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CHAPTER 1: GENERAL PROVISIONS

1-10: TITLE AND SHORT TITLE

This Ordinance, as amended from time to time, shall be known as "The Pitkin County Land Use Code." In this Land Use Code it may be called "this Land Use Code."

1-20: POWER AND AUTHORITY

It is the intent of the Board in adopting and enforcing this Land Use Code to exercise all relevant authority and powers conferred on it by the laws of the State of Colorado, including, but not limited to, the following sections of Colorado Revised Statutes, as they may be amended and supplemented from time to time:

(1) Chapter 28 of Title 30 (County Planning, Zoning, Subdivision);

(2) Chapter 65.1 of Title 24 (Areas of State Interest);

(3) Chapter 67 of Title 24 (Planned Unit Development);

(4) Chapter 20 of Title 29 (Local Government Land Use Control Enabling Act and Development Impact Fees);

(5) Chapter 1 of Title 29 (Administration of Land Development Charges);

(6) Applicable provisions of Chapter 11 of Title 30 (County Powers and Functions);

(7) Chapter 68 of Title 24 (Vested Rights);

(8) Chapter 60 of Title 34 (Oil and Gas Conservation);

(9) Chapter 15 of Title 30 (Enforcement); and

(10) All other direct and indirect grants of authority to County governments to address land use issues and impacts addressed by this Land Use Code.

1-30: REPEAL AND REENACTMENT

1-30-10: REPEAL

Title 8 of the Pitkin County Code, titled the "Pitkin County Land Use Code," is repealed in its entirety, as of the effective date of the enactment of this Land Use Code.

1-30-20: ENACTMENT AND EFFECTIVE DATE

This Land Use Code shall be enacted upon its approval by the Board of County Commissioners, after review and recommendation by the Planning and Zoning Commission and public hearings as required by state law. The effective date of this Land Use Code is July 5, 2006.

1-40: HOW TO USE THIS LAND USE CODE

1-40-10: THE TOOLS IN THIS LAND USE CODE

The Pitkin County Comprehensive Plan, which summarizes the key elements of adopted rural neighborhood master plans, put a premium on preserving the rural character of the County. This Land Use Code is intended to implement the Pitkin County Comprehensive Plan and to contain urban growth. To implement that overriding goal of protecting the rural character of the County, Pitkin County uses traditional zoning and subdivision controls plus the following inter-related elements reflected in this Land Use Code.

(a) Location/Urban Growth Boundaries

Pitkin County has worked with the City of Aspen and the Town of Basalt to jointly develop Urban Growth Boundaries (UGBs), which are shown in Chapter 3. Within the limits of the UGBs, development is generally permitted at greater densities, and the uses of land permitted are more comparable to those permitted within the adjacent city or town. Outside the UGBs, the densities and uses of land are generally limited to low density residential uses and agriculture. Zone districts have been grouped into those generally applicable inside or outside the UGBs, and are described in Chapter 3.

► The user should determine (1) whether his or her parcel is located inside or outside of the UGBs, and (2) in which zone district it is located.

(b) Legal Status of Parcel and Development Rights

All residential and non-residential development in Pitkin County must take place on a subdivided lot or other legally created parcel or on a parcel of thirty-five (35) acres or more that is exempt from subdivision approval under Colorado law. The property owner will need to provide evidence that the parcel has development rights associated with it. The owner of a lot or parcel that does not carry with it the right to develop a house may still obtain the right to build a house through the use of transferable development rights or through the growth management system explained in subsection (e) below. Owners of properties that do not have, and do not obtain, the right to build a house or other primary structure on the property may still use the property for economic purposes, including agricultural uses, as set forth in Chapter 4.

► The user should determine whether their lot or tract carries with it the right to develop a house or other primary structure, or whether that right needs to be obtained through some other means.

(c) Maximum House Sizes

Pitkin County has experienced significant demand for the construction of very large homes that (1) are inconsistent with the historic character of the County (both within and outside the UGB), (2) contribute to the declining affordability of housing in the County, and (3) generate very significant demands for additional affordable housing to accommodate the service workers needed to maintain the large homes and support their occupants. The County has therefore established both a base house size available for those properties that have the right to develop a home, and a larger house size available to those who either (1) offset the additional impacts on community character by purchasing a Transferable Development Right (as described below), or (2) compete for and receive a growth management allocation (as described in subsection (e) below). In general, house size is determined by floor area limitations of the zone district in which the property is located, as described in Chapter 5.

► Each applicant who wants to build, or expand, a house in the unincorporated portions of Pitkin County should determine whether the size of the house (or the house after construction of the addition, if applicable), can be attained without the purchase of TDRs or a growth management allocation.

(d) Transferable Development Rights

Pitkin County has developed a system of transferable development rights (TDRs) that allow landowners in some zone districts to transfer some or all of the development potential associated with their property to other properties where development will be more consistent with the Pitkin County Comprehensive Plan. As part of this process, the landowner transferring the TDRs must record a restriction preventing future development of the property (to the extent of development rights transferred). In general, lands located in the RR, TR-1, and TR-2 zone districts, lots/parcels determined by the County to be "Constrained Sites" or "Visually Constrained Sites" (see Sec. 6-70-20(a)), as well as lands in an approved Conservation Development (see Sec. 3-70-40) may sell TDRs. TDRs may be purchased for two purposes. First, TDRs may be purchased by owners of property anywhere in the County in order to increase the maximum size of the home permitted on their lot or parcel, up to the maximum house size established in Chapter 5. Second, TDRs may be purchased by owners of lots and tracts located within the Aspen UGB that do not have the right to develop a house or other primary structure, in order to obtain that right. The process for obtaining a TDR is set forth in Chapter 2, and uses of a TDR are set forth in Chapters 3 and 5.

► An applicant whose property does not carry with it the right to develop a house or other primary structure, or whose proposed house exceeds the base floor area, should be prepared to offset the impacts of that development on the rural character of the County through the purchase of a TDR or through the growth

(e) Growth Management Quota System

Pitkin County has a Growth Management Quota System (GMQS) that establishes the maximum amount of residential, commercial, and tourist accommodation development that may be approved each year both within the Aspen UGB and the Rural Area (which for purposes of the GMQS includes the Basalt UGB). Each year, those quotas are allocated through the process described in Chapter 2, using the criteria set forth in Chapter 6.

► An applicant whose property does not carry with it the right for the type of development they intend to pursue, and who does not wish to or is not eligible to buy a TDR in order to get that right, and who is not eligible for any other GMQS exemption or incentive, may compete in the GMQS to obtain that right.

(f) Site Plan Review

Because of the importance of preserving rural and agricultural character, and the environmental sensitivity of much of the land in Pitkin County, most proposed development will be required to obtain approval for an Activity Envelope and a Site Plan Review. Once the County has determined that the property has a right to construct a house or other primary structure, and that the proposed use and structure comply with the zone district use and dimensional standards, then the proposed location of proposed structures and activities will be reviewed, and an Activity Envelope for the property will be defined. An Activity Envelope identifies the area within a parcel of land where development would avoid Constrained Areas as required by this Land Use Code, and within which the location of a specific building(s) may be approved. An Activity Envelope may be defined even if the applicant is not prepared to apply for approval of a specific home or other principal building. A Site Plan includes the actual location, footprint, and height of buildings to be constructed in the Activity Envelope, and is generally not prepared until a specific house or other principal building is proposed to be built. The definition of an Activity Envelope and approval of a specific Site Plan may occur at the same time through the Site Plan process if the applicant desires. If the applicant chooses to obtain the definition of an Activity Envelope separately from the approval of a Site Plan, the definition of an Activity Envelope, by itself shall not confer the ability to develop the property – the approval of a Site Plan will be required. The Site Plan Review process will result in the identification of an appropriate building or Activity Envelope on the property that avoids hazardous areas, minimizes environmental and visual impacts, and promotes other goals identified in the Pitkin County Comprehensive Plan.

► Applicants will need to consult with the County regarding the proposed location of the structure(s) or uses on the site, and to obtain approval for those locations through the Site Plan Review process.

1-40-20: STEP-BY-STEP APPROACH

These six tools have been integrated with other land use incentives and controls throughout this Land Use Code, and are summarized in the step-by-step approach outlined below and depicted in Sec. 1-40-30.

(a) Identify what zone district your property is located in, and whether it is located inside or outside of an urban growth boundary (UGB). The zoning map may be viewed at the Community Development Department, or at www.aspenpitkin.com. The UGB map is in Chapter 3.

(b) Consult with the Community Development Department to confirm whether the property carries with it the right to build a house or other primary structure, or whether that right will need to be acquired through purchase of a TDR or through the growth management quota system (GMQS). Review Chapter 6 to identify those criteria against which GMQS applications will be screened, and that will determine which applications may be successful. This is generally done at a pre-application meeting with the Community Development Department.

(c) Review the description of the zone district and any special regulations applicable to the zone district in Chapter 3.

(d) Review Chapter 4 to determine what uses of the property are allowed by right, or through the special review process. In many cases, there are use-specific standards that govern how a particular use may be developed or operated. If the proposed use requires a special review use approval, you will need to follow the process for obtaining that approval in Chapter 2. Many of the uses by right and special review uses listed in Chapter 4 require that the applicant's property have the right to develop a house or other primary structure.

(e) Review Chapter 5 to determine the size requirements and limits for the lot or parcel, the required setbacks from roads and waterways, and the maximum size limits for the house or other structures proposed for the property.

(f) If the proposed house or structure is larger than the base size permitted in the district, you will need to purchase one or more TDRs to permit the additional floor area (and in some cases obtain land use approval to use it) or you will need to obtain an exemption from, or compete successfully in, the GMQS. Development of houses larger than the largest size permitted in the zone district will not be permitted, even with the purchase of TDRs.

(g) Review Chapter 7 to determine what development quality and environmental standards will apply to the proposed development. These standards cover requirements in the areas of environmental protection, natural hazard avoidance, visual or scenic considerations, site preparation, parking, utilities, and signs, among

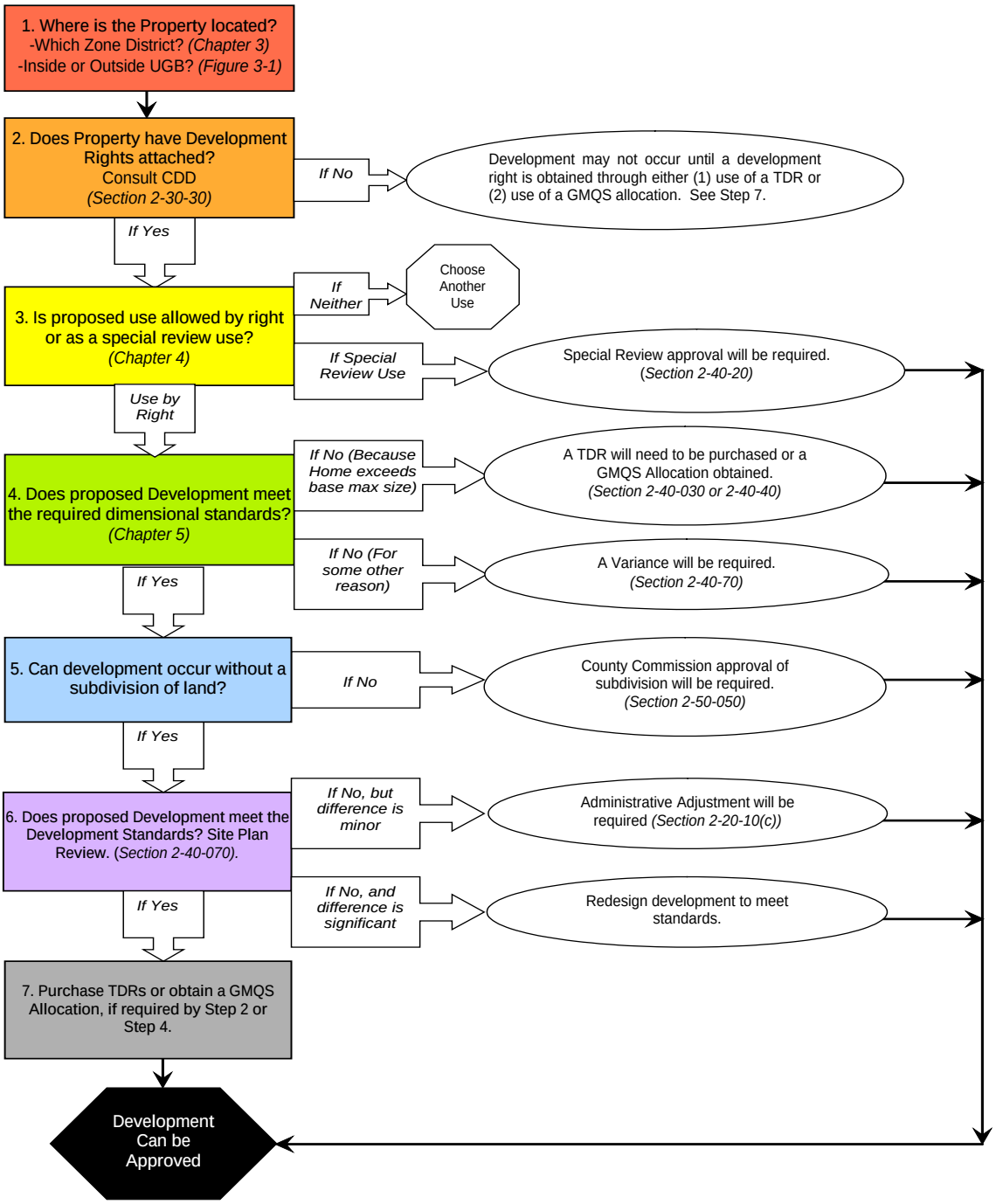
others. Compliance with the requirements of Chapter 7, and the proposed location of structures and uses on the site in general, will be reviewed through the Site Plan approval process described in Chapter 2.

(h) If the proposed development requires any other types of approvals (for example, a variance from setback requirements), those procedures are set forth in Chapter 2.

1-40-30: APPLICANT'S EVALUATION FLOWCHART

(See next page)

The step-by-step approach described above is illustrated graphically in the Applicant's Flowchart below. The Applicant's Flowchart does not illustrate any of the general or specific review and approval procedures described in Chapter 2, but instead reflects how an applicant can evaluate the feasibility of a proposed activity or development.1
Basis and Purpose of the Land Use Code



[1] This flowchart does not address the process for rezoning or PUD approval. It assumes that development is to be accomplished without a rezoning.

1-50: BASIS AND PURPOSE OF THE LAND USE CODE

The policies, regulations and zone districts set forth in this Land Use Code have been adopted in accordance with comprehensive studies prepared with reasonable consideration given to the social, economic and environmental characteristics of certain areas and the community in general; the compatibility of uses with each other and with social, economic and environmental opportunities and constraints; and the particular suitability of certain uses in certain areas. The broad purpose and basis of this Land Use Code is described in the following paragraphs.

1-50-10: IMPLEMENT PITKIN COUNTY COMPREHENSIVE PLAN AND POLICIES

To implement the policies of Pitkin County regarding land use and development, housing, growth and related issues, as reflected in the Pitkin County Comprehensive Plan adopted in 2003, as those plans and related policies may be amended from time to time. A map of the County planning areas that make up the elements of the Pitkin County Comprehensive Plan – and that are frequently referred to in this Land Use Code – is shown on the following page.

1-50-20: CREATE A COMMON SYSTEM OF ADMINISTRATION AND REGULATION

To combine the regulation of all aspects of land use and development and the use of land and natural resources into a common system of administration and regulation.

1-50-30: CLEARLY DELINEATE URBAN AND RURAL AREAS OF THE COUNTY

To establish a system of regulations that will clearly delineate Urban and Rural Areas of the County, will permit urban types and scales of development only within defined Urban Areas, and will preserve existing agricultural lands and the rural character of defined Rural Areas. Rural Areas shall maintain divisions between Aspen, Snowmass, Basalt, and Carbondale. A map of the Urban and Rural Areas of the County is shown in Figure 3-1 (Chapter 3). Provisions related to Urban Areas apply in all Urban Areas shown on the map, except that references to Urban Areas in the Growth Management Quota System apply only to Urban Areas located within the Aspen Urban Growth Boundary.

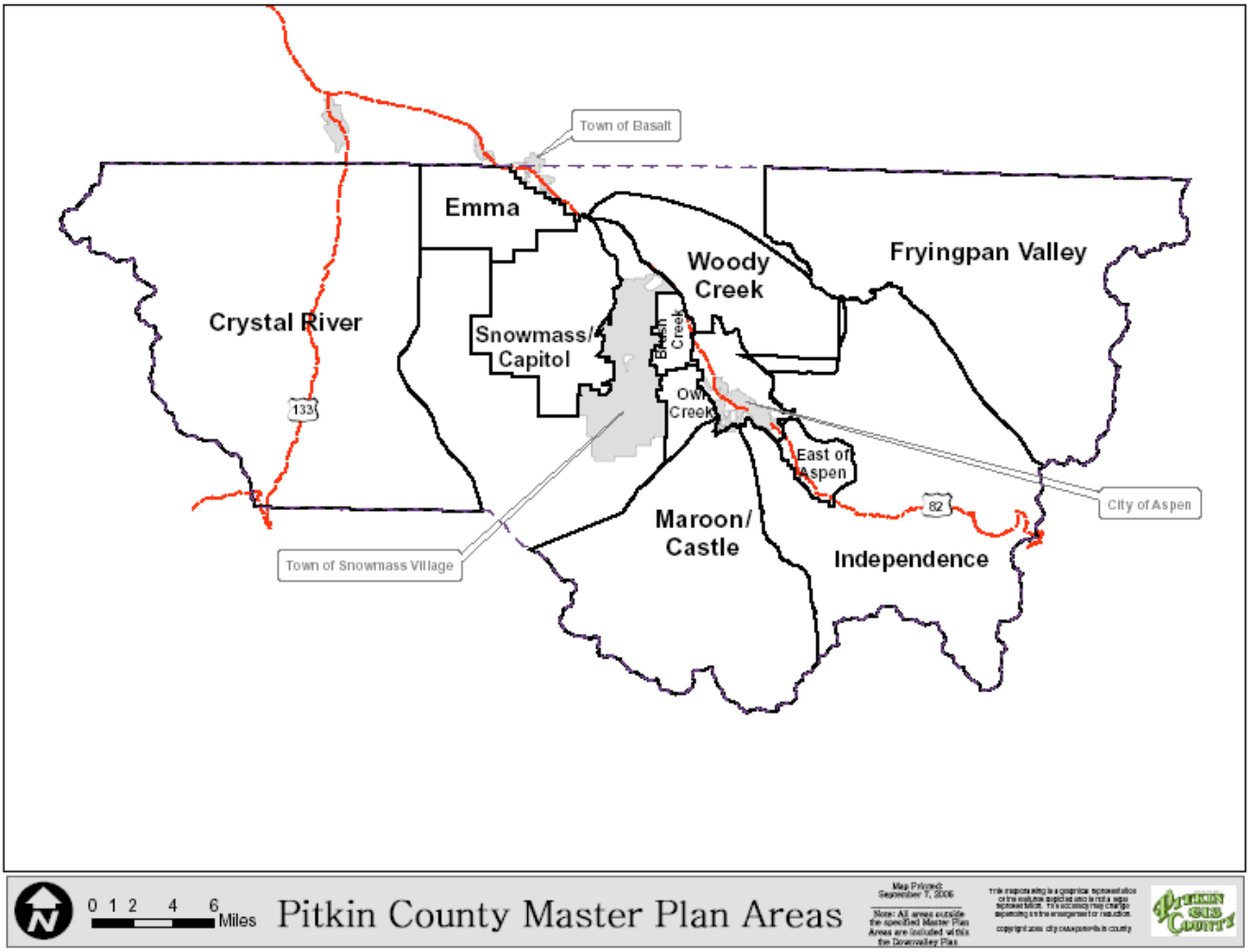
1-50-40: MANAGE GROWTH

To provide a mechanism for managing the rate, type, location, quality and ultimate quantity of growth within the county to ensure that new growth occurs in a controlled, paced, and orderly manner that does not exceed the available capacity of existing public facilities; and in types and locations consistent with the existing urban or rural character of the area in which the property is located and in patterns that will not encourage sprawl or the incremental urbanization of Rural Areas.

1-50-50: PROTECT HEALTH, SAFETY AND WELFARE

To protect the health, safety and public welfare of Pitkin County residents and visitors.

Figure 1-1: Pitkin County Comprehensive Plan Area Boundaries



1-60: GENERAL LAND USE POLICIES

This section contains Pitkin County's land use policies. These policies serve as basic guidelines for the formulation of the regulations contained in this Land Use Code and the review of development applications. Where there is a conflict between a policy and an adopted standard, the standard shall supersede the policy.

1-60-10: PITKIN COUNTY COMPREHENSIVE PLAN

It is the policy of the County to adopt comprehensive plans for the County and regularly update these plans. Throughout this Land Use Code, references to the Pitkin County Comprehensive Plan include the Overview Pitkin County Comprehensive Plan, which encompasses the concepts, policies, actions and common themes contained within all adopted Land Use Master Plans in the County. Where there is any conflict between the Overview and any other adopted Land Use Master Plan, the Overview shall govern.

1-60-20: CONFORMANCE WITH THE PITKIN COUNTY COMPREHENSIVE PLAN

It is the policy of the County to ensure that the use and development of land within Pitkin County and any actions committing such land to development or a change in use should consider Pitkin County's Comprehensive Plan.

1-60-30: COMMUNITY BALANCE

The dominant policy of Pitkin County is to conserve and protect from further degradation the present natural environment and its resources. Development that can be accommodated within these limits will be managed to maintain a balance between residential (free-market and affordable), commercial and tourist accommodations.

1-60-40: GROWTH MANAGEMENT

It is the policy of the County to manage the rate at which development applications are approved, as well as the type, location, quality and ultimate quantity of growth.

1-60-50: GROWTH RATE: PHASING OF PUBLIC SERVICES AND FACILITIES

It is the policy of the County to maintain and improve the quality of life of its residents. To this end, the County will manage the location and timing of development in the residential, commercial and tourist accommodation sectors. The provision and location of public services and facilities should support development that is consistent with the Pitkin County Comprehensive Plan. To ensure that growth is consistent with the Pitkin County Comprehensive Plan the County will maintain a Growth Management Quota System (GMQS).

1-60-60: LAND USE PATTERNS

It is the policy of the County that future urban development will be located within adopted Urban Growth Boundaries in order to eliminate residential sprawl and strip commercial development, to ensure the provision of adequate service levels, to preserve agriculture and open space land uses, and to maximize the utility of funds invested in public facilities and services. Lands outside the growth boundaries will be deemed most appropriate for the preservation of agriculture, natural habitat, environmental resources, open space and rural residential uses.

1-60-70: RURAL DEVELOPMENT

When proposing future development outside of Urban Growth Boundaries, the following elements should be considered:

(a) Pitkin County seeks to preserve its natural, rural scenery and natural landmarks for the benefit of its residents and the continued viability of its resort economy.

(b) Planned unit style development (PUD), designed to integrate siting in harmony with the environment and consistent with land use policies, is encouraged. Such development tends to minimize the cost of governmental and other services, maximize open space, preserve agricultural lands, and minimize automobile congestion and hazardous conditions on public roads and highways.

(c) New development should be compatible with and not fundamentally change the character of any neighborhood or area.

(d) Pitkin County does not generally support extensions of public utilities such as municipal water and sewer lines outside of the Urban Growth Boundaries (UGBs).

(e) New commercial development should be located within established Urban Growth Boundaries unless it is of a scale and capacity deemed to be appropriate within identified boundaries.

(f) Transfer of development rights (TDRs) may be appropriate to preserve and protect rural character, open space, scenic features, and environmental resources, and to avoid development in environmentally constrained areas.

(g) To the extent possible, the County seeks to protect scenic corridors along highways, county roadways and mountain road systems.

(h) It is the policy of the County that development not impede the ability of citizens to view the night sky without the interference of artificial light.

1-60-80: AGRICULTURAL PRESERVATION

(a) Productive agricultural land is a limited resource of environmental, cultural, open space, visual and economic value that should be conserved and preserved.

(b) All new development in areas surrounding or incorporated within existing agricultural properties should be designed to minimize impacts to agricultural operations.

(c) Preservation and utilization of water for agricultural lands within the county is encouraged.

(d) The fragmentation of large parcels of agricultural land is discouraged and the assemblage of smaller parcels into larger, more manageable and agriculturally productive tracts is encouraged.

(e) Pitkin County supports "right-to-farm" legislation.

(f) Pitkin County promotes the viability of agricultural lands and operations within Pitkin County and supports preservation of large tracts of land now committed to or capable of agricultural uses.

1-60-90: WILDERNESS

Pitkin County supports protection of designated Wilderness areas within and surrounding Pitkin County, as these areas provide residents and visitors with vistas and opportunities for experiencing the natural environment while renewing their "mind, body and spirit." The County encourages management of adjacent and neighboring land to preserve the integrity of the wilderness areas.

1-60-100: RECREATION

The County recognizes the fundamental importance of recreation and tourism to the local economy and encourages the provision of services and facilities necessary for the continuation of existing activities, consistent with other goals and policies of the County. It is the policy of the County to support preservation of the physical environment; to improve county-wide recreational and trail opportunities; to support citizens' rights of appropriate access to public lands on roads and trails historically open to the public; to secure new access points consistent with County and Federal land use plans; and to protect existing open space from urbanization and development in order to maintain quality of life and enjoyment of the environment.

1-60-110: SKI AREAS

Pitkin County favors the expansion of uses within existing permitted ski area boundaries, with a focus on expanding uses during non-peak periods, but does not support new alpine

ski area proposals. Coordination with the Forest Service and ski area proponents regarding ski area development will consider both on and off-site impacts such as affordable housing, transportation, waterways, air quality and adjacent neighborhoods.

1-60-120: CAMPING

The County supports maintenance of existing campgrounds at their current capacities.

1-60-130: TRAILS

Non-motorized transportation alternatives, such as trails for bicycles, horses, pedestrians and cross-country skiers are encouraged. The County supports preservation and enhancement of access to trails; and development of bike and pedestrian ways that provide links between communities, residential and employment areas, commercial centers, recreational and open space areas, and educational facilities. Where motorized and non-motorized uses of trails are proposed or exist in common or in close proximity to one another, the County supports consideration of separate and distinct trails for each use.

1-60-140: OPEN SPACE AND TRAILS BOARD

The County supports the Open Space and Trails Board in the acquisition and maintenance of open space parcels, conservation easements, trails and facilities such as trailheads, parks, river access points for boating or fishing purposes and access to public lands. Parks, open space and public recreation facilities are encouraged throughout the county.

1-60-150: COMPATIBILITY WITH EXISTING ADJACENT NEIGHBORHOODS

It is the policy of the County to insure land use proposals are compatible with existing neighborhoods. To this end, the County will provide notification of pending land use applications to the affected adjoining property owners, homeowners associations and neighborhood caucus groups when appropriate.

1-60-160: COMPATIBILITY WITH PUBLIC LANDS

It is the policy of the County to support the preservation and protection of public lands from the impacts of incompatible development by promoting land uses within and nearby public lands that are compatible with public use of those lands and with the preservation of the natural environment.

1-60-170: PRIVATE LAND SURROUNDED BY PUBLIC LANDS (INHOLDINGS)

It is the policy of the County to promote and encourage the transfer of private inholdings to public ownership with the objective of promoting consistent management of the public lands to reduce conflicts between private owners and developers and the public at large.

1-60-180: ECOLOGICAL BILL OF RIGHTS (EBOR)

As the integrity of our ecosystem is increasingly challenged by human activity, and population growth and the accompanying sprawl are seriously damaging and threatening to destroy the ecological carrying capacity (environmental sustainability) of the region, it is the policy of the County to implement the following rights:

(a) The right to breathe clean air and enjoy clear vistas.

(b) The right to the preservation of natural riparian areas and wetlands.

(c) The right to permanently protected minimum stream flows in rivers and creeks.

(d) The right to the preservation and restoration of native wildlife and plant diversity by preservation of sufficient habitat.

(e) The right to protection of designated wilderness through management of adjoining land in a way that preserves the integrity of the wilderness areas.

(f) The right to a landscape kept free of noxious and invasive weeds.

(g) The right of appropriate access to public lands on roads and trails historically open to the public, consistent with the nature and designation of the public lands.

(h) The right to dedicated open space protected from urbanization and development.

(i) The right to the efficient and renewable use of energy.

(j) The right to be free from excessive noise.

(k) The right to see the night sky without the interference of unnecessary artificial light from growth, urbanization and highway development.

(l) The right to the absolute minimum involuntary exposure to toxic chemicals, radioactive substances and energy forms that are hazardous to health.

(m) The right to maintain and not exceed the carrying capacity (sustainability) of the land and water, including protecting water quality.

(n) The right to expect government legislation and active enforcement of land use and development regulations consistent with this Ecological Bill of Rights.

1-60-190: NATURAL AND MAN-MADE HAZARD AND RESOURCE AREAS

It is the policy of the County that development be sited in locations that avoid natural hazard areas, and where avoidance is not possible, in locations where mitigation is designed to minimize potential harm to life, safety, health, and property.

1-60-200: SOIL, SURFICIAL GEOLOGIC CHARACTERISTICS AND RADIATION

It is the policy of the County that development not be located in areas subject to radiation and geologic hazards.

1-60-210: DRAINAGE

It is the policy of the County that development not disturb the integrity of existing and natural drainage patterns, and to discourage land use and development activities that subject areas to increased potential for damage by flood, erosion or sedimentation, or increase the potential for water pollution.

1-60-220: EROSION

It is the policy of the County that development not contribute to the erosion of soil and rock and that natural vegetative cover be maintained and that areas disturbed by land use or development activities be revegetated.

1-60-230: SCENIC QUALITY

It is the policy of the County that its natural, rural scenery be preserved for the benefit of its residents and the continued viability of its resort economy. Undergrounding of utility lines is supported where and when appropriate to minimize visual impact.

1-60-240: CULTURAL/HISTORICAL RESOURCES

It is the policy of the County that historic and archaeological resources that meet national, state, or local criteria for historic designation are preserved, protected from neglect, destruction or harmful alteration, and maintained.

1-60-250: AIR QUALITY

It is the policy of the County that development not degrade air quality.

1-60-260: ENERGY CONSERVATION

New development is encouraged to incorporate energy conserving and alternative energy systems and building systems that minimize consumption of energy.

1-60-270: NOISE

It is the policy of the County that development will not generate noise which would adversely impact community noise levels.

1-60-280: WATER RESOURCES AND AQUATIC/RIPARIAN/WETLAND AREAS

(a) It is the policy of the County to preserve and protect its present water resources, recognizing the county's semi-arid character and that significant transmountain and transbasin diversions and the vested rights of senior appropriators have materially curtailed the availability of water resources. Furthermore, wetlands and riparian ecosystems, which are important to maintaining the overall balance of ecological systems; and are important plant communities, wildlife habitat and movement corridors, should be conserved, protected and restored. The County seeks to protect citizens' rights to permanently protected minimum stream flows in rivers and creeks, and to the preservation of remaining natural riparian areas and wetlands.

(b) Land uses within the region should be designed to preserve and protect present water resources, including surface and groundwater, and to avoid significant adverse affects on the quantity, quality, or dependability of water resources in the County. Land uses should protect against significant increased salinization of water, loss of minimum instream flows, and the need for future major public expenditures to reacquire or redistribute water resources.

(c) To protect water resources and/or riparian habitat, development in areas adjacent to water bodies, functional irrigation ditches and natural watercourse areas should maintain adequate setbacks where necessary.

1-60-290: WILDLIFE

It is the policy of the County that proposed land uses (including structures) are compatible with the ecosystem of wildlife habitats and do not pose immediate, long term or potential detrimental impacts to such habitats. The County seeks to preserve, restore and perpetuate native wildlife and plant diversity by maintaining sufficient habitat.

1-60-300: LOGICAL EXTENSION OF UTILITIES

It is the policy of the County to regulate public and private utility extensions. Areas served by such extensions must be found suitable for development in accordance with the Pitkin County Comprehensive Plan.

1-60-310: ADEQUATE PROVISION FOR WATER NEEDS

It is the policy of the County that the availability of a water supply of adequate quantity, pressure and dependability for fire protection and support of a proposed land use be in place prior to approval of the use.

1-60-320: SEWAGE TREATMENT

It is the policy of the County that adequate sewage treatment facilities are feasible and available to serve existing and new developments.

1-60-330: SOLID WASTE MANAGEMENT

Pitkin County is committed to all economically and environmentally appropriate processes that are directed toward reuse opportunities and the prolonging of landfill life. The County supports efforts to reduce waste generation and the amount of solid waste disposed of in landfills, and to implement effective resource recovery and recycling activities.

1-60-340: TRANSPORTATION/TRANSIT/ROADS

(a) The County encourages transportation programs consistant with the County Asset Management Plan; modes and land use patterns that minimize automobile congestion, promote safety and reduce sources of air pollution.

(b) The County supports preservation of rail corridors for potential development of rail or other improved transit/trail alternatives in the future. No development should be allowed to prevent the options of the Community to pursue rail, trail or other improved transit alternatives along such corridors.

(c) Where practical as a means of retaining rural character, the County seeks to retain existing unpaved roads and to preclude the extension of winter maintenance on rural roads.

(d) The County seeks cooperation with emergency service agencies in establishing emergency access road standards that adequately address safety needs in the context of rural character.

(e) Development that generates traffic volumes in excess of the capacity of the County road system or that causes significant service level reductions is discouraged.

(f) Appropriate buffer strips should be preserved along federal, state and local roadways to protect public views, minimize safety concerns and environmental impacts, and to preserve corridors for future transportation facilities.

(g) Roadway capacity improvements should integrate alternative modes of transportation, such as bicycles and transit, and pedestrian ways so as to add "people carrying" capacity to the roadway, not just vehicular capacity, whenever feasible.

(h) New and upgraded roadways should be designed, engineered and constructed to minimize environmental and aesthetic damage and future maintenance costs consistent with public safety needs.

1-60-350: PITKIN COUNTY AIRPORT (SARDY FIELD)

The County will partner with public, private and non-profit entities to support continued air safety, reliable and efficient air service at Sardy Field. Neighborhood impacts will be considered relative to expansions or improvements that would promote aviation operations.

1-60-360: TELECOMMUNICATIONS

The County encourages adequate, minimal impact regional and community telecommunications facilities to serve the needs of governments, emergency services, businesses, and citizens of Pitkin County.

(a) Where a telecommunications system utilizes a network of facilities, a comprehensive approach should be taken for evaluating potential sites in Pitkin County with a view to minimizing the number of sites required and any adverse impact.

(b) When feasible and not otherwise detrimental, multiple telecommunications facilities should be consolidated onto common towers, and/or located adjacent to, on or incorporated into existing or proposed buildings or other structures.

1-60-370: CITIZEN HOUSING

It is the policy of the County to encourage the existence of a supply of desirable and affordable housing for persons employed in Pitkin County, senior citizens, the handicapped, and other qualified persons of Pitkin County. Pitkin County seeks to preserve existing affordable housing to the extent possible; and to encourage the development of affordable housing within established Urban Growth Boundaries, where employment, services and facilities are typically already established.

(a) It is the policy of Pitkin County to promote the availability of affordable housing for employees generated by proposed development.

(b) A diversity of housing types and densities is encouraged in order to ensure affordable housing for a range of individual and families. Deed restricted housing

that ensures occupancy by full time residents is preferred for development, especially within Urban Growth Boundaries.

(c) Affordable housing of urban or suburban densities is not encouraged outside the Urban Growth Boundaries if it promotes sprawl or other development inconsistent with this or other policies or regulations of the County. Affordable housing outside Urban Growth Boundaries may be acceptable if it is: (i) Employee Dwelling Units (EDU) and Caretaker Dwelling Units (CDU); (ii) job related on-site housing; (iii) conversion of existing locally serving housing; (iv) on-site required mitigation housing; or (v) replacement of existing affordable housing.

(d) Quality residential areas, which function as integral neighborhood units, are encouraged.

(e) Rehabilitation of existing residential facilities should be promoted where feasible. The purchase and buy-down of existing units throughout the county is encouraged since it promotes affordable housing goals without increasing growth rates or impacts.

(f) Special attention should be directed to providing for dispersal of housing for low and moderate income families and low income senior citizens throughout the residential areas of the Urban Growth Boundaries with due consideration to other policies of the County and the availability of water and sewer service, fire protection, public transportation, employment, shopping, schools, social services, and recreational activities.

(g) The use of energy conservation and innovative home building techniques in order to reduce construction and/or operating costs without sacrificing safety or desirability of the housing shall be encouraged and supported. When appropriate, the revision or adoption of building codes will be encouraged to meet this objective. For deed restricted housing projects, a preference will be given to developers and contractors that utilize such techniques.

1-60-380: REQUIRE THAT DEVELOPMENT BEAR AN EQUITABLE SHARE OF RELATED BURDENS

It is the policy of the County that new development must pay an equitable share that would otherwise be borne by the general public, and/or make equitable contributions, commensurate with its impacts, to ensure that no reduction in the quality of services, public facilities or programs occurs as a result of the development.

1-60-390: GENERAL GOVERNMENT/ PUBLIC PARTICIPATION AND PLANNING PROCESSES

(a) Pitkin County acknowledges the benefit of regional planning. To that end, the County supports planning efforts between counties, towns, state and federal agencies. These cross-jurisdictional approaches are most notably important in the venues of transportation, housing, open space, water resources, agricultural lands, solid waste facilities, public safety, wildfire mitigation and human and social services. Intergovernmental agreements are encouraged to facilitate implementation of common land use goals.

(b) The County encourages general public participation when public and quasi-public bodies are making decisions, which significantly affect citizens and the formation of specific citizen advisory groups to participate in planning-related matters.

(c) Pitkin County promotes the preparation of community-based plans by Caucuses or other neighborhood groups that are consistent with the policies herein, and other policies adopted by the Board of County Commissioners. Recognizing the unique qualities and issues inherent in our County, creative approaches to land use are encouraged.

1-60-400: ECONOMIC SUSTAINABILITY AND CONDITION

A balanced, diversified economy should be promoted in order to maintain and enhance the quality of life in our community. The economy should offer desirable local employment opportunities without creating significant job growth. Desirable local businesses may include those that utilize environmentally sustaining operating practices, recycle monies back into the local economy, and do not adversely impact surrounding areas.

1-60-410: CONFORMANCE WITH OTHER LAWS

It is the policy of the County to consider whether approval of uses or development of lands within Pitkin County is consistent with applicable laws of the United State of America and the State of Colorado.

1-70: APPLICABILITY

1-70-10: GENERAL

This Land Use Code applies to development and other regulated activity on all land located in Pitkin County but not within the boundary of any incorporated municipality.

1-70-20: GROWTH MANAGEMENT

(a) General

The growth management provisions of Chapter 6 shall apply to all development of a new, or redevelopment of an existing, residential structure, commercial structure, tourist accommodation, and/or agricultural building requiring a building permit, including all new structures, any remodeled structures, any additions to existing structures and any replacement structures, unless specifically exempted by a provision of this Land Use Code.

(b) Vesting and Applicability Exemptions

The growth management provisions of Chapter 6 shall not apply to:

(1) Site Specific Development Plans in the Rural Area approved within the statutory vesting period as set forth in Chapter 2, and Site Specific Development Plans in the Urban Area approved prior to July 5, 2006 within the statutory vesting period as set forth in Chapter 2.

If statutory vesting is determined by the County Attorney's office, the property shall not be required to seek any exemptions from Growth Management or development allotments to the extent of the Site Specific Development Plan approval, subject to the following:

(a) The definition of floor area in effect at time of building permit shall apply as a rule of general applicability.

(b) If no floor area was specified in the development permit for the Site Specific Development Plan, the property may be developed with the uses/structures approved by the development permit up to the floor area permitted in the underlying zone district. Growth Management shall be applicable to any new structures that were not approved through the Site Specific Development Plan.

(c) At the end of the statutory vesting period, these Growth Management provisions shall be fully applicable to the property as allowed by State law.

(2) Unexpired Development Allotments in the Rural Area Awarded, and Unexpired

Development Allotments in the Urban Area Awarded Prior to July 5, 2006.

If a development allotment was awarded in the Rural Area, or in the Urban Area prior to the 5th of July, 2006, and has not expired, the property in issue shall not be required to seek any further development allotments to develop as originally approved, provided that:

(a) The property in issue shall be allowed to develop up to the floor area set forth in the underlying zone district or development permit, provided that the definition of floor area in effect at time of building permit shall apply as a rule of general applicability. If floor area is not limited by the zone district or was not specified in the development permit, the property owner shall be entitled to develop a single-family dwelling unit with up to five thousand, seven hundred fifty (5,750) square feet of floor area in accordance with Sec. 6-30-100.

(b) If the development proposed exceeds the number of units or floor area of the original development allotment and development permit, an incentive/exemption from Growth Management or development allotment shall be required for the additional development.

(c) If the development allotment is associated with a Site Specific Development Plan approval that is statutorily vested, then Sec. 1-70-20(b)(1) shall apply.

(3) County-Approved Subdivisions, Low Impact Subdivisions, Lot Splits, pre-1989 Fully Developed Lands Subdivision and PUD Approvals specifying the square footage allowed and approved in the Rural Area or approved in the Urban Area prior to July 5, 2006.

Any County-approved subdivision, low impact subdivision, lot split, and/or planned unit development that was approved in the Rural Area or that was approved in the Urban Area prior to the 5th of July, 2006, and that specified the floor area allowed in the development permit shall be permitted to develop as originally approved, provided that:

(a) The property in issue shall be allowed to develop up to the floor area set forth in the underlying zone district or development permit, provided that the definition of floor area in effect at time of building permit shall apply as a rule of general applicability. If floor area is not limited by the zone district or was not specified in the development permit, the property owner shall be entitled to develop a single-family dwelling unit with up to five thousand, seven hundred fifty (5,750) square feet of floor area as set forth in Sec. 6-30-100.

(b) If the development proposed exceeds the number of units or floor area of the original development allotment and development permit, an incentive/exemption from Growth Management or

development allotment shall be required for the additional development.

(c) If the County-approved subdivision or PUD is associated with a Site Specific Development Plan approval that is statutorily vested, then Sec. 1-70-20(b)(1) shall apply.

(4) Any Property Determined by a Court of Law or the County to be Vested Under the Common Law of the State of Colorado.

The extent of any common law vesting and the applicability of the growth management provisions of Chapter 6 shall be made on a case-by-case basis by the County Attorney.

1-70-30: DEVELOPMENT EXACTIONS AND IMPACT FEES

The development exaction and impact fee provisions of Chapter 8 shall apply to all development of a new or redevelopment of an existing residential structure, commercial structure, tourist accommodation, and/or agricultural building requiring a building permit, including all new structures, any remodeled structures, any additions to existing structures and any replacement structures, and any change in the use of an existing structure, unless specifically exempted by a provision of this Land Use Code. Specific types of development or activity are exempt from some development exactions and impact fees pursuant to the provisions of Chapter 8.

1-80: OFFICIAL ZONING MAP

1-80-10: ESTABLISHMENT OF ZONING MAP

The boundaries of the zone districts established in this section of this Land Use Code shall be depicted on the Pitkin County Official Zoning Map incorporated herein by reference. A copy of the Zoning Map shall be located in the Community Development Department at all times for inspection by the general public.

1-80-20: REZONING OR ESTABLISHMENT OF NEW ZONE DISTRICTS

If amendments are made to the boundaries of the Zoning Map pursuant to the procedures in this Land Use Code, such amendments shall be entered on the Zoning Map regularly after amendment.

1-80-30: LOCATION OF OFFICIAL ZONING MAP

The Official Zoning Map shall be located in the Community Development Department. In the event of a conflict between the Official Zoning Map and a resolution of the Board of County Commissioners amending the map, the resolution shall prevail.

1-80-40: PROPERTIES LOCATED IN MORE THAN ONE ZONE DISTRICT

Unless a different rule is stated for specific zone districts or circumstances elsewhere in this Land Use Code, the existence of more than one (1) zone district on a lot or parcel shall be governed by the following rules:

(a) Most Restrictive Zone Governs

An unsubdivided parcel shall be governed by the most restrictive zoning on the parcel in terms of allowed floor area; or, where the floor area is identical in all zones, the most restrictive zoning on the parcel in terms of uses allowed. The existence of more than one zone shall not create the right to develop the permitted uses available in each zone, but rather the more restrictive zone shall control. This provision shall not affect the ability to subdivide the property as may be possible pursuant to existing zoning, and upon subdivision, the original zoning (or rezoned zoning) shall govern the property.

(b) Subdivision Required Along District Lines

Where a parcel is zoned in more than one (1) zone district, the subdivision of that parcel shall be required along district lines. If the resulting parcels would be non-conforming in size, a rezoning shall be required as a prerequisite to subdivision.

(c) Rezoning

If a legal lot or parcel is located in more than one (1) zone district, and the existence of multiple zone districts on the property materially hinders the use of the property for permitted purposes, the applicant may apply for a rezoning of the property pursuant to the procedures in Sec. 2-40-10.

1-80-50: PROPERTIES LOCATED IN MORE THAN ONE JURISDICTION

No subdivision shall be deemed to occur by virtue of a jurisdictional line. A parcel which is situated in another jurisdiction in addition to Pitkin County shall be considered as a whole, and the zoning district applicable in Pitkin County shall be considered on the entire parcel for purposes of determining what development is available in Pitkin County. If development has occurred on a parcel located within Pitkin County and another jurisdiction, such development shall be considered in determining the available development within Pitkin County.

1-90: CONFLICTING PROVISIONS

1-90-10: CONFLICT WITHIN CODE

Where there exists a conflict between any limitation or requirement in this Land Use Code and any applicable limitation or requirement contained elsewhere in this Land Use

Code, the more restrictive limitation or requirement shall prevail. Figures, charts and tables in this Land Use Code are intended as a guide to the use of this Land Use Code. Where there is a conflict between any figure, chart or table and the written text of this Land Use Code, the text shall prevail.

1-90-20: CONFLICT WITH OTHER PITKIN COUNTY REGULATIONS

Where a conflict exists between the provisions of this Land Use Code and any other resolution, regulation or policy of Pitkin County, the provisions of this Land Use Code shall control.

1-100: TRANSITIONAL PROVISIONS

1-100-10: GENERAL PROVISION

The provisions of this Land Use Code shall apply to all properties for which a complete development application for the type of approval or development permit being requested has not been received prior to July 5, 2006. If a complete development application for a specific type of approval or development permit has been received by the County prior to July 5, 2006, or if a development permit or approval has been granted prior to July 5, 2006, then the provisions of the Pitkin County Land Use Code in effect on the date such application was received shall apply to that application, and to the completion of development covered by that application to the extent that the application/development is statutorily vested. However, after July 5, 2006, the provisions for lapsing of development approvals set forth in Sec. 2-20-160 and Table 2-1 shall apply to all development permits and approvals, regardless of when approved. The provisions of this Land Use Code shall apply to any later approvals of a different type. For example, if a complete application for a subdivision of land has been filed prior to July 5, 2006, then the provisions of the Pitkin County Land Use Code in effect on the date the application was filed shall apply to the completion of the subdivision, up to and including the final plat. However, it the applicant files an application for a special review use after July 5, 2006, then the provisions of this Land Use Code shall apply to that application.

1-100-20: VOLUNTARY USE OF THIS LAND USE CODE

Notwithstanding Sec. 1-100-10 above, if an applicant or property owner whose application is governed by an earlier version of This Land Use Code voluntarily chooses to have the provisions of this Land Use Code apply, then the provisions of this Land Use Code shall apply. However, any such election by an applicant or property owner shall apply to the entirety of this Land Use Code. No applicant or property owner may elect to HAVE ONLY PART OF THIS LAND USE CODE APPLY TO THEIR PROPERTY OR APPLICATION.

1-100-30: "1041 REVIEW" APPROVALS DURING PRECEDING THREE YEARS

If the County has reviewed a parcel of land for development under powers granted in C.R.S. Title 24, Chapter 65.1 (Activities of State Interest) during the three years immediately preceding July 5, 2006 and has granted a vested right following such review, then the provisions of this Land Use Code shall not apply to development consistent with that approval until three (3) years after the date of such approval.

1-100-40: MODIFICATIONS

If, after July 5, 2006, an applicant requests a modification of a development or building permit granted prior to July 5, 2006, then the provisions of this Land Use Code, as applicable to the requested modification, shall apply to such modification. Other portions of the permit may remain in effect to the extent they have current vested rights.

1-110: SEVERABILITY

If any part of this Land Use Code or the application or enforcement of this Land Use Code to any person or circumstance is held invalid by a court of competent jurisdiction, the remainder of this Land Use Code and its application shall not be affected, and shall remain in effect. Some provisions of this Land Use Code are supported by more than one source of authority cited in Sec. 1-20 or elsewhere in this Land Use Code. Each provision of this Land Use Code shall remain in effect unless each and every source of authority for such provision is held invalid.

(Code Rewrite – Ord-14D 07-05-2006)