

Chapter 11

DESIGN REVIEW

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12-11-1: PURPOSE:

- A. Attractive Attributes Recognized: Vail is a town with a unique natural setting, internationally known for its natural beauty, alpine environment, and the compatibility of manmade structures with the environment. These characteristics have caused a significant number of visitors to come to Vail with many visitors eventually becoming permanent residents participating in community life.
- B. Area Character Protection: These factors constitute an important economic base for the town, both for those who earn their living here and for those who view the town as a precious physical possession. The town council finds that new development and redevelopment can have a substantial impact on the character of an area in which it is located. Some harmful effects of one land use upon another can be prevented through zoning, subdivision controls, and building codes. Other aspects of development are more subtle and less amenable to exact rules put into operation without regard to specific development proposals. Among these are the general form of the land before and after development, the spatial relationships of structures and open spaces to land uses within the vicinity and the town, and the appearance of buildings and open spaces as they contribute to the area as it is being developed and redeveloped. In order to provide for the timely exercise of judgment in the public interest in the evaluation of the design of new development and redevelopment, the town council has created a design review board (DRB) and design criteria.
- C. Design Review: Therefore, in order to preserve the natural beauty of the town and its setting, to protect the welfare of the community, to maintain the values created in the community, to protect and enhance land and property, for the promotion of health, safety, and general welfare in the community, and to attain the objectives set out in this section; the improvement or alteration of open space, exterior design of all new development, and all modifications to existing development shall be subject to design review as specified in this chapter.

D. Guidelines: It is the intent of these guidelines to leave as much design freedom as possible to the individual designer while at the same time maintaining the remarkable natural beauty of the area by creating structures which are designed to complement both their individual sites and surroundings. The objectives of design review shall be as follows:

1. Recognize the interdependence of the public welfare and aesthetics, and to provide a method by which this interdependence may continue to benefit its citizens and visitors.
2. Allow for the development of public and private property which is in harmony with the desired character of the town as defined by the guidelines herein provided.
3. Prevent the unnecessary destruction or blighting of the natural landscape.
4. Ensure that the architectural design, location, configuration materials, colors, and overall treatment of built up and open spaces have been designed so that they relate harmoniously to the natural landforms and native vegetation, the town's overall appearance, with surrounding development and with officially approved plans or guidelines, if any, for the areas in which the structures are proposed to be located.
5. Protect neighboring property owners and users by making sure that reasonable provision has been made for such matters as pedestrian and vehicular traffic, surface water drainage, sound and sight buffers, the preservation of light and air, and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses. (Ord. 29(2005) § 30: Ord. 39(1983) § 1)

6. Balance the design and aesthetic desires of the community and the economy of Vail as an international resort destination with the need to protect the community from the risk of wildland fire.

12-11-2: DEFINITIONS AND RULES OF CONSTRUCTION:

- A. Basis For Meanings: Any words, terms, or phrases used in this design review guide shall be defined and interpreted in accordance with the definitions contained in section [12-2-2](#) of this title, unless the context clearly indicates a different meaning was intended. If the context is unclear, the matter will be referred to the design review board for final determination.
- B. Mandatory, Discretionary Distinction: The distinction made between those items contained within this chapter that are mandatory and those that are discretionary is that statements which are mandatory are prefaced by the word "shall", and the statements or guidelines which are discretionary (or merely suggestions) are prefaced by the words "should" or "may". In all instances, any particular or specific controls over the general. (Ord. 39(1983) § 1)

12-11-3: DESIGN APPROVAL:

- A. Scope: No person shall commence removal of vegetation, site preparation, building construction or demolition, dumping of material upon a site, sign erection, exterior alteration or enlargement of an existing structure, paving, fencing or other improvements of open space within the corporate limits of the town unless design approval has been granted as prescribed in this chapter. The addition of plant materials to existing landscaping, gardening and landscape maintenance shall

be exempt from this provision, **but shall still require compliance with the Vail Fire and Emergency Services Fire-Resistant Landscaping guidelines.**

B. Violation: It shall be a violation of this chapter and the building permit for any person to commence, continue or complete work that has not received design approval as prescribed in this chapter and/or is not in conformity with the plans approved and authorized by the administrator and/or the design review board and the building official.

C. Nonconforming Sites And Structures; Effect Of Design Guidelines:

1. Buildings and sites which are not in conformance with the design guidelines, due to annexations or changes in code provisions (i.e., legal nonconformities), shall be required to conform with the design guidelines when allowable gross residential floor area (GRFA) (the GRFA that is permitted by the density control section of various zone districts), commercial floor area, or garage area credit is added to any existing structure or site.
2. From the effective date of July 21, 1998, there shall be permitted a one-time exclusion from this provision for an expansion to single-family, two-family, and primary/secondary residential dwelling units. This one-time exclusion shall be allowed for a single expansion of five hundred (500) square feet or less of allowable GRFA or garage area credit per dwelling unit. In which case, structures may be expanded without requiring upgrades to entire structures and sites to conform to the design guidelines. The addition itself, however, shall conform to the design guidelines. An expansion which is greater than five hundred (500) square feet, or any subsequent expansion to a structure, regardless of size, shall require full compliance of the dwelling unit with the design guidelines.
3. General maintenance and upkeep of a property shall continue to be required regardless of the amount of floor area added to a structure. The one-time exclusion noted above shall not preclude the design review board, pursuant to the design guidelines, from requiring landscaping and other improvements necessary to buffer or mitigate development impacts associated with the expansion/remodel.
4. Expansions made pursuant to section [12-15-5](#) of this title shall require full compliance of the entire dwelling unit with the design guidelines. Interior conversion additions pursuant to section [12-15-4](#) of this title shall not trigger the requirement for upgrading sites and structures to fully comply with the design guidelines, unless it can be classified as a "demo/rebuild", pursuant to section [12-2-2](#) of this title. (Ord. 29(2005) § 30: Ord. 10(1998) § 1: Ord. 39(1983) § 1)

12-11-4: MATERIAL TO BE SUBMITTED; PROCEDURE:

A. Preapplication Conference: Prior to the formal filing of an application for design approval, the applicant should confer with the department of community development to obtain information and guidance. The purpose of such a conference is to permit the applicant and the staff to review informally the proposal before substantial commitments of time and money are made. The department of community development shall indicate on the application form appropriate staff with which the applicant shall confer. Topics of discussion shall include, but not be limited to:

1. Characteristics of the site and surrounding areas, including its location, significant natural and manmade features with particular attention to natural hazard areas, the size and accessibility of the site, surrounding development and land use, and existing zoning.
2. The nature of the development proposed, including land use types and their densities; the placement and design of proposed buildings and other improvements of the site, the location, type, and treatment of open space areas, the preservation of natural features, proposed parking areas and internal circulation system, the total ground coverage of paved areas, and structures.
3. Community policy considerations including the review process and likely conformity of the proposed development with the policies and regulations of the town.
4. Applicable regulations, review procedures, and submission requirements.
5. For certain low impact applications, such as, but not limited to, minor remodels, the staff shall assist the applicant in determining applicable regulations and shall specify submission requirements which may be waived.

B. Conceptual Design Review:

1. Submittal Requirements: The owner or authorized agent of any project requiring design approval as prescribed by this chapter may submit plans for conceptual review by the design review board to the department of community development. The purpose of a conceptual review shall be to give the applicant a basic understanding with respect to the design concept and the compatibility of a proposal with the design guidelines contained within this chapter. This procedure is recommended mainly for those applications of a higher impact than single-family and two-family residences although projects of that nature shall not be excluded the opportunity to request a conceptual design review. The following information shall be submitted for a conceptual review ten (10) days prior to a scheduled design review board meeting:
 - a. A conceptual site and landscape plan at a minimum scale of one inch equals twenty feet (1" = 20').
 - b. Conceptual elevations and exterior materials, and a description of the character of the proposed structure or structures.
 - c. Sufficient information to show that the proposal complies with the development standards of the zone district in which the project is to be located (i.e., square footage total, site coverage calculations, number of parking spaces, etc.).
 - d. Application form. If the property is owned in common (condominium association) and/or located within a development lot, the written approval of the other property owner, owners, or applicable owners' association shall be required. This can be either in the form of a letter of approval or signature on the application.
 - e. Planning and environmental commission and/or town council approval if required.
2. Staff; Board Procedure:
 - a. Upon receipt of an application for conceptual design review the department of community development shall review the submitted materials for general compliance with the appropriate

requirements of the zoning regulations. If the proposal is in basic compliance with the zoning regulations the project shall be forwarded to the design review board for conceptual review. If the application is not generally in compliance with the zoning regulations the application and submittal materials shall be returned to the applicant with a written explanation of the department of community development's findings.

- b. The design review board shall review the application and supporting material that has been submitted for a conceptual review in order to determine whether or not the project generally complies with the design guidelines, and forward comments concerning the design to the applicant. No vote of the design review board will be required unless requested by the applicant. The property owner or his/her representative shall be present at the design review board hearing.

C. Preliminary And Final Design Review:

- 1. Material Submitted To Administrator: The owner or authorized agent of any project requiring design approval as prescribed by this chapter shall submit for final design approval all of the following material to the administrator, unless the administrator determines within five (5) days of a written request for such determination that some of the following material may be excluded:
 - a. Survey: A topographic survey representative of existing conditions stamped by a surveyor licensed within the state at a scale of one inch equals twenty feet (1" = 20') or larger of the site with contour intervals of not more than two feet (2'). Existing trees or groups of trees having trunks with diameters of four inches (4") or more at one foot (1') above natural grade, rock outcroppings and other significant natural features such as avalanche areas, 100-year floodplain, and slopes of forty percent (40%) or more shall be shown, if applicable. The survey shall include ties to an existing bench mark (either a USGS landmark or sewer invert), property lines showing distances and basis of bearing, and all easements.
 - b. Title Report: A preliminary title report.
 - c. Drainage Plan: A drainage plan shall be prepared. For all developments this study shall include a contour map showing all existing and proposed watercourses, including the seasonal course limits of points of departure from the development. An indication of the limits of the 100-year floodplain shall be plotted on the contour map as well as any revised floodplains. The drainage plan shall also indicate the location and types of structures that will be necessary to handle the quantities of water evidenced on the site.
 - d. Site Plan: A site plan, drawn at a scale of one inch equals twenty feet (1" = 20') or larger, showing existing and finished grades, the existing and proposed layout of buildings and other structures including decks, patios, canopies, fences, and walls. The site plan shall show the locations of landscaped areas, service areas, storage areas, pedestrian walks, driveways with percent slope and spot elevations, off street parking and loading areas, all retaining walls with spot elevations, and the proposed elevations of the top of roof ridges. The site plan shall indicate the locations of ingress and egress and the directions of traffic flow into and out of as well as within parking and loading areas, the location of each parking space and loading berth, and areas for turning and maneuvering vehicles. The site plan shall show exact locations of all utilities including existing sources and proposed service lines from sources to the structures. The site plan shall designate proposed limits of construction activity.
 - e. Utility Verification Form: A utility verification form signed by each utility verifying location of service and availability.

- f. Landscape Plan: A landscape plan drawn at a scale of one inch equals twenty feet (1" = 20') or larger. The landscape plan shall show locations of existing trees or groups of trees having trunks with diameters of four inches (4") or more at one foot (1') above natural grade that are proposed to be removed. Shrubs and other native plants proposed to be removed shall be indicated. The landscape plan shall show trees and other native plants proposed to be retained and methods to be utilized for the purpose of protecting existing vegetation, the location and design of proposed landscaped areas, irrigation systems, the varieties and sizes of plant materials to be planted therein, and the location and design of swimming pool areas, patios, play areas, recreation facilities, and other usable open space. **The landscape plan shall show the mature canopy of trees and shrubs after fifteen (15) years of growth.** The landscape plan shall be accompanied by a landscape materials list specifying size and quantity of plant materials and a report of the condition of the existing vegetation upon the site. The landscape plan shall include sufficient detail to provide a reliable basis for estimating the amount of a performance bond guaranteeing installation and maintenance of the improvement if required by the town.
- g. Architectural Plans: Preliminary architectural plans drawn at a scale of one-eighth inch equals one foot ($\frac{1}{8}" = 1'$) or larger, including floor plans labeled and drawn in sufficient detail to permit determination of whether all requirements of this title based on floor area will be met. Architectural plans shall include all elevations of proposed structures as they will appear on completion. All elevations shall indicate both existing and finished grades. One or more perspective sketches, a scale model, photographic overlays, or other similar techniques shall be submitted, as necessary, to illustrate the overall appearance of the building and site development features in relation to adjacent properties in the neighborhood. All exterior surfacing materials and colors shall be specified, and samples of each, with proposed finish shall be submitted.
- h. Sign Regulations Compliance: Scale drawings, plans renderings, photographs or other information required by the sign ordinance codified in [title 11](#) of this code, showing in detail design, materials, and colors and specifying the method of illumination. Locations of proposed signs shall be indicated by a numbering system or other clearly comprehensible system of reference to the site plan prescribed in subsection C1d of this section. Upon request of the administrator, samples of sign materials shall be submitted.
- i. Erosion And Revegetation Plan: Erosion control and revegetation landscaping plans.
- (1) Plan Required: In all developments involving two (2) or more acres, an erosion control plan will be required. For developments involving less than two (2) acres, an erosion control plan may be required by the department of community development, based upon conditions of slope and soil stability.
- (2) Control Measures: The erosion control plan shall contain control measures sufficient to prevent the loss by erosion of no more than three (3) tons of soil per acre per year. These standards may be met through the use of physical measures as detention ponds, grassed waterways and filtration galleries, or by nonstructural means.
- (3) Review Of Plan: The department of community development shall review and approve all erosion control plans and shall maintain a list of erosion control practices, both structural and nonstructural.
- (4) Revegetation: Revegetation shall be an integral part of the erosion control plan. Topsoil shall be saved during construction and used for revegetation of disturbed areas.
- (5) Revegetation Landscaping: Such plan shall be required of any applicant proposing to remove or disturb existing vegetation. Potential damage to existing landscaping/vegetation shall be adequate

reason for requiring a revegetation plan. At a minimum, plans submitted under this subsection shall include revegetation of land disturbed by development and construction activity. The department of community development shall establish and maintain a list of revegetation best management practices.

(6) Additional Requirements: In addition to the above requirements, the department of community development may require any or all of the following:

- (A) Timing of disturbance.
- (B) Disturbed area controls.
- (C) Stabilization during disturbance.
- (D) Monitoring during disturbance.
- (E) Postdisturbance monitoring.
- (F) Water quality impact report.
- (G) Drainage study.

j. Stormwater Quality Permits: Refer to [title 14, chapter 6](#), "Grading Standards", of this code.

k. Phasing Plan: If a project is to be built in phases the applicant shall submit a site plan of the proposed project indicating the location and timing of each phase of the project, areas to be utilized as construction staging areas for each phase, and the limits of construction activity for each phase.

l. Form And Fee: Application form and appropriate fee. If the property is owned in common (condominium association) and/or located within a development lot, the written approval of the other property owner, owners, or applicable owners' association shall be required. This can be either in the form of a letter of approval or signature on the application.

m. Lighting Plan: An outdoor lighting plan shall be submitted separately from the site plan or landscape plan, and shall show the location, the height above grade, the type of illumination (such as incandescent, halogen, high pressure sodium, etc.), the source lumens, and the luminous area for each light source which is proposed. The applicant shall provide documentation that the lights meet the standards set forth in section [12-11-5](#) of this chapter. In addition to locating this information graphically on a plan, the applicant shall provide the information on the application form provided by the department of community development.

2. Staff Or Design Review Board Procedure: The department of community development shall check all material submitted for design review for compliance with the applicable provisions of the zoning regulations, subdivision regulations, and with this subsection C (the submittal requirements of this section as outlined above). If the application is found to be in compliance with the applicable provisions of the zoning regulations, subdivision regulations, and this subsection C, the project shall either be placed upon the agenda of the next appropriately scheduled design review board meeting in accordance with the required application submittal deadlines on file in the department of community development, or be reviewed by the administrator in accordance with subsection C3, "Staff Approval", of this section. If the application is found not to be in compliance with the applicable provisions of the zoning regulations and this subsection C, the application and materials shall be

returned to the applicant with an explanation of the administrator's findings. The administrator may require any additional items from the applicant as may be necessary for complete and proper design review.

- a. The administrator or the design review board shall review the application and supporting material, and if the design of the project is found to comply with the objectives and design guidelines of this chapter, the administrator or the design review board shall approve the design of the project, documenting such approval in writing and noting any conditions of approval. If additional items are needed, as specified herein, to determine whether the project will comply with the purpose statement and design guidelines of this chapter, the design review board may give preliminary approval or table the project until the next regularly scheduled meeting. If the project is tabled or if preliminary approval is given, the board shall specify the conditions and additional and/or modified materials which must be submitted by the applicant to the design review board or to the administrator, including any changes in the design of the project. The applicant may also table the application to a future meeting for any reason.
- b. If the project is found to conflict with the design guidelines, the administrator or the design review board shall disapprove the design of the project. Any disapproval shall be in writing and shall specifically describe the design guidelines with which the design of the project does not comply and the manner of noncompliance.
- c. Following the final review of an application by the design review board at a public meeting, the design review board shall have thirty (30) days to consider and approve or deny an application. The time for action may be extended at the request of the applicant.
- d. If changes in the design of the project are requested, the design review board shall approve, disapprove or request further changes within thirty (30) days of the meeting at which the design review board receives the changes unless an extension is agreed to by the applicant.
- e. The applicant or his/her authorized representative shall be present at the design review board meeting.

3. Staff Approval: The administrator may approve any of the following applications:

- a. Any application to modify an existing building that does not significantly change the existing planes of the building and is generally consistent with the architectural design, including, but not limited to, exterior building finish materials (e.g., stonework, siding, roof materials, paint or stain), exterior lighting, canopies or awnings, fences, antennas, satellite dishes, windows, skylights, minor commercial facade improvements, and other similar modifications;
- b. Any application for an addition to an existing building that is consistent with the architectural design, materials and colors of the building, and approval has been received by an authorized member of a condominium association, if applicable;
- c. Any application to remove or modify the existing vegetation or landscaping upon a site; and
- d. Any application for site improvements or modifications including, but not limited to, driveway modifications, site grading, site walls, installation of accessory structures or recreational facilities.

In the above specified cases, the administrator may review and approve the application, approve the application with certain modifications, deny the application, or refer the application to the design review board for decision. All other applications shall be referred to the design review board. (Ord.

27(2016) § 2: Ord. 29(2005) § 30: Ord. 3(2005) § 1: Ord. 24(2000) § 2: Ord. 9(1996) § 6: Ord. 9(1993) § 6: Ord. 12(1988) § 1: Ord. 39(1983) § 1)

12-11-5: DESIGN GUIDELINES:

The design guidelines for all development are contained in [title 14](#) of this code. (Ord. 29(2005) § 30: Ord. 22(1999) § 5)

12-11-6: PARK DESIGN GUIDELINES:

A. Purpose: These guidelines shall be used by the design review board in reviewing any proposals for the development of town park land. The guidelines shall be used in conjunction with the general design review guidelines found in [title 14](#) of this code. It is the intent of these guidelines to leave as much design freedom as possible to the individual designer while at the same time encouraging park development that will complement the natural beauty of our park land. The purpose of the guidelines is to provide continuity in the character of the parks which will be developed over many years. The guidelines will provide consistent design criteria to maintain the quality of town parks through all phases of development.

B. Building Materials And Design:

1. General:

- a. Natural materials are strongly encouraged in park construction. Materials and detailing must complement the park's environment as well as be functional and attractive.
 - b. Materials and designs should be chosen that are economical to maintain.
2. Stone: Natural rock should be used for architectural features such as exposed building walls and small retaining walls. Sandy gray and brown colors are encouraged, as they blend in with the natural environment. Construction should minimize exposed mortar, and detailing should reflect concern for local climatic conditions.
 3. Pedestrian Walks; Plazas: Impervious surfacing may be used to emphasize important features or pedestrian areas. Natural materials and colors are encouraged, as they blend in well with wood, stone and plant materials. Asphalt is discouraged except when necessary for bike paths and parking areas.
 4. Children's Play Areas: Children's play areas are to be designed with challenge and safety in mind. Multilevel play structures, tunnels, and other climbing apparatus are to be designed to excite and to encourage free expression. Native landscaping materials shall be incorporated into the play areas to soften and blend into the environment. Plant materials shall be provided for the enclosure of the play areas and for summer shading. Play areas shall be oriented to take advantage of warm winter exposure and to utilize natural buffers from the wind.

5. Visual Impact:

- a. Structures, shelters, or other site buildings shall be designed in a low profile or be set into slope areas to reduce their vertical dominance upon the site.

- b. Major architectural structures shall be designed and accented to attract visitors without becoming a distracting visual element to other visitors of the park or to adjacent developments.

C. Landscaping; Site Planning:

1. General:

- a. Plantings should be used to soften the edge between developed and natural park areas and to heavily screen conflicting adjacent uses. Such plantings unify developed and natural areas as well as provide a protective buffer where the adjacent land uses conflict with recreational activities. As an example, gently sloping lawns are desirable for picnic areas and open field play. Irrigated and manicured lawn areas can transition into natural areas through the use of native grasses and shrubs. Fences shall be discouraged between active and passive areas.
 - b. Noise generating and active play areas should be integrated together and placed away from passive or natural areas. Needed service facilities, such as restrooms, drinking fountains, etc., should be located in or adjacent to activities with a high user demand.
2. Views: Plantings and site work should be used to direct views by framing interesting and attractive features such as distant mountain ranges, ponds, or Gore Creek. Visual screens of plant materials may be used to close off undesired views such as the interstate, frontage roads, or neighboring development.
3. Accent Plantings And Materials: In areas of special interest or activity, and in pedestrian areas, plantings should be used to provide color, texture, form and scent to highlight and emphasize the special character of these places. Horizontal ground plane textures such as native shrubs, ground covers, colored pavers, and smooth boulders may also be used to complement the environment.
4. Lighting: If site lighting is deemed appropriate, the lighting should provide for clear visibility while at the same time eliminating any glare within the park or on adjacent properties. Lighting fixtures shall be as subtle as possible so that they blend in with the natural park setting. A lighting plan designating location and appropriate styles of lighting shall be designed for each park that requires site lighting.
5. Signage: Any signs within the park shall conform to a unified park signage program. Private signs are prohibited from the park.

D. Access And Parking:

1. Pedestrian Walks And Bike Paths:

- a. Pedestrian walks and bike paths shall be provided in the areas of developed facilities and circulation routes. Walks and bike paths shall be accessible to the physically handicapped and should be constructed of a hard material.
- b. Pathways through natural areas shall be placed where little grade change is required. Surface materials which provide a hard surface and have a natural appearance should be encouraged.

2. Parking:

- a. Parking areas shall be sensitively planned to provide needed parking without impacting the natural or recreational use areas. Parking shall be visually screened to as great a degree as feasible.
- b. Landscaping should be provided along public perimeter roads and between parking areas to provide screening of noise and visual pollution.

E. Site Preservation And Maintenance:

1. Site Preservation: Open meadows of native grasses and flowers, and permanent stands of evergreens should be maintained in undeveloped areas of the parks.
2. Site Revegetation: Natural areas that are disturbed during construction shall be vegetated to encourage plant associations that develop naturally on the site. Revegetation should match preexisting conditions as closely as possible.
3. Erosion Control:
 - a. Temporary erosion control measures during construction, and permanent control measures after construction shall be established to prevent sediment pollution of the creek and to stabilize disturbed areas. Straw bales shall be used for temporary control measures and jute netting should be used to permanently stabilize slopes. Any park projects shall be required to include a site preservation program during construction phases.
 - b. Limits of site disturbance shall be clearly and physically defined as well as enforced in order to minimize disturbance to other areas in the park. (Ord. 29(2005) § 30: Ord. 4(1986) § 1)

12-11-7: DESIGN REVIEW FEE:

The town council shall set a design review fee schedule sufficient to cover the cost of town staff time, consultant fees, and incidental expense. (Ord. 29(2005) § 30: Ord. 39(1983) § 1)

12-11-8: PERFORMANCE BOND:

The building official shall not issue a final certificate of occupancy for structures which have obtained design review approval until upon inspection it is determined that the project is constructed in accordance with the approved design review application and plans, and all improvements, amenities and landscaping have been installed. The building official may issue a temporary certificate of occupancy not to exceed two hundred ten (210) days upon the applicant posting with the department of community development a performance bond or other security acceptable to the town council in the sum of one hundred twenty five percent (125%) of the bona fide estimate of the cost of installing landscaping and paving and other accessory improvements provided for in the approved design review application and plans. If said landscaping, paving, and other accessory improvements are not installed by the applicant within the period allowed, the temporary certificate of occupancy may be revoked until the same are installed by the applicant or by the town pursuant to the terms of the performance bond or other accepted security that has been approved by the town. (Ord. 29(2005) § 30: Ord. 5(2003) § 15: 1997 Code: Ord. 39(1983) § 1)

12-11-9: ADMINISTRATIVE POLICIES:

(Rep. by Ord. 2(2003) § 1)

12-11-10: APPEAL TO TOWN COUNCIL:

(Rep. by Ord. 2(2003) § 1)

12-11-11: ENFORCEMENT; INSPECTION:

Before occupying or using any structure included in a design review application, the applicant must obtain an occupancy certificate after inspection by the department of community development. The department of community development shall inspect the site to ensure that the work has been completed in accordance with the application and plans approved by the design review board. It shall be the duty of the property owner or his/her authorized agent to notify the department of community development that such work is ready for inspection in order to ascertain compliance with approved plans. If the project is found upon inspection to be fully completed and in compliance with the approved design review application and plans, the department of community development shall issue a final certificate of occupancy. If the project is found to be completed in such a manner that a temporary certificate of occupancy may be issued as specified by the adopted building code, the applicant shall post a bond as set forth in section [12-11-8](#) of this chapter. Upon forfeiture of said bond or surety, the town shall proceed to install the improvements for which bond or surety was posted. In the event that the cost of installing the improvements exceeds the amount of the bond, the owner of said property shall be individually liable to the town for the additional costs thereof. Furthermore, the amount that the cost of installing said improvements exceeds the amount of the performance bond shall automatically become a lien upon any and all property included within the design review application. (Ord. 29(2005) § 30: Ord. 31(2001) § 10: Ord. 39(1983) § 1)

12-11-12: LAPSE OF DESIGN REVIEW APPROVAL:

Approval of the design of a project as prescribed by this chapter shall lapse and shall become void one year following the date of final approval of the project unless prior to the expiration of one year, a building permit is issued and construction is commenced and diligently pursued toward completion. However, if there have been no zoning revisions or revisions or amendments to these guidelines which would alter the conditions under which the approval was given, the community development staff may extend the period of approval. (Ord. 39(1983) § 1)