

# CITY OF ASPEN COMMUNITY DEVELOPMENT DEPARTMENT

## COMMUNITY DEVELOPMENT DEPARTMENT

### GENERAL LAND USE PACKET



Attached is an Application for review of Development that requires Land Use Review pursuant to The City of Aspen Land Use Code: Included in this package are the following attachments:

1. **Development Application Fee Policy, Fee Schedule and Agreement to Pay Application Fees Form**
2. **Land Use Application Form**
3. **Dimensional Requirements Form (if required)**
4. **HOA Compliance Form**
5. **Development Review Procedure**

All applications are reviewed based on the criteria established in Title 26 of the Aspen Municipal Code. Title 26 of the Aspen Municipal Code is available at the City Clerk's Office on the second floor of City Hall and on the internet at [https://library.municode.com/co/aspen/codes/municipal\\_code](https://library.municode.com/co/aspen/codes/municipal_code).

**We require all applicants to hold a Pre-Application Conference with a Planner in the Community Development Department so that the requirements for submitting a complete application can be fully described. This meeting can happen in person or by phone or email. Also, depending upon the complexity of the development proposed, submitting one copy of the development application to the Case Planner to determine accuracy, inefficiencies, or redundancies can reduce the overall cost of materials and staff time.**

Please recognize that review of these materials does not substitute for a complete review of the Aspen Land Use Regulations. While this application package attempts to summarize the key provisions of the Code as they apply to your type of development, it cannot possibly replicate the detail or the scope of the Code. If you have questions that are not answered by the materials in this package, we suggest that you contact the staff member assigned to your case, contact Planner of the Day (970-429-2764/[planneroftheday@gmail.com](mailto:planneroftheday@gmail.com)), or consult the applicable sections of the Aspen Land Use Code.

## Land Use Review Fee 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 that normally take a minimal and predictable amount of staff time to process. Review fees for other City Departments reviewing the application (referral departments) also will be collected when necessary. Flat fees are cumulative, i.e., an application with multiple flat fees must pay the sum of those flat fees. 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 also may charge their time spent on the case in addition to the Case Planner. The deposit amount may be reduced if, in the opinion of the Community Development Department 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(s).

The Community Development Department shall keep an accurate record of the actual time required to process 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 again be 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, any unpaid invoice of 90 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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## 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. 20, Series of 2020, 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, 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.

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

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

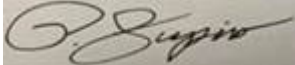
**For deposit cases only:** The City and I understand that because of the size, nature, or scope of the proposed project, it is not possible at this time to know the full extent or total costs involved in processing the application. I understand that additional costs over and above the deposit may accrue. 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 sent 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 non-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 processing 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: 

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

Phillip Supino, AICP  
Community Development Director

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

City Use:

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

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

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

# CITY OF ASPEN COMMUNITY DEVELOPMENT DEPARTMENT

## LAND USE APPLICATION

Project Name and Address: \_\_\_\_\_

Parcel ID # (REQUIRED) \_\_\_\_\_

### APPLICANT:

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

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

Phone #: \_\_\_\_\_ email: \_\_\_\_\_

### REPRESENTATIVE:

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

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

Phone#: \_\_\_\_\_ email: \_\_\_\_\_

**Description:** Existing and Proposed Conditions

**Review:** Administrative or Board Review

**Required Land Use Review(s):**

**Growth Management Quota System (GMQS) required fields:**

**Net Leasable square footage** \_\_\_\_\_ **Lodge Pillows** \_\_\_\_\_ **Free Market dwelling units** \_\_\_\_\_

**Affordable Housing dwelling units** \_\_\_\_\_ **Essential Public Facility square footage** \_\_\_\_\_

**Have you included the following?**

**FEES DUE:** \$ \_\_\_\_\_

- Pre-Application Conference Summary
- Signed Fee Agreement
- HOA Compliance form
- All items listed in checklist on PreApplication Conference Summary

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## DIMENSIONAL REQUIREMENTS FORM Complete only if required by the PreApplication checklist

Project and Location \_\_\_\_\_

Applicant: \_\_\_\_\_

Zone District: \_\_\_\_\_ Gross Lot Area: \_\_\_\_\_ Net Lot Area: \_\_\_\_\_

\*\*Please refer to section 26.575.020 for information on how to calculate Net Lot Area

### Please fill out all relevant dimensions

#### Single Family and Duplex Residential

Existing   Allowed   Proposed

- 1) Floor Area (square feet)
  - 2) Maximum Height
  - 3) Front Setback
  - 4) Rear Setback
  - 5) Side Setbacks
  - 6) Combined Side Setbacks
  - 7) % Site Coverage
  - 8) Minimum distance between buildings
- Proposed % of demolition \_\_\_\_\_

#### Multi-family Residential

Existing   Allowed   Proposed

- 1) Number of Units
  - 2) Parcel Density (see 26.710.090.C.10)
  - 3) FAR (Floor Area Ratio)
  - 4) Floor Area (square feet)
  - 5) Maximum Height
  - 6) Front Setback
  - 7) Rear Setback
  - 8) Side Setbacks
- Proposed % of demolition \_\_\_\_\_

#### Commercial

Proposed Use(s) \_\_\_\_\_

Existing   Allowed   Proposed

- 1) FAR (Floor Area Ratio)
  - 2) Floor Area (square feet)
  - 3) Maximum Height
  - 4) Off-Street Parking Spaces
  - 5) Second Tier (square feet)
  - 6) Pedestrian Amenity (square feet)
- Proposed % of demolition \_\_\_\_\_

#### Lodge

Additional Use(s) \_\_\_\_\_

Existing   Allowed   Proposed

- 1) FAR (Floor Area Ratio)
  - 2) Floor Area (square feet)
  - 3) Maximum Height
  - 4) Free Market Residential (square feet)
  - 4) Front setback
  - 5) Rear setback
  - 6) Side setbacks
  - 7) Off-Street Parking Spaces
  - 8) Pedestrian Amenity (square feet)
- Proposed % of demolition \_\_\_\_\_

### Existing non-conformities or encroachments:

### Variations requested:

## 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 that 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 homeowner association or other form of private covenant.
  
- This property is subject to a homeowner 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: \_\_\_\_\_

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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. **Submit Development Application.** Based on your pre-application meeting, you should complete to the application package and submit the requested number of copies of the complete application and the appropriate processing fee to the Community Development Department.
3. **Determination of Completeness.** Within five (5) working days of the date of your submission, staff will review the application and notify you in writing whether the application is complete or if additional materials are required. Please be aware that the purpose of the completeness review is to determine whether or not the information you have submitted is adequate to review the request, and not whether the information is sufficient to obtain approval.
4. **Staff Review of Development Application.** 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.

5. **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). Staff will supply the applicant with a copy of the Planning staff's memo, approximately five (5) days prior to the hearing. 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.

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6. **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.

7. **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.