

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 Land Development Regulation (Regulation) is adopted in accordance with and pursuant to the provisions of Article 28 of Title 30 (County Planning), Article 20 of Title 29 (Local Government Regulation of Land Use), and Article 2 of Title 43 (State, County, and Municipal Highways), C.R.S, as amended. All divisions of land, or amendments thereto, smaller than 35 acres shall comply with the processes and requirements established herein. (reloc. 7-12-05; am. 4-20-10; am. 7-28-20)

C. Exemptions from this Regulation:

Pursuant to Sections 30-28-101(10)(d) C.R.S., the Board of County Commissioners has exempted the following from the requirements of this Regulation. These exemptions only apply to the resultant division of land and do not supersede any other regulations or requirements related to the issuance of permits. (reloc. 7-12-05; am. 4-20-10; am. 7-17-18; am. 7-28-20)

1. Any improper division of land that occurred prior to January 1, 2000. (orig. 7-28-20)
 - a. Section 30-28-101 et. seq., C.R.S. requires that any subdivision of land (resulting in parcels less than 35 acres) made after May 5, 1972 be approved by the County. State law authorizes the County to establish regulations to govern the subdivision of land and to provide for exemptions from same. Pursuant to this authority, the County shall consider any lot or parcel created before January 1, 2000, to be a proper division of land. Although the lots or parcels created are deemed proper divisions of land, said lots and parcels would not be considered "buildable parcels" unless they meet all other applicable County regulations. (orig. 7-28-20)
2. Rights-of-Way for transportation or non-transportation purposes: 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 is a proper division of land. (reloc. 7-12-05; am. 4-20-10; am. 12-21-10; am. 7-28-20)
3. Condominiums: Any conversion of a building or buildings with 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)
4. County Acquisition/Conveyance (including Open Space): Any resulting parcels created by the division of a parcel of land which is a direct result of an acquisition or conveyance by Jefferson County, provided the parcel being divided is a proper division of land. (orig. 4-20-10; am. 12-21-10; am. 7-28-20)
5. Vacation of Rights-of-Way: Any resulting parcels created by vacation of any State, County or Municipal rights-of-way, pursuant to the process and requirements of this Regulation. (orig. 4-20-10; am. 7-28-20)
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 comply with any order of the court or any stipulation with the County regarding the subdivision requirements and would still be subject to all other applicable County regulations (orig. 4-20-10; am. 7-28-20)
7. Multi-Family Development through the Site Development Plan process defined in the Zoning Resolution, provided the parcel going through the Site Development Plan is a proper division of land. The Zoning Resolution identifies specific aspects of this Regulation that shall apply during the Site Development Plan process. (reloc. 7-17-18; reloc. 7-28-20)

Nothing contained in this Regulation shall be construed to prevent the Board of County Commissioners in its sole discretion from exempting any other division of land not listed above 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; am. 12-13-16; am. 7-28-20)

D. 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)

E. 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 shall be subject to the provisions of this Regulation that are in effect at the time of the Formal Application submittal. (reloc. 7-12-05; am. 4-20-10; am. 7-28-20)

F. 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 conflict with a similar provision existing in any Official Development Plan or 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)
4. It shall be the duty of the Director of Planning and Zoning to interpret and enforce all regulations and requirements contained in this Regulation and in applicable land division documents. (orig. 7-28-20)
5. When the term “Director of Planning and Zoning” is used in this Land Development Regulation it shall mean the Jefferson County Director of Planning and Zoning or his/her appointed designee. (orig. 7-17-18)

G. Prohibited Restrictive and Protective Covenants

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 are 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; am. 7-17-18)