

SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 1: Introductory Provisions

DEVELOPMENT CODE REVISIONS CHAPTER 1¹			
CASE #	RESO #	SECTION/DESCRIPTION	DATE
94-108	95-5	1151	01/23/95
99-237	00-51	1455	05/08/00
04-077	07-044	Comprehensive Amendments to the Code	05/22/07
08-032	08-65	Chapter 1 – Section 1200. Local Resident Housing—Amendments to address affordable workforce housing, accessory apartment, and on-site employee housing regulations	09/09/08
10-143	13-74	1152	10/8/13

¹ The Sections referenced above were the Sections in effect at the time the Development Code was amended. Subsequent amendments to the Development Code may have resulted in section numbers being modified and may no longer be applicable.

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1000: TITLE

The regulations contained within Chapters 1-16 of the Summit County Land Use and Development Code may be referred to as the "Development Code" or "Code" when a shortened title is necessary.

1050: AUTHORITY

Summit County is authorized by Colorado State Statutes to take the following actions:

- A. Refer public nuisances to the District Attorney for action to restrain, abate and enjoin such nuisances (C.R.S. § 16-13-302 et seq.).
- B. Designate Areas and Activities of State Interest, adopt guidelines and issue permits in administering such matters of State interest (C.R.S. § 24-65.1-101 et seq.).
- C. Authorize planned unit developments (C.R.S. § 24-67-101 et seq.).
- D. Designate what constitutes a site-specific development plan for the purpose of establishing vested property rights and to enter into development agreements which establish vested property rights (C.R.S. § 24-68-101 et seq.).
- E. Take action to abate noise which constitutes a public nuisance (C.R.S. § 25-12-101 et seq.).
- F. Plan for and regulate the use of land (C.R.S. § 29-20-101 et seq.).
- G. Provide for and compel the removal of rubbish from lots and tracts of land within the County (C.R.S. § 30-15-401(1)(a)(I) et seq.).
- H. Form local improvement districts (C.R.S. § 30-20-501 et seq. and C.R.S. § 30-20-601 et seq.).
- I. Appoint a planning commission (C.R.S. § 30-28-103 et seq.).
- J. Cooperate in the creation of a regional planning commission (C.R.S. § 30-28-105 et seq.).
- K. Adopt a master plan for the physical development of the unincorporated territory (C.R.S. § 30-28-106 to 109 et seq.).
- L. Approve the proposed location and extent of roads, parks, any public way, ground or space, public building or structure and any public utility except that disapproval of the location and extent of a public utility may be overruled by the Public Utilities Commission (C.R.S. § 30-28-110(1) et seq.).
- M. Adopt a zoning plan (C.R.S. § 30-28-111 to 116 et seq.).
- N. Appoint a board of adjustment (C.R.S. § 30-28-117 and 118 et seq.).
- O. Enforce the provisions of its zoning plan (C.R.S. § 30-28-124 et seq.).
- P. Adopt and enforce subdivision regulations (C.R.S. § 30-28-133 to 137 et seq.).
- Q. Adopt a building code (C.R.S. § 30-28-201 et seq.).
- R. Adopt a fire code (C.R.S. § 32-1-1002(1)(d) et seq.).
- S. Establish limitations or controls on advertising devices within county boundaries (C.R.S. § 43-1-416 et seq.).

This Code is adopted pursuant to the above referenced grants of authority and pursuant to any other authority granted by law for such purposes. In addition, Summit County reserves the right to utilize any authority pertaining to regulation of land use and development granted to counties by Colorado State Statutes whether or not it is cited in this section, or is added to State law subsequent to the adoption of this Code.

1100: PURPOSE AND INTENT

The purpose of this Code is to protect, promote and enhance the public health and safety; to provide for planned and orderly development in Summit County in a manner consistent with constitutional rights of property owners; and to balance the needs of a changing population with legitimate environmental concerns. It is the intent of this Code to establish a balance between the legitimate rights of property owners and the achievement of community goals important to the protection of public welfare. More specifically, this Code is adopted to achieve the following objectives:

- A. Relate proposals for the development and use of land to the goals, policies and provisions in the Summit County Countywide Comprehensive Plan and in basin or subbasin master plans, and to use these plans as guidelines and standards in evaluating development proposals.
- B. Provide a comprehensive regulatory system for the development and use of land in Summit County.
- C. Establish uniform application procedures and development standards to promote the equitable handling of all

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development applications.

- D. Coordinate the development of land with the County's and other agencies' ability to provide essential services.
- E. Promote the development of a safe, efficient circulation system.
- F. Encourage the economic health of Summit County.
- G. Preserve and enhance Summit County's unique mountain character and protect its natural environment.

1150: APPLICABILITY

1151: Lands

This Code applies to the use of all public and private lands situated within the unincorporated portions of Summit County, Colorado. With respect to Federal lands, it is the intent of the County government to regulate the use of Federal lands to the extent allowed by Federal law and to work in cooperation with the Federal agencies administering such lands. Federal lands which may be exchanged, sold or otherwise transferred into other ownership will be governed by the applicable provisions of this Code. With respect to State-owned lands, the Colorado State Land Board has agreed to require State land leases to abide by local land use regulations if the State Land Board and local jurisdiction have executed a memorandum of understanding to this effect. The Summit County Board of County Commissioners (“BOCC”) has adopted Resolution 84-72, establishing a memorandum of understanding with the State Land Board that the State Land Board will abide by local land use regulations in the leasing of State-owned land.

1152: Development

In the unincorporated areas of Summit County, all development, as defined in Chapter 15, shall proceed in accordance with this Code unless exempted, omitted, or otherwise provided for herein.

1200: RELATIONSHIP TO OTHER REQUIREMENTS

1201: Relationships to Other Laws

Nothing in this Code shall be construed as exempting any person from other requirements of Summit County, State or Federal laws and regulations. To the extent the requirements of this Code differ from other applicable County, State or Federal requirements, the more restrictive requirements shall apply.

1202: Relationship to Covenants

Persons owning property in the unincorporated area of Summit County may have a covenant recorded against their property that affects how the land may be used or developed. It is hereby noted, as a point of information, such covenants constitute a private party agreement between the property owner imposing the covenant and subsequent owners. The County does not have the power or obligation to enforce such covenants. However, where there is a conflict between covenants and the provisions of this Code, the County has the authority to enforce the Code's requirements and the property owner is obligated to abide by the more restrictive provision. If the County is a party to a recorded covenant, then the County has the authority to enforce its provisions.

This Code includes requirements regarding the establishment and content of covenants for developments filed for review by the County subsequent to adoption of this Code. Such provisions are contained in, but not limited to, the following sections:

- | | |
|-------------------------|-------------------|
| A. Access | Section 3504 |
| B. Design Standards | Section 3505 |
| C. Common Areas | Section 3508 |
| D. Accessory Apartments | Section 3809.03 |
| E. Animal Keeping | Section 3802 |
| F. Bed and Breakfasts | Section 3803 |
| G. Caretaker Units | Section 3809.04.F |
| H. B-3 Conditional Uses | Section 3515.03 |

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I.	Affordable Workforce Housing	Section 3809.02
J.	Driveway Design	Section 5107
K.	Maintenance	Section 5504
L.	Design Criteria	Section 8155
M.	Access	Section 8106
N.	Lot Line Vacations	Section 8400
O.	Maintenance of Utilities	Section 8108
P.	Rural Land Use Subdivision	Section 8420
Q.	Public Use Areas	Section 3509
R.	Street Maintenance	Section 8108.02
S.	Conditions	Section 12000.13.D
T.	Development Agreement	Section 12800
U.	Housing for On-Site Employees	Section 3809.04

This list is intended for information purposes only. Summit County reserves the right to require the submittal and recordation of covenants where deemed necessary whether or not the requirement is listed in this section.

1250: SEVERABILITY

If any section, clause, provision or portion of this Code should be found unconstitutional or otherwise invalid by a Court of competent jurisdiction, the remainder of this Code shall not be affected; and if such finding is applied to a particular property, building or structure, it shall not apply to other properties, buildings or structures.

1300: CONTINUATIONS AND REPEALS

To the extent the provisions of this Code are the same in substance to provisions in earlier adopted County regulations, they shall be considered as continuations thereof and not new enactments. All provisions of this Code and all provisions of earlier adopted County regulations shall be construed to be consistent and harmonious to the extent possible. Where the provisions of this Code conflict with earlier adopted County regulations, the provisions of this Code shall supersede and replace such provisions.

Any section, clause, provision or portion of a Summit County regulation regarding land use and development that is inconsistent with this Code is hereby repealed. Such repeal shall not revive any former regulation or portion thereof. In addition, such repeal shall not affect the prosecution or punishment of any person who violated such regulation prior to the effective date of this Code.

1350: CONSTRUCTION AND INTERPRETATION

1351: General

- A. Nothing herein shall be construed as creating any rights, legal standing or protection for any property owner or other party, except as expressly provided for herein. The requirements of this Code are intended to protect and benefit the citizens of Summit County and Summit County Government.
- B. When used in this Code, the following words are to be interpreted as follows, unless the context otherwise requires: the masculine includes the feminine and neuter genders; the feminine includes the masculine and neuter genders; words in the present tense include the future tense; words in the singular number include the plural number; the word "shall" is mandatory and the word "may" is permissive.

1352: Section References

When reference is made to a section number in this Code, the number is to be interpreted as follows:

- A. If the number is a whole number ending in zero (0) and is followed by the term "et seq.", the reference includes all sections having numbers up to the next whole number ending in either "00" or "50".
- B. If the number cited is not a whole number ending in zero (0), the reference "et seq." includes all divisions of the number less than one (1) and all lettered or numbered sections appearing under a division.

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1400: ENACTMENT

1401: Effective Date

This Code shall take effect and be in force as of June 1, 2007 or as otherwise provided in specific sections or chapters of this Code. A development application submitted prior to June 1, 2007 shall be reviewed and action taken in accordance with the County land use and development regulations then in effect, provided action on the submittal is taken before November 30, 2007. Action taken after November 30, 2007 on a development application submitted prior to June 1, 2007 shall comply with the requirements of this Code.

1402: Location of Certified Copy

Upon approval of this Code or upon amendments to the Code, a certified copy of the Code as approved and of all subsequent amendments to the Code, including all official maps referred to in these regulations, shall be kept on file in the Office of the Clerk and Recorder and in the Planning Department.

1450: CODE AMENDMENTS

This Code is comprised of 16 chapters. The procedure for amending Code requirements may differ depending on which provisions are involved. Where an amendment procedure is not specified for a particular chapter or section or where the amendment involves the general provisions of this Code, the procedure shall be as stated in this section.

1451: Authority to Initiate

Any member of the BOCC, the Regional Planning Commission (“Planning Commission”), the Planning Director or any resident or property owner in Summit County has the ability to propose changes to the provisions of this Code. The BOCC will determine if a proposed Code amendment will be processed following the requirements of Section 1450 et seq. The appropriate timing for initiating an amendment of this Code will be determined by the BOCC, based on available staffing resources and other work project priorities.

1452: Submittal Requirements for Code Amendments

The proponent of a proposed revision to this Code shall submit the following information to the Planning Department, except for items waived by the department based on the nature of the request:

- A. Written Material.
 - 1. Text revisions or additions, if any.
 - 2. Statement justifying the proposal.
 - 3. Statement describing the consistency of the proposal with the intent of the Code.
 - 4. Statement describing the consistency of the proposal with any applicable goals and policies in the Summit County Countywide Comprehensive Plan and in basin or subbasin master plans.
- B. Graphic Material.
 - 1. Revisions to maps, plans or diagrams at a scale required by the Planning Director.
 - 2. Additional maps, plans or diagrams proposed, if any, at a scale required by the Planning Director.
- C. Information required for a public hearing (see Section 13100 et seq.).
- D. Fee as required by resolution of the BOCC.
- E. Other information deemed necessary by the Planning Director.

1453: Review Process for Code Amendments

Once a Code amendment has been approved for processing by the BOCC in accordance with Section 1451, the Planning Department shall review the proposed revision to the Code or propose specific language for the Code revision sought, whichever situation applies, and prepare a staff report analyzing it and making recommendations regarding its adoption. The Countywide Planning Commission shall review and make recommendations on amendments to the

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Code prior to action by the BOCC. In addition, amendments shall be reviewed by the Basin Planning Commissions, County departments or other agencies prior to action by the BOCC if deemed necessary by the Planning Director. The Planning Department is responsible for scheduling consideration of Code amendments on the Countywide or Basin Planning Commission's agenda and the BOCC agenda and arranging for review by the appropriate departments. If the Countywide Planning Commission makes a recommendation for denial on amendment(s) to the Code, such amendment(s) can only be effective upon a majority vote of approval by the BOCC (C.R.S. § 30-28-116 et seq.).

1454: Findings for Approval of Code Amendments

In order to approve an amendment to this Code, the BOCC shall make the following findings:

- A. The proposed revision meets the purpose and intent of this Code.
- B. The proposed revision gives consideration to the goals and policies in the Summit County Countywide Comprehensive Plan and any applicable basin or subbasin master plan.
- C. The proposed revision is consistent with any applicable State Statutes.

1455: Action on Code Amendments

The Planning Department shall forward a staff report and any recommendations from the Planning Commission, County departments or other agencies on Code amendments to the BOCC. The BOCC shall conduct a public hearing on the proposed amendment for which notice shall be given in accordance with the procedures stated in Section 13100 et seq. The BOCC shall take action by resolution to either approve, approve with modifications or deny the proposed amendment.

1456: Publication and Filing of Code Amendments

Within 60 calendar days from the date an amendment is adopted, the Planning Department shall revise the text of the Code to reflect the amendment and make this text available to the public. The Planning Department shall also ensure a copy of the revised text is placed on file in accordance with the requirements of Section 1402.

1500: STATUS OF PREVIOUS APPROVALS

An approval granted under previous development regulations shall remain valid for one (1) year unless otherwise specified by the particular provisions of this Code. Developments which received approval under previous regulations, but for which the approval is no longer valid, shall comply with the current provisions of this Code.