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Chapter 26.208
CITY COUNCIL

Sections:

- 26.208.010 Powers and Duties.
- 26.208.020 Quorum and necessary vote.

26.208.010. Powers and duties.

In addition to any authority granted by state law or this Code, the City Council shall have the following powers and duties:

- A.** To initiate amendments to the text of this Title, pursuant to Chapter 26.310;
- B.** To hear, review and adopt amendments to the text of this Title after recommendation by the Commission, pursuant to Chapter 26.310;
- C.** To initiate amendments to the Official Zone District Map, pursuant to Chapter 26.310;
- D.** To hear, review and adopt amendments to the Official Zone District Map after recommendation by the Planning and Zoning Commission, pursuant to Chapter 26.310;
- E.** To review and approve, approve with conditions or disapprove a Planned Development Project Review and to hear and decide appeals of a Planned Development Detailed Review decision by the Planning and Zoning Commission or the Historic Preservation Commission, pursuant to Chapter 26.445 – Planned Development;
- F.** To hear, review and designate H, Historic Overlay Districts and historic landmarks, after recommendation from the Planning and Zoning Commission and the Historic Preservation Commission, pursuant to Chapter 26.420;
- G.** To review appeals from decisions of the Historic Preservation Commission approving, conditionally approving or disapproving a development application for development or demolition of an historic landmark or a development application for development or demolition in an H, Historic Overlay District pursuant to Chapter 26.415;
- H.** To adopt any plans, guidelines or documents that will be used in a guiding or regulatory capacity by the City;
- I.** To hear appeals from decisions of decision-making bodies as enabled in each Chapter of this Title;

J. To approve development applications and grant development allotments as required by Chapter 26.470, Growth Management Quota System;

K. To hear appeals from interpretations made by the Planning Director regarding the text of this Title and the boundaries of the Official Zone District Map, pursuant to Chapter 26.306;

L. To hear, review and approve, approve with conditions or disapprove a plat for subdivision, after recommendation from the Planning and Zoning Commission pursuant to Chapter 26.480;

M. To hear, review and approve, approve with conditions or disapprove an application for Public Projects Review, pursuant to Chapter 26.500, and to determine if a private development application is eligible for Public Project Review, pursuant to Section 26.500.040.D.

N. To create a Transferable Development Right in accordance with Chapter 26.535.

O. To take such other actions not delegated to the Planning and Zoning Commission, the Historic Preservation Commission, the Board of Adjustment or the Director of the Community Development Department, as the City Council may deem desirable and necessary to implement the provisions of this Title.

[\(Ord. No. 7-2000, §1; Ord. No. 1-2002, §2; Ord. No. 54-2003, §2; Ord. No. 50-2005, §2; Ord. No. 50a-2005, §2; Ord. No. 12, 2007, §4; Ord. No. 31-2012, §2; Ord. No. 36-2013, §6\)](#)

26.208.020. Quorum and necessary vote.

In accordance with the City Charter, any action by the City Council that places any burden upon or limits the use of private property shall be by ordinance and shall require the affirmative vote of a majority of the entire City Council for final passage. Resolutions and motions shall require the affirmative vote of a majority of the members present.

A motion for the adoption of an ordinance that receives less than a majority of three (3) votes in favor shall constitute a failed motion and shall not be considered action. A tie vote on a motion shall be considered a failed motion and shall not be considered action. For applications where action is required to be taken by the City Council and the vote is tied, the application shall remain pending until action is taken.

[\(Ord. No. 7-2000 § 1; Ord. No. 1-2002 § 2; Ord. No. 54-2003§ 2; Ord. No. 50-A -2005, § 2; Ord. No. 12-2007; Ord. No. 46-2015, § 3\)](#)

Chapter 26.210
COMMUNITY DEVELOPMENT DEPARTMENT

Sections:

- 26.210.010 Purpose.
- 26.210.020 Director of Community Development Department.
- 26.210.030 Chief Building Official.

26.210.010. Purpose.

The Community Development Department shall perform the planning functions for the City, shall provide technical support and guidance for action on development applications and shall review and perform such other functions as may be requested by the City Council or other decision-making bodies as set forth in this Title.

26.210.020. Director of Community Development Department.

A. Creation and appointment. The Community Development Director shall be the agency head of the Community Development Department and shall be appointed by and serve at the pleasure of the City Manager.

B. Jurisdiction, authority and duties. In addition to the jurisdiction, authority and duties which may be conferred upon the Community Development Department Director by other provisions of this Code, the Community Development Department Director shall have the following jurisdiction, authority and duties:

1. To serve as staff to the City Council, to provide such body with planning and technical assistance and to inform such body of all facts and information available with respect to development applications or any other matters brought before it;
2. To serve as staff to the Planning and Zoning Commission, to provide such body with planning and technical assistance and to inform such body of all facts and information available with respect to development applications or any other matters brought before it;
3. To serve as staff to the Historic Preservation Commission, to provide such body with planning and technical assistance, to inform such body of all facts and information available with respect to development applications or any other matters brought before it and to inform such body regarding historic preservation items being heard by other City boards in advance of those hearings;
4. To serve as staff to the Board of Adjustment and other decision-making bodies established by this Title and to inform such bodies of all facts and information available with respect to development applications or any other matters brought before it;
5. To serve as staff to the Administrative Hearing Officer, to provide such officer with planning and technical assistance and to inform such officer of all facts and information available with

respect to appeals of decisions made by an administrative official or any other matters brought before it;

6. To render interpretations of this Title or the boundaries of the Official Zone District Map pursuant to Chapter 26.306;
7. To enforce any provision of this Title or any other provision of this Code;
8. To establish such rules of procedure necessary for the administration of the Community Development Department Director's responsibilities;
9. To exempt development within an H, Historic Overlay District in accordance with Chapter 26.415;
10. To approve minor modifications to a development order for development or demolition within an H, Historic Overlay District in accordance with Chapter 26.415;
11. To exempt development in an environmentally sensitive area (ESA) in accordance with Chapter 26.435;
12. To exempt development which is subject to special review in accordance with Chapter 26.430;
13. To approve, approve with conditions or deny development subject to GMQS administrative approval in accordance with Chapter 26.470;
14. To score growth management applications in accordance with Chapter 26.470;
15. To approve development subject to subdivision administrative approval in accordance with Chapter 26.480;
16. To approve development subject to Planned Development administrative approval in accordance with Chapter 26.445;
17. To undertake all general comprehensive planning responsibilities;
18. To initiate amendments to the text of this Title or to the Official Zone District Map, pursuant to Chapter 26.310;
19. To administer the land use application fee policy, to bill applicants according to said policy, to take such actions deemed necessary in withholding development orders or issuing stop work orders upon nonpayment of review fees and to waive any fees or portions thereof, upon request according to said policy;
20. To approve, approve with conditions or deny development subject to Chapter 26.520, Accessory Dwelling Units and Carriage Houses;
21. To extinguish a transferable development right in accordance with Chapter 26.535;
22. To issue and extinguish Affordable Housing Certificates in accordance with Chapter 26.540;
and

23. To assist and staff all aspects of the Master Planning process in accordance with Chapter 26.311.
24. To approve, approve with conditions, or disapprove an application for Administrative Public Project review, pursuant to Chapter 26.500, and to determine if a private development application is eligible for Public Project Review, pursuant to Section 26.500.040.D.

([Ord. No. 55-2000, §1](#); [Ord. No. 54-2003, §3](#); [Ord. No. 12-2007, §5](#); [Ord. No.31-2012, §3](#); [Ord. No. 36-2013, §7](#); [Ord. No. 46-2015, §4](#))

26.210.030. Chief Building Official.

A. Creation and appointment. The Chief Building Official shall be appointed by and serve at the pleasure of the Community Development Department Director.

B. Jurisdiction, authority and duties. In addition to the jurisdiction, authority and duties which may be conferred on the Chief Building Official by other provisions of this Code, the Chief Building Official shall have the following jurisdiction, authority and duties:

1. To issue and revoke building permits in accordance with the procedures of this Title;
2. To issue and revoke certificates of occupancy in accordance with the procedures of this Title;
3. To enforce the provisions of this Title;
3. To advise applicants that additional federal or state permits may be required and if specific federal or state permits are known to have been issued, to require that copies of such permits be obtained and provided and maintained on file with the application for building permit; and
5. To provide the City Council, the Planning and Zoning Commission, the Board of Adjustment and the Historic Preservation Commission and other decision-making bodies established by this Title with reports and recommendations with respect to matters before such bodies, as directed by the City Council, the Community Development Department Director or the City Manager.

Chapter 26.212
PLANNING AND ZONING COMMISSION

Sections:

- 26.212.010 Powers and duties.
- 26.212.020 Qualifications for membership.
- 26.212.030 Membership; appointment, removal, terms and vacancies.
- 26.212.040 Staff.
- 26.212.050 Quorum and necessary vote.
- 26.212.060 Meetings, hearings and procedure.

Editor's note—Ord. No. 41-2002 §1, 2002 repealed former Chapter 26.212, which pertained to similar provisions and enacted a new Chapter 26.212 as herein set out. Former Chapter 26.212 was derived from [Ord. No. 5-1988 §2](#) as amended by [Ord. No. 1-2002 §3](#), 2002.

26.212.010. Powers and duties.

In addition to any authority granted the Planning and Zoning Commission (hereinafter "Commission") by state law or the Municipal Code of the City of Aspen, Colorado, the Commission shall have the following powers and duties:

- A.** To initiate amendments to the text of this Title, pursuant to Chapter 26.310;
- B.** To review and make recommendations of approval or disapproval of amendments to the text of this Title, pursuant to Chapter 26.310;
- C.** To initiate amendments to the Official Zone District Map, pursuant to Chapter 26.310;
- D.** To review and make recommendations of approval, approval with conditions or disapproval to the City Council in regard to amendments of the Official Zone District Map, pursuant to Chapter 26.310;
- E.** To review and make recommendations of approval, approval with conditions, or disapproval to the City Council on a Planned Development Project Review and to approve, approve with conditions, or deny Planned Development Detailed Review, pursuant to Chapter 26.445 – Planned Development;
- F.** To review and grant allotments for residential, office, commercial and lodge pursuant to growth management quota system (GMQS), pursuant to Chapter 26.470;
- G.** To make determinations of exemptions from the growth management quota system (GMQS), pursuant to Chapter 26.470;
- H.** To hear, review and recommend approval, approval with conditions or disapproval of a plat for subdivision, pursuant to Chapter 26.480;
- I.** To hear and approve, approve with conditions or disapprove conditional uses pursuant to Chapter 26.425;

J. To hear and approve, approve with conditions or disapprove development subject to special review, pursuant to Chapter 26.430;

K. To hear and approve, approve with conditions or disapprove development in environmentally sensitive areas (ESA), pursuant to Chapter 26.435;

L. To make its special knowledge and expertise available upon reasonable written request and authorization of the City Council to any official, department, board, commission or agency of the City, County, State or the federal government;

M. To adopt such rules of procedure necessary for the administration of its responsibilities not inconsistent with this Title;

N. To grant variances, not including variances to allowable FAR or height, from the provisions of this Title when a consolidated application is presented to the Commission for review and approval pursuant to Chapter 26.314;

O. To grant variances from the provisions of this Title when a consolidated application is presented to the Commission for review and approval pursuant to Chapter 26.314;

P. To hear, review and approve variances to the residential design guidelines, pursuant to Chapter 26.410;

Q. To hear and decide appeals from and review any order, requirement, decision or determination made by any administrative official charged with the enforcement of Chapter 26.410, including appeals of interpretation of the text of the residential design standards. The Commission may only grant relief from the residential design standards. A variance from the residential design standards does not grant an approval to vary other standards of this Chapter that may be provided by another decision-making administrative body; and

R. To hear, review and approve, approve with conditions or disapprove an application for Public Projects Review, pursuant to Chapter 26.500.

[\(Ord. No. 41-2002, §1; Ord. No. 50a-2005, §3; Ord. No. 12-2007, §6; Ord. No. 31-2012, §4; Ord. No. 36-2013, §8; Ord. No. 46-2015, §§ 5&6\)](#)

26.212.020. Qualifications for membership.

Members of the Commission shall be qualified electors in the City and have been residents of the City for at least one (1) year prior to appointment. No member of the City Council, the Mayor, a City employee or any appointed city official shall serve on the Commission.

[\(Ord. No. 41-2002, §1\)](#)

26.212.030. Membership; appointment, removal, terms and vacancies.

A. The Commission shall be composed of seven (7) members and shall be appointed by the City Council. The City Council shall also appoint two (2) alternate members to the Commission. The first alternate member shall vote only in the absence of one (1) or more regular members. The second alternate member shall vote only in the absence of two (2) or more regular members or the absence of one (1) regular member and the first alternate. When a regular member resigns, the first alternate member shall automatically be appointed as a regular member in replacement and the second alternate shall become the first alternate. ([Ord 8-2015](#))

B. All members serve at the pleasure of the City Council and may be removed for cause prior to the expiration of their appointment by a majority vote of the City Council. Cause may include, but is not limited to, the following: the Commission member has four (4) or more absences from regular meetings during the calendar year, the member is no longer a qualified elector or the member while in office is convicted of a felony or an offense involving moral turpitude.

C. All members, including the alternate, shall serve a term of four (4) years. There shall be no restraint on the number of terms any member of the Commission may serve.

D. When a member or alternate member is appointed to fill out the term of a departing member or alternate member, that person's term shall end at the time the departing person's term would have ended.

E. At the first regular meeting in January, the members of the Commission shall elect one (1) of their members as chairperson and one (1) as vice-chairperson. In the absence of the chairperson, the vice-chairperson shall act as chairperson and shall have all powers of the chairperson. The chairperson shall be elected for one (1) year and shall be eligible for reelection.

F. The chairperson of any meeting of the Commission may administer oaths, shall be in charge of all proceedings before the Commission and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the Commission.

G. The secretary of the Commission shall be the City Clerk or the City Clerk's designee. The secretary shall keep the minutes, shall notify Commission members of regular and special meetings and shall maintain the files of all studies, plans, reports, recommendations and development decisions by the Commission.

H. Members of the Commission shall serve without compensation.

([Ord. No. 41-2002, §1](#))

26.212.040. Staff.

The Community Development Department shall be the professional staff of the Commission.

([Ord. No. 41-2002, §1](#))

26.212.050. Quorum and necessary vote.

No meeting of the Commission may be called to order without a quorum consisting of at least four (4) members of the Commission being present. No meeting at which less than a quorum shall be present shall conduct any business other than to continue the agenda items to a date certain. All actions shall require the concurring vote of a simple majority, but in no event less than three (3) concurring votes, of the members of the Commission then present and voting.

A motion receiving less than a majority of votes in favor or less than three (3) concurring votes shall constitute a failed motion and shall not be considered action. A tie vote on a motion shall be considered a failed motion and shall not be considered action. For applications where action is required, the application shall remain pending until action is taken.

[\(Ord. No. 41-2002, §1; Ord. No. 12, 2007, §7\)](#)

26.212.060. Meetings, hearings and procedure.

A. Regular meetings of the Commission shall be held on the first and third Tuesday of each month. Special meetings may be called by the chairperson of the Commission, a majority of the members of the Commission, the Mayor, a majority of the City Council or staff.

B. All meetings and hearings of the Commission shall be open to the public.

C. Public hearings shall be set for a date and time certain.

[\(Ord. No. 41-2002, §1\)](#)

Chapter 26.216
BOARD OF ADJUSTMENT*

Sections:

- 26.216.010 Powers and duties.
- 26.216.020 Qualifications for membership.
- 26.216.030 Membership; appointment, removal, terms and vacancies.
- 26.216.040 Staff.
- 26.216.050 Quorum and necessary vote.
- 26.216.060 Meetings, hearings and procedure.

* **Editor's note**—[Ord. No. 41-2002 §1, 2002](#) repealed former Chapter 26.216, which pertained to similar provisions and enacted a new Chapter 26.216 as herein set out. Former Chapter 26.216 was derived from Ord. No. 5-1988 §2.

26.216.010. Powers and duties.

In addition to any authority granted the Board of Adjustment (hereinafter "Board") by state law or this Code, the Board shall have the following powers and duties:

A. To hear, review and approve variances, not including variances to allowable FAR or height, to the terms of these regulations, pursuant to Chapter 26.314.

([Ord. No. 41-2002, §1](#); [Ord. No. 12, 2007, §8](#))

26.216.020. Qualifications for membership.

Members of the Board shall be qualified electors in the City and residents of the City for one (1) year prior to appointment. No member of the City Council, the Mayor, a City employee or any appointed city official shall serve on the Board.

([Ord. No. 41-2002, §1](#))

26.216.030. Membership; appointment, removal, terms and vacancies.

A. The Board shall be composed of five (5) members and shall be appointed by the City Council. The City Council shall also appoint two (2) alternate members to the Board, designating the alternate members as the first or second alternate. An alternate member shall vote only in the absence of one (1) or more regular members according to his or her priority (i.e., the first alternate shall vote if one (1) regular member is absent and both alternates shall vote in the absence of two (2) regular members of the Board). When a regular member resigns, the first alternate member shall automatically be designated as a regular member in replacement and the second alternate member shall automatically be designated as the first alternate.

B. All members serve at the pleasure of the City Council and may be removed for cause prior to the expiration of their appointment by a majority vote of the City Council. Cause may include, but is

not limited to, the following: the Board member has four (4) or more absences from regular meetings during the calendar year, the member is no longer a qualified elector or the member while in office is convicted of a felony or an offense involving moral turpitude.

C. All members, including the alternate, shall serve a term of four (4) years. There shall be no restraint on the number of terms any member of the Commission may serve.

D. When a member or alternate member is appointed to fill out the term of a departing member or alternate member, that person's term shall end at the time the departing person's term would have ended.

E. At the first regular meeting in January, the members of the Board shall elect one (1) of their members as chairperson and one (1) as vice-chairperson. In the absence of the chairperson, the vice-chairperson shall act as chairperson and shall have all powers of the chairperson. The chairperson shall be elected for one (1) year and shall be eligible for reelection.

F. The chairperson of the Board may administer oaths, shall be in charge of all proceedings before the Board, shall decide all points of order on procedure and shall take such action as shall be necessary to preserve the order and the integrity of all proceedings before the Board.

G. The secretary of the Board shall be the City Clerk or the City Clerk's designee. The secretary shall keep the minutes, shall notify Commission members of regular and special meetings and shall maintain the files of all studies, plans, reports, recommendations and development decisions by the Board.

H. Members of the Board shall serve without compensation.

[\(Ord. No. 41-2002, §1\)](#)

26.216.040. Staff.

The Community Development Department shall be the professional staff of the Board.

[\(Ord. No. 41-2002, §1\)](#)

26.216.050. Quorum and necessary vote.

No meeting of the Board shall be called to order without a quorum consisting of at least four (4) members of the Board being present. No meeting at which less than a quorum shall be present shall conduct any business other than to continue the agenda items to a date certain.

The concurring vote of four (4) members of the Board then present and voting shall be required to decide any appeal, reverse any order, requirement, decision or determination made by an administrative official charged with the enforcement of the Title or to approve any variance to the terms of these regulations. All other actions shall require the concurring vote of a simple majority, but in no event less than three (3) concurring votes, of the members of the Board then present and voting.

A motion receiving less than a majority of votes in favor or less than three (3) concurring votes shall constitute a failed motion and shall not be considered action. A tie vote on a motion shall be considered a failed motion and shall not be considered action. For applications where action is required, the application shall remain pending until action is taken.

[\(Ord. No. 41-2002, §1; Ord. No. 12, 2007, §9\)](#)

26.216.060. Meetings, hearings and procedure.

A. Regular meetings of the Board shall be held as required. Special meetings may be called by the chairperson of the Board, a majority of the members of the Board, the Mayor, a majority of the City Council or staff.

B. All meetings and hearings of the Board shall be open to the public.

C. Public hearings shall be set for a date and time certain.

[\(Ord. No. 41-2002, §1\)](#)

Chapter 26.220
HISTORIC PRESERVATION COMMISSION (HPC)*

Sections:

26.220.010	Powers and duties.
26.220.020	Qualifications for membership.
26.220.030	Membership; appointment, removal, terms and vacancies.
26.220.040	Staff.
26.220.050	Quorum and necessary vote.
26.220.060	Meetings, hearing and procedure.
26.220.070	Committees and project monitoring.

* **Editor's note**—[Ord. No. 41-2002 §1, 2002](#) repealed former Chapter 26.220, which pertained to similar provisions and enacted a new Chapter 26.220 as herein set out. Former Chapter 26.220 was derived from Ord. No. 5-1988 §2 as amended by [Ord. No. 1-2002 §4 \(part\), 2002](#).

26.220.010. Powers and duties.

The Historic Preservation Commission (hereinafter "HPC" or "Commission") shall have the following powers and duties:

- A.** Recommendation of approval or disapproval to the City Council of the designation of H, Historic Overlay Districts and the Aspen Inventory of Historic Landmark Sites and Structures, pursuant to Chapter 26.415;
- B.** Review and approval, approval with conditions, suspension or disapproval of development within the H, Historic Overlay District or development involving the Aspen Inventory of Historic Landmark Sites and Structures, pursuant to Chapter 26.415;
- C.** Review and approval, approval with conditions, suspension or disapproval of demolition or relocation involving properties listed on the Aspen Inventory of Historic Landmark Sites and Structures pursuant to Chapter 26.415 or properties under consideration for the Aspen Inventory of Historic Landmark Sites and Structures pursuant to Sections 26.415.080 and 26.415.090;
- D.** Recommendation of approval, approval with conditions or disapproval to the Board of Adjustment or Planning and Zoning Commission on a request for variance in the H, Historic Overlay District or involving properties listed on the Aspen Inventory of Historic Landmark Sites and Structures, pursuant to Section 26.415.130;
- E.** To adopt by resolution any operational guidelines or documents that will be used in a guiding capacity by the Commission. To recommend via resolution adoption of design guidelines by the City Council. To provide input on Master Plans, in accordance with Chapter 26.311;
- F.** Recommendation to the Planning and Zoning Commission to initiate amendments to this Chapter;

G. To hear and approve, approve with conditions or disapprove variations pursuant to Chapter 26.415; and

H. To grant variances, not including variances to allowable FAR or height, from the provisions of this Title when a consolidated application is presented to the Commission for review and approval pursuant to Chapter 26.314;

I. To hear, review and approve variances to the residential design guidelines, pursuant to Chapter 26.410;

J. To hear and decide appeals from and review any order, requirement, decision or determination made by any administrative official charged with the enforcement of Chapter 26.410, including appeals of interpretation of the text of the residential design standards. The Commission may only grant relief from the residential design standards. A variance from the residential design standards does not grant an approval to vary other standards of this Chapter that may be provided by another decision-making administrative body;

K. To file a petition in accordance with Subsection 26.415.110.A with the Chief Building Official, requesting that the official act to require the correction of defects or repairs to designated properties subject to demolition by neglect.

L. To hear, review and approve, approve with conditions or disapprove an application for Public Projects Review, pursuant to Chapter 26.500.

[\(Ord. No. 41-2002, §1; Ord. No. 50a-2005, §4; Ord. No. 31-2012, §5; Ord. No. 46-2015, §§ 7&8\)](#)

26.220.020. Qualifications for membership.

Members of the Commission shall be qualified electors in Aspen and residents for one (1) year prior to appointment. No member of the City Council, the Mayor, a City employee or any appointed City official shall serve on the Commission.

[\(Ord. No. 41-2002, §1\)](#)

26.220.030. Membership; appointment, removal, terms and vacancies.

A. The Commission shall be composed of seven (7) members and shall be appointed by the City Council. The City Council shall also appoint two (2) alternate members to the Commission. The first alternate member shall vote only in the absence of one (1) or more regular members. The second alternate member shall vote only in the absence of two (2) or more regular members or the absence of one (1) regular member and the first alternate. When a regular member resigns, the first alternate member shall automatically be appointed as a regular member in replacement and the second alternate shall become the first alternate. [\(Ord 8-2015\)](#)

B. All members serve at the pleasure of the City Council and may be removed for cause prior to the expiration of their appointment by a majority vote of the City Council. Cause may include, but is not limited to the following: the Commission member has four (4) or more absences from regular

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meetings during the calendar year, the member is no longer a qualified elector or the member while in office is convicted of a felony or an offense involving moral turpitude.

C. All members, including the alternate, shall serve a term of four (4) years. There shall be no restraint on the number of terms any member of the Commission may serve.

D. When a member or alternate member is appointed to fill out the term of a departing member or alternate member, that person's term shall end at the time the departing person's term would have ended.

E. At the first regular meeting in January, the members of the Commission shall elect one (1) of their members as chairperson and one (1) as vice-chairperson. In the absence of the chairperson, the vice-chairperson shall act as chairperson and shall have all powers of the chairperson. The chairperson shall be elected for one (1) year and shall be eligible for re-election.

F. The chairperson of any meeting of the Commission may administer oaths, shall be in charge of all proceedings before the Commission and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the Commission.

G. The secretary of the Commission shall be the City Clerk or the City Clerk's designee. The secretary shall keep the minutes, shall notify Commission members of regular and special meetings and shall maintain the files of all studies, plans, reports, recommendations and development decisions of the Commission.

H. The Historic Preservation Commission shall be composed of both professional and lay members, all of whom have demonstrated interest, knowledge or training in fields closely related to historic preservation, such as history, architecture, landscape architecture, architectural history, archaeology, planning or other historic preservation related disciplines such as the building trades, cultural geography, cultural anthropology, real estate or law. Information on the credentials of the Commission members must be kept on file and available to the public.

I. At least three (3) members shall be professionals in preservation related disciplines such as architecture, architectural history, archaeology, history, planning or other historic preservation related disciplines such as urban planning, American studies, American civilization, cultural geography or cultural anthropology. If the professionals are not available in the community and if it can be demonstrated that a good faith effort was made to locate and appoint such professionals, this requirement can be waived, provided that the Historic Preservation Commission is capable of carrying out the responsibilities assigned to it.

J. When the discipline of architecture, history, architectural history or archaeology is not represented in the Historic Preservation Commission membership, the Historic Preservation Commission shall seek additional expertise in the appropriate areas when considering National Register nominations and any other delegated actions that will effect that discipline.

K. Members of the Commission shall serve without compensation. ([Ord. No. 41-2002, §1](#))

26.220.040. Staff.

The Community Development Department shall be the professional staff of the Historic Preservation Commission. A representative of the Community Development Department shall be available at all meetings to provide advice to the Historic Preservation Commission.

[\(Ord. No. 41-2002, §1\)](#)

26.220.050. Quorum and necessary vote.

A. No meeting of the Commission shall be called to order without a quorum consisting of at least four (4) members being present. No meeting at which less than a quorum shall be present shall conduct any business other than to continue the agenda items to a date certain. All actions shall require the concurring vote of a simple majority, but in no event less than three (3) concurring votes, of the members of the Commission then present and voting.

B. A motion receiving less than a majority of votes in favor or less than three (3) concurring votes shall constitute a failed motion and shall not be considered action. A tie vote on a motion shall be considered a failed motion and shall not be considered action. For applications where action is required, the application shall remain pending until action is taken.

[\(Ord. No. 41-2002, §1; Ord. No. 12, 2007, §10\)](#)

26.220.060. Meetings, hearings and procedure.

A. Regular meeting of the Commission shall be held on the second and fourth Wednesdays of each month. Special meetings may be called by the chairperson of the Commission, a majority of the members of the Commission, the Mayor, a majority of the City Council or staff.

B. All meetings and hearings of the Commission shall be open to the public.

C. Public hearings shall be set for a date and time certain.

[\(Ord. No. 41-2002, §1\)](#)

26.220.080. Committees and project monitoring.

A. The Commission may establish such committees as it deems advisable and assign each committee specific duties and functions.

B. The chairman may designate the members of each committee and may name the chairman of each committee. The chairman may fill vacancies on committees as they are created.

C. Each development project shall have an historic Preservation Commission member assigned to it as a "project monitor." The duties of the monitor are to report at each meeting on the progress of the assigned project, keep current on the project's status through staff and the applicant and be available to confer with staff and the applicant on the project, if necessary.

D. Time during "communications" in each meeting will be dedicated to project monitoring reports.

([Ord. No. 41-2002 §1, 2002](#))

Chapter 26.222
ADMINISTRATIVE HEARING OFFICER

Sections:

- 26.222.010 Powers and duties.
- 26.222.020 Qualifications for membership
- 26.222.030 Membership; appointment, removal, terms and vacancies.
- 26.222.040 Staff.
- 26.222.050 Decisions.
- 26.222.060 Meetings, hearings and procedure.

26.222.010. Powers and duties.

In addition to any authority granted the Administrative Hearing Officer (hereinafter "Officer") by state law or this Code, the Officer shall have the following powers and duties:

A. To hear and decide appeals from, and review any order, requirement, decision or determination made by, any administrative official charged with the enforcement of this Title, pursuant to Chapter 26.316, except for appeals of interpretation of the text of this Title or the boundaries of the zone district map, which shall be heard and decided by the City Council, and except as otherwise specifically provided in this Title.

[\(Ord. No. 12, 2007, §11\)](#)

26.222.020. Qualifications for membership.

The Officer shall be a qualified elector in the City and a resident of the City for one (1) year prior to appointment. No member of the City Council, the Mayor, a City employee or any appointed City official shall serve as the Officer.

[\(Ord. No. 12, 2007, §11\)](#)

26.222.030. Membership; appointment, removal, terms and vacancies.

A. At least one (1) Officer shall be appointed by the City Council. The City Council may appoint more than one (1) Officer as City Council deems necessary.

B. All Officers serve at the pleasure of the City Council and may be removed with or without cause at any time prior to the expiration of their appointment by a majority vote of the City Council.

C. All Officers shall serve a term of four (4) years. There shall be no restraint on the number of terms any officer may serve.

D. The Officer may administer oaths, shall be in charge of all proceedings before the Officer, shall decide all points of order on procedure and shall take such action as shall be necessary to preserve the order and the integrity of all proceedings before him or her.

E. The secretary for all matters heard by the Officer shall be the City Clerk. The secretary shall keep the minutes and shall maintain the files of all studies, plans, reports, recommendations and development decisions by the Officer.

F. Officers shall be provided reasonable compensation. The compensation of the officers shall be billed to the appellant as part of the Community Development fees.

[\(Ord. No. 12, 2007, §11; Ord. No. 28-2012, §1\)](#)

26.222.040. Staff.

The Community Development Department shall be the professional staff of the Officer.

[\(Ord. No. 12, 2007, §11\)](#)

26.222.050. Decisions.

The Hearing Officer shall render a decision at a public hearing. The Officer may approve, approve with conditions or deny a development application. All decisions shall be placed in the public record with the County Clerk and Recorder and shall be available to the public.

[\(Ord. No. 12, 2007, §1; Ord. No. 28-2012, §1\)](#)

26.222.060. Meetings, hearings and procedure.

A. Meetings of the Officer shall be held as required.

B. All meetings and hearings shall be open to the public.

C. Public hearings shall be set for a date and time certain.

[\(Ord. No. 12, 2007, §11\)](#)

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City of Aspen Land Use Code

Part 200, Administrative Hearing Officer

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