

The Town of Pitkin Zoning Code

2025

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Town of Pitkin, Colorado  
Zoning Code  
2025

**Title:** A compilation of regulations entitled “Town of Pitkin, Colorado Zoning Code,” adopted by the Board of Trustees of the Town of Pitkin, Colorado, on the, hereinafter referred to as “Code” or “Zoning Code,” which regulations provide for the restriction of height and size of buildings and other structures, size of yard and open spaces, population density, location and use of structures and land for residence, business or other purposes, and prescribing penalties for violation of the regulations contained within the Town of Pitkin, Colorado Zoning Code.

**Section 1. Purpose.** The Town of Pitkin, Colorado Zoning Code is designed to promote the health, safety, and general welfare of the inhabitants of the municipality.

**Section 2. Authority.** This Zoning Code is authorized by Section 31-23-301, C.R.S., *et seq.*, as amended, and hereby is declared to be in accordance with all provisions of said statute.

**Section 3. Definitions.** For the purpose of this code, certain words and phrases used herein shall be defined as follows:

**Commented [HG3]:** Deleting terms that are not used in the body of the ordinance

**Accessory Building or Structure:** A building or structure on the same parcel as the primary use structure, its use being subordinate to the primary structure. This includes, but is not limited to, Weatherport type fabric covers, detached garages, and storage sheds.

**Accessory Use:** A use customarily associated with, or subordinated to, the principal use on the same lot.

~~**Agriculture:** The raising or keeping of horses, cattle, pigs, sheep, goats, llamas, mules, burros, poultry, rabbits or other livestock whether associated with agriculture, commercial, or personal use.~~

**Alley:** Small roadway between main streets, including but not limited to Quartz Lane, Aspen Lane, Alpine Lane, and Sage Lane as indicated on the ~~Town of Pitkin Zoning Map~~ zoning map.

**Building:** Any structure having a roof supported by columns or walls.

**Building Height:** The vertical distance measured from the finished grade to the highest point of the roof. If the grade is not level, take the average of finished grade to the highest point of the roof.

**Building Site:** A parcel or plot of land occupied or designed to be occupied by one or more buildings or structures arranged so as to meet all the requirements of this Code and facing a public street or alley.

**Club:** Any membership organization including a lodge catering to members and their guests, and whose facilities are rendered to meeting, eating and recreational uses, and further, whose activities are not conducted principally for monetary gain.

**Conditional Use:** Any use in any zoning district for which the Board of Trustees’ approval is necessary and obtainable upon the fulfillment of certain conditions, either expressed in this Code or imposed by the Board of Trustees.

**Deck/Patio/Porch:** Any platform, with or without a roof and adjoining to a building.

~~**Direct Lighting:** Any light source that emanates from the sign or any part of the sign outwards.~~

**Family:** One or more persons occupying a common household, but not including common households maintained by or in boarding or rooming houses, lodges, clubs, hotels or fraternities.

**Fence:** A vertical structure of minimal thickness made of wood, cable, chain link, concrete, rocks, plastic, vinyl, or other composite material which is designed to restrict or prevent movement across a boundary.

**Footprint:** Outside dimensions of foundation

**Free-standing Sign:** Any sign that is not attached to a building. Free-standing signs may be affixed to the ground or raised on a supporting structure.

**Garage:** Any building or structure where automobiles, trucks, or vehicles are stored, repaired, painted or equipped.

**Gross Floor Area:** The sum of all the roofed over floor area on all levels of a building, measured from its exterior walls, including all accessory buildings on the same lot.

**Heavy Equipment:** Earth-moving equipment over 10,000 lbs., including but not limited to tractors, backhoes, graders and front-end loaders, dump trucks, semi-tractors and semi-trailers.

**Home Occupation:** Any business use performed on a residential property by the inhabitants thereof, but which is incidental to the residential use and which does not significantly increase noise, fumes, odor, or traffic.

**Hotel:** A building containing sleeping rooms designed to be rented, and which may or may not have eating or drinking facilities as an accessory use.

~~**Indirect lighting:** Any light source external to a sign, intended to illuminate the sign. Indirect lighting shall be designed, installed, and maintained to eliminate or minimize upward directed light so that the light(s) illuminate only the sign and not adjacent structures or property. Such light shall not interfere with the vision of motorists.~~

~~**Junkyard:** A building, structure or parcel of land or portion thereof used for the storage, collection or sale of waste paper, rags, scrap metal or other discarded material; or for the collecting, dismantling, storage, salvaging or demolition of vehicles, machinery or other material, and including the sale of the whole or any part thereof.~~

~~**Lean to:** Open structural roof attached to a building.~~

**Lot:** Typically a 25' wide by 125' deep parcel of land in the Town of Pitkin.

**Lot Area:** The number of square feet included within a lot as measured within the lot boundaries, measured on a horizontal plane upon which the boundaries have been projected.

**Lot Length:** The average distance from the street at the front of the property line to the rear of the lot, measured perpendicularly from the street line upon which the lot faces.

**Lot Width:** The average distance between two side lot lines, measured perpendicularly from one of the sides.

**Low Density Housing:** Single-family dwelling of permanent construction and/or a manufactured home installed as permanent construction. This includes a home, garage and all associated out buildings.

**Manufactured Home:** Defined pursuant to Section 24-32-3302(20) C.R.S.

**Motel:** A building or group of buildings containing individual rooms for sleeping or living, designed and/or used for temporary rental occupancy, and with automobile parking space adjacent to or within the proximity of each rental unit.

**Multiple-Dwelling Unit:** Includes duplexes, condominiums, townhomes, etc.

**Non-conforming:** Legally existing at the time of the adoption of this Code but failing to meet all the requirements contained herein.

**Onsite Wastewater Treatment System (OWTS) Marker:** Any fence type structure which marks above ground to identify what is below ground in relation to septic tanks and soil treatment areas commonly known as a leach field

**Outdoor Advertising Device:** A building or structure either independent of or attached to another building or structure, and which is shaped, painted or made in such a way as to advertise a commodity, place or service, or to support a posted, painted or attached advertisement for any commodity, place or service.

**Parking Area:** An open space or enclosed structure or building used exclusively for the temporary storage of an automobile or vehicle.

**Parking Space:** That part of a parking area, exclusive of drives, turning areas, or loading space devoted to the parking of one automobile or vehicle.

**Parking, Off Street:** Any parking area located wholly within the limits of one or more lots.

**Patio:** See "Deck."

**Porch:** See "Deck."

**Primary Building:** In the residential district, the primary building is the dwelling. In the business district the primary building is a dwelling or business structure.

**Public Building or Use:** Any building or space open to the general use, participation or enjoyment of the public and owned by the town, county, state or federal government or by a public utility corporation or a municipal civic organization.

**Recreational Vehicle:** A temporary structure, less than 40 feet in length, that can be towed, hauled or driven and is primarily designed as temporary housing accommodations for recreational, camping, or travel use including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

**Recreational Vehicle Park:** A commercial use in which a tract of land held under single ownership or unified control provides overnight or short-term sites for the placement of Recreational Vehicles with or without facilities such as water and electricity for periods not to exceed 14 consecutive days.

**Set-back:** The shortest distance between any edge of the building or structure and the lot boundary. The roof eaves and/or the water drip line of the roof, are considered the edge of a building or structure. Decks, porches, stairs, and other accessory structures, which do not have roofs, will be measured from their shortest distance to the lot boundary.

**Sign:** Any structure, poster, banner, insignia, billboard, trademark or other device used to indicate directions, advertise, announce or attract attention; except that flags and banners of any country, state, city or non-profit organization shall not be included.

**Single-Family Home:** A building or portion thereof providing house-keeping facilities for one person or family.

**Structural Alteration:** Any change to the load-bearing or supporting elements of the building, including but not limited to columns, beams, girders, foundations, etc. requires a building permit.

**Structure:** Anything constructed or erected upon and affixed to the ground except utility poles, flag poles, or domestic water wells.

**Temporary Use:** Any use in any zoning district which is temporary in nature, with duration of time to be determined by the Board of Trustees of the Town of Pitkin.

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**Commented [HG4]:** Could also insert use standards to regulate number and placement, such as:

- a. The density of proposed developments shall not exceed 20 sites per acre.
- b. Spaces for trailers shall be at least 25 feet wide, and a 30-foot separation between any designated site and a residential zoning district boundary shall be maintained.
- c. Recreational space equal to 10 percent of the site area shall be provided, with no single recreational area smaller than 400 square feet in size.

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**Use:** The purpose for which any land, structure or building is designed, maintained or occupied.

**Wall:** A vertical structure with a solid footing, usually solid and not of minimal width to support its height.

**Yard:** The space on the same lot as a building or structure that is unoccupied and open to the sky.

**Yard, Front:** That portion of a yard between the front street line and the building and between the two side lot lines, the depth of which shall be the least distance between the front lot line and any part of the building.

**Yard, Rear:** That portion of a yard between the rear of a building and the rear lot line, and between the two side lot lines, the depth of which shall be the least distance between the rear lot line and any part of the building.

**Yard, Side:** All yard between the front and rear yards, the width of which shall be the least distance between the side lot lines and any part of the building.

**Section 4. Zoning Districts.** Pitkin is divided into two Zoning districts:

- A. Residential District:** This district is intended for low density residential uses.
- B. Business District:** This district is intended for a mix of low impact residential and commercial uses.
- C. Planned Development.** This district is intended to encourage new and imaginative concepts in urban design and land development to promote and improve the health, safety, and general welfare of the residents of the Town and to create distinct developments with unique urban design, mixed uses, enhanced ecosystems services, and substantial additional benefit to the Town that would not otherwise be required by this Code.

**Section 5. Zoning Map.** The location of the ~~z~~<sup>z</sup>oning ~~d~~<sup>d</sup>istricts shall be maintained on a map entitled "Town of Pitkin, Colorado Official Zoning Map." This map, along with any explanatory materials, is a part of this Code. The official zoning map shall be retained by the Town Clerk, with copies issued to the Mayor and the Chairperson of the Board of Zoning Adjustment. Unless otherwise specified on the map, zoning boundaries shall coincide with the center lines of streets and alleys or with specified lot lines. All amendments to the map made in accordance with this Code shall be noted within fourteen (14) days upon the official zoning map and the above-mentioned copies. Appendix A, attached hereto and incorporated herein, is the [Town of Pitkin, Colorado Official Zoning Map](#)~~Town of Pitkin's zoning map.~~

**Section 6. Applicability.** No Building, Structure, or Land shall be occupied or used and no building or structural part thereof shall be erected, moved or structurally altered unless in conformity with all of the provisions of this Code for the District in which it is located.

**Section 7. Principal Permitted Uses.** This section enumerates the permitted principal uses in each zoning district. [Any use that is not listed is prohibited unless determined to be consistent with a listed use as provided in subsection C herein.](#)

- A. Residential District:**

1. Low Density Housing
2. Community centers and public buildings
3. Parks and playgrounds
4. Accessory uses as listed in Section 10 of this Code

**B. Business District:**

1. Any use permitted in the Residential District
2. Accessory buildings and uses
3. Amusement or recreation
4. Automobile gas stations or garages
5. Automobile parking lots
6. Clubs or lodges
7. Dining or drinking places
8. Hotels or motels
9. Laundromats
10. Offices or clinics
11. Retail stores or shops
12. Schools and churches, including seasonal church schools.
13. Storage units
14. Multiple-dwelling units
15. Recreational Vehicle Park

**14.C. Unlisted Uses:** When a proposed primary, conditional, accessory, or temporary use is not explicitly listed herein, the use is not permitted in the Town, unless the Town Clerk determines that it is included in the definition of a listed use or is so similar to a listed use that it shall be treated as the same use. The Town Clerk shall make that determination based on a comparison of the size, scale, operating characteristics, multi-modal traffic impacts, storm drainage impacts, utility impacts, and neighborhood impacts of the proposed use with other uses listed herein. The Town Clerk's interpretation shall be made available to the public and shall be binding on future decisions of the Town unless this Code is amended to treat the use differently.

**Section 8. Conditional Uses.** The following uses shall be permitted only in the Residential and Business districts upon written approval of the Board of Trustees:

- A. Temporary construction facility for a period not to exceed two years.
- B. Heavy equipment storage

**Section 9. Temporary Uses.** Applicants may request the approval of any temporary use to the Board of Trustees. If granted at the discretion of the Board of Trustees, a temporary use permit shall be valid only for the period granted by the Board of Trustees. Failure to terminate such temporary use by the specified time shall be considered a violation of this code.

**Section 10. Permitted Accessory Uses.** The following uses are permitted in the specified districts provided they are incidental to and on the same premises as a permitted use and meet all other requirements of this Code.

**A. Residential District:**

1. Garage for storage of vehicles.
2. Any accessory buildings, structures or uses required in addition to and in conjunction

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with any use permitted in the district. The primary structure on any property within the residential district must be a single-family home, community center, public building, or playground.

3. Storage of a camper, camper trailer, or motor home, if a single-family home has been constructed on the property.
4. Home Occupation ~~—any business use performed on a residential property by the inhabitants thereof, but which is incidental to the residential use and which does not significantly increase noise, fumes, odor, or traffic~~

**Commented [HG6]:** This term is already defined

- B. Business District:** Any building or structure incident to and necessary for the operation of a use permitted in the district.

**Section 11. Non-permitted Uses.** Regardless of whether the nature of the uses are otherwise permitted by Sections 7, 8, 9 or 10, those uses which produce excessive amounts of smoke, dust, fumes, noise or have other deleterious effects, or which may threaten the quality of water within the town, either flowing or below ground, are prohibited. Further, all Class 1, 2, 3, and 4 Public Nuisances, as put forth in Sections 16-13-303, 16-13-304, 16-13-305, and 16-13-306, C.R.S., are prohibited. Camping by trailer, motor home, or tent is allowed on private property, in compliance with current camping ordinances in the Town of Pitkin.

**Section 12. Space Requirements.**

- A. Minimum lot area:** The lot area per dwelling unit or commercial building shall not be less than the following:
1. Residential District: 9,000 square feet
  2. Business District: 9,000 square feet
- B. Front Yard Set-back:** All buildings and structures shall be set back a minimum of the following distances from the front property lines:
1. Residential District: 10 feet
  2. Business District: 0 feet
- C. Side Yard Set-back:** All buildings and structures shall be set back from the side property line a minimum of the following distances.
1. Residential District: 10 feet from the property line when adjoining private property or five (5) feet from the property line when adjoining roads or alleys/lanes.
  2. Business District: 10 feet from the property line when adjoining private property or five (5) feet from the property line when adjoining roads or alleys/lanes.
- D. Rear Yard Set-back:** All buildings and structures shall be set back from the rear lot line a minimum of the following distances:
1. Residential District: 10 feet from the property line when adjoining private property or five (5) feet from the property line when adjoining roads and alleys/lanes.
  2. Business District: 10 feet from the property line when adjoining private property or five (5) feet from the property line when adjoining roads and alleys/lanes.
- E. Fence Set-back:** The setback for new and replacement fences is zero feet, except for the lot boundary adjacent to an alley where a 5-foot setback is required. All fences require

a fence permit and the minimum permit fee must be paid. Above-ground OWTS markers are exempt from the fence permit fee but must meet setbacks and fence height requirements.

- F. All Residential and Business lots shall have an area and access to park one vehicle on the building property site. This parking must be off the street and must be accessible from either a street or alley/lane adjoining the building property lot.

**Section 13. Maximum Building Structure and Fence Heights.**

- A. No building shall be built or structurally altered to exceed the following heights in the specified districts:
  - 1. Residential District: 40 feet
  - 2. Business District: 40 feet
- B. A fence shall not be such a height that it impedes traffic visibility at an intersection or a driveway.

**Section 14. Non-Conformance.** Certain uses of land or buildings, sizes of lots, or locations or sizes of structures that are not in conformance with this Code may be found to be in existence at the time of passage of this Code. This Code allows the continuation of such uses and structures. However, any new construction on lots or buildings accepted as non-conforming at the time of this code, must conform in all respects to the requirements of this Code.

- A. **Non-conforming lots:** Non-conforming lots may be built upon only with the approval of the Board of Zoning Adjustment.
- B. **Area of Lots:** No improved lots that are conforming in size at the time of passage of this Code may be subdivided or reduced in size in such a way that it would become non-conforming in size or cause any building, space, set-back or use to become non-conforming.
- C. **Alterations and/or Extensions:** No building or use that is non-conforming as of the effective date of this Code shall be structurally altered or expanded in any way which would increase the degree or area of non-conformance. The following changes or alterations may be made to a non-conforming building:
  - 1. Repairs to a building or structure that are required to make it safe
  - 2. Maintenance and repairs needed to keep the building in good condition
  - 3. Approval from the Zoning Board of Adjustment and a building permit are required for any allowable structural change.
- D. **Restoration:** Any non-conforming building or structure that is damaged by fire and is determined to be structurally unsound by the Town of Pitkin Building Inspector or its designee may not be rebuilt without complete conformance with this code. Any non-conforming building or structure that is damaged by means other than fire shall be inspected by a professional structural engineer and if determined to be structurally unsound, may not be rebuilt without complete conformance with this code. In cases

where structures on parcels of only one or two lots are damaged and found structurally unsound and when adjacent lots are not available for addition to make the building site conforming to this code, the owners may request a variance from this code as defined in Section 18(C). The approval of this variance request is still subject to the review of the Zoning Board of Adjustment.

- E. Previously Approved Uses:** Any building or structure for which a permit has been issued prior to the passage of this Code may proceed to completion.

**Section 15. Signs and Advertising devices.** No sign shall be erected, altered, maintained or moved without a sign permit issued by the Board of Zoning Adjustment, except for Temporary Signs. All signs shall conform to the provisions of this Code.

**A. Prohibited Signs.** The following types of signs shall be prohibited.

1. Signs that contain stacked, multiple display faces;
2. Flashing, moving, or intermittently lighted signs;
3. ~~Banners, pennants, streamers, balloons, flags,~~ Search lights, strobe lights, beacons inflatable signs, and costumed characters except as otherwise provided;
4. Off-premises signs;
5. Roof-mounted signs;
6. Electronic message signs;
7. Any sign that is constructed to resemble an official marker erected by the Town, state, or any governmental agency or that by reason of positioning, shape, or color would conflict with the proper functioning of any traffic sign or signal or would impair or cause confusion of vehicular or pedestrian traffic; and
8. Any sign that contains any obscene wording or images.

**B. Temporary Signs:**

- a. Purpose: to announce the sale or leasing of a property, public or private events to be held, builder, architect or tenant of a proposed building, and election campaigns
- b. Size: maximum 15 square feet per sign
- c. Number: Non-political/campaign signs - one for each facing street frontage, placed so that only one sign faces each street. Political/Campaign signs - limited to one per candidate per street frontage.
- d. Illumination: none
- e. Height: maximum of 4-6 feet above ground level
- f. No permit shall be required for a temporary sign which otherwise conforms to this Section.
- g. Any real estate signs posted at a property must be removed within 7 days of that property's real estate closing date, unless frozen to the ground.
- h. Any temporary event signs must be removed within 48 hours after the event advertised on the sign, unless frozen to the ground.
- i. Political/Campaign signs: shall be removed within seven days after the election date, unless frozen to the ground.

**C. Number of Signs.** No more than two signs of 100 square feet each shall be permitted per property in the Business District. No more than two signs of 50 square feet each shall be permitted per property in the Residential District.

**D. Non-conforming Signs:** All legal signs in existence on the effective date of this Code may remain, provided they are maintained in a state of good repair. They may not be replaced, relocated or structurally altered unless they conform to the provisions of this Code. Existing signs that lie within the Town right-of-way or that may impede snow plowing or motorist visibility shall be removed immediately upon request of the Board of Trustees of the Town of Pitkin.

**E. Setbacks:** Signs may be placed up to the property line but free-standing and attached signs shall not project beyond the vertical plane of the property line. Sign placement shall not interfere with snow removal or vision of motorists.

**F. Municipal Signs:** The provisions of this Section 15 shall not apply to signs erected and maintained by the Town of Pitkin on Town of Pitkin right-of-way for municipal purposes such as street name signs, traffic control signs, directional signs, etc.

~~**Section 16. Administration and Enforcement:** This Code shall be administered by the Board of Zoning Adjustment. Enforcement recommendations will be made by the Board of Zoning Adjustment to the Board of Trustees of the Town of Pitkin.~~

**Section 167. Demolition:** The State of Colorado demolition permit is required for all building/structure demolition in the Town of Pitkin. The State of Colorado demolition permit must be obtained prior to beginning any demolition.

**Section 178. Building Permits:**

**A.** No building or structure shall be erected, moved, or structurally altered unless all required permits for said work have been issued by the authority having jurisdiction. No permit shall be issued unless the building or structure is in full conformance with this Code or unless a variance has been issued by the Board of Zoning Adjustment or the Board of Trustees as is applicable.

1. Storage sheds of 120 square feet or smaller, including Weatherport type structures, do not require a permit but must meet setbacks. A fee will be charged for setback verification. Fees will be listed in the Town of Pitkin fee schedule. Limit of one non-permitted storage shed per site. Additional storage sheds require a building permit. The storage shed must be free-standing and cannot attach to any structure without a permit.
2. Any building or structure greater than 120 square feet that is relocated within a property owner's boundary will require a setback verification. The setback verification fee will be listed in the Town of Pitkin fee schedule.
3. All decks, patios, and porches require a building permit and are subject to permit fees.

- B. All applications for building permits shall be accompanied by an accurate drawing to scale showing plot plan and location, floor plan, heights and size of all buildings or structures, location of proposed buildings, fences and signs. Drawings of a typical wall section, foundation, footer, stem wall sections and an elevation drawing of the front, each side and rear of all new structures is also required with the application.
- C. The building permit applicant is required to survey and mark all the property lot corners that are shown or referenced in the plot plan prior to submitting the application. These corners shall be marked in a manner that they are visible.
- D. All applications for building permits must be reviewed by two (2) members of the Board of Zoning Adjustment for conformance to this Code prior to issuance of the building permit.
- E. No Residential or Business building permit for new construction shall be issued until a professionally engineered Onsite Wastewater Treatment System (OWTS) and a water supply design have been approved by the Town of Pitkin Board of Health or its designee. The residence or other building structure must be constructed in compliance with the permitted OWTS. If the OWTS design requires a variance, the variance must be approved by the Town of Pitkin Board of Health prior to any building permit being issued. This section does not apply to structures that do not have water and/or sewage.
- F. No permit for exterior addition to, or alteration of, an existing structure or its use, which may affect OWTS usage, shall be issued until the existing OWTS has been inspected by a professional engineer licensed in the State of Colorado. The engineering report must indicate that the current OWTS is suitable for the building change. If any corrections or expansions to the OWTS are required by the engineer, they must be included in a building permit for the building modification.
- G. During the period of construction, there will be several inspections made by either State of Colorado Inspectors or the Town Building Inspector to confirm compliance with applicable building codes.
- H. A building permit is valid for three (3) years from the date of issuance and will expire after three (3) years. The date of expiration can be extended once per annum upon payment of a renewal fee if there have been no changes to the original permitted design or specifications. Changes to footprint, increased square footage or altered drip line require a new permit. Expired permit notifications will be sent to responsible persons via USPS return receipt required.
- I. Any deviations in square footage from an approved building permit must be approved in writing by the Board of Zoning Adjustment. Any other deviations from the approved building permit must be approved in writing by the Building Inspector and signed by two ~~Board of Zoning Adjustment~~ ~~Zoning Board~~ members who have reviewed the change order for compliance with this code. The subsequent change

order must be added to the permit file.

- J. Building Permit Fees: A fee for the examination and administration of this permit shall be established by the Board of Trustees. The Permit Fee shall be payable to the Town of Pitkin upon receipt of the application. Permit fees will be listed in the Town of Pitkin Fee Schedule.
- K. All water wells drilled within the Town of Pitkin require a permit. A design and location report from a professional engineer licensed in the State of Colorado must accompany the permit application. If a well is included in a submitted OWTS permit application, those drawings will suffice for this requirement. The Permit Fee shall be payable to the Town of Pitkin upon receipt of the application. The permit fee for a well will be listed in the Town of Pitkin Fee Schedule.

**Section 189. Board of Zoning Adjustment.** A Board of Zoning Adjustment is hereby created.

**A. Membership and Organization:**

1. The Board of Zoning Adjustment shall consist of five (5) members. The Town of Pitkin Board of Trustees shall appoint the members of the Board of Zoning Adjustment.
2. The term of appointment shall be for a period of three years, staggered so that one or two members' terms expire each calendar year. The term shall run from May 1<sup>st</sup> through April 30<sup>th</sup> of the following third year.
3. Any seated members of the Board of Zoning Adjustment at the time of the adoption of this code shall remain seated through the end of their respective term.
4. When a vacancy occurs prior to the expiration of the term, said vacancy shall be filled in the same manner as a regular appointment, but the newly appointed member shall serve the unexpired term of the office in which the vacancy occurred.
5. The members of the Board of Zoning Adjustment shall elect members of the Board to serve as chairperson and vice-chairperson for the period of one year. This election shall occur on the first meeting of the year after May 1st.
6. The members of the Board of Zoning Adjustment shall receive no compensation for their services but may be reimbursed for expenses incurred during the performance of official duties as authorized by the Board of Trustees.
7. The Board of Trustees shall have the power to remove any member of the Board of Zoning Adjustment for cause, following an executive session unless a public hearing is requested by the member in question.

**B. Duties and Powers:**

1. The Board of Zoning Adjustment shall meet at the call of the Board of Zoning Adjustment ~~Zoning Board~~ Chairperson or the Board of Trustees.

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2. At the direction of the Chairperson of the Board of Zoning Adjustment, the Town Clerk shall post notice of any meeting of the Board of Zoning Adjustment at least twenty-four (24) hours in advance of such meeting. Notice of Board of Zoning Adjustment meetings shall be posted in accordance with the Town of Pitkin official posting location resolution.
3. In the absence of the Chairperson, the Vice-chairperson shall assume the duties of the Chairperson.
4. The public may attend all meetings of the Board of Zoning Adjustment and may be heard.
5. Minutes shall be kept of all meetings and are the responsibility of the Town Clerk. All meeting minutes will be part of the public record.
6. The Board of Zoning Adjustment is empowered to adopt any rules and regulations which it deems necessary to transact business or to expedite its functions, provided said rules and regulations are consistent with the provisions of this code.
7. The Board of Zoning Adjustment shall have the power to interpret this Code as is necessary to conduct business, so long as the purpose of this Code is not compromised.
8. The Board of Zoning Adjustment shall act in strict accordance with all applicable laws of the Town and the State of Colorado.

**C. Variances:**

1. The Board of Zoning Adjustment may authorize, in specific cases, such a variance from the terms of this Code where the strict application of any regulation herein would result in peculiar and exceptional, practical difficulties to or exceptional and extraordinary hardship upon the owner of such property. Such conditions may include:
  - a. exceptional physical narrowness
  - b. exceptional physical shallowness
  - c. shape of a specific piece of property's topography
  - d. exceptional physical situation to adjoining property
  - e. condition of adjoining piece of property
2. A variance from such strict application of this code may be approved so that substantial justice may be done and the public interest secured; provided that such variance will not have the effect of nullifying the purpose of this code.
  - a. All variance requests made to the Board of Zoning Adjustment shall be in writing with a separate attachment sheet(s) showing all diagrams and sites necessary for reasonable clarification and understanding. Every request

shall indicate what provisions of this Code are involved and what relief from said provisions is being sought.

- b. Within twenty (20) calendar days of receiving a completed variance application, the Chairperson of the Board of Zoning Adjustment shall convene the Board of Zoning Adjustment for a review of the requested variance. Notification of the Board of Zoning Adjustment decision shall be in writing, with copies to the requestor and the Board of Trustees and filed with the Town of Pitkin Clerk.
- c. Notification of variance requests shall be mailed via USPS first class mail, no less than 10 calendar days prior to the meeting at which a variance request will be considered, to adjacent (without respect to alleys and streets) property owner(s) at the address on record with the County of Gunnison. A summary of the variance request shall be included.
- d. In no case shall any variance from this Code be more than a minimum easing of the requirements.
- e. In granting variances, the ~~Board of Zoning Adjustment~~ Board of Zoning Adjustment may require such conditions that will, in its judgment, secure substantially the objectives of the standards and regulations as affected.
- f. At the direction of the Chairperson of the Board of Zoning Adjustment, all decisions made by the Board of Zoning Adjustment shall be conveyed in writing by the Town Clerk to the applicant.
- g. Variance application fees shall be listed in the Town of Pitkin fee schedule.

**D. Appeals:**

- 1. Board of Zoning Adjustment decisions may be appealed to the Board of Trustees. Appeals of ~~Board of Zoning Adjustment~~ Board of Zoning Adjustment decisions must be made in writing and filed with the Town Clerk.

**Section 1920. Violations**

**A. Violations:** Each of the following activities is a violation of this Code:

- ~~B-1.~~ B-1. Any erection, construction, reconstruction, remodeling, alteration, maintenance, expansion, movement, or use of any building, structure, or sign, or development or subdivision of any land, in contravention of any provision of this Code or any regulation promulgated under this Code.
- ~~C-2.~~ C-2. Any development, use, construction, remodeling, or other activity in any way generally inconsistent with the terms or conditions of any permit or approval required to engage in such activity, whether issued under or required by this Code.
- ~~D-3.~~ D-3. Each day that a violation occurs or remains uncorrected shall constitute a

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separate and distinct violation of this Code.

#### **E.B. Enforcement**

1. The Town Clerk, or their designee, may initiate any enforcement action permitted by this Code for alleged violations.
2. The Board of Trustees may direct the Town Clerk, or their designee, to investigate potential violations of this Code.
3. The Town shall notify the person responsible for a violation in writing by certified mail to the address of record with return receipt, and by electronic mail if available, and shall order that a written response be made to the Zoning Board of Adjustment within twenty (20) calendar days from the date of mailing.
4. Within fifteen (15) days of receipt of the written response, the Zoning Board of Adjustment and the person responsible for the violation shall develop a plan of correction. If the violation is not corrected within the time specified by the Zoning Board of Adjustment, ~~then the matter will be referred to the Board of Trustees~~ violation shall be deemed final and all penalties assessed thereon by the Zoning Board of Adjustment shall be due within ten (10) days thereafter.
5. Appeals of final determinations shall be made to the district court having jurisdiction within 30 days of the violation being deemed final.
4. ~~If the violation is not corrected, the Board of Trustees shall hold a public hearing to determine if 1) a violation exists; 2) if a fine shall be imposed; and 3) what the fine shall be in accordance with section 20 of this code. The Board of Trustees decision on this matter shall be final.~~

#### **C. Remedies**

1. The Town may deny or withhold all entitlements, including forms of authorization to use or develop any land, structure, or improvement, until an alleged violation, associated civil penalty or lien resulting from a previous final order related to such property, use, or development is corrected. This provision shall apply whether the current owner or applicant for the permit or other approval is responsible for the violation.
2. Whenever any building, structure, or site or part thereof is being demolished, constructed, reconstructed, altered, or repaired in violation of this Code or in a manner that endangers life or property, the Town Clerk is authorized to issue a stop-work order for the specific part of the work that is in violation or presents the hazard.
3. With or without revoking permits, the Town Clerk may issue an order to stop work on any property on which there is an uncorrected violation of either a provision of this Code or a provision of an entitlement or other form of authorization issued under this Code.
4. The stop-work order shall be in writing and posted at the site of the work and shall specify the alleged violations. After any such order has been posted, no work shall proceed on any building, other structure, or tract of land covered by such order, except to correct such violation or comply with the order.

#### **D. Penalties**

1. Violation of this Code shall be punishable by fines an amount not to exceed Three Hundred Dollars (\$300.00) for each offense.

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2. The Town may seek injunctive relief or other appropriate relief in district court or other court of competent jurisdiction against any person who fails to comply with any provision of this Code or any requirement or condition imposed pursuant to this Code.
3. In any court proceedings in which the Town seeks a preliminary injunction, it shall be presumed that a violation of this Code is a real, immediate, and irreparable injury to the public; that the public will be irreparably injured by the continuation of the violation unless the violation is enjoined; and that there is no plain and adequate remedy at law for the subject Code violation.
4. The remedies provided for violations of this Code, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order. The exercise of one remedy shall not preclude the exercise of any other available remedy.

**E. Abatement:** The Town may abate any violation of this Code that poses an immediate risk to the health, safety, and general welfare as follows:

1. Before action is taken to abate a violation, a final warning notice shall be posted on the property and served personally or by first class United States mail to the owner of record of the property.
2. Unless this notice is appealed to the Board of Trustees within ten (10) days of the posting of the final warning, the Town shall proceed to abate the violation.
3. The Town shall keep an account of the cost, including incidental expenses, incurred by the Town in the abatement of any violation. The Town shall forward a bill for collection to the violator and owner of record of the property specifying the nature and costs of the work performed. For purposes of this section, the term "incidental expenses" shall include without limitation the actual expenses and costs to the Town in the preparation of the notices, specifications and contracts, work inspection, and interest from the date of completion at the rate prescribed by law for delinquent real property taxes.
4. The responsibility for payment of the charges for abatement as set forth in this Section shall rest solely upon the owner of the property upon which the abatement occurred. When charges for abatement remain unpaid after thirty (30) days from billing, the Town may record a first and prior lien against the property, to be collected by the County Treasurer in the same manner as property taxes.

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#### **Section 204. Amendments and Zoning Change Requests.**

Amendments, supplements, changes or repeal of this Code, or any part thereof, or to the ~~Official Zoning Map~~, may be initiated by application of:

1. The Board of Trustees;
2. The ~~Board of Zoning Adjustment; or Zoning Board of Adjustment~~
3. Any citizen group, firm, or corporation residing, owning property, or leasing property in the Town of Pitkin.

A. Application for an amendment to this Code shall be made in writing and filed with the Town Clerk.

1. Upon receipt of application Town Clerk will notify Board of Zoning Adjustment and

Board of Trustees of proposed request. The Board of Zoning Adjustment shall, within forty-five (45) calendar days, convene to review the request and make a timely referral recommendation to the Board of Trustees for final decision. Additional study time and further investigation may be required before the referral can be completed and submitted to Board of Trustees.

2. Once the referral is presented to the Board of Trustees, the Board of Trustees will set a date for a public hearing. The final decision will be made by the Board of Trustees.
  3. Before any approval for change to this Code is enacted, a public hearing shall be held, with fifteen (15) calendar days advance notice of the time and place to be published in a newspaper having general circulation with the town and at the official Town of Pitkin posting location(s). Notification of ~~z~~Zoning ~~c~~CChange requests shall be mailed via USPS first class mail, no less than 10 calendar days prior to the meeting at which a variance request will be considered, to adjacent (without respect to alleys and streets) property owner(s) at the address on record with the County of Gunnison. A summary of the ~~z~~Zoning ~~c~~CChange request shall be included.
  4. The adoption of any amendment to this Code shall require the favorable vote of a majority of the duly elected members of the Board of Trustees present at the meeting held to consider such amendment, except where there is filed a written protest against such amendment under the provisions of Section 31-23-305, C.R.S. in which case that statute shall govern.
- B. Zoning change requests and requests for amendments to the official zoning map shall be made in writing and filed with the Town Clerk. The request shall contain the following information and diagrams as a minimum:**
1. Description of the land area to be re-zoned, requested new classification and a drawing to scale showing all boundaries of the area involved along with an indication of the existing zoning on all adjacent sides of the area.
  2. A statement of justification for the re-zoning, including one or more of the following conditions:
    - a. Changing area conditions.
    - b. Error in original zoning.
    - c. Suitability of the site to a certain use.
    - d. Optional: A letter from adjacent property owners showing no objection to the change.
  3. Description and plot plan of buildings or proposed uses if re-zoning is granted, along with a diagram of land and building uses of adjacent properties without respect to streets and alleys.
  4. Justification for any new business zoning.

5. Anticipated effects the new zoning will have on adjacent uses and users and the Town of Pitkin.

6. Upon receipt of request Town Clerk will notify Board of Zoning Adjustment and Board of Trustees of proposed request. Board of Zoning Adjustment shall, within forty-five (45) calendar days, convene to review the request and make a timely referral recommendation to the Board of Trustees for final decision. Additional study time and further investigation may be required before referral can be completed and submitted to Board of Trustees.

7. Before any approval for change to the zZoning mMap is enacted, a public hearing shall be held, with fifteen (15) calendar days advance notice of the time and place to be published in a newspaper having general circulation with the town and at the official Town of Pitkin posting location(s).

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8. Once the referral is presented to the Board of Trustees, the Board of Trustees will set a date for a public hearing. The final decision will be made by the Board of Trustees

C. All final decisions for changes to zZoning and/or the oOfficial zZoning mMap will be made by the Board of Trustees. The final decision will be conveyed by the Town Clerk to the applicant within fifteen (15) calendar days.

**Section 221. Repeal of Ordinance No. 1. Series of 2022.** Ordinance No. 1, Series of 2022, and any other prior Zoning Ordinances or Zoning Codes, are hereby repealed and replaced by this Ordinance.

**Section 232. Interpretation, Conflicts, and Validity.**

A. This Code shall be interpreted and applied to the extent required for the proper protection of the public health, general welfare and promotion of safety.

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B. Whenever a conflict exists between these provisions and any other lawfully adopted rules, regulations, resolutions or ordinances, the one which is the most restrictive, or that imposes the higher standard, shall apply.

C. If any provision of this Code or the application thereof is held invalid, such invalidity shall not affect the remaining provisions or application of this Code which can be given effect without the invalid provision or application, and to this end the provisions of this Code are declared to be separable.

**Section 243. Subdivision.**

A. A subdivision application shall be required prior to any vacation or division of land within the Town except the following shall be exempt:

1. Division of land through an estate proceeding; and

2. Division of land through a foreclosure of a deed of trust.
- B.** Subdivision applications shall include a subdivision plat prepared by a licensed professional.
- C.** All subdivisions shall be approved by the Board of Trustees and include adequate public improvements to ensure the subdivision addresses all impacts on public facilities including:
  1. Providing vehicular and pedestrian access and improvements that connect current developments and anticipates the need of future connections;
  2. Reducing environmental impacts by minimizing disturbance on sensitive environments;
  3. Dedicating rights of way to the Town;
  4. Installing adequate drainage and stormwater facilities; and
  5. Providing adequate utility connections as required by the Town.
- D.** The public improvements required to be paid for and constructed as part of the proposed subdivision shall be governed by a separate agreement, which shall include an adequate performance guarantee unless such requirement is waived by the Board of Trustees because of a lack of improvements required.

**Section 245. General Criteria.** All applications submitted pursuant to this Code shall be reviewed by the appropriate body as designated herein for compliance with the following criteria:

- A.** Complies with applicable requirements including this Code, Town, State, and Federal law;
- B.** Generally consistent with any applicable adopted Town plans;
- C.** Promotes the public health, safety, and general welfare;
- D.** Minimizes or mitigates adverse impacts associated with the application; and
- E.** Will not result in significant adverse impacts upon the natural environment including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated.

**Commented [HG7]:** Appendix A should be replaced by an ordinance that adopts applicable building codes by reference

Appendix A  
Town of Pitkin Zoning District Map