

LAND USE APPLICATION PACKET



Certain development activities within the City of Aspen require land use review and approval. This document describes the forms and processes required for a Land Use Application, except for an application requesting a Certificate of No Negative Effect for a Historic Property. Please use the No Negative Effect Application form available [here](#).

The following forms should be filled out and included as part of a Land Use Application:

1. [Land Use Application Form](#)
2. [Dimensional Requirements Form](#)
3. [Agreement to Pay Application Fees Form](#)
4. [HOA Compliance Form](#)
5. [Public Notice Affidavit \(if required, is submitted prior to the Public Hearing\)](#)
6. [Development Application Fee Policy](#)
7. [Development Review Procedures](#)
8. [Historic Preservation Review Procedures](#)

Applications are reviewed based on the criteria in Title 26 of the Aspen Municipal Code. [Title 26 of the Aspen Municipal code can be accessed here.](#)

Additionally, certain applications require compliance with the [Commercial Design Guidelines](#) or the [Historic Preservation Design Guidelines](#).

Prior to preparing a land use application, applicants should obtain a Pre-Application Conference Summary from the Community Development Department.

To schedule a pre-application conference, contact the Planner of the Day at: planneroftheday@gmail.com or [970.429.2764](tel:970.429.2764)

A preliminary consultation with the Zoning Officer, Building Department, Parks Department, and Engineering Department is also strongly advised in order to determine code compliance and to avoid changes to projects after the review process.

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LAND USE APPLICATION FORM

PROJECT:

Name: _____

Location: _____

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

Parcel ID #: _____

APPLICANT:

Name: _____

Address: _____

Phone # : _____ **E-mail:** _____

REPRESENTATIVE:

Name: _____

Address: _____

Phone # : _____ **E-mail:** _____

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

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

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DIMENSIONAL REQUIREMENTS FORM

Project: _____

Applicant: _____

Project Location: _____

Zone District: _____

Lot Size: _____

Gross Lot Area: _____ Net Lot Area: _____

For the purposes of calculating Floor Area, Lot Area may be reduced for areas within the high-water mark, easements, and steep slopes. Please refer to the definition of Lot Area in the Municipal Code.

Existing non-conformities or encroachments and note if encroachment licenses have been issued:

Variations requested (identify the exact variations being requested):

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DIMENSIONAL REQUIREMENTS FORM

Commercial net leaseable: Existing: _____ Proposed: _____

Number of Lodge Pillows: Existing: _____ Proposed: _____

Number of Lodge Units: Existing: _____ Proposed: _____

Number of residential units: Existing: _____ Proposed: _____

Number of Free-Market residential units: Existing: _____ Proposed: _____

Number of Affordable residential units: Existing: _____ Proposed: _____

Proposed % of demolition: _____ %

DIMENSIONS:

Write N/A where no requirements exists in the zone district.

Floor Area: Existing: _____ Allowable: _____ Proposed: _____

Height

Principal Building: Existing: _____ Allowable: _____ Proposed: _____

Accessory Building: Existing: _____ Allowable: _____ Proposed: _____

On-Site Parking: Existing: _____ Allowable: _____ Proposed: _____

% Site Coverage: Existing: _____ Allowable: _____ Proposed: _____

% Open Space: Existing: _____ Allowable: _____ Proposed: _____

Front Setback: Existing: _____ Allowable: _____ Proposed: _____

Rear Setback: Existing: _____ Allowable: _____ Proposed: _____

Combined Front/Rear: Existing: _____ Allowable: _____ Proposed: _____

Indicate N, S, E, W

Side Setback: Existing: _____ Allowable: _____ Proposed: _____

Side Setback: Existing: _____ Allowable: _____ Proposed: _____

Combined Front/Rear: Existing: _____ Allowable: _____ Proposed: _____

Distance between Buildings: Existing: _____ Allowable: _____ Proposed: _____

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TYPE OF APPLICATION

ESA Review (Stream Margin, 8040 Greenline, View Plane, or Hallam Lake Bluff)

Non Conformities

Pre-Development Topography

Temporary Use

Accessory Dwelling Unit/Carriage House

Dimensional Variance

Growth Management Review

Outdoor Vending

Planned Development Review

Certificates of Affordable Housing Credit

Establishment of Zoning or Rezoning

Subdivision Review Condominiumization

Approval Documents

Special Review

Wireless Facilities

Residential Design Standard Review

Conditional Use Review

HISTORIC PRESERVATION REVIEWS

Historic Designation

Certificate of Appropriateness

Minor Historic Development

Major Historic Development (select one below)

Conceptual Development

Final Development

Relocation (temporary, on or off-site)

Demolition (total demolition)

Substantial Historic Preservation Amendment

Historic Landmark Lot Split

Establishment of Transferable Development Rights (TDRs)

Other

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AGREEMENT TO PAY APPLICATION FEES

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

Property Owner Name: _____

Address of Property: _____

Representative Name (If different from Property Owner): _____

Billing Name and Address - Send Bills to:

Contact Email for Billing:

Contact Phone for Billing:

I understand that the City has adopted, via **Ordinance No.40, Series of 2018**, as may be amended, 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 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.

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AGREEMENT TO PAY APPLICATION FEES

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.

Engineering Fee: \$ _____

APCHA Fee: \$ _____

Parks Fee: \$ _____

Other Fee: \$ _____

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

City of Aspen:

Ben Anderson, AICP

Community Development Director

Property Owner, or Representative

Signature: _____

PRINT Name: _____

Title: _____

City Use

Fees Due: \$ _____

Received: \$ _____

Case # _____

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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 Number: _____

Address of Property (Subject of Application):

I certify as follows: (Select 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: _____

Printed Name: _____

or,

Attorney Signature: _____

Date: _____

Attorney Printed Name: _____

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PUBLIC HEARING NOTICING REQUIREMENTS

The forms of public notice are required by the Aspen Land Use Regulations pursuant to Section 26.304.060(E): publication in the newspaper, posting of the property, and surrounding landowners. You can determine whether your application requires notice, and the type of notice it requires, from the matrix found in this application packet.

Following is a summary of the public notice requirements, including identification of who is responsible for completing the notice.

- 1. Publication** - Publication of notice in a paper of general circulation on the City of Aspen is to be done at least fifteen (15) days prior to the hearing. The legal notice will be written by the Community Development Department and will place the notice in the paper within the appropriate deadline.
- 2. Posting** - Posting of a sign in a conspicuous place on the property is to be done fifteen (15) days prior to the hearing. It is the applicant's responsibility to obtain a copy of the sign from the Community Development Department, to fill it in correctly and bring proof to the hearing that posting took place (use attached affidavit).
- 3. Mailing** - Mailing of notice is to be made to all owners of property within 300 feet of the subject development parcel by the applicant fifteen (15) days prior to hearing. It is the applicant's responsibility to obtain a copy of the notice from the Community Development Department, to mail it according to the following standards, and to bring proof to the hearing that the mailing took place (use the attached affidavit).

Notice to mineral Estate Owner. An applicant for surface Development shall notify affected mineral estate owners by at least thirty (30) days prior to the date scheduled for the initial public hearing on the application for development. The applicant shall certify that the notice has been provided to the mineral estate owners.

The names and addresses of property owners shall be those in the current tax records of Pitkin County as they appeared no more than sixty (60) days prior to the date of public hearing.

Proof of notice must be provided at the public hearing.

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AFFIDAVIT OF PUBLIC NOTICE

AFFIDAVIT OF PUBLIC NOTICE

REQUIRED BY SECTION 26.304.060 (E), ASPEN LAND USE CODE

ADDRESS OF PROPERTY:

_____, Aspen, CO

SCHEDULED PUBLIC HEARING DATE:

, 20

I, _____ (name, please print) being or representing an Applicant to the City of Aspen, Colorado, hereby personally certify that I have complied with the public notice requirements of Section 26.304.060 (E) of the Aspen Land Use Code in the following manner:

Publication of Notice: By the publication in the legal notice section of an official paper or a paper of general circulation in the City of Aspen at least fifteen (15) days prior to the public hearing. A copy of the publication is attached hereto.

____ *Posting of Notice:* By posting of notice, which form was obtained from the Community Development Department, which was made of suitable, waterproof materials, which was not less than twenty-two (22) inches wide and twenty-six (26) inches high, and which was composed of letters not less than one inch in height. Said notice was posted at least fifteen (15) days prior to the public hearing and was continuously visible from the _____ day of _____, 20____, to and including the date and time of the public hearing.

A photograph of the posted notice (sign) is attached hereto.

_____ Mailing of Notice: By the mailing of a notice obtained from the Community Development Department, which contains the information described in Section 26.304.060(E) (2) of the Aspen Land Use Code. At least fifteen (15) days prior to the public hearing, notice was hand delivered or mailed by first class postage prepaid U.S. mail to all owners of property within three hundred (300) feet of the property subject to the development application. The names and addresses of property owners shall be those on the current tax records of Pitkin County as they appeared no more than sixty (60) days prior to the date of the public hearing. A copy of the owners and governmental agencies so noticed is attached hereto.

(continued on next page)

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AFFIDAVIT OF PUBLIC NOTICE

Neighborhood Outreach: Applicant attests that neighborhood outreach, summarized and attached, was conducted prior to the first public hearing as required in Section 26.304.035, Neighborhood Outreach. A copy of the neighborhood outreach summary, including the method of public notification and a copy of any documentation that was present to the public is attached hereto.

Mineral Estate Owner Notice. By the certified mailing notice, return receipt requested, to affected mineral estate owners by at least thirty (30) days prior to the date scheduled for the initial public hearing on the application of development. The names and addresses of mineral estate owners shall be those on the current tax records of Pitkin County. At a maximum, Subdivisions, PDs that create more than one lot, and new Planned Developments are subject to this notice requirement.

Rezoning or Text Amendment. Whenever the official zoning district map is in any way to be changed or amended incidental to or as part of a general revision of this Title, or whenever the text of this Title is to be amended, whether such revision be made by repeal of this Title and enactment of a new land use regulation, or otherwise, the requirement of an accurate survey map or other sufficient legal description of, and the notice to and listing of names and addresses of owners of real property in the area of the proposed change shall be waived. However, the proposed zoning map shall be available for public inspection in the planning agency during all business hours for fifteen (15) days prior to the public hearing on such amendments.

Signature: _____

The foregoing "Affidavit of Notice" was acknowledged before me this _____ day
of _____, 20____, by _____.

WITNESS MY HAND AND OFFICIAL SEAL

My commission expires: _____

Notary Public: _____

ATTACHMENTS AS APPLICABLE:

- **COPY OF THE PUBLICATION**
- **PHOTOGRAPH OF THE POSTED NOTICE (SIGN)**
- **LIST OF THE OWNERS AND GOVERNMENTAL AGENCIES NOTICED BY MAIL**
- **APPLICANT CERTIFICATION OF MINERAL ESTATE OWNERS NOTICE AS REQUIRED BY C.R.S. §24-65.5-103.3**

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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.

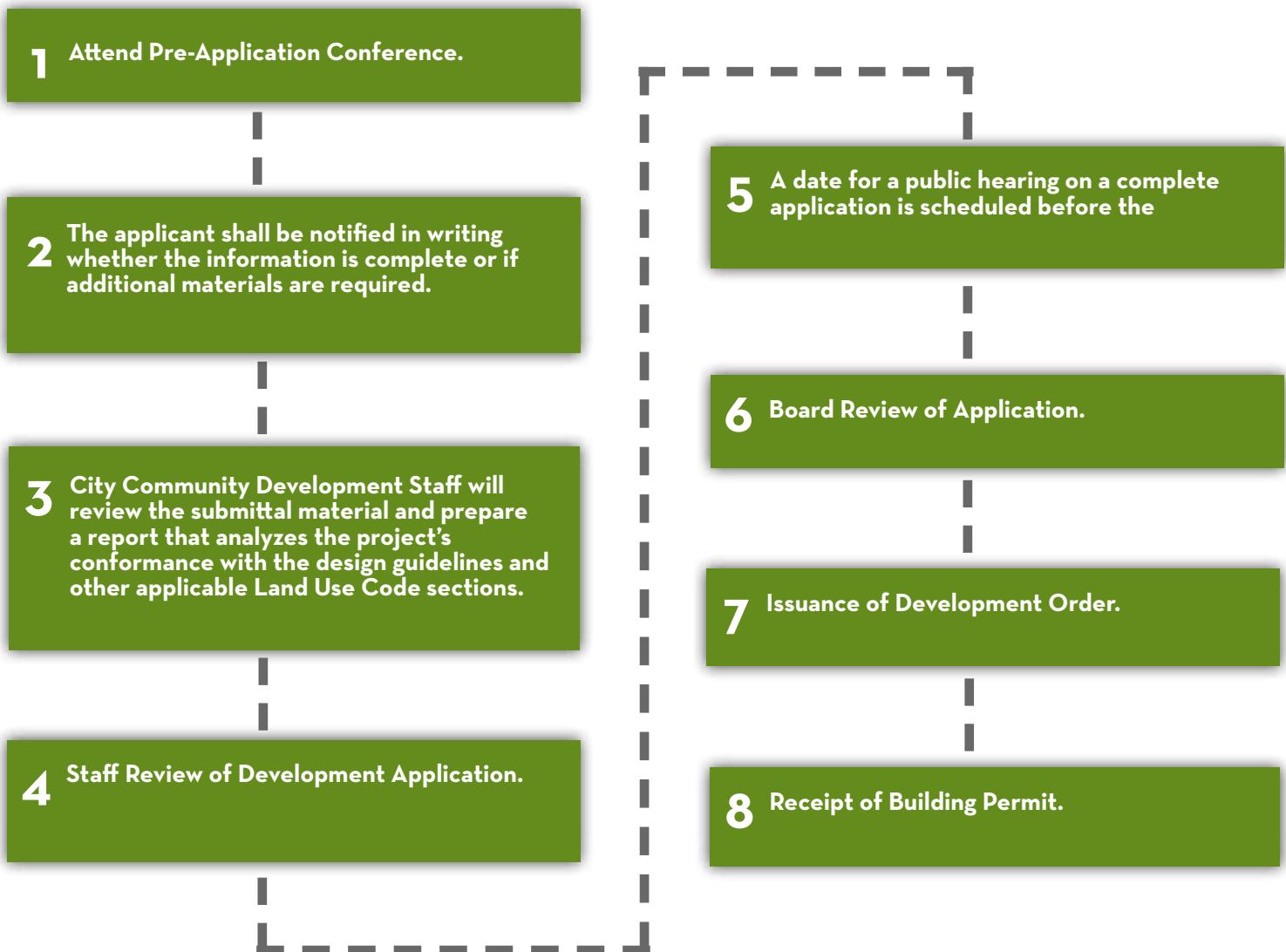
All invoices shall be paid prior to issuance of a Development Order or recordation of development agreements and plats. The City will not accept a building permit for a property until all invoices are paid in full. For permits already accepted, and unpaid invoice of 90 days or more days may result in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

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DEVELOPMENT REVIEW PROCEDURE



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DEVELOPMENT REVIEW PROCEDURE

1. Attend Pre-Application Conference.

During this one-on-one meeting, staff will determine the review process applies to your development proposal and will identify the materials necessary to review your application.

2. Applicant Shall Submit Land Use Application

Email the entire application as one pdf to cdeadmins@aspen.gov. Include the pre-app number in the subject line. If more than 18 months has passed since the pre-app was issued, please reach out to planneroftheday@gmail.com for an updated pre-application conference summary.

3. The applicant shall be notified in writing whether the information is complete or if additional materials are required.

Staff will review the application materials. If additional items are needed, the applicant will receive a letter indicating the application is Incomplete and the needed additional items. Once all required application items are received, staff will inform the applicant the application is Complete. At this time, the land use review fee is due.

4. City Community Development Staff will review the submittal material and prepare a report that analyzes the project's conformance with the design guidelines and other applicable Land Use Code sections.

This report will be transmitted to the HPC with relevant information on the proposed project and a recommendation to approve, disapprove or approve with conditions for the recommendation.

5. Staff Review of Development Application.

Notice Once your application is determined to be complete, it will be reviewed by the staff for compliance with the applicable standards of the Code. During the staff review stage, the application will be referred to other agencies for comments. The Planner assigned to your case or the agency may contact you if additional information is needed or if problems are identified. Staff will draft a memo for signature by the Community Development Director that explains whether your application complies with the Code, and will list any conditions that should apply if the application is to be approved.

Final approval of any Development Application that amends a recorded document, such as a plat, agreement, or deed restriction, will require the applicant to prepare an amended version of that document for review and approval by staff. Staff will provide the applicant with the applicable contents for the revised plat. The City Attorney is normally in charge of the form for recorded agreements and deed restrictions. We suggest that you not go to the trouble or expense of preparing these documents until the staff has determined that your application is eligible for the requested amendment or exemption.

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DEVELOPMENT REVIEW PROCEDURE

6. A date for a public hearing on a complete application is scheduled before the applicable review body.

Notice of the hearing shall be provided as required in the Aspen Municipal Code. A copy of the required Affidavit of Public Notice is included in the Application Packet.

7. Board Review of Application.

If a public hearing is required for the land use action that you are requesting, the Planning staff will schedule a hearing date for the application upon determination that the application is complete. The hearing(s) will be scheduled before the appropriate reviewing board(s). The applicant will be required to mail notice (one copy provided by the Community Development Department) to property owners within 30 feet of the subject property and post notice (sign available at the Community Development Department) of the public hearing on the site at least fifteen (15) days prior to the hearing date. (Please see Attachment 6 for instructions.) The Planning staff will publish notice of the hearing in the paper for land use requests that require publication.

The Planning staff will then formulate a recommendation on the land use request and draft a memo to the reviewing board(s). The public hearing(s) will take place before the appropriate review boards. Public hearings include a presentation by the Planning staff, a presentation by the applicant (optional), consideration of public comment, and the reviewing board's questions and decision.

8. Issuance of Development Order.

If the land use review is approved, then the Planning staff will issue a Development Order, which allows the applicant to submit a building permit application.

9. Receipt of Building Permit.

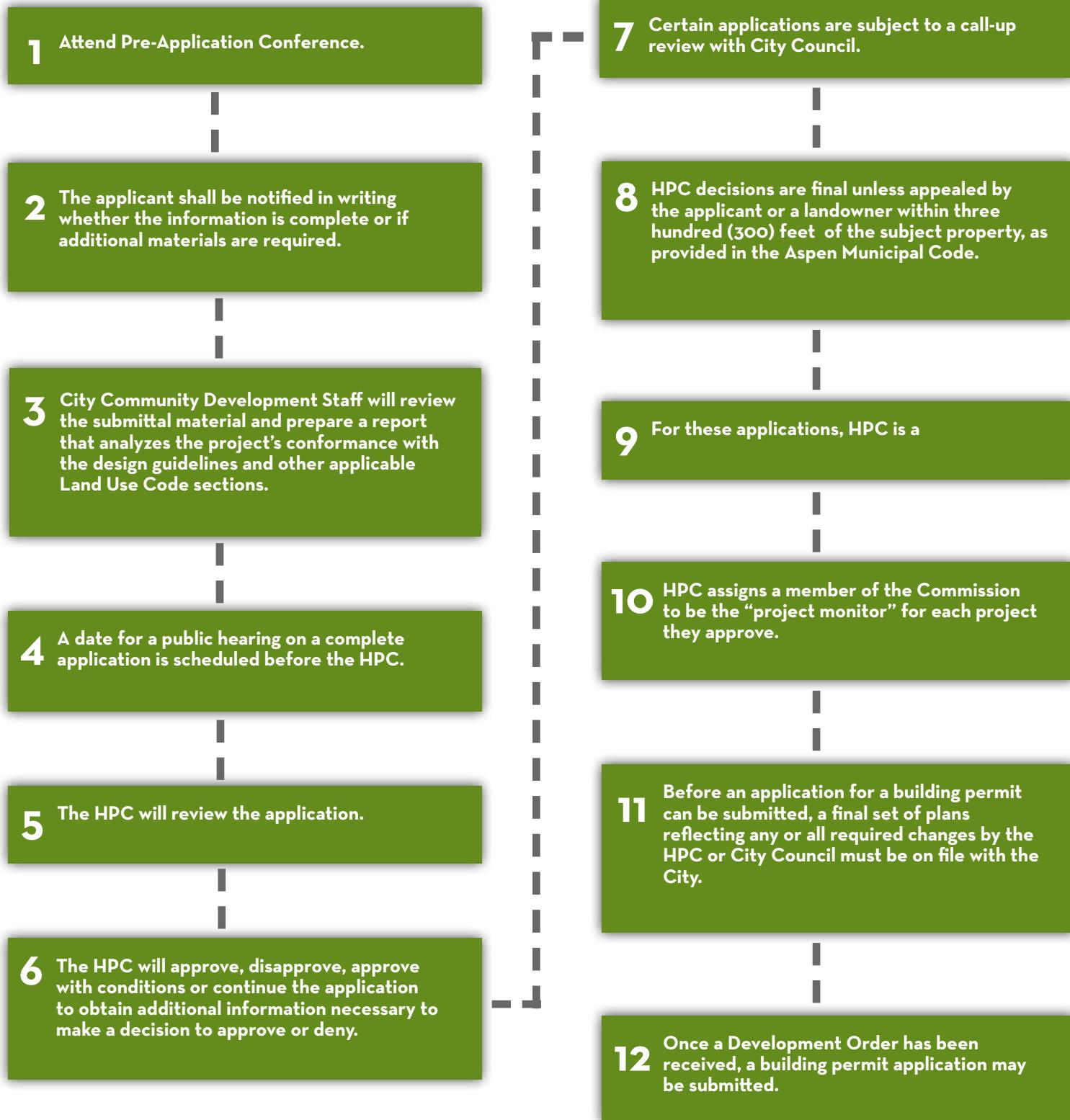
Once you have received a copy of the signed staff approval, you may apply for a building permit. During this time, your project will be examined for its compliance with the Uniform Building Code. It also will be checked for compliance with applicable provisions of the Land Use Regulations that were not reviewed in detail during the land use case review. (This might include a check of floor area ratios, setbacks, parking, open space and the like). Impact fees for water, sewer, parks, and employee housing will be collected as part of the permitting process. Any document required to be recorded, such as a plat, deed restriction, or agreement, will be reviewed and recorded before a building permit application is submitted.

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HISTORIC PRESERVATION REVIEW PROCEDURE

Please see Section 26.415 of the Aspen Municipal Code for more detailed information.



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HISTORIC PRESERVATION REVIEW PROCEDURE

1. Attend Pre-Application Conference.

During this one-on-one meeting, staff will determine the review process applies to your development proposal and will identify the materials necessary to review your application.

2. Applicant Shall Submit Land Use Application

Email the entire application as one pdf to cdeadmins@aspen.gov. Include the pre-app number in the subject line. If more than 18 months has passed since the pre-app was issued, please reach out to planneroftheday@gmail.com for an updated pre-application conference summary.

3. The applicant shall be notified in writing whether the information is complete or if additional materials are required.

Staff will review the application materials. If additional items are needed, the applicant will receive a letter indicating the application is Incomplete and the needed additional items. Once all required application items are received, staff will inform the applicant the application is Complete. At this time, the land use review fee is due.

4. City Community Development Staff will review the submittal material and prepare a report that analyzes the project's conformance with the design guidelines and other applicable Land Use Code sections.

This report will be transmitted to the HPC with relevant information on the proposed project and a recommendation to approve, disapprove or approve with conditions for the recommendation.

5. A date for a public hearing on a complete application is scheduled before the HPC.

Notice of the hearing shall be provided as required in the Aspen Municipal Code. A copy of the required Affidavit of Public Notice is included in the Application Packet.

6. The HPC will review the application.

The report and the evidence presented at the hearing to determine the project's conformance with the City of Aspen Historic Preservation Design Guidelines. The order of proceedings at the HPC meeting are as follows:

- (1) Applicant and public are sworn in,
- (2) Staff presentation,
- (3) Commission member questions,
- (4) Public comments,
- (5) Commission member comments,
- (6) Applicant response/clarification,
- (7) Commission motion and vote

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HISTORIC PRESERVATION REVIEW PROCEDURE

7. The HPC will approve, disapprove, approve with conditions or continue the application to obtain additional information necessary to make a decision to approve or deny.

The application is a one-step review, and if it is approved, the HPC will issue a Certificate of Appropriateness and the Community Development Director will issue a Development Order. If the application requires submittal for a final review, this is an additional application and materials must be prepared and submitted according to the processes described. A project that receives final approval will be issued a Certificate of Appropriateness and the Community Development Director will issue a Development Order.

8. Certain applications are subject to a call-up review with City Council.

For Major Development, Demolition, or Relocation, a resolution of the HPC action will be forwarded to the City Council to allow them an opportunity to "call up" the decision if they feel there has been an abuse of discretion or denial of due process. No building permit can be issued for construction of the project until the thirty (30) day "call up" period has expired.

9. HPC decisions are final unless appealed by the applicant or a landowner within three hundred (300) feet of the subject property, as provided in the Aspen Municipal Code.

10. For these applications, HPC is a recommending body.

Council will evaluate the application to determine if the review criteria are met. The Council may approve, disapprove or continue the application to request additional information necessary to make a decision to approve or deny.

11. HPC assigns a member of the Commission to be the "project monitor" for each project they approve.

The monitor (and Staff) may periodically visit the site as work is under construction. If the applicant requests a change to any aspects of the project change after the HPC approval, the applicant, Staff, and the project monitor will attempt to address them without returning to the full HPC.

11. Before an application for a building permit can be submitted, a final set of plans reflecting any or all required changes by the HPC or City Council must be on file with the City.

Any conditions of approval or outstanding issues which must be addressed in the field or at a later time shall be noted on the plans.

12. Once a Development Order has been received, a building permit application may be submitted.

At this time the proposal will be reviewed for compliance with the Building Code and zoning regulations. Fees for water, sewer, park dedication fees, and employee housing will be collected if due. Any document, such as a plat, deed restriction, or other agreement which is required to be filed, must be recorded before the building permit will be issued.