

16. ADMINISTRATIVE, MINOR & MAJOR MODIFICATIONS TO DEVELOPMENT PLAN & PLANNED UNIT DEVELOPMENT GUIDE & CONTROL DOCUMENT

I. ADMINISTRATIVE MODIFICATIONS

A. Determination of Similar Use:

Should the Developer wish to propose a use which is not explicitly listed in this Development Plan and Planned Unit Development Guide and Control Document, the Town Planner shall approve a use proposed in any of the Planning Areas if the Town Planner determines that the proposed use is sufficiently similar in character and impact to one or more of the permitted uses included in the Planned Unit Development Guide and Control Document for the Mixed Use, Mixed Use Lifestyle or Commercial Retail Planning Area. Provided, however, that should the Town Planner determine that the use is not sufficiently similar in character and impact for such a determination to be made, the Town Planner may refer the question to the Town Planning Commission or Town Board, as applicable, pursuant to the procedures set forth in Chapter 4.11 of the Town of Eagle's Land Use and Development Code. This determination shall be made pursuant to Section II of this Planned Unit Development Guide and Control Document.

B. Determination of Similar Architectural or Landscape Detail

Should the Developer wish to propose an architectural or landscape detail which is not explicitly listed in this Development Plan and Planned Unit Development Guide and Control Document, the Town Planner shall approve such a proposed architectural or landscape detail if the Town Planner determines that the proposed architectural or landscape detail is sufficiently similar in character and impact to one or more of the permitted architectural or landscape details within this Planned Unit Development Guide and Control Document. Provided, however, that should the Town Planner determine that the architectural

or landscape detail is not sufficiently similar in character and impact for such a determination to be made, the Town Planner may refer the question to the Town Planning Commission or Town Board, as applicable, pursuant to the procedures set forth in Chapter 4.11 of the Town of Eagle's Land Use and Development Code. This determination shall be made pursuant to Section II of this Planned Unit Development Guide and Control Document.

C. Determination of Similar Material

Should the Developer wish to propose a material which is not explicitly listed in this Development Plan and Planned Unit Development Guide and Control Document, the Town Planner shall approve such material if the Town Planner determines that the proposed material is sufficiently similar in durability, character and visual impact to one or more of the permitted materials included in this Planned Unit Development Guide and Control Document. Provided, however, that should the Town Planner determine that the material is not sufficiently similar in character, durability, and visual impact for such a determination to be made, the Town Planner may refer the question to the Town Planning Commission or Town Board pursuant to procedures set forth in chapter 4.11 of the Town's Land Use and Development Code. This determination shall be made pursuant to the procedures set forth in Section II of this Planned Unit Development Guide and Control Document, below.

II. ADMINISTRATIVE MODIFICATION PROCEDURE:

A. Application.

1. Request for administrative modification shall be made in writing to the Town Planner.

2. The application shall include a detailed description of the use, architectural/ landscape design detail or architectural/landscape material requested to be included within the Planning Area.

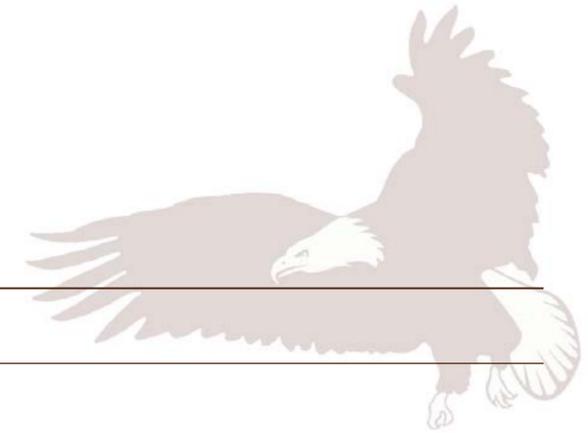
3. The application shall include a detailed comparison showing its similarity and compatibility with the permitted uses, architectural/ landscape design details or materials otherwise allowed in the Planning Area.

4. The application shall show that the request is in concert with the overall design intent of the Eagle River Station Development Plan and does not diminish the architectural or landscape quality as otherwise provided for in this Planned Unit Development Guide and Control Document.

B. Town Planner Determination

1. Within 7 calendar days of the receipt of an application for an administrative modification, the Town Planner shall evaluate the request in light of the Eagle River Station Development Plan and Planned Unit Development Guide and Control Document to determine if the requested use, architectural/landscape design detail or material is sufficiently similar to that listed as permitted within the Planning Area and render an interpretation. The Town Planner shall mail or email the determination to the applicant.

2. If the Town Planner does not find that the requested use, architectural/landscape design or material is sufficiently similar, the Town Planner may deem the request to be a Minor Modification to the Planned Unit Development Guide subject to the Minor Modification process outlined in Chapter 4.11.050 of the Town of Eagle's Land Use and Development Code.



C. Record

The Town Planner shall maintain a record of all Administrative Modification Actions. The record shall be maintained in the Planning Department and available for public inspections, upon reasonable request during normal business hours.

III. MAJOR AND MINOR MODIFICATIONS TO THE DEVELOPMENT PLAN OR PLANNED UNIT DEVELOPMENT GUIDE AND CONTROL DOCUMENT.

A. Modifications

All changes or modifications to the Planned Unit Development Guide and Control Document or Development Plan other than those provided for in the Administrative Modification Procedure listed above, or in Section III of Chapter 15 shall be governed by the Planned Unit Development Amendment Section outlined in Section 4.11.050 of the Town of Eagle's Land Use and Development Code.