacts
- g. Soils report and map, updated from the sketch plan version as needed.
- h. Geologic report, updated from the sketch plan version as needed.
- i. Miscellaneous site report(s). An updated copy of the report(s) provided at the time of sketch plan on the site's history, vegetation, wetlands, wildlife, wildfire, radiation (e.g., radon gas), and other conditions which could affect development on the property and which could be affected by the proposed development. If not included in the initial report, the following additional information is required:
 - i. Information on hydrologic conditions, such as surface drainage and watershed characteristics, natural water features and characteristics, and any potential changes or impacts
 - ii. Information on vegetation and wildlife, including any potential changes or impacts.
 - iii. Information on population characteristics such as neighborhood patterns and potential displacement of residents or businesses.

9. Permissions, Rights, and Documentation

- a. Mineral, oil, and gas rights documentation. Evidence that surface owner has contacted all lessees of mineral, oil, and gas rights associated with the site and is working towards resolution. Included in the evidence must be the name of the current contact person, their phone number, and mailing address;
- b. Evidence of adequate water supply and other public and private services needed to serve the facility;
- c. Evidence of adequate water rights to serve the development pursuant to Title 12;
- d. Commitment to serve letters from all public and private utilities are required to be provided;
- e. Evidence that the developer has submitted applications for all other necessary permits to complete the proposed subdivision, if required (i.e., State highway access permit, Army Corp of Engineers dredge and fill permit or an area of activity of State interest, etc.);
- f. Draft of proposed covenants and any site design guidelines (i.e., architectural design, landscaping design, etc.), and proposed articles of incorporation and bylaws;
- g. Preliminary cost estimates for all public and private improvements to be installed by the subdivider in dedicated land, rights-of-way or easements;

- h. A development impact report, pursuant to Section 4.07.100, if not previously submitted as part of the sketch plan submittal.
- i. A lighting plan pursuant to Section 4.07.010.
- j. Applications for subdivision preliminary plan approval, containing ten or more residential units, shall include a local employee residency plan pursuant to Section 4.04.110 and the Town's local employee residency requirements and guidelines.

G. Subdivision Final Plat (Subdivision Step 3 of 3)

The final plat application shall include of the application information, including final subdivision plat, along with any protective covenants:

1. Land use application form

2. Subdivisions - technical review form

3. Application review fee deposit (per Section 4.03.080)

4. Title commitment

The title commitment must be current and the date must be no more than 30 days from the date of Preliminary Plan application.

5. Surrounding and interested property ownership report

- a. A current list (not more than 30 days old) of the names and addresses of the surrounding property owners (within 300 feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies along with six sets of notification labels. The labels shall be addressed to the surrounding property owners (within 300 feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property.
- b. The applicant shall certify that the surrounding property ownership report is complete and accurate and includes the public hearing notification labels.

6. Final plat

The final plat drawing shall comply with the following:

- a. The plat shall be prepared by or under the direct supervision of a registered land surveyor and meet applicable State requirements.
- b. Lengths shall be shown to the nearest hundredth of a foot and bearings shall be shown in degrees, minutes, seconds.
- c. The perimeter survey description of proposed subdivision shall include at least one tie to an existing section monument of record and a description of monuments. The survey shall not have an error greater than one part in 10,000.
- d. The final plat shall be 24 inches high by 36 inches wide and shall provide the following information:
 - i. That information required for preliminary plan in Subsection (B)(2)(f) of this section.
 - ii. Title of project.
 - iii. North arrow, scale (not greater than one inch equals 100 feet) and date of preparation.

- iv. Vicinity map.
- v. Legal description.
- vi. Basis for establishing bearing.
- vii. Names and addresses of engineers, and surveyors.
- viii. Total acreage of subdivision.
- ix. Bearings, distances, chords, radii, central angles and tangent links for the perimeter and all lots, blocks, rights-of-way, and easements.
- x. Lot and block numbers, numbers in consecutive order, and square footage of each lot or tract.
- xi. Excepted parcels from inclusion noted as "not included in this subdivision" and the boundary completely indicated by bearings and distances.
- xii. Existing and proposed rights-of-way in and adjacent to subject property (labeled and dimensioned).
- xiii. Existing and proposed street names for all streets on and adjacent to the property.
- xiv. Existing and proposed easements and their type in and adjacent to subject property (labeled and dimensioned).
- xv. Location and description of monuments.
- xvi. Signature block for registered land surveyor certifying to accuracy of boundary survey and plat (see appendix for sample).
- xvii. Signature block for certification of approval by the Town Council with a signature block for the Mayor and Clerk (see appendix for sample).
- xviii. Signature block for certification of approval by the Planning and Zoning Commission with a signature block for the chairman.
- xix. Certification of ownership and dedications of streets, rights-of-way, easements, and public sites (see appendix for sample).
- xx. Certification of title to property (see appendix for sample).
- xxi. Certification of mortgagee or lienholders (see appendix "G" at the end of this Code).
- xxii. Statement concerning vested property rights as required by Section 4.17.100.

7. General Development Information

8. Provide a written description that the final plat conforms with the preliminary plan. Complete Construction Plans and Specifications

- a. Complete on-site and off-site engineered construction plans and specifications for grading, streets, pedestrian/bicycle ways, traffic control, utilities, drainage, erosion sediment control and slope stabilization, revegetation, landscaping, and lighting, all approved by Director, Town Engineer, Town Manager and Town Attorney.
- b. The plans and profiles shall be prepared by a registered professional engineer licensed in the State, shall be 24 inches high by 36 inches wide and meet the following minimum standards:

- i. The horizontal to vertical scales shall be chosen to best depict the aspects of the design.
- ii. Maximum horizontal scale: one inch equals 50 feet.
- iii. Maximum vertical scale: one inch equals ten feet.

9. Final Reports and Studies

- a. Final traffic study
- b. Final utility impact report
- c. Final drainage plans and reports: Based on the approved preliminary drainage plan, a final report shall be submitted in accordance with applicable storm drainage design criteria and as determined by the Town Engineer.
- d. Final soils reports and design requirements, detailing special foundation requirements and pavement design as applicable.

10. Special Documents (as may be needed)

Special documents will need to accompany any final plat application. To the extent practical, necessary, special documents will be determined during review of the preliminary plan. The documents may include, but are not limited to, the following:

- a. Special improvement district documents
- b. Maintenance bonds
- c. Special agreements (as may be required by the Town)
- d. Work in right-of-way permit (from Town)
- e. Floodplain use permit (from Town and/or FEMA)
- f. Grading permit (from Town)
- g. State highway utility permit (from State Department of Transportation)
- h. State highway access permit (from State Department of Transportation)
- i. Construction dewatering permit (from State Department of Public Health and Environment)
- j. 404 permit (from Army Corps of Engineers)
- k. Air pollution emission notice (APEN) (from State Department of Public Health and Environment)
- l. Work in ditch right-of-way permit (from individual owners)
- m. Subdivision improvements agreement for public and private improvements (SIA). This agreement assures construction of the required improvements. This document shall be signed by the developer and the Town, the signatures shall be notarized, and the document shall be recorded with the County Clerk and Recorder.
- n. General warranty deed. This deed conveys to the Town all public lands other than streets shown on the plat or, in lieu of a deed, a check in an amount to be determined by the Town.
- o. Improvements guarantee. A letter of credit from a bank in the State or Colorado or other acceptable collateral in the amount stipulated to in the SIA or other agreements or contracts,

posted in favor of the Town in an amount sufficient to assure construction of public improvements for either part or all of the plat, as determined by the Town Council.

- p. Approved adjudication of water rights, Fee in lieu of water rights dedication, dedication of water rights and/or a plan of augmentation (as may be applicable)
- q. Protective covenants, homeowners' association (HOA) documents, articles of incorporation for HOA, and architectural design guidelines finalized and in a form for recording. If there are open space areas to remain in private ownership within the subdivision, the HOA documents must have in place a mechanism which will assure maintenance will be funded in perpetuity
- r. FEMA approved applications (i.e., conditional letter of map revisions (CLOMR) or letter of map revisions (LOMR))
- s. Documentation showing who will own and maintain the open space
- t. Documentation for dedication of public sites for open space or other civic purposes

H. Subdivision Design Variance

1. A minimum of the following:
 - a. Proof of ownership of the land for which the application is made. If the applicant is other than the owner, notarized consent of the owner is required;
 - b. A site plan drawn to scale depicting the locations and boundaries of existing and proposed lots and structures; and
 - c. The proper zoning variance fee as set by the Town.
2. 1 copy of a list of names and addresses of owners of record of adjacent property.
3. A list of variances being requested?

I. Final Plat for Condominium or Townhouse Units

In addition to the plat requirements in Section 4.17.130G, the final plat for condominium or townhouse units shall include the following:

1. Show the location of the existing or proposed building to be divided.
2. Review by Staff or Staff designee:
 - a. The Town's Engineer of surveying consultant shall compare the legal description of the subject property with the county records to ensure that:
 - b. The property described contains all contiguous single ownership;
 - c. The lots and parcels have descriptions which both close and contain the area indicated; and
 - d. The plat is correct in accordance with surveying and platting standards of the State.
3. Condominium or townhouse documents: a copy of the condominium declaration as required by the State of Colorado's Condominium Ownership Act, C.R.S. § 38-33-101 et seq., as well as copies of proposed articles of incorporation and bylaws of homeowners or property owners association, if applicable.

J. Parking Plan

1. The parking plan shall be drawn to a scale, accuracy and level of detail determined by the Director as necessary to demonstrate compliance with the provisions of this chapter.
2. The parking plan shall depict the following, as required pursuant to this chapter:
 - a. parking and loading spaces;
 - b. circulation areas;
 - c. curb cuts;
 - d. dimensions and material of screening and/or landscaping;
 - e. proposed drainage, grading, surfacing and subsurfacing;
 - f. fire lanes;
 - g. snow storage areas;
 - h. facilities and spaces for the disabled;
 - i. specifications for signs, wheel stops and lighting; and
 - j. other pertinent details.

4.17.140 REQUIRED IMPROVEMENTS

A. Applicability and Form

This section is applicable in conjunction with the approval of a project application or permit that requires public improvements that are dedicated to the Town or quasi-public improvements that are shared with the Town, including:

1. Water lines,
2. Fire hydrants and other water distribution facilities,
3. Drainage structures,
4. Wastewater lines,
5. Public streets and sidewalks,
6. Park land and open space improvements,
7. Street lights and street signs,
8. Survey monuments, and
9. Any other improvements specified by this Code or the development approval.

B. Development Agreement Required

1. The approval of an application with public or quasi-public improvements does not become effective until a development agreement and related documents, setting forth financial arrangements to secure the actual construction of required public or semi-public (shared) improvements required by the Town, has been executed between the property owner and the Town. The development agreement shall include the following, at a minimum:
 - a. Construction specifications for required improvements,
 - b. Dates for completion of the improvements,
 - c. A guarantee to construct all required improvements that includes collateral that is sufficient to ensure the completion of the required improvements and maintenance for a specified period if required by the Town, and
 - d. Identification of the terms and conditions for the acceptance of the improvements by the Town.
2. With the property owner's written and notarized consent, the Town may enter into a development agreement with a developer or applicant who is not the property owner, provided that the agreement(s) are binding on the subject property and run with the land. For the purposes of this section, the responsible party is referred to as the applicant.

C. Improvement Costs and Expenses

1. Responsibility for Cost of Improvements

The applicant shall provide, at their sole cost and expense, the design, installation, and construction of all improvements. This includes all necessary engineering design documents, surveyor's field surveys, legal descriptions, and incidental services related to the construction of the improvements.

2. Cost-Sharing and Reimbursement Agreement

Drafting comment: This proposed new section is subject to further review and editing.

a. Purpose

The Town may agree to the creation of a cost-sharing and reimbursement agreements to allow applicants who install certain improvements to re-capture the windfall to nearby properties with new development or redevelopment that may benefit from the availability of the improvements, and require such properties to share in the expense for a reasonable period of time; or to provide for Town or special district reimbursement to the applicant under comparable circumstances; or both.

b. Improvements Subject to Reimbursement

Any applicant who installs and dedicates any of the following improvements may apply for the identification of a reimbursement area within which reimbursement of a portion of the costs of the improvements will be required from the owners of property specially benefited by the improvements:

- i. Street,
- ii. Sidewalk,
- iii. Water main,
- iv. Sewer main,
- v. Bicycle trail,
- vi. Bridge,
- vii. Storm drainage facility, or
- viii. Other public improvements required by this Code or the Town.

c. Property Eligible for Inclusion

- i. Property is eligible for inclusion in a cost-sharing or reimbursement area if it will be specially benefited by the improvement constructed by a private party and dedicated to the Town.
- ii. Property located outside the Town limits may be included in a cost-sharing or reimbursement area. Inclusion of property in Eagle County, however, shall be contingent and no assessment may be collected with respect to the property unless it has been annexed to the Town prior to the time the cost-share or reimbursement is due.

d. Basis and Methodology for Assessment

- i. Properties within a cost-sharing or reimbursement area shall be assessed in such a manner as to equitably apportion the costs of public improvements among all properties specially benefited by them, but no property shall be assessed an amount greater than the special benefit received by it. In the absence of unusual circumstances requiring a different method, improvements, other than bridges, shall be subject to cost-sharing or reimbursement on the basis of front footage.
- ii. The cost to be apportioned within a cost-sharing or reimbursement district shall be the reasonable cost of installing the improvement, but not including the cost of any part or portion which solely benefits the applicant, such as curb cuts or main connections to serve

its property. Engineering costs, not to exceed five percent of construction costs, may be included with the cost allocations. Reimbursable construction costs shall be based on the lowest responsible bid of three bids obtained by the applicant.

- iii. Except as hereinafter limited, the phrase "special benefit" shall mean only benefit conferred upon a property, which is greater, or different in kind from that conferred upon properties in the Town as a whole by an improvement. Among the factors to be considered in determining the existence of a special benefit are:

- (a) Increased market value;
- (b) Improvement in safety or convenience of access;
- (c) Improved drainage;
- (d) Alleviation of health or sanitation hazards;
- (e) Adaptability of the property to a superior or more profitable use;
- (f) Improved availability of public water or sewer service to the property; and
- (g) In the case of undeveloped property, the installation of an improvement which would otherwise be required upon development of the property. When a party must extend an improvement, such as a water or sewer main, in order to make lateral connection to its property, the pre-existing portion of the improvement shall not be deemed to specially benefit that portion of its property served by the extension.

e. Cost-Sharing or Reimbursement Terms

- i. The owner of property included within a cost-sharing or reimbursement area may, in the owner's discretion, pay the improvement assessment at any time after it has been allocated, but shall not be required to do so unless and until a building permit is issued, the property connects to the improvement, or the property is platted, whichever occurs first.
- ii. If the owner elects to defer payment of the improvement assessment, the payment shall include interest at the rate provided by C.R.S. § 5-12-102, as amended, for judgments. The interest shall commence on the effective date of the ordinance designating the cost-sharing or reimbursement area.
- iii. A cost-sharing or reimbursement agreement (and its associated cost-sharing or reimbursement area) shall terminate ten years from the effective date of the ordinance approving it, and any property that is platted or connected to the improvement thereafter, shall not be subject to reimbursement assessment.

f. Establishment of Cost-Sharing or Reimbursement Area

- i. To establish a cost-sharing or reimbursement area, the applicant may file a request for the creation of a cost-sharing or reimbursement district.
- ii. The application shall include the nature, location, and cost of the improvements, a description of the proposed district and individual properties within it, the names and addresses of the property owners within the proposed cost-sharing or reimbursement area, the proposed manner of assessment and the amount proposed to be assessed

against each property for each improvement. The application shall be accompanied by at least three construction bids.

- iii. A notice shall be mailed to the owners of each property within the proposed cost-sharing or reimbursement area, together with a copy of the application. The notice shall state that any owner may file a written request for Planning and Zoning Commission review to contest the proposal. The request for review shall state in general terms the grounds of objection.
- iv. The Director shall schedule a hearing and notify the applicant and all objecting parties.
- v. After the hearing, the Planning and Zoning Commission shall render an advisory decision summarizing the objections and making recommendations to the Town Council.
- vi. After the hearing or if no hearing is requested, the Town Council shall consider the adoption of an ordinance approving the cost-sharing or reimbursement agreement and establishing a cost-sharing or reimbursement area. A notice of the existence of the cost-sharing or reimbursement area shall be recorded against the properties in the reimbursement area in the office of the Eagle County Clerk and Recorder.

g. Applicant Responsibility

After the approval of the cost-sharing or reimbursement agreement, it shall be the responsibility of the party who is entitled to cost-share or reimbursement (and the party's successor(s)-in-interest) to keep the Town informed of its current address. Failure to comply with the applicant's responsibilities shall constitute abandonment of all rights of cost-share or reimbursement and shall be grounds for termination of the cost-sharing or reimbursement agreement (by ordinance) and refund of any assessments received by the Town on behalf of the developer after the abandonment.

h. Release

Upon full payment of the infrastructure assessments or expiration of the cost-share or reimbursement term, whichever occurs first, the Town will, upon request, issue a written release to the owner of property included within the cost-share or reimbursement area.

i. Modification by Agreement

- i. In lieu of the procedure set forth herein, a developer, the Town, and the owners of any property that could be within a cost-share or reimbursement area may contract for cost participation in any manner and amount as they deem appropriate, and the Town may agree to collect the reimbursement at the time of connection, platting, or as otherwise agreed.
- ii. In the event that an applicant contracts with the owner of a portion of the property which could be within a cost-share or reimbursement area, that property shall be excluded from the reimbursement area, but no property remaining within the cost-share or reimbursement area shall be assessed in an amount proportionally greater than that provided by contract.

j. No Preclusive Effect on Other Cost-Sharing Alternatives

This section shall not be construed as an exclusive means for reimbursement to an applicant for the costs of public improvements that benefit properties other than the applicant's property. In addition, this section shall not be applied to effectuate reimbursements in an

amount greater than a benefited property owner's fair share of the costs of the improvements.

D. Design, Construction, and Warranty

All development agreements shall specify the plan, method, and parties responsible for installation of all required improvements and shall make reasonable provision for their completion as follows:

1. The responsible party shall design, install, and complete all required improvements in conformance with all applicable Town design standards.
2. When improvements are required to be conveyed or dedicated to the Town, the responsible party shall warrant the improvements for a minimum of one year from the date the Town Engineer certifies that the improvements conform with the Town's specifications. The responsible party shall warrant the following, at a minimum:
 - a. The title conveyed is good and its transfer rightful;
 - b. All improvements conveyed are free from any security interest, other lien, or encumbrance; and
 - c. All improvements conveyed are free from defects in materials or workmanship.

E. Performance Guarantee

1. Required

- a. When any of the improvements listed in Section 4.17.140A are required by a development approval or permit, the applicant shall provide the Town with one of the following forms of guarantee to secure the construction and installation of the improvements:
 - i. A performance bond or an irrevocable letter of credit, in a form approved by the Town Attorney, to secure the performance and completion of the public and private improvements in an amount equal to 110 percent of the estimated costs of the facilities; or
 - ii. Other collateral as may be satisfactory to the Town Attorney or Town Council.
- b. The performance guarantee shall be provided within 30 days of the effective date of the ordinance or applicable final document approving the development application, unless otherwise determined by the Town Council.

2. Calculation

The estimated cost of the improvements shall be mutually agreed upon by the applicant's engineer and the Town's Engineer. The purpose of the cost estimate is solely to determine the amount of security and may be revised periodically to reflect the actual cost. No representation shall be made as to the accuracy of these estimates, and the developer agrees to pay the actual cost of all required improvements.

3. Performance and Default

- a. As part of the development agreement, the applicant shall appoint the Town Mayor as its attorney-in-fact and agent for the purpose of completing all required improvements in the event of a default by the applicant.
- b. If the applicant fails to perform its obligations in accordance with all plans, drawings, specifications, and other documents submitted to the Town as approved, within the

applicable time periods, the Town may give written notice to the developer and the surety on a performance bond or the issuer of an irrevocable letter of credit, that the Town, as agent for the developer, is proceeding with the task of installing the improvements in the development in whole or in part.

- i. If the Town assumes responsibility for completion of the improvements, the surety or issuer of the irrevocable letter of credit shall be authorized to disburse funds to the Town. Copies of any disbursement request shall be sent to the applicant's last known address.
 - ii. The applicant shall be given an opportunity within 30 days of the giving of notice to appear before the Town Council concerning any assumption or the guarantee by the Town.
- c. If any legal proceedings are commenced by the applicant concerning the Town's assumption of the task of installing the improvements, and if the applicant does not prevail in the legal proceedings, the surety or issuer of the letter of credit as well as the Town shall be entitled to recover the reasonable attorney's fees incurred therein from the developer.

F. Inspections

1. The Town has the right to make engineering inspections and required testing during construction of improvements at reasonable intervals as the Town may request in accordance with the Town's design specifications.
2. Inspection, acquiescence, and approval of the construction of physical facilities shall not constitute the approval by the Town of any phase of the construction of any improvements. Approvals shall be made by the Town only after completion of construction in the manner described below.

G. Completion of Improvements

1. When the responsible party has completed construction of the required improvements, the Town Engineer shall inspect the improvements for conformance with the Town's specifications and requirements of the development agreement.
 - a. If the improvements conform to the applicable standards and development agreement, the Town Engineer shall certify that the improvements are in conformance.
 - b. If the improvements do not comply with relevant requirements, the Town Engineer shall identify the areas of noncompliance for correction. The responsible party shall make all corrections necessary to bring the system into conformity with applicable standards.
2. The Town is not obligated to provide any water service or street maintenance until all improvements are brought into conformance with applicable specifications and approved by the Town Engineer.

H. Improvements to be the Property of the Town

1. All public improvements shall be dedicated to the Town.
2. Upon completion of construction and certification by the Town Engineer, the applicant shall convey to the Town, by bill of sale, all physical facilities necessary for the extension, maintenance, and repair of municipal utility service. Acceptance of the conveyance shall be made by the Town only by a majority vote of the Town Council.

I. Site Improvements Maintained in Private Ownership

1. Completion of Required Improvements

Generally, a performance guarantee securing the construction or installation of required private improvements, such as parking lots and landscaping, by way of example, is not required. However, no certificate of occupancy or temporary certificate of occupancy shall be issued by the Town until such required private improvements have been completed.

2. Issuance of Certificate of Occupancy

- a. In the event a developer desires to obtain a certificate of occupancy or temporary certificate of occupancy prior to the completion of specific private improvements because of weather, season of the year or other factors, the developer may provide the Town with a performance guarantee as described in Section 4.17.140E to secure the completion of the unfinished private improvements.
- b. Upon delivery of such performance guarantee, a certificate of occupancy or temporary certificate of occupancy may be issued to a developer.

3. Multi-Building Project

- a. No certificate of occupancy or temporary certificate of occupancy shall be issued for an individual building until construction or installation of the private improvements, identified on the approved development plan for that specific building, have been completed.
- b. In the event a developer desires to obtain a certificate of occupancy or temporary certificate of occupancy prior to the completion of certain private improvements identified for an individual building, it may do so subject to the requirements described in Section <>.

4.17.150 ASSURANCE OF ADEQUATE PUBLIC FACILITIES²⁷

A. Intent

1. It is the intent of this section to:
 - a. Adopt a program to ensure that land for public facilities and the public facilities needed to support new development meet or exceed adopted level of service standards approved by the Town;
 - b. Ensure that no subdivision approval, planned unit development approval, development permit approval, or special use permit is granted or issued which would cause a reduction in the level of service for any public facilities below the adopted level of service standards approved by the Town;
 - c. Ensure that adequate public facilities or, in the case of schools, the availability of land needed to support new development or a special use are available concurrent with the impacts of such development or use;
 - d. Establish uniform procedures for the review of the adequacy of public facilities needed to service new development, new subdivisions or new special uses;

²⁷ Current Chapter 4.14, carried forward

- e. Facilitate implementation of the goals and policies of the Town's master plan, including the Eagle Area Community Plan relating to adequacy of public facilities; and
 - f. Ensure that all applicable legal standards and criteria are properly incorporated in these procedures and requirements.
2. It is the intention of this section that, in the case of schools, the adequacy of public facilities may be satisfied by the adequate provision of land that is available to the County school district and specifically designated for the construction of new schools.

B. Applicability

1. Except as provided below, the provisions of this section shall apply to the following applications:
- a. Subdivision
 - b. Planned Unit Development
 - c. Development Plan
 - d. Special Use Permit
2. In cases where multiple land use applications are required, compliance with this section shall be required to be demonstrated with the land use application last in sequence (time).
3. This section shall not apply to any special use, development, project, structure, or activity that does not result in the creation of new residential, commercial, or industrial structure or change of use that materially impacts existing public facilities. For purposes of this section, the following shall be deemed not to materially impact existing public facilities:
- i. Subdivisions, planned unit developments, development permits, or special use permits for ten or fewer single-family or ten or fewer multifamily units located on one or more contiguous parcels of land held under the same or substantially the same ownership; and
 - ii. Nonresidential developments containing 12 or less equivalent residential units (EQRs), as defined in Chapter 12.26,²⁸ on one or more contiguous parcels of land held under the same or substantially the same ownership.
4. Sequential land use applications on contiguous property for the purpose of the avoidance of these regulations are prohibited.

C. Public Facilities Information Report

1. All applications subject to this section shall be accompanied by a public facilities information report. The report shall include sufficient information to allow the Town to coordinate with applicable service providers to determine the impact of the proposed subdivision, development or special use on public facilities pursuant to the procedures set forth in this chapter. The information required shall include, but shall not be limited to:
- a. The total number and type of structures or dwelling units, and the gross density of the proposed subdivision, development or special use;
 - b. The location of the proposed subdivision, development or special use;

²⁸ Definition not found.

- c. An assessment of the anticipated impacts on the Town street system from the proposed subdivision, development, or special use and, if applicable, a statement of any steps proposed to address potential impacts;
 - d. If an Applicant seeks an exemption from the requirements of this section based on a claim that the applicant has a vested right to undertake and complete the subdivision, development or special use without an evaluation of the impact on public facilities, information sufficient to permit the Town to determine the validity of the applicant's claim of exemption; and
 - e. All information required by Sections <> [current 4.14.110 through 4.14.140]; and
 - f. Any other appropriate information as may be deemed necessary by the Director in evaluation the adequacy of public facilities consistent with the provisions of this section.
2. If the public facilities information report is incomplete or the submission requirements have not been satisfied, the Director shall notify the applicant of any deficiencies in writing. If the public facilities information report is complete and the submission requirements have been satisfied, the Director shall evaluate the proposed subdivision, development or special use for compliance with the applicable adopted level of service standards and shall submit a recommendation regarding the adequacy of the public facilities.

D. Director Recommendation

1. Upon receipt of a completed public facilities information report, the Director shall evaluate the proposed subdivision, development, or special use, using the criteria identified in this section and any other applicable or relevant and appropriate criteria including:
- a. The number and type of structures or units proposed by the applicant;
 - b. The proposed timing and phasing of the subdivision, development, or special use, if applicable;
 - c. The specific public facilities impacted by the proposed subdivision, development or special use;
 - d. The extent of the impact of the proposed subdivision, development, or special use on all public facilities;
 - e. The capacity of existing public facilities, and, if applicable, in the case of schools the availability of land to construct new schools, to serve the proposed subdivision, development or special use which will be impacted by the proposed subdivision, development, or special use based on the adopted levels of service;
 - f. The demand on the existing capacity of public facilities from all existing and approved subdivisions, developments, and uses;
 - g. The availability of existing capacity of the public facility to accommodate the proposed subdivision, development, or special use, and, if applicable, in the case of schools the availability of land to construct new schools;
 - h. If existing capacity is not available, any capacity that is planned to be added and the year in which such planned capacity is projected to be available to serve the proposed subdivision, development, or special use;

- i. If the applicant seeks an exemption from the requirements of this section based upon a claim that the applicant has obtained and possesses a vested right to undertake and complete the subdivision or development, an opinion from the Town Attorney regarding the validity of the claim;
 - j. In the case of schools, if adequate land is currently not available for the construction of new schools necessary to serve the proposed development, the adequacy of any additional land that is proposed to be dedicated as an element of the proposed subdivision, development, or special use specifically for the construction of a new school.
2. If the Director concludes that each public facility will be available concurrent with the impacts of the proposed subdivision, development or special use at the applicable adopted levels of service, or in the case of schools that either facilities are available concurrent with the impacts of the proposed subdivision, development or special use, or that land sufficient to allow for the construction of new schools is available or will be made available, the Director shall make a positive recommendation of adequacy.
3. If the Director concludes that any public facility may not be available concurrent with the impacts of the proposed development, subdivision or special use at the adopted levels of service based upon existing public facilities, the Director may make a negative recommendation of adequacy or, in the alternative, may make a positive recommendation with appropriate conditions consistent with the following:
 - a. Deferral of further subdivision final plat or development permit or special use permit approval until all public facilities are available and adequate if existing public facilities are not adequate to meet the adopted levels of service for the development or special use proposal;
 - b. Reduction of the density or intensity of the proposed subdivision, development, or special use, including conditions regarding the phasing of the subdivision, development, or use to a level consistent with the available capacity of the public facility; or
 - c. Provision by the applicant of the public facilities, or in the case of schools, land sufficient to allow for the construction of new schools, necessary to provide capacity to accommodate the proposed subdivision, development or special use at the adopted level of service at the time that the impact of the proposed subdivision, development, or special use will occur; and
 - d. Any other reasonable conditions that may, in the case of schools, include, but not be limited to, the dedication of land that is intended specifically for the construction of new schools, to ensure that all public facilities will be adequate and available concurrent with the impacts of the proposed subdivision, development, or special use.
4. The Director's recommendation of adequacy shall be made part of the staff report per Section <>.

E. Determination of Adequacy

1. Following receipt of the recommendation of adequacy and as a part of the Town's procedures for review and final approval of any application for development approval, and subject to compliance with all other regulations applicable to the application and request for approval, the Town Council, Planning and Zoning Commission, or administrative staff member vested with authority to approve any subdivision, development or special use may:
 - a. Make a positive determination of adequacy;

- b. Make a negative determination of adequacy; or
 - c. Make a positive determination of adequacy with appropriate conditions consistent with the conditions contained in Section <> [current 4.14.050(C)].
2. If the determination of adequacy is different from the Director's recommendation of adequacy, the decision-making body shall make specific findings explaining the basis for concluding that the Director's recommendation of adequacy should not be adopted.

F. Effect and Expiration of Determination of Adequacy

1. A positive determination of adequacy shall be deemed to indicate that public facilities are or will be available and adequate to serve the proposed subdivision, development or special use until such time that the determination of adequacy expires. No application for subdivision final plat approval, planned unit development plan approval, development permit approval, or special use permit approval shall be granted unless a positive determination of adequacy or a positive determination of adequacy subject to conditions has been made by the Town.
2. A positive determination of adequacy shall be deemed to expire at the earlier of:
- a. The expiration, waiver, lapse, or revocation of the subdivision, development or special use approval for which the positive determination of adequacy was made;
 - b. Failure by the applicant to timely comply with the conditions attached to a positive determination of adequacy; or
 - c. Three years following the date of issuance of a positive determination of adequacy, if development has not commenced.

G. Criteria for Determining Availability and Adequacy of Public Facilities

1. Level of service standards. Compliance with level of service standards shall be measured in accordance with the standards set forth in this chapter, as they may be amended from time to time.
2. Range of impacts. Any proposed subdivision development or special use which could result in a range of potential impacts shall be reviewed as if the greater impact would result. The review and evaluation of public facilities required by this chapter shall compare the capacity of public facilities to the maximum projected demand which may result from the proposed subdivision, development or special use.
3. Existing demand and capacity. Where the adequacy and availability of a public facility is based upon an evaluation of available capacity, the existing demand upon the public facility shall be determined by considering:
- a. The existing demand placed upon the public facility from all users, whether within or outside the Town;
 - b. The projected demand for the public facility created by the anticipated completion of approved but uncompleted development, considering anticipated phasing of construction;
 - c. The projected demand upon the public facility created by the anticipated completion of any proposed subdivision, developments or special uses for which a public facilities impact statement has been approved by the Town;

- d. The extent to which existing demand may be reduced or mitigated by the adoption of conservation or other measures designed to reduce demand; and
 - e. Anticipated future improvements to public facilities.
- 4. Capital improvements. No improvement proposed or undertaken by an applicant to increase existing capacity of a public facility or an improvement proposed to be made to avoid a deterioration in the adopted levels of service shall be accepted by the Town unless the improvement is included within the Town's capital improvement program or unless the improvement is determined by the Town Council to directly and substantially advance one or more established goals or policies of the Town and the improvement is part of an improvements agreement between the Town and the applicant. An applicant's commitment to construct or expand a public facility prior to the issuance of a building permit may be included as a condition for the determination of adequacy and any such commitment shall include, at a minimum, the following:
 - a. A finding that the planned capital improvement is included within the capital improvement program or directly and substantially advances one or more established goals and policies of the Town;
 - b. An estimate of the total funding needed to construct the planned capital improvement and a description of all the costs associated therewith;
 - c. A schedule for commencement and completion of construction of the planned capital improvement with specific target dates for multi-phase or large-scale capital improvement projects;
 - d. At the option of the Town and pursuant to an agreement between the Town and the applicant, and only if the planned capital improvement will provide capacity exceeding the demand generated by the proposed subdivision, development or special use, a reimbursement to the applicant for the pro rata cost of providing the excess capacity.
- 5. Availability of land or the dedication of land for schools. School facilities may be deemed adequate if the county school district owns land sufficient to construct a new school that can provide capacity to serve the proposed subdivision, development or special use. If land is not currently available, school facilities may be deemed adequate if the applicant dedicates land as an element of the subdivision, development or special use sufficient in size to accommodate construction of a new school. In such cases, the dedication of land shall be provided concurrent with the initial final plat or the initial building permit (whichever comes first) for the subdivision, development or special use.

H. Administration

- 1. Rules and regulations. The Town Council may adopt, by ordinance or resolution, any necessary rules, regulations, administrative guidelines, and processes to efficiently and fairly administer and implement this section.
- 2. Administrative fees. The Town Council may establish, by ordinance or resolution, fees and a fee schedule for each of the administrative procedures, determinations, and approvals required by this section.

I. Vested Rights

1. Nothing in this section shall limit or modify the rights of an applicant to complete any subdivision or development for which the applicant has obtained and possesses a vested right to undertake and complete the subdivision or development pursuant to C.R.S. Title 4, Art. 68, as amended, and as implemented by Section <>, or pursuant to State law.
2. A determination of adequacy shall not affect the otherwise applicable provisions of this Code, all of which shall be operative and remain in full force and effect without limitation.

