

## CHAPTER 1. GENERAL PROVISIONS

### Article 1.A. General Provisions

#### Sec. 1-A-1 Title

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- A. **Title.** This Unified Development Code (the "UDC") shall be officially known and cited as the Winter Park Unified Development Code.
- B. **Short Title.** This Unified Development Code may be referred to herein as "the UDC" or "this UDC".

#### Sec. 1-A-2 Authority

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- A. **Home Rule Charter.** Pursuant to the Constitution of the State of Colorado, Article XX, Home Rule Cities and Towns, Section 6, *Home Rule for Cities and Towns*, the principal authority for this UDC is the Home Rule Charter of the Town of Winter Park, as may be amended from time to time, first approved on April 12, 1983.
- B. **Colorado Statutes.** The provisions of this UDC are also authorized by the Colorado Revised Statutes (C.R.S.), including, but not limited to:
  - 1. Title 24, Government - State, Article 68, *Vested Property Rights*;
  - 2. Title 29, Government - Local, Article 20, *Local Government Regulation of Land Use*;
  - 3. **Title 31, Government - Municipal, Article 12, *Annexation - Consolidation - Disconnection***;
  - 4. Title 31, Government - Municipal, Article 23, *Planning and Zoning*.

#### Sec. 1-A-3 Jurisdiction

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These regulations are applicable within the following described as all land located within:

- A. The legal boundaries of the Town of Winter Park (Town); and
- B. Three (3) miles of the corporate limits of the Town and not located in any municipality for the purposes of control with reference to major street plans only.
- C. Where the land is outside the municipal boundary of Winter Park and another municipal boundary is within three (3) miles of the Winter Park boundary, the application of these regulations shall be governed by the provisions of C.R.S. §31-23-212, *Jurisdiction*.

#### Sec. 1-A-4 Purposes

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The provisions of this UDC are adopted for the purposes of:

- A. Promoting the public health, safety and general welfare of the citizens of the Town;
- B. Implementing the 2019 Imagine Winter Park Town Plan (the "Comprehensive Plan");
- C. Guiding the future growth and economic development of the Town while balancing the protection of community resources and individual property rights;
- D. Achieving orderly, functional, and attractive development through land use and subdivision controls;
- E. Enhancing the special characteristics of the Town's natural and built environments;
- F. Creating a unique sense of place through proactive planning and contemporary regulations;
- G. Protecting and conserving the value of land and buildings;
- H. Conserving natural resources such as the scenic hillsides and mountain views, the Fraser River, Vasquez Creek and Little Vasquez Creek and their wetlands, floodplains, riparian areas, and wildlife habitat;

- I. Maximizing the compatibility and cohesiveness of land and buildings through good design and engineering practices;
- J. Preserving and enhancing the Town's natural environment and its parks, open spaces, and recreational amenities;
- K. Following good land management and construction practices to avoid natural and manmade hazards;
- L. Assuring good subdivision design and neighborhood quality through:
  - 1. Adequate road and utility infrastructure;
  - 2. The preservation of the natural topography and vegetation;
  - 3. Sufficient open space and views; and
  - 4. Good pedestrian and vehicular circulation, safety and comfort;
- M. Sustaining the quality natural environment of the region through resource protection, open space preservation, and the acquisition and development of public parks and recreation areas and facilities;
- N. Providing for a stable and diversified local economy to sustain and grow businesses for permanent residents, as well as for tourists and visitors;
- O. Capitalizing on the natural setting to create a town that is of unique character and an inheritable quality of living; and
- P. Establishing fair and efficient processes to facilitate quality growth and sustainable development.

### **Sec. 1-A-5 Applicability**

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- A. **Generally.** Except as hereinafter provided, no building, structure or land shall be used and no building or other structure shall be erected, reconstructed, structurally altered or maintained except in conformance with the regulations specified in this UDC, nor shall a yard or lot area be reduced in dimensions to an amount less than the minimum requirements specified by the provisions of this UDC.
- B. **Public-Owned Property.** This UDC and its standards, requirements, and regulations is applicable to all public agencies and organizations to the full extent allowed by law and under the United States and Colorado Constitutions.
- C. **Effect on Permits, Licenses, or Approvals.** These regulations shall not abrogate, annul, modify or amend any permit, license or approval or any modification or amendment issued or authorized by the:
  - 1. Planning and Zoning Commission, herein referred to as the "Planning Commission" (PC);
  - 2. Town Council;
  - 3. United States Forest Service (USFS);
  - 4. Grand County Planning Commission;
  - 5. Board of County Commissioners of Grand County; or
  - 6. Any other governmental authority having appropriate jurisdiction prior to the effective date of this UDC.
- D. **Effect on Vested Property Rights, Development Agreements, or Easements.** This UDC shall not be interpreted to interfere with or abrogate:
  - 1. Any vested property right established pursuant to C.R.S. §24-68-101, et seq. or with the provisions of Sec. 7-C-14, *Vested Rights*, of this UDC;
  - 2. The terms, conditions, or obligations of any development agreement or easement to which the Town is a party.
- E. **Effect on Private Restrictions.**
  - 1. *Generally.* This UDC shall not interfere with, abrogate, or annul any private easement, covenant, deed restriction, or other agreement between private parties.
  - 2. *Consistent Enforcement.* This UDC will be enforced on property that is subject to private restrictions in the same manner as other properties.

3. *No Duty to Search for Private Restrictions.* The Town has no duty to search for the existence of private restrictions on property.
4. *Private Agreements.* The Town will not interpret, apply, or enforce agreements between two (2) private parties.
5. *Private Party Responsibility.* Parties to private covenants who seek development approvals that are inconsistent with their private covenants do so at their own risk that the covenants may be enforced by other private parties who may have standing to file suit.

### **Sec. 1-A-6 General Rules**

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- A. **Required Compliance.** No person, firm, partnership, corporation, or other entity may use, occupy, or develop land, buildings, or structures unless the use, occupancy, or development is in compliance with this UDC.
- B. **Minimum Standards, Requirements, or Regulations.** The provisions of this UDC shall be regarded as the minimum requirements for the protection of the public health, safety, comfort, morals, convenience, prosperity and welfare.
- C. **Review Criteria in Deciding Violations.** Any matter brought before the Board of Adjustment (BOA), Planning Commission (PC), or Town Council to decide a violation of this UDC shall consider the applicable review criteria stated in this UDC.

### **Sec. 1-A-7 Effective Date**

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- A. **Effect.** The regulations of this UDC shall take effect upon adoption by the Town Council, and may be adopted prior to the adoption the Zoning Map. However, the UDC regulations will not take effect until after the Zoning Map is adopted.
- B. **Supersede Prior Regulations.** Except as otherwise stated in this UDC or State of Colorado Statutes, on the Effective Date and thereafter, this UDC shall supersede all prior regulations governing the development of land, buildings, and structures in the corporate limits of the Town.
- C. **After the Effective Date.** Except as set out in [Article 1.B, Transitional Provisions and Vested Rights](#), all development applications and proposals filed on or after the Effective Date of this UDC shall be processed in accordance with the standards, regulations, and requirements of this UDC.

### **Sec. 1-A-8 Consistency with Plans**

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Pursuant to the requirements of C.R.S. Title 31, Article 23, *Planning and Zoning*, zoning within the Town of Winter Park shall be in accordance with the Town's Comprehensive Plan adopted by Town Council Resolution 1669, Series 2018 and the Three-Mile Plan adopted by Town Council Resolution 1687, Series 2019, and as may be subsequently amended.

### **Sec. 1-A-9 Conflicting Provisions**

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- A. **Conflict with Other Governmental Regulations.** If the provisions of this UDC are inconsistent or in conflict with those of the State, the more restrictive provision shall control, as permitted by law.
- B. **Conflict with Other Regulations or Agreements.** If any provision of this UDC is inconsistent or in conflict with any other provision of this UDC or other adopted resolutions, ordinances, or regulations of the Town, the more restrictive provision shall control.

### **Sec. 1-A-10 Severability**

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The provisions of this UDC shall be severable, in accordance with the following:

- A. **Invalid Provision within UDC.** If any provision of this UDC is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared that:

1. The effect of such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid; and
  2. Such decision shall not affect, impair, or nullify the UDC as a whole or the application thereof. The remainder of the UDC shall continue in full force and effect.
- B. **Invalid Development Approval Condition.** If any court of competent jurisdiction judges invalid any condition attached to the approval of an application for development approval, then such judgment shall not affect any other conditions or requirements attached to the approval of any similar application that is not specifically included in that judgment.

## Article 1.B. Transitional Provisions

### Sec. 1-B-1 Purpose and Applicability

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- A. **Purpose.** The purposes of this Article is to establish the rights of applicants and landowners who:
1. Have submitted or are in the process of submitting development applications before the effective date of this UDC; or
  2. Have obtained specific vested real property rights pursuant to state law.
- B. **Applicability.** This Article shall pertain to all development applications governed by this UDC prior to the effective date of this UDC.

### Sec. 1-B-2 Transitional Provisions

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- A. **Generally.** It is the intent of the UDC to respect pending applications and development approvals.
- B. **Scope of Approvals.** This Section shall not be interpreted to confer rights upon any applicant that is not set out within the scope of a development's approval.
- C. **Pending Applications.** Each application for development approval shall be evaluated only by the adopted ordinances and technical regulations in effect at the time that each complete application was submitted.
- D. **Development Applications that Precede this UDC.** Approved developments may be carried out within the scope of the development approval, including applicable standards in effect at the time of approval, provided that the approval is valid and has not lapsed.
- E. **Planned Development.**
1. *Generally.* Final development plans for a planned development approved prior to the effective date of this UDC shall be carried out and governed according to the terms and conditions of their approvals.
  2. *Phased Approval.* Final development plans for a planned development that were preliminarily approved prior to the effective date of this UDC, but with phases requiring final approval after the effective date of this UDC may seek approval in accordance with the standards and procedures of this UDC should the applicant so desire.
- F. **Application to Subdivision Plats.**
1. A modification or amendment to Chapter 2, *Zoning Districts and Use Standards*, adopted after the approval of a residential subdivision plat that affects the exterior appearance of a single-family house, including the type and amount of building materials; or the required landscaping does not apply to that subdivision based on:
    - a. The date the plat was approved; or
    - b. The date the Town accepts the subdivision improvements offered for public dedication.
  2. This Section does not prevent the Town from:
    - a. Adopting or enforcing building codes;
    - b. Prohibiting the use of building materials that have been proven to be inherently dangerous; or

- c. Adopting or enforcing amendments to this UDC that do not affect the provisions within Chapter 2, *Zoning Districts and Land Use*.
- G. **Prior Conditions of Approval.** Conditions of development approvals that were granted prior to the effective date remain in full force, regardless of the standards of this UDC.
- H. **Right to Complete Construction.** This UDC does not require any change in the plans, construction, or designated use of any structure if:
  - 1. A building permit for the structure was lawfully issued prior to the effective date of this UDC;
  - 2. The building permit had not by its own terms expired prior to the effective date of this UDC, or as set out in [Sec. 7-C-12, Expiration of Approvals](#); and
  - 3. Construction pursuant to the building permit was commenced prior to the expiration of the permit and within ninety (90) days of the effective date of this UDC, or an amendment to this UDC, and was thereafter diligently pursued to completion.
- I. **Right to Occupy.** A structure may be occupied by, and a certificate of occupancy may be issued for, the use designated on a building permit, subject to [Article 7.A, Nonconformities](#).
- J. **Stale Applications.** Applications for development approval that are not pursued with due diligence may expire pursuant to [Sec. 7-C-12, Expiration of Approvals](#).
- K. **Existing Violations.** Any violations of previous versions of any code or ordinance of the Town shall continue to be a violation under this UDC and shall be subject to the penalties and enforcement set forth in [Article 7.H, Enforcement, Violations, and Penalties](#).