



**ORDINANCE #23  
SERIES OF 2023**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO,  
AMENDING THE LAND USE CODE SECTION 26.470.090.C – SINGLE-FAMILY AND  
DUPLEX RESIDENTIAL DEMOLITION AND REDEVELOPMENT AND OTHER  
RELATED CODE SECTIONS AS NECESSARY WITHIN THE LAND USE CODE**

**WHEREAS**, the City of Aspen (the “City”) is a legally and regularly created, established, organized and existing municipal corporation under the provisions of Article XX of the Constitution of the State of Colorado and the home rule charter of the City (the “Charter”); and,

**WHEREAS**, the zoning and land use powers conferred upon the City by the State of Colorado as a Home Rule Municipality empower the City to manage land use to ensure the public health, safety, and welfare; and,

**WHEREAS**, the City of Aspen currently regulates land uses within the City limits in accordance with the Aspen Land Use Code (hereinafter "Land Use Code"), Title 26 of the Aspen Municipal Code, adopted pursuant to its Home Rule Constitutional authority and the Local Government Land Use Control Enabling Act of 1974, as amended, §§29-20-101, *et seq.* C.R.S; and,

**WHEREAS**, the Land Use Code requires periodic amendments to ensure it supports adopted City policy, is aligned with the community vision, and responds to changes in community, development, technological and environmental conditions; and,

**WHEREAS**, in Ordinance #13, Series of 2022, City Council established a new category of development allotments pursuant to the provisions of the Growth Management Quota System (26.470) that regulated and limited the demolition of single-family and duplex homes; and,

**WHEREAS**, Ordinance #13, Series of 2022 in regulating demolition allotments, established a process for the application for and allocation of the six annual allotments granted by the code, awarding the annual allotments on a “first come, first served basis”; and,

**WHEREAS**, Community Development staff and applicant experiences with the application and allocation of the demolition allotments provided evidence that improvements are necessary to the code established processes; and,

**WHEREAS**, Community Development staff have proposed a process to include a lottery selection process for the allocation of annual allotments for applications that are complete and compliant; and,

**WHEREAS**, pursuant to Section 26.310.020(A), during a regular City Council meeting on November 28, 2023, City Council approved a Policy Resolution #171, Series of 2023, granting authorization to amend Section 26.470.090.C and other related code sections as necessary within the Land Use Code; and,

**WHEREAS**, following the passage of the Policy Resolution, Community Development staff informed the development community and the public of the proposed application process change; and,

**WHEREAS**, at a regular meeting on December 5, 2023, City Council introduced and read Ordinance #23, Series of 2023 on First Reading; and,

**WHEREAS**, at a regular meeting on December 12, 2023, City Council, in a properly noticed public hearing, adopted Ordinance #23, Series of 2023 on Second Reading; and,

**WHEREAS**, the Aspen City Council finds that this Ordinance furthers and is necessary for the promotion of public health, safety, and welfare; and,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO, THAT:**

**Section 1:**

The Land Use Code Section 26.470.090.C.2.c. shall be deleted in its entirety and readopted as follows:

*Timing.* In preparation for submission of an application for a Demolition Allotment, Applicants shall request a Pre-Application Summary from Community Development staff.

Applications for a given year's available Demolition Allotments will be accepted starting on the first business day of January and extending for a 30-day period. (the "Initial Application Period"). An application shall not be considered until determined "Complete" per Chapter 26.304. All applications submitted during the Initial Application Period and deemed Complete and Compliant with the requirements of 26.470 will be entered into a lottery with all other Complete and Compliant applications, if the number of applications exceeds the number of available permits.

*Lottery process.* Each qualifying application submitted during the Initial Application Period will be assigned a number. Administered by the Community Development Department and witnessed by the City Clerk and the City Attorney, assigned numbers from the Complete and Compliant applications will be placed into a receptacle and drawn by hand. All applications participating in the lottery will be drawn in order and a list will be created identifying the drawn order for all applications. Available allotments will be granted to the projects drawn by this process based on the drawn order. Applicants and their representatives will be notified by email of the time and place of the lottery and are welcome to be present during the lottery selection.

Notices of Approval and Development Orders associated with the applications selected by the lottery will be issued by the last business day in February.

*Excess allotments.* Should a lottery process not be required or should annual Demolition Allotments remain available following the lottery process, applications may be submitted

throughout the year, and following completeness and compliance review, will be approved in the order received, subject to the availability of an allotment.

**Section 2:**

Council increases the total number of 2024 Demolition Allotments to eight. As four of the 2024 Demolition Allotments have been previously granted, the number of available 2024 Allotments subject to the new process described above in Section 1 is four. This approval does not amend the number of allotments in future years, beyond 2024.

**Section 3:**

Any scrivener's errors contained in the code amendments herein, including but not limited to mislabeled subsections or titles, may be corrected administratively following adoption of the Ordinance.

**Section 4:**

This ordinance shall not affect any existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the resolutions or ordinances repealed or amended as herein provided, and the same shall be conducted and concluded under such prior resolutions or ordinances.

**Section 5:**

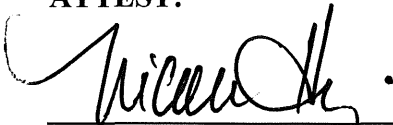
If any section, subsection, sentence, clause, phrase, or portion of this resolution is for any reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions thereof.


**Section 6:**

A public hearing on this ordinance was held on the 12th day of December 2023, at a meeting of the Aspen City Council at 5:00 p.m. in the City Council Chambers, Aspen City Hall, Aspen, Colorado, a minimum of fifteen days prior to which hearing a public notice of the same shall was published in the Aspen Daily News, a newspaper of general circulation within the City of Aspen.

**INTRODUCED AND READ**, as provided by law, by the City Council of the City of Aspen on the 5th day of December 2023.

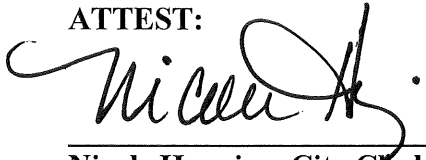
**ATTEST:**

  
\_\_\_\_\_  
Nicole Henning, City Clerk


  
\_\_\_\_\_  
Torre, Mayor

FINALLY, adopted, passed, and approved this 12th day of December, 2023.

  
\_\_\_\_\_  
Torre, Mayor

ATTEST:  
  
\_\_\_\_\_  
Nicole Henning, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
James R. True, City Attorney