

**ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PITKIN
COUNTY, COLORADO, ADOPTING THE PITKIN COUNTY FINAL MAXIMUM
FLOOR AREA ZONING OVERLAY**

ORDINANCE No. ____-2023

RECITALS

1. Pursuant to 30-35-301 C.R.S., the Board of County Commissioners (“BOCC”) of Pitkin County, a home rule county, is authorized to make and publish ordinances for carrying into effect or discharging the powers and duties conferred upon such counties by law and as seems necessary.
2. Pursuant to Section 2.8.1 of the Home Rule Charter (“HRC”), the BOCC is authorized to take official action by Ordinance for certain matters where action is prescribed pursuant to the Colorado Revised Statutes as amended.
3. Pursuant to C.R.S. §§ 30-28-111, 112, 113, 115 and 116, the BOCC may zone Pitkin County through the adoption of a zoning plan certified by the Pitkin County Planning and Zoning Commission as well as amend the zoning plan in Pitkin County for the purpose of promoting the health, safety, morals, convenience, order, prosperity, or welfare of the present and future inhabitants of the State of Colorado.
4. This is an action of the BOCC to amend Pitkin County’s zoning plan as set forth herein and specified below pursuant to C.R.S. § 30-28-116.
5. The BOCC caused notice of the amendment to the Pitkin County zoning plan to be published in the Aspen Daily News on _____ 2023.
6. Pitkin County Land Use Code, Section 2-40-10(e) provides that Pitkin County may initiate rezoning actions for Pitkin County that affect more than one parcel of land and are not associated with any development application.
7. The BOCC, through the Pitkin County Community Development Department, has proposed to codify a Final Maximum Floor Area of nine thousand two hundred and fifty square feet (9,250 sq. ft.) for all property within the geographical borders of unincorporated Pitkin County, Colorado, except for those portions of the County where more restrictive, as to floor area, zone districts or zone district overlays have already been codified or may be codified in the future. As an overlay, the Pitkin County Final Maximum Floor Area Zoning Overlay applies in addition to any underlying zone district. A map of Pitkin County depicting the area to be included in the Pitkin County Final Maximum Floor Area Zoning Overlay is appended hereto

as **Exhibit A**. The Pitkin County Final Maximum Floor Area Zoning Overlay boundary is inclusive of all unincorporated Pitkin County, except for the following areas:

- Basalt Urban Growth Boundary Overlay Zone District (“BUGB-O”);
- Brush Creek Master Plan Area Overlay Zone District (“BC-O”);
- Emma Master Plan Area Overlay Zone District (“E-O”);
- Frying Pan Valley Overlay (“FPV-O”);
- Upper Maroon Creek Overlay Zone District (“UMC-O”);
- Valleys of Capitol Creek and Lower Snowmass Creek Master Plan Area Overlay Zone District (“VCLS-O”); and
- The following areas indicated in Section 6-30-100(b)(4-6): Star Mesa parcels, Eagle Pines Subdivision lots, and The Preserve Subdivision lots.

8. The Pitkin County Planning and Zoning Commission considered the proposed request at a regularly scheduled and duly noticed meeting on October 17, 2023 and recommended approval of the amendment to the zoning plan and certification of the same to the BOCC by a vote of 5-1-1, pursuant to Resolution No. PZ-____-2023.

9. The BOCC considered and approved the request on first reading at a public meeting on October 25, 2023. The BOCC adopted the Amendment to the Zoning Plan on second reading at a duly noticed public hearing on November 15, 2023.

10. The BOCC finds that the proposed Pitkin County initiated rezoning complies with Section 2-40-10(e)(2) of the Pitkin County Land Use Code (“Code”), as follows:

A. It advances the welfare of the community and the dominant policy of the county as stated in the Section 1-60-30, Community Balance, “to conserve and protect from further degradation the present natural environment and its resources.”

B. The amendment to the zoning plan to add the Pitkin County Final Maximum Floor Area Zoning Overlay is supported by the Pitkin County Comprehensive Plan, which recommends that Pitkin County implement a Final Maximum Floor Area of nine thousand two hundred and fifty square feet (9,250 sq. ft.) for all property within the geographical borders of unincorporated Pitkin County, Colorado, except for those portions of the County where more restrictive, as to floor area, zoning overlays have already been codified or may be codified in the future.

11. The BOCC finds that adoption of this Ordinance is necessary for the immediate preservation of the public health, safety, and welfare of the citizens of Pitkin County and, therefore, declares this Ordinance to be effective immediately upon adoption.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pitkin County, Colorado that it hereby adopts an Ordinance of the Board of County Commissioners of Pitkin County, Colorado amending the Pitkin County zoning plan to codify a Final Maximum Floor Area of nine thousand two hundred and fifty square feet (9,250 sq. ft.) for all property within the geographical borders of unincorporated Pitkin County, Colorado, except for those portions of the County where more restrictive, as to floor area, zoning overlays have already been codified or may be codified in the future. The BOCC adopts the Pitkin County Final Maximum Floor Area Zoning Overlay map appended hereto as **Exhibit A**, as well as the following description of the land area covered by the Pitkin County Final Maximum Floor Area Zoning Overlay:

The Pitkin County Final Maximum Floor Area Zoning Overlay boundary is inclusive of all unincorporated Pitkin County, except for the following areas:

- *Basalt Urban Growth Boundary Overlay Zone District (“BUGB-O”);*
- *Brush Creek Master Plan Area Overlay Zone District (“BC-O”);*
- *Emma Master Plan Area Overlay Zone District (“E-O”);*
- *Frying Pan Valley Overlay (“FPV-O”);*
- *Upper Maroon Creek Overlay Zone District (“UMC-O”);*
- *Valleys of Capitol Creek and Lower Snowmass Creek Master Plan Area Overlay Zone District (“VCLS-O”); and*
- *The following areas indicated in Section 6-30-100(b)(4-6): Star Mesa parcels, Eagle Pines Subdivision lots, and The Preserve Subdivision lots.*

The BOCC further authorizes the Chair or the Chair’s designee to sign the Ordinance and upon the satisfaction of the County Attorney as to form, execute any other associated documents necessary to complete this matter.

EXHIBIT A

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PITKIN COUNTY RESIDENTIAL FINAL MAXIMUM FLOOR AREA ZONE OVERLAY

Map Created By: Pitkin County Community Development, 10/18/2023

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