

## TITLE 29. ENGINEERING DESIGN STANDARDS

### Chapter 29.01

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#### **29.01.010 Purpose and Intent**

The purpose of this Chapter is to ensure development in the City of Aspen meets minimum engineering standards. It is the City's intent to establish Engineering Design Standards that will ensure the public health, safety and welfare, preserve the community aesthetic, and promote efficient development within the City limits of Aspen.

The Engineering Design Standards, as adopted pursuant to Section 29.01.020, shall apply to all construction, development, redevelopment, any work within the right of way, and Title 26 development applications and plats, annexations and vacations.

#### **29.01.020 Adoption of Engineering Design Standards.**

Pursuant to the powers and authority conferred by the Charter of the City, there is hereby adopted and incorporated herein by reference as if fully set forth those standards contained in the Engineering Design Standards, as may be amended from time to time by City Council Resolution. At least one (1) copy of the Engineering Design Standards shall be available for public inspection at the Community Development Department and Engineering Department.

#### **29.01.030 Applicability**

This Chapter applies to all construction, development, redevelopment, modifications and additions to existing developments, any work within the right of way, and Title 26 development applications and plats, annexations and vacations.

Unless specifically exempted, the provisions of this Chapter shall supplement any and all existing laws and shall apply to all persons, without restriction, and to conditions arising after the adoption thereof, to conditions not legally in existence at the time of adoption of this title, and to conditions which, in the opinion of the city engineer or designee, constitute a distinct hazard to life or property.

The Design Standards provide policies and design guidelines to city agencies, design professionals, private developers, and community groups for residential and commercial

development that ensure the public welfare, preserve the community aesthetic, and promote efficient development within the City limits of Aspen.

The City of Aspen shall use the policies, criteria and information including specifications and standards in the latest edition of the Engineering Design Standards for the proper implementation of the requirements of this Title. The Engineering Design Standards may be periodically amended as necessary to provide additional clarity or to reflect procedural revisions or changes in construction or engineering practices. Such revisions to these Standards may consist of either “procedural” revisions or “technical” revisions. Any other amendments to the Engineering Design Standards shall be adopted by City Council Resolution. Examples include revisions that are considered major changes, changes in law and changes that will cause significant increased cost or controversy.

#### **29.01.040 Review Authority**

The City Engineer, or designee, is authorized to make and enforce the rules and regulations contained in the Engineering Design Standards in order to carry out the intent of the standards and this Chapter.

Where no specific or applicable rules, regulations, or standards appear to be set forth in the Engineering Design Standards, other rules, regulations, standards, guidelines, and recommended practices, as published by professional associations, technical organizations, model code groups, and similar entities, may be used by the City for guidance.

#### **29.01.050 Review Procedure**

**A. Review Process.** The City Engineer shall have the authority on behalf of the City of Aspen to determine that all design and construction is completed to a level that is equal to or exceeds the requirements set forth in this Chapter and the Engineering Design Standards.

#### **29.01.060 Variances**

**A. Authority.** The City Engineer may grant variances to the design standards. Variances are deviations from the terms of this Chapter which would not be contrary to the public interest.

**B. Standards.** In order to authorize a variance from the design standards the following standards shall be met:

1. There exist practical difficulties and unnecessary hardships inconsistent with the purpose and intent of the design standards.
2. The issuance of a variance shall not compromise the safety of a site or structure.

**C. Application.** Requests for variances from the standards, policies or submittal requirements of this document shall be submitted in writing with appropriate documentation and justification to the City Engineer. An application for a variance from the design standards shall include, at a minimum, the following information:

1. The criteria from which the applicant seeks a variance.
2. A written justification outlining why the criterion cannot be met.
3. An alternate criteria or standard that is proposed to comply with the intent of the criteria from which the variance is sought.
4. Supporting documentation, including necessary calculations, etc.
5. An explanation of any potential adverse impacts of the proposed variance to adjacent landowners.
6. An analysis of the variance request must be signed and stamped by a Professional Engineer licensed in the state of Colorado.

Upon receipt of a complete application for a variance, the City Engineer shall prepare a statement, approving, approving with conditions, or denying the variance. During the course of reviewing the requested variance, the City Engineer may request additional information needed to make a decision. The City Engineer may also request modifications of the proposed variance.

**D. Expiration.** Except as otherwise established in this Title or through vesting of a site specific development plan pursuant to Title 26, a variance granted under this Chapter shall automatically expire after twelve (12) months from the date of approval unless a building permit application submittal is accepted by the Chief Building Official.

The City Engineer may grant an extension to an approved variance. All requests for extensions must be submitted prior to the expiration of the variance, must demonstrate good cause showing the extension is necessary, and must demonstrate that the circumstances for granting the variance are still applicable.

**E. Appeals.** An applicant may appeal a variance decision pursuant to Section 29.01.070, *Appeals*.

#### **29.01.070 Appeals**

**A. Initiation.** An applicant aggrieved by an order, requirement, decision, or determination of the City Engineer may be appealed to the Administrative Hearing Officer, pursuant to the procedures set out in Chapter 26.108 of this Code except to the extent set forth herein. The notice of appeal shall be filed with the City Engineer within fifteen (15) days following the date of such order, requirement, decision, or determination. The notice of appeal shall state in detail the action appealed, the grounds for the appeal, and the relief sought. Failure to file such a notice of appeal within the prescribed time shall constitute a waiver of any rights under this Chapter to appeal any order, requirement, decision, or determination.

**B. Effect of filing an appeal.** The filing of a notice of appeal shall stay any proceedings in furtherance of the action appealed from unless the City Engineer certifies in writing to the Administrative Hearing Officer that a stay poses an imminent peril to life or property, in which case the appeal shall not stay further proceedings. The Administrative Hearing Officer may review such certification and grant or deny a stay of proceedings.

**C. Timing of appeal.** The Administrative Hearing Officer shall consider the appeal within thirty (30) days following the date of filing the notice of appeal, or as soon thereafter as is practical under the circumstances.

**D. Action by Administrative Hearing Officer.** The Administrative Hearing Officer shall review the record of the action taken by the City Engineer, and provide a decision to the Applicant in writing. The Administrative Hearing Officer may reverse or affirm wholly or partly the order, requirement, decision or determination appealed from and shall enter such order, as they deems appropriate under the circumstance.

(Ord. No. 42-2013)