

Section 1 - Administrative Provisions

(orig. 7-24-78; am. 4-20-10)

A. Purpose

The purpose of this Land Development Regulation is to promote the health, safety and welfare of the present and future inhabitants of the County of Jefferson by assuring quality and orderly development of land to meet the needs of a changing population, giving due consideration to protection of the land, environment and natural resources. (reloc. 7-12-05; am. 4-20-10)

B. Authority

This Regulation is adopted in accordance with and pursuant to the provisions of Article 28 of Title 30, Article 20 of Title 29, and Article 2 of Title 43, C.R.S., as amended. (reloc. 7-12-05; am. 4-20-10)

C. Application

The provisions of this Regulation shall apply to the following categories: (reloc. 7-12-05; am. 4-20-10)

1. Land to be subdivided pursuant to Section 30-28-101 et.seq. C.R.S. and any lot or parcel created by the subdivision of land after May 5, 1972, without appropriate County approval. The subdivision processes are listed below and the specific requirements for each process are listed in the corresponding sections of this Regulation. (orig. 4-20-10)
 - a. Preliminary and Final Plat (orig. 4-20-10)
 - b. Preliminary Plat (orig. 4-20-10)
 - c. Final Plat (orig. 4-20-10)
2. Developments exempted from the term “subdivision” and “subdivided land” by the Board of County Commissioners pursuant to Sections 30-28-101(10)(d) C.R.S., unless listed in the Exceptions Section below. The specific qualifications for each exemption process listed below and the processing requirements are listed in the corresponding sections of this Regulation. (orig. 4-20-10)
 - a. Exemption (orig. 4-20-10)
 - b. Minor Adjustment (orig. 4-20-10)
 - c. Residential Structure Exclusion (orig. 4-20-10)

D. Additional Exemptions

The Board of County Commissioners has exempted the following from the term “subdivision” and “subdivided land” pursuant to Sections 30-28-101(10)(d) C.R.S., subject to the specific process and requirements as listed. (orig. 4-20-10)

1. Multi-Family Development that does not include the subdivision of land into multiple lots or parcels, shall be subject to the Site Development Plan process defined in the Zoning Resolution. (orig. 4-20-10)

E. Exceptions

In addition to the specific exemptions listed in the Application Section and the Additional Exemptions Section above, the Board of County Commissioners has also exempted the following from the term “subdivision” and “subdivided land” pursuant to Sections 30-28-101(10)(d) C.R.S. and from the requirements of this Regulation. (reloc. 7-12-05; am. 4-20-10)

1. Rights-of-Way: Any resulting parcels created by the acquisition, by condemnation or otherwise, of any State, County or Municipal rights-of-way, provided the parcel being divided was not created improperly. (reloc. 7-12-05; am. 4-20-10)
2. Condominiums: Any conversion of multiple units to condominium units as defined by Section 38-33-103, C.R.S., as amended, that conforms to the Zoning Resolution and applicable building codes. (orig. 4-20-10)
3. Open Space Acquisition: Any resulting parcels created by the division of a parcel of land which is a direct result of an acquisition by Jefferson County for open space, provided that the resulting parcel is in conformance with the minimum lot area requirements for the proposed use in the zone district in which said property is located and provided the parcel being divided was not created improperly. (orig. 4-20-10)
4. County Acquisition: Any resulting parcels created by the division of a parcel of land which is a direct result of an acquisition by Jefferson County, provided that the resulting parcel is in conformance with the minimum lot area requirements for the proposed use in the zone district in which said property is located and provided the parcel being divided was not created improperly. (orig. 4-20-10)
5. Vacation of Rights-of-Way: Any resulting parcels created by vacation of any State, County or Municipal rights-of-way. (orig. 4-20-10)
6. Court Decree: Any resulting parcel created by any court in this State pursuant to the law or by order of the court, if the Board of County Commissioners is given timely notice of any such pending action and given opportunity to join as party in interest in such proceeding for the purpose of raising the issue of evasion of this Regulation. The property must be in compliance with any order of the court or stipulation with the County with regard to the issue of subdivision and/or this Regulation. (orig. 4-20-10)

Nothing contained in this Regulation shall be construed to prevent the Board of County Commissioners in its sole discretion from exempting any division of land from the definition of the terms "subdivision" and "subdivided land" pursuant to the authority granted in Section 30-28-101(10)(d) C.R.S. (am. 7-12-05; am. 4-20-10)

F. Severability

Should any section, clause, sentence or part of this Regulation be adjudged by any court of competent jurisdiction, to be unconstitutional or invalid, the same shall not affect, impair or invalidate this Regulation as a whole or any part thereof, other than the part so declared to be invalid. (reloc. 7-12-05)

G. Effective Date

This Land Development Regulation was adopted by the Board of County Commissioners on July 24, 1978. Any amendment to this Regulation shall be immediately effective upon its adoption by resolution of the Board of County Commissioners. All development applications, identified in the application section above, shall be subject to the provisions of this Regulation that are in effect at the time of the formal application submittal, unless otherwise specified in a Board of County Commissioners resolution. (reloc. 7-12-05; am. 4-20-10)

H. Interpretation

1. The provisions of this Regulation shall be regarded as the minimum requirements for the protection of the health, safety and welfare of the present and future inhabitants of Jefferson County and shall be liberally construed to further the purposes and objectives set forth herein. (am. 7-12-05; am. 4-20-10)
2. Whenever any provision of this Regulation is found to be in conflict with a similar provision existing in any Official Development Plan or Jefferson County zone district, the provisions of the Official Development Plan or zone district shall apply. (reloc. 7-12-05)

3. The singular includes the plural and the plural includes the singular as may be necessary for reasonable interpretation. (reloc. 7-12-05)

I. Prohibited Restrictive and Protective Covenants

No development shall be approved which contains restrictive or protective covenants which contain any specification limiting the transfer, rental or lease of any housing because of race, creed, religion, color, sex, marital status, national origin or ancestry or handicap as prohibited by Section 24-34-502, C.R.S., or Title VIII of the Fair Housing Act of 1968, 42 U.S.C. 3604. (reloc. 7-12-05; am. 4-20-10)