

# HISTORIC PRESERVATION LAND USE PACKET- NO NEGATIVE EFFECT



## PROJECT:

Name: \_\_\_\_\_

Location: \_\_\_\_\_

\_\_\_\_\_  
(Indicate street address, lot & block number or metes and bounds description of property)

Parcel ID #: \_\_\_\_\_

## APPLICANT:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone # : \_\_\_\_\_ Fax#: \_\_\_\_\_ E-mail: \_\_\_\_\_

## REPRESENTATIVE:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone # : \_\_\_\_\_ Fax#: \_\_\_\_\_ E-mail: \_\_\_\_\_

## EXISTING CONDITIONS: (description of existing buildings, uses, previous approvals, etc.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## PROPOSAL: (description of proposed buildings, uses, modifications, etc.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

For more info, visit <https://www.aspen.gov/193/Historic-Preservation>

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## APPLICATION REQUIREMENTS

The following items must be provided for an application to be deemed complete. When no site changes are proposed, the requirement for a survey may be waived. If that is the case, contact City of Aspen Historic Preservation staff for a determination before submitting.

Section 26.415.070.B of the Aspen Land Use Code provides additional detail on the application for a Certificate of No Negative Effect including review authority (Community Development Director), review procedures, associated development order issuance and sunset, and when necessary, procedures for review under the Historic Preservation Commission.

Work considered for a Certificate of No Negative Effect generally needs to not affect or obscure the exterior appearance or character defining features of the building or structure – this includes replacements or repairs, restoration work, awnings or similar items, mechanical equipment, fencing, signage, alterations to non-primary facades, installation of site improvements such as sidewalks and patios, and alterations to non-contributing structures within the historic district.



1. Contained within a letter signed by the applicant, the applicant's name, address and telephone number, and the name, address, and telephone number of any representative authorized to act on behalf of the applicant.
2. The street address, legal description, and parcel identification number of the property proposed for development.
3. A disclosure of ownership of the parcel proposed for development, consisting of a current certificate from a Title insurance company, or attorney licensed to practice in the State of Colorado, listing the names of all owners of the property, and all mortgages, judgments, liens, easements, contracts and agreements affecting the parcel, and demonstrating the owner's right to apply for the Development Application.
4. An 8 1/2" x 11" vicinity map locating the subject parcel within the City of Aspen.
5. A site plan depicting the proposed layout and the project's physical relationship to the land and its surroundings.
6. A site improvement survey certified by a registered land surveyor, licensed in the State of Colorado, showing the current status of the parcel including the current topography and vegetation. (This requirement, or any part thereof, may be waived by the Community Development Director if the project is determined not to warrant a survey document.)
7. A written description of the proposal and a written explanation of how the proposed development complies with the review criteria and The City of Aspen Historic Preservation Design Guidelines relevant to the development application.
8. Additional materials, documentation, or reports as deemed necessary by the Community Development Director.
9. Completed Land Use Application Form, Signed Fee Agreement, and Fee.
10. Photographs, building material samples and other exhibits, as needed, to accurately depict location, extent and design of the proposed work.
11. Scaled elevations and/or drawings of the proposed work and its relationship to the designated historic buildings, structures, sites and features in its context.

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## LAND USE REVIEW POLICY

The City of Aspen has established a review fee policy for the processing of land use applications. A flat fee or deposit is collected for land use applications based on the type of application submitted.

A flat fee is collected by Community Development for applications which normally take a minimal and predictable amount of staff time to process. Review fees for other City Departments reviewing the application (referral departments) will also be collected when necessary. Flat fees are cumulative – meaning an application with multiple flat fees must be pay the sum of those flat fee. Flat fees are not refundable.

A review fee deposit is collected by Community Development when more extensive staff time is required. Actual staff time spent will be charged against the deposit. Various City staff may also charge their time spent on the case in addition to the case planner. Deposit amount may be reduced if, in the opinion of the Community Development Director, the project is expected to take significantly less time to process than the deposit indicates. A determination on the deposit amount shall be made during the pre-application conference by the case planner. Hourly billing shall still apply.

All applications must include an Agreement to Pay Application Fees. One payment including the deposit for Planning and referral agency fees must be submitted with each land use application, made payable to the City of Aspen. Applications will not be accepted for processing without the required fee.

The Community Development Department shall keep an accurate record of the actual time required for the processing of a land use application requiring a deposit. The City can provide a summary report of fees due at the applicant's request. The applicant will be billed for the additional costs incurred by the City when the processing of an application by the Community Development Department takes more time or expense than is covered by the deposit. Any direct costs attributable to a project review shall be billed to the applicant with no additional administrative charge. In the event the processing of an application takes less time than provided for by the deposit, the department shall refund the unused portion of the deposited fee to the applicant. Fees shall be due regardless of whether an applicant receives approval.

Unless otherwise combined by the Director for simplicity of billing, all applications for conceptual, final and recordation of approval documents shall be handled as individual cases for the purpose of billing. Upon conceptual approval all billing shall be reconciled, and past due invoices shall be paid prior to the Director accepting an application for final review. Final review shall require a new deposit at the rate in effect at the time of final submission. Upon final approval all billing shall be again reconciled prior to the Director accepting an application for review of technical documents for recordation.

The Community Development Director may cease processing of a land use application for which an unpaid invoice is 30 or more days past due. Unpaid invoices of 90 days or more past due may be assessed a late fee of 1.75% per month. An unpaid invoice of 120 days or more may be subject to additional actions as may be assigned by the Municipal Court Judge. All payment information is public domain.

All invoices shall be paid prior to issuance of a Development Order or recordation of development agreements and plats. The City will not accept a building permit for a property until all invoices are paid in full. For permits already accepted, and unpaid invoice of 90 days or more days may result in cessation of building permit processing or issuance of a stop work order until full payment is made.

The property owner of record is the party responsible for payment of all costs associated with a land use application for the property. Any secondary agreement between a property owner and an applicant representing the owner (e.g. a contract purchaser) regarding payment of fees is solely between those private parties.

**For more info, visit <https://www.aspen.gov/193/Historic-Preservation>**

# CITY OF ASPEN COMMUNITY DEVELOPMENT DEPARTMENT

## Agreement to Pay Application Fees

An agreement between the City of Aspen ("City") and

**Please type or print in all caps**

Address of Property: \_\_\_\_\_

Property Owner Name: \_\_\_\_\_ Representative Name (if different from Property Owner) \_\_\_\_\_

Billing Name and Address - Send Bills to:

\_\_\_\_\_

Contact info for billing: e-mail: \_\_\_\_\_ Phone: \_\_\_\_\_

I understand that the City has adopted, via Ordinance No. 30, Series of 2017, review fees for Land Use applications and payment of these fees is a condition precedent to determining application completeness. I understand that as the property owner that I am responsible for paying all fees for this development application.

For flat fees and referral fees: I agree to pay the following fees for the services indicated. I understand that these flat fees are non-refundable.

\$81 \_\_\_\_\_ flat fee for No Negative Effect . \$ . \_\_\_\_\_ flat fee for \_\_\_\_\_

\$ . \_\_\_\_\_ flat fee for \_\_\_\_\_ . \$ . \_\_\_\_\_ flat fee for \_\_\_\_\_

For Deposit cases only: The City and I understand that because of the size, nature or scope of the proposed project, it is not possible at this time to know the full extent or total costs involved in processing the application. I understand that additional costs over and above the deposit may accrue. I understand and agree that it is impracticable for City staff to complete processing, review and presentation of sufficient information to enable legally required findings to be made for project consideration, unless invoices are paid in full.

The City and I understand and agree that invoices mailed by the City to the above listed billing address and not returned to the City shall be considered by the City as being received by me. I agree to remit payment within 30 days of presentation of an invoice by the City for such services.

I have read, understood, and agree to the Land Use Review Fee Policy including consequences for no-payment. I agree to pay the following initial deposit amounts for the specified hours of staff time. I understand that payment of a deposit does not render an application complete or compliant with approval criteria. If actual recorded costs exceed the initial deposit, I agree to pay additional monthly billings to the City to reimburse the City for the processing of my application at the hourly rates hereinafter stated.

\$ \_\_\_\_\_ deposit for \_\_\_\_\_ hours of Community Development Department staff time. Additional time above the deposit amount will be billed at **\$325.00 per hour**.

\$ \_\_\_\_\_ deposit for \_\_\_\_\_ hours of Engineering Department staff time. Additional time above the deposit amount will be billed at **\$325.00 per hour**.

### City of Aspen:

\_\_\_\_\_  
Phillip Supino, AICP  
Community Development Director

Signature: \_\_\_\_\_

PRINT Name: \_\_\_\_\_

### City Use:

Fees Due: \$ \_\_\_\_\_ Received \$ \_\_\_\_\_

Case # \_\_\_\_\_

Title: \_\_\_\_\_



# Homeowner Association Compliance Policy

All land use applications within the City of Aspen are required to include a Homeowner Association Compliance Form (this form) certifying the scope of work included in the land use application complies with all applicable covenants and homeowner association policies. The certification must be signed by the property owner or Attorney representing the property owner.

Property Owner ("I"):	Name: _____
	Email: _____ Phone No.: _____
Address of Property: (subject of application)	_____ _____ _____

I certify as follows: (pick one)

- This property is not subject to a homeowners association or other form of private covenant.
- This property is subject to a homeowners association or private covenant and the improvements proposed in this land use application do not require approval by the homeowners association or covenant beneficiary.
- This property is subject to a homeowners association or private covenant and the improvements proposed in this land use application have been approved by the homeowners association or covenant beneficiary.

I understand this policy and I understand the City of Aspen does not interpret, enforce, or manage the applicability, meaning or effect of private covenants or homeowner association rules or bylaws. I understand that this document is a public document.

Owner signature: \_\_\_\_\_ Date: \_\_\_\_\_

Owner printed name: \_\_\_\_\_

or,

Attorney signature: \_\_\_\_\_ Date: \_\_\_\_\_

Attorney printed name: \_\_\_\_\_