

**CHAPTER 3 – ZONING DISTRICTS**

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**CHAPTER 3 – INDEX**

**3-10: GENERAL.....7**

**3-20: URBAN AND RURAL AREAS .....7**

**3-20-10: IMPLEMENTATION OF MASTER PLANS.....7**

**3-20-20: URBAN AND RURAL AREAS.....8**

**3-20-30: TRANSFERABLE DEVELOPMENT RIGHTS .....9**

**3-30: ZONE DISTRICTS ESTABLISHED.....10**

**3-40: RURAL ZONE DISTRICTS.....10**

**3-40-10: RS-G (RESOURCE – GOVERNMENT).....10**

**3-40-20: RR (RURAL AND REMOTE) .....11**

**3-40-30: RS-160 (RESOURCE-160 ACRE).....14**

**3-40-40: RS-35 (RESOURCE-35 ACRE).....15**

**3-40-50: LIR-35 (LOW IMPACT RESIDENTIAL-35 ACRE) .....16**

**3-40-60: TR-1 (TRANSITIONAL RESIDENTIAL-1) .....18**

**3-40-70: TR-2 (TRANSITIONAL RESIDENTIAL-2) .....19**

**3-40-80: RS-30 (RESOURCE-30 ACRE).....21**

**3-40-90: RS-20 (RESOURCE-20 ACRE).....22**

**3-40-100: AR-10 (AGRICULTURAL/ RESIDENTIAL-10 ACRE).....23**

**3-40-110: AR-2 (RESIDENTIAL-2 ACRE).....24**

**3-40-120: SKI-REC (SKI-RECREATION).....24**

**3-40-130: FPV-O (FRYING PAN VALLEY OVERLAY) .....25**

**3-40-140: B-1 (RURAL BUSINESS) .....26**

**3-50: URBAN/SUBURBAN RESIDENTIAL ZONES .....27**

**3-50-10: R-30 (SUBURBAN DENSITY RESIDENTIAL–30,000 SQ. FT. LOT) .....27**

**3-50-20: R-15 (MODERATE DENSITY RESIDENTIAL .....28**  
**15,000 SQ. FT. LOT) .....28**

**3-50-30A: R-15A (MODERATE DENSITY RESIDENTIAL .....29**  
**15,000 SQ. FT. LOT) .....29**

**3-50-30B: R-15B (MODERATE DENSITY RESIDENTIAL.....29**  
**15,000 SQ. FT. LOT) .....29**

**R-50-40: R-6 (MEDIUM DENSITY RESIDENTIAL .....30**  
**6,000 SQ. FT. LOT) 30**

**3-50-50 VR (VILLAGE RESIDENTIAL.....31**  
**6,000 SQ. FT. LOT) 31**

**3-50-60 MHP (MOBILE HOME PARK) .....31**

**3-50-70 AH (AFFORDABLE HOUSING).....32**

**CHAPTER 3 – ZONING DISTRICTS**

**3-50-80 AH/PUD (AFFORDABLE HOUSING PUD) .....33**  
**3-60: URBAN BUSINESS ZONE DISTRICTS .....35**  
**3-60-10: B-2 (GENERAL BUSINESS).....35**  
**3-60-20: VC (VILLAGE COMMERCIAL).....36**  
**3-70: SPECIAL PURPOSE DISTRICTS .....37**  
**3-70-10: P-I (PUBLIC AND INSTITUTIONAL).....37**  
**3-70-20: T (TOURIST) .....38**  
**3-70-30: PLANNED UNIT DEVELOPMENT (PUD) DESIGNATION.....38**  
**3-70-40: CD-PUD (CONSERVATION DEVELOPMENT PUD) .....47**  
**3-80: PRIOR ZONING REQUIREMENTS CONTINUE .....58**  
**3-80-10: PUB (PUBLIC).....58**  
**3-80-20: I (INDUSTRIAL) .....62**

## CHAPTER 3 – ZONING DISTRICTS

## CHAPTER 3 – ZONING DISTRICTS

---

### INDEX OF TERMS

---

- Activity Envelope, 13, 14, 18, 21, 51
- Board of County Commissioners  
(BOCC), 14, 40, 46, 55, 58
- Caretaker Dwelling Unit (CDU), 18
- Community Development Director, 18,  
21, 39, 55
- Concrete Batch Plants, 61, 65, 69, 74
- Conservation Development, 7, 48
- Constrained Area, 42
- Deed Restrictions, 36
- Development Exaction, 8
- Development Standards, 8, 50
- Employee Housing Guidelines, 14, 33,  
35, 36
- Farming, 49
- Growth Management Quota System  
(GMQS), 11, 15, 16, 17, 19, 20, 22,  
23, 24, 25, 26, 27, 28, 29, 30, 31, 33,  
37, 39, 52, 56  
*Exemptions, 32, 34, 36, 37*
- Hotel, 75
- Land Use Policies, 41
- Logging, 50, 61, 66, 69, 74
- Lot Area, (Minimum), 67, 75
- Master Plans (general), 8
- Mining, 19, 61, 65, 69, 74
- Mobile Home, 7, 32, 33  
*Park, 32, 33*
- Motel/Lodge, 75
- Offices, 61, 64, 70, 74
- Parking  
*Off-Street, 42, 43*
- Pitkin County Comprehensive Plan, 8,  
10, 11, 26, 28, 33, 35, 38, 40, 41
- Pitkin County Historic Inventory, 58
- Pitkin County Historic Register, 15, 19,  
20, 22, 23, 24, 25, 29, 30, 31
- Replacement and Remodeling, 11
- Rural Zone Districts (see also Zone  
Districts), 7, 11
- Site Plan, 18, 21, 47, 51
- Special Purpose Zone Districts (see  
also Zone Districts), 38
- Special Review Use, 27, 35, 49, 51, 55,  
60, 63, 64, 67, 68, 72, 75
- Subdivision Exemption, 16, 22, 23, 32,  
38
- Subdivision of Land, 45, 47
- Timeshare, 62, 67, 71, 73
- Traffic Volumes, 37
- Transferable Development Rights  
(general), 10, 11, 15, 16, 17, 19, 20,  
22, 23, 24, 25, 26, 27, 28, 29, 30, 31,  
32, 33, 34, 36, 37, 38, 39, 53, 57
- Urban/Suburban Zone Districts (see  
also Zone Districts), 28
- Use  
*Accessory and Temporary, 14, 15, 17,  
19, 20, 28, 29, 30, 31, 32, 37*  
*Permitted, 8, 26, 48*  
*Prohibited, 14, 62, 65, 70, 74*  
*Special Review, 49, 55, 60, 64, 68, 72*
- Vested Rights, 19, 22, 54, 58
- Waste Water, 9

## CHAPTER 3 – ZONING DISTRICTS

Water Quality, 11, 43, 45

### Zone Districts

*Accommodation/Recreation (AC/REC-2)*, 7, 59, 71, 74, 75

*Affordable Housing (AH)*, 33, 34, 35

*Affordable Housing PUD (AH/PUD)*, 7, 34, 35, 36, 46

*Agricultural/Residential – 2 Acre (AR-10)*, 7, 15, 24, 71

*Conservation Development PUD (CD-PUD)*, 7, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58

*Frying Pan Valley Overlay (FPV-O)*, 7, 26, 27

*General Business (B-2)*, 7, 36, 37

*Industrial (I)*, 63

*Low Impact Residential – 35 Acre (LIR-35)*, 7, 15, 17, 18, 19, 21

*Medium Density Residential – 6,000 Sq. Ft. Lot (R-6)*, 7, 31

*Mobile Home Park (MHP)*, 7, 32, 33

*Moderate Density Residential – 15,000 Sq. Ft. Lot (R-15)*, 29, 30

*Moderate Density Residential – 15,000 Sq. Ft. Lot (R-15A)*, 7, 30

*Planned Unit Development (PUD)*, 40, 41, 51, 53, 58

*Public (PUB)*, 8, 59, 60, 62, 63

*Public and Institutional (P-I)*, 8, 38, 39

*Residential – 2 Acre (AR-2)*, 7, 25, 26

*Resource – 160 Acre (RS-160)*, 7, 15, 16, 26, 41

*Resource – 20 Acre (RS-20)*, 7, 15, 23, 24, 41

*Resource – 30 Acre (RS-30)*, 7, 15, 22, 23, 26, 41

*Resource – 35 Acre (RS-35)*, 7, 15, 16, 17, 26, 41

*Resource – Government (RS-G)*, 7, 11, 12

*Rural*, 7, 11

*Rural and Remote (RR)*, 7, 12, 13, 14, 15, 19, 20

*Rural Business (B-1)*, 7, 26, 27, 28

*Ski-Recreation (SKI-REC)*, 7, 25, 26

*Suburban Density Residential – 30,000 Sq. Ft. Lot (R-30)*, 7, 28, 29

*Tourist (P-I)*, 39

*Transitional Residential – 1 (TR-1)*, 7, 19, 20

*Transitional Residential – 2 (TR-2)*, 7, 18, 20, 21, 22

*Unclassified (U)*, 68

*Village Commercial (VC)*, 8, 36, 37, 38

*Village Residential – 6,000 Sq. Ft. Lot (VR)*, 7, 28, 32

## CHAPTER 3 – ZONING DISTRICTS

Table 3-1: Zone Districts and Changes	
Old District Names	New District Names
<b>I. Districts Generally Used Outside of Urban Growth Boundaries</b>	
<b>Rural Zone Districts</b>	
	RS-G (Resource – Government; new district)
RR: Rural/Remote	RR
RS-160 PUD: Resource PUD	RS-160
UFRS-35: Upper Frying Pan Valley Resource	RS-35 (Resource -35 Acre; new district)
LIR: Low Impact Residential	LIR-35
RS-30 PUD: Resource PUD	RS-30
RS-20 PUD: Resource PUD	RS-20
AFR-10: Agricultural/Forestry/Residential	AR-10
AFR-2: Agricultural/Forestry/Residential	AR-2
AFR-1: Agricultural/Forestry/Residential	Deleted – no lands mapped
AF-SKI: Agricultural/Forestry/Ski	SKI-REC
TR-1: Transitional Residential	TR-1
TR-2: Transitional Residential 2	TR-2
UFV: Upper Frying Pan Valley Overlay	FPV-O
B-1: Business	B-1 (Rural Business)
	CD-PUD (Conservation Development PUD)
<b>II. Districts Generally Used Inside Urban Growth Boundaries or Redstone Townsite</b>	
<b>Urban / Suburban Residential Zone Districts</b>	
R-30: Suburban Density Residential	R-30
R-15: Moderate Density Residential	R-15
R-15A: Moderate Density Residential	R-15A
R-15B: Moderate Density Residential	R-15B
R-6: Medium Density Residential	R-6
VR: Village Residential	VR
MHP: Mobile Home Park	MHP
SR: Special Residential	Deleted – no lands mapped
AH: Affordable Housing	AH
AH2/ PUD: Affordable Housing PUD	AH/PUD
AH3/ PUD: Affordable Housing PUD	
AHP/PUD: Affordable Housing Preservation PUD	
AHO/PUD: Affordable Housing PUD Overlay	Deleted – only zoned lands have been annexed
<b>Business and Special Purpose Zone Districts</b>	
AR-1: Accommodation / Recreation	Deleted – no lands mapped
AR-2: Accommodation / Recreation	AC/REC-2
B-2: Business	B-2

## CHAPTER 3 – ZONING DISTRICTS

Table 3-1: Zone Districts and Changes	
Old District Names	New District Names
VC: Village Commercial	VC
I: Industrial	I (existing lands only)
	P-I (Public-Institutional)
III. Districts Used Anywhere in County	
Special Purpose Zone Districts and Designations	
PUB: Public	PUB (existing lands only)
T: Tourist	T
	PUD (Planned Unit Development–new description)
U: Unclassified	U (existing lands only)

*(Code repealed and reenacted (all sections) by Ord. 014-D-2006, 07-05-06; Table 3-1 (part) amended by [Ord. 26-06, 09-13-06](#))*

### 3-10: GENERAL

This section establishes different zone districts available in Pitkin County, the intent of each zone district, and specific requirements that are unique to each zone district. The intent statements should be used in conjunction with other County standards and policies to evaluate proposed development. This section also sets forth any specific standards applicable to development within each district. In addition to complying with such standards, all development in Pitkin County shall comply with the provisions of Chapter 4 (Permitted Uses), Chapter 5 (Dimensional Requirements), Chapter 6 (GMQS and TDRs), Chapter 7 (Development Standards), Chapter 8 (Development Exactions and Impact Fees), as applicable, and all other provisions of this Land Use Code applicable to such land and the proposed development.

### 3-20: URBAN AND RURAL AREAS

#### 3-20-10: IMPLEMENTATION OF MASTER PLANS

This Land Use Code is intended, in part, to implement the Pitkin County Comprehensive Plan. The preservation of the rural and agricultural character of Pitkin County is a primary goal of the Pitkin County Master Plans. Consistent with this goal, an urban growth boundary has been defined around each of the City of Aspen and the Town of Basalt. Additional urban growth boundaries, or modifications of the existing boundaries, may be adopted in the future. In order to implement the goal of protecting rural and agricultural character, this Land Use Code groups the available zone districts in Pitkin County into those generally intended for use within urban growth boundaries (and the existing townsite of Redstone) and those generally intended for use outside those boundaries. For purposes of this distinction, the unincorporated Townsite of Redstone is treated as a non-Rural Area, and is grouped with areas inside of urban growth boundaries. A map of the adopted urban growth boundaries is shown in Figure 3-1.

## CHAPTER 3 – ZONING DISTRICTS

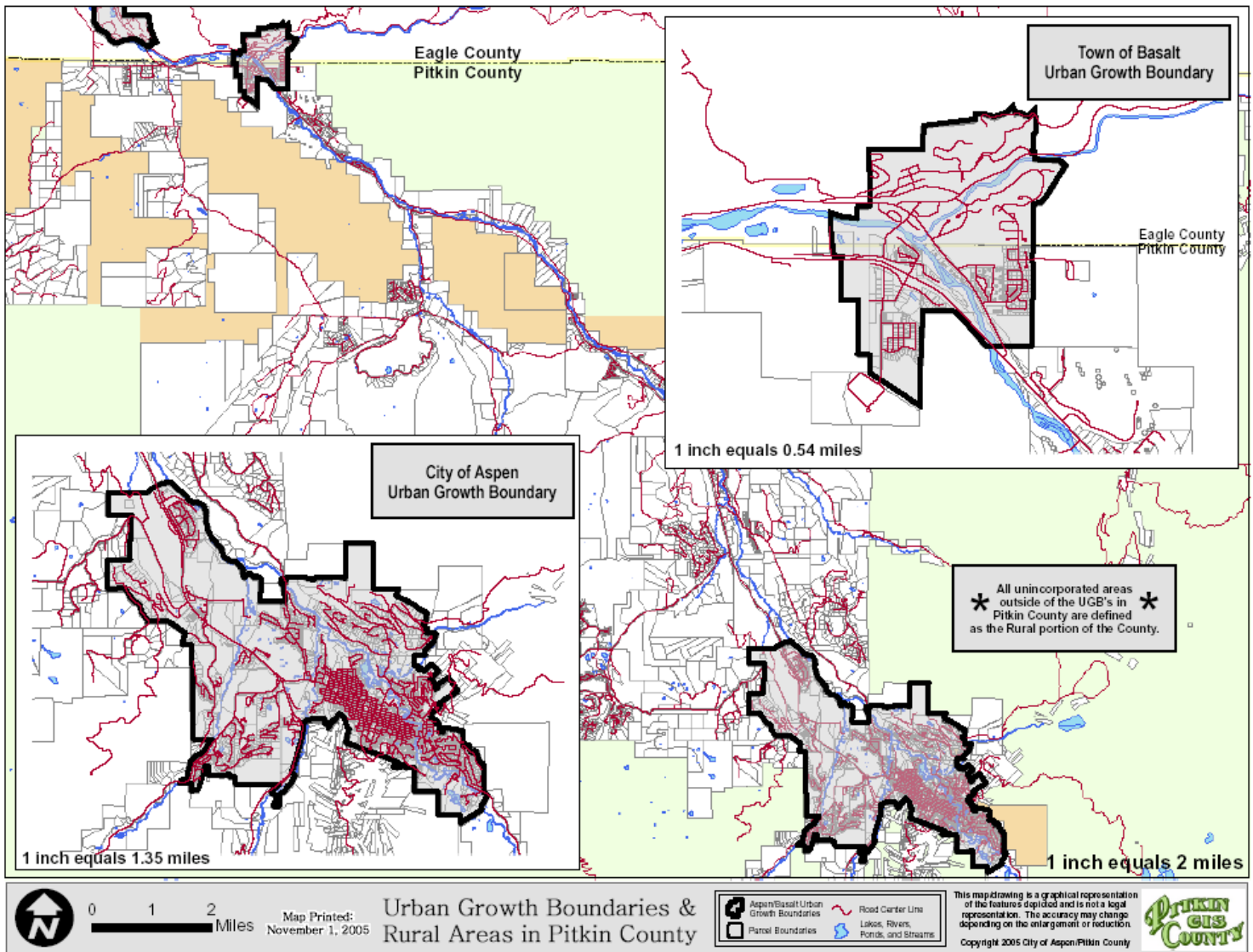
### 3-20-20: URBAN AND RURAL AREAS

Lands located within adopted urban growth boundaries or the townsite of Redstone are sometimes referred to in this Land Use Code as “urban” lands or “urban” areas. Lands located outside of adopted urban growth boundaries and the townsite of Redstone are sometimes referred to in this Land Use Code as “rural” lands or “rural” areas. In those cases where zone districts intended for use inside the urban growth boundaries (or Redstone) have already been mapped outside those boundaries, such zone districts will remain in effect. After the 5th of July, 2006 of this Land Use Code, applications to rezone land outside the urban growth boundaries (and Redstone) to a zone district intended for use inside the urban growth boundaries will not be approved. In general, any proposed development that is required to be reviewed by the State of Colorado site application process because of estimated water requirements or wastewater generation (based on State of Colorado standards) should not be located in a Rural Area of the County.

FIGURE 3-1: MAP OF URBAN GROWTH BOUNDARY AREAS WITHIN PITKIN COUNTY



## CHAPTER 3 – ZONING DISTRICTS



### 3-20-30: TRANSFERABLE DEVELOPMENT RIGHTS

In order to implement the Pitkin County Comprehensive Plan, the development potential from certain lands is sometimes permitted to be transferred to lands elsewhere in the County, under certain conditions. In some circumstances, transferred development rights (TDRs) may be used to create a development right on a parcel that does not have one, and in other cases transferred development rights may be used to expand the size of a house above the base floor area permitted, but within the limits on maximum house size established in Table 5-1. The descriptions of each zone district in this Chapter 3 include information on (a) whether TDRs may be transferred from the district, (b) whether TDRs may be transferred into the district, or within the district, and (c) the purposes for which purchased TDRs may be used in various zone districts. The procedures for transferring development rights are set forth in Chapter 2.

## CHAPTER 3 – ZONING DISTRICTS

### 3-30: ZONE DISTRICTS ESTABLISHED

The land within Pitkin County is divided into those zone districts specified in Secs. 3-40 through 3-70 below. Sec. 3-40 identifies those zone districts intended for use outside the urban growth boundaries (and Redstone), and Secs. 3-50 through 3-60 identify zone districts intended for use inside the boundaries (and Redstone). Sec. 3-70 identifies special purpose zone districts available for use both inside and outside the urban growth boundaries.

### 3-40: RURAL ZONE DISTRICTS

The following Rural zone districts are hereby established and are intended for use outside of established urban growth boundaries. These zone districts are intended to establish a land use pattern that promotes Pitkin County Comprehensive Plan goals for the rural portions of the County, such as preservation of agricultural/ranch lands and open space; conservation of natural resources, including wildlife habitat, scenic quality, water quality and quantity, and air quality; and protection of historic resources.

#### 3-40-10: RS-G (RESOURCE – GOVERNMENT)

(a) Intent

The RS-G (Resource-Government) zone district is intended to control the future use of lands currently owned by the federal, state, or local governments and currently used for non-development purposes, and to avoid inappropriate development of such lands in the event they are sold, exchanged, or otherwise made available (i.e., by long-term lease) for use by an entity other than the federal, state or local government. It is intended to allow a continuation of the types of uses permitted while in federal, state, or local government ownership and control, but not an intensification or replacement of those uses by other uses of the land. The zone district is intended to allow only very low intensity resource uses on such lands.

(b) Locational Criteria

Lands appropriate for RS-G zoning include those currently in federal, state, or local government ownership and in non-development (i.e. resource) use located outside the urban growth boundaries.

(c) Transferable Development Rights (TDRs)

TDRs may not be severed and sold from lands located in the RS-G zone district. TDRs may not be purchased from other zone districts and used in the RS-G zone district.

(d) Growth Management Quota System (GMQS)

## CHAPTER 3 – ZONING DISTRICTS

If lands in the RS-G zone district are transferred to private ownership or put to a non-resource use, such lands shall be subject to the GMQS (see Chapter 6).

### 3-40-20: RR (RURAL AND REMOTE)

#### (a) Intent

The RR (Rural/Remote) zone district is intended to: (i) conserve and protect the natural environment and its resources, while allowing for limited recreational uses and limited residential development, (ii) preserve the small scale, low-density backcountry character and lifestyle, (iii) retain undeveloped areas, and (iv) allow for the transfer of development rights to areas that are more appropriate for development. This district accommodates only small new structures and very limited types of development.

#### (b) Locational Criteria

Areas within the RR zone district should exhibit some or all of the following characteristics:

- (1) Location more than one-half (1/2) mile from winter-maintained public roadways,
- (2) Absence of traditional utility service districts, such as electric, gas and phone,
- (3) Limited availability, or absence of rapid, traditional Pitkin County emergency services,
- (4) Little or no development existing in the surrounding area,
- (5) Presence of natural hazard areas or important environmental or historic resource areas,
- (6) Location within subalpine or alpine ecosystems, and/or location at or above the nine thousand (9,000) foot elevation, and/or
- (7) Location adjacent to U.S. Forest Service or Bureau of Land Management owned properties.

#### (c) Minor Uses and Activities

- (1) In addition to those uses permitted by right as shown in Table 4-1, the following minor uses are permitted by right in the RR zone district:

## CHAPTER 3 – ZONING DISTRICTS

- (a) Shared water systems,
- (b) Individual water supply systems,
- (c) Individual sewage disposal systems,
- (d) Above-ground generators in compliance with County regulations,
- (e) Gardens outside of the Activity Envelope up to two thousand five hundred (2,500) square feet in size,
- (f) Fences that meet County wildlife standards and are located outside of critical wildlife habitat and/or migration corridors,
- (g) Termination of noxious weeds.

(2) In addition to those uses permitted by right, as shown in Table 4-1, the following minor uses are permitted in the RR zone district by special review:

- (a) Parking areas that centralize resident parking adjacent to existing roadways in order to allow alternative access to residences beyond that point (i.e., by skiing, hiking, snowmobiling, biking),
- (b) Driveways,
- (c) Helicopter access (for construction use only),
- (d) Extractive operations,
- (e) Fences that meet County wildlife standards and are located in critical wildlife habitat and/or migration corridors,
- (f) Hydro plants (to service a single residence only),
- (g) Extension of utilities (i.e., electricity, water, sewer, telephone and cable), provided that extensions comply with the special review criteria in Secs. 2-30-30(h)(2), and
- (h) Improvements to existing roadways, including, but not limited to, widening, grading and drainage improvements.

(d) Legally Created Structures

## CHAPTER 3 – ZONING DISTRICTS

(1) Legally created structures in the RR zone district, existing prior to January 2nd 1996, may be retained, subject to compliance with one (1) of the following criteria:

(a) If the existing structure contains a dwelling unit, a new structure containing a dwelling unit may be built, provided that either the new or the existing unit is deed-restricted for occupancy by residents pursuant to the employee housing guidelines. Year-round occupancy of the unit shall not be required. The deed-restricted unit shall be exempt from GMQS pursuant to Sec. 6-30-40(b).

(b) If the existing structure does not contain a dwelling unit, then a new structure containing a dwelling unit may be built, provided that the existing structure is retained as an accessory structure and accommodates accessory uses only. In this case, the existing structure may not be used for either seasonal or year-round dwelling purposes.

(c) If the existing structure contains a dwelling unit, then, in lieu of constructing a new structure with an additional dwelling unit, one (1) transferable development right may be severed subject to approval and compliance with criteria and standards in Sec. 2-40-30 and 6-70.

### (e) Prohibited Uses

In addition to all uses that are not specifically listed as uses allowed by right or by special review (including those listed in Table 4-1 or in subsections (c) or (d) above, the following uses are specifically prohibited in the RR zone district:

(1) Winter maintenance of roadways and driveways, except for access to residential development sites approved prior to January 2, 1996, that have been historically and continually served by privately winter-maintained driveways or roadways, and except if the prohibition on plowing of limited service area roads is varied by the BOCC pursuant to the Asset Management Plan.

(2) New accessory structures, other than those allowed by special review,

(3) New roadways,

(4) Disturbance of all living native vegetation outside of the Activity Envelope, except as required by County wildfire regulations for wildfire mitigation, provided that one (1) standing dead tree per five (5) acres shall remain undisturbed, if present, for bird of prey perching and nesting and

## CHAPTER 3 – ZONING DISTRICTS

for songbird perching and feeding (this provision shall not prohibit the general gathering of firewood from deadfall, nor the grazing of animals that have historically grazed the parcel prior to January 2, 1996), and

(5) Caretaker and employee dwelling units.

(f) Transferable Development Rights (TDRs)

TDRs may be severed and sold from lands in the RR zone district pursuant to Secs. 6-70 and 2-40-30, and/or if the property is designated on the Pitkin County Historic Register. TDRs may not be purchased and used in the RR zone district from the RR or other zone districts.

(g) Growth Management Quota System (GMQS)

Lands in the RR zone district are subject to the GMQS (see Chapter 6), except as noted in subsection (d) above.

### **3-40-30: RS-160 (RESOURCE-160 ACRE)**

(a) General Intent

The RS-160, RS-35, LIR, RS-30, RS-20, AR-10 zone districts all share the following basic intent, which is to:

(1) Permit low density, single family residential development and customary accessory uses, while recognizing that natural hazards, wildlife areas, limited utility services, roads, schools, and/or other facilities may constitute constraints on the realization of zoned density;

(2) Discourage sprawl;

(3) Encourage clustering of development, preservation of open space and promotion of efficient utility services;

(4) Preserve agricultural operations and environmental resources; and

(5) Preserve the rural visual quality and character while permitting carefully sited low density development.

(6) More specific intent statements for each of the listed zone districts are set forth in the subsections below.

(b) RS-160 Intent

## CHAPTER 3 – ZONING DISTRICTS

The RS-160 (Resource--160 Acre) zone district is intended to protect natural resources and agricultural uses while allowing some very low density development.

(c) When PUD Required

When a rezoning to the RS-160 zone district occurs, or when land within the RS-160 zone district is subdivided or otherwise divided into separate parcels through a subdivision exemption pursuant to C.R.S. 30-28-110, a PUD must be prepared pursuant to Sec. 2-40-50. The criteria for approval of a PUD are listed in Sec. 3-70-30(i).

(d) Transferable Development Rights (TDRs)

TDRs may not be severed and sold from lands in the RS-160 zone district, unless the lot or parcel is determined to be constrained or visually constrained pursuant to Sec. 6-70-40, or is designated on the Pitkin County Historic Register, or is approved as a limited development conservation parcel pursuant to Sec. 6-70-40. TDRs may be purchased from other zone districts and used in the RS-160 zone district.

(e) (Growth Management Quota System (GMQS))

Construction of dwelling units in the RS-160 zone district that meets all applicable requirements is exempt from the need to obtain a GMQS allocation pursuant to Sec. 6-30-70.

### **3-40-40: RS-35 (RESOURCE-35 ACRE)**

(a) Intent

The RS-35 (Resource-35 Acre) zone district is intended to: preserve the open character of land divided into tracts between 35 and 160 acres, promote land uses consistent with the applicable Pitkin County Master Plan, and prevent inappropriate development on such tracts, regardless of whether such lands have been formally subdivided. The zone district is intended to allow only very low impact resource or residential uses on such lands. The zone district includes lands previously zoned UFRS-35, and the regulations applicable to such lands remain unchanged.

(b) When PUD Required

When a rezoning to the RS-35 zone district occurs a PUD must be prepared pursuant to Sec. 2-40-50. The criteria for approval of a PUD are listed in Sec. 3-70-30(i).

## CHAPTER 3 – ZONING DISTRICTS

### (c) Transferable Development Rights (TDRs)

TDRs may not be severed and sold from lands in the RS-35 zone district, unless the lot or parcel is determined to be constrained or visually constrained pursuant to Sec. 6-70-40 or is designated on the Pitkin County Historic Register, or is approved as a limited development conservation parcel pursuant to Sec. 6-70-40. TDRs may be purchased and used in the RS-35 zone district only for the purpose of increasing the maximum size of an existing dwelling located within the limits on final maximum floor area established in Table 5-1, pursuant to Sec. 6-70 and as set forth in Table 2-1. Growth Management Quota System (GMQS)

Lands in the RS-35 zone district are subject to the GMQS (see Chapter 6).

*(Code repealed and reenacted (all sections) by Ord. 014-D-2006, 07-05-06; § 3-40-40 (part) amended [Ord. 038-06, 12-06-06](#))*

### **3-40-50: LIR-35 (LOW IMPACT RESIDENTIAL-35 ACRE)**

#### (a) Intent

The LIR-35 (Low Impact Residential-35 Acre) zone district is intended to allow low density, low intensity residential development. The principal land use in this zone district is residential, with typically associated accessory uses. The zone district seeks to limit the intensity of development to moderate sized buildings and structures, thereby minimizing the impacts of construction, servicing and occupation of the residences to preserve the rural character of the land, protect onsite natural resources, minimize employment generation associated with more intense development, and otherwise limit the demand for public services. Lands appropriate for this zone district are properties that are rural in character with environmental or agricultural resources, or environmental hazards or properties otherwise sensitive to intensive development.

#### (b) Locational Criteria

The LIR-35 zone district is intended to be used within the Brush Creek/Owl Creek Area, and in other areas located no further from the Aspen Urban Growth Boundary than the Brush Creek Area in which the use of the LIR-35 zone district would create a reduction in overall development density.

#### (c) Zone District-Specific Regulations

In the LIR-35 zone district, only one (1) principal allowed use may be approved or established at any one (1) time on any one (1) property, lot or parcel.

#### (d) Cluster Option



## CHAPTER 3 – ZONING DISTRICTS

In the LIR-35 zone district, a cluster option is available. Applications for a cluster development option shall be reviewed through the LIR/TR-2 cluster subdivision process. The following standards shall apply:

### (1) Eligibility

The application must include the entirety of the unsubdivided parcel and adjacent parcels held in common ownership as configured on January 16, 2000.

### (2) Minimum Lot Size and Maximum Allowed Floor area

Minimum lot size, maximum allowed floor area, and other dimensional requirements shall comply with the description of the cluster option in Table 5-1.

### (3) Caretaker Dwelling Unit

A caretaker dwelling unit may be constructed consistent with the applicable provisions of this Land Use Code. The size of the caretaker dwelling unit shall be included in the calculation of total floor area.

### (4) Maximum Height and Setbacks

Maximum heights of principal and accessory structures and setbacks of all structures may be modified through the PUD approval process, consistent with the intent of the LIR-35 district.

### (5) Siting

All buildings and structures shall be subject to Site Plan Review pursuant to Sec. 2-30-20(g)(2) and 7-10-50.

### (6) Deed Restriction for Undeveloped Land

All land outside of the development areas designated in the cluster option Activity Envelope shall be designated as preservation areas in the approved Site Plan. These preservation areas shall be preserved in perpetuity by conservation easement or covenant approved by the County Attorney and the Community Development Director, which at a minimum shall restrict the property from future development and subdivision. Conservation easements may be granted prior to the cluster option application and approval process. If land has been preserved through a conservation easement, that land may still be considered as part of a cluster option application and approval.

## CHAPTER 3 – ZONING DISTRICTS

### (7) Vested Rights

Cluster option approvals pursuant to this zone district shall be granted vested property rights valid for twenty (20) years.

### (e) Transferable Development Rights (TDRs)

TDRs may not be severed and sold from lands located in the LIR-35 zone district, unless the lot or parcel is determined to be constrained or visually constrained pursuant to Sec. 6-70-40 or if the property is designated on the Pitkin County Historic Register. TDRs may not be purchased from other zone districts and used in the LIR-35 zone district except as noted in Table 5-1 in conjunction with a cluster development option.

### (f) Growth Management Quota System (GMQS)

Lands in the LIR-35 zone district are subject to the GMQS unless the cluster development option is used, in which case the development is exempt from the GMQS pursuant to Sec. 6-30-80.

*(Code repealed and reenacted (all sections) by Ord. 014-D-2006, 07-05-08; § 3-40-40 (part) amended [Ord. 038-06, 12-06-06](#))*

### **3-40-60: TR-1 (TRANSITIONAL RESIDENTIAL-1)**

#### (a) Intent

The TR-1 (Transitional Residential-1) zone district allows for low density, low intensity residential development consistent in character with historic mining. The principal land use in this district is residential with typically associated accessory uses. The purpose of the district is to allow residential use that minimizes impacts of construction, servicing and occupation of the residences; to decrease employment generation that would occur with more intense development; to otherwise limit the demand for public services; and preserve the character of lands in this zone district. The zone district seeks to limit the intensity and scale of development to small sized buildings and structures, as a transition from high density and intensity within the Aspen Urban Growth Boundary (UGB) to the Rural and Remote (RR) area where zoning reflects a low intensity of use.

#### (b) Locational Criteria

Lands appropriate for the TR-1 zone district are those near the boundary of the Aspen Urban Growth Boundary and recommended for rezoning in the East of Aspen/Independence Pass Master Plan. Land appropriate for this zone district designation are those properties near the boundary of the Aspen Urban Growth

## CHAPTER 3 – ZONING DISTRICTS

Boundary that are transitional in character, which may have or may be associated with environmental or ecological resources, environmental hazards, areas of state interest, scenic significance or properties otherwise sensitive to overly intensive development.

### (c) Transferable Development Rights (TDRs)

TDRs may be severed and sold from lands in the TR-1 zone district pursuant to Secs. 6-70 and 2-40-30 and/or if the property is designated on the Pitkin County Historic Register. TDRs may not be purchased from other zone districts and used in the TR-1 zone district.

### (d) Growth Management Quota System (GMQS)

Lands in the TR-1 zone district are subject to the GMQS (see Chapter 6).

## **3-40-70: TR-2 (TRANSITIONAL RESIDENTIAL-2)**

### (a) Intent

The TR-2 (Transitional Residential-2) zone district allows for low density, low intensity residential development. The principal land use in this district is residential with typically associated accessory uses. The purpose of the district is to allow residential use that minimizes impacts of construction, servicing and occupation of the residences, to decrease employment generation that would occur with more intense development; to otherwise limit the demand for public services; and to preserve the character of lands in this zone district. The zone district seeks to limit the intensity of development to moderate sized buildings and structures, as a transition from high density and intensity within the Aspen Urban Growth Boundary (UGB) to the Rural and Remote (RR) area where zoning reflects a low intensity of use.

### (b) Locational Criteria

Lands appropriate for the TR-2 zone district are those near the boundary of the Aspen Urban Growth Boundary and that are transitional in character; which may have or may be associated with environmental or ecological resources, environmental hazards, areas of state interest, scenic significance or properties otherwise sensitive to overly intensive development.

### (c) Property Subject to More Than One Zoning Designation

This provision applies to only those properties that are subject to more than one zone district and at least one of the zone districts is TR-2.

## CHAPTER 3 – ZONING DISTRICTS

(1) If development occurs in an area of the property not zoned TR-2, pursuant to a PUD approval, then the area of the entire property, including the portion zoned TR-2, shall be considered for density purposes according to the density allowed in the area to be developed.

(2) If development occurs in an area of the property zoned TR-2, then the provisions and restrictions of the TR-2 zone shall control the development.

### (d) Cluster Option

In the TR-2 zone district, a cluster option is available. Applications for a cluster development option shall be reviewed through the LIR/TR2 cluster subdivision process, which may be completed simultaneously. The following standards shall apply:

#### (1) Eligibility

The application must include the entirety of the unsubdivided parcel and adjacent parcels held in common ownership as configured on January 16, 2000.

#### (2) Minimum Lot Size and Maximum Allowed Floor Area

Minimum lot size, maximum allowed floor area, and other dimensional requirements shall comply with the description of the cluster option in Table 5-1.

#### (3) Maximum Height and Setbacks

Maximum heights of principal and accessory structures and set backs of all structures may be modified through the approval process, consistent with the intent of the TR-2 zone district.

#### (4) Siting

All buildings and structures shall be subject to Site Plan Review pursuant to Secs. 2-30-20(g)(2) and 7-10-50.

#### (5) Deed Restriction for Undeveloped Land

All land outside of the development areas designated in the cluster option Activity Envelope shall be designated as preservation areas in the approved Site Plan . These preservation areas shall be preserved in perpetuity by conservation easement or covenant approved by the County Attorney and the Community Development Director, which at a minimum shall restrict the property from future development and subdivision.

## CHAPTER 3 – ZONING DISTRICTS

Conservation easements may be granted prior to the cluster option application and approval process. If land has been preserved through a conservation easement, that land may still be considered as part of a cluster option application and approval.

### (6) Vested Rights

Cluster option approvals pursuant to this zone district shall be granted vested property rights valid for twenty (20) years.

### (e) Transferable Development Rights (TDRs)

TDRs may be severed and sold from lands in the TR-2 zone district pursuant to Secs. 6-70 and 2-40-30 and/or if the property is designated on the Pitkin County Historic Register. TDRs may be purchased and used in the TR-2 zone district, but only if the Sending Site from which the TDRs are transferred is located within the TR-2 zone district, and only for the purpose of increasing the maximum size of an existing dwelling within the limits on final maximum floor area established in Table 5-1, pursuant to Secs. 6-70 and 2-40-30, and as set forth in Table 2-1.

### (f) Growth Management Quota System (GMQS)

Lands in the TR-2 zone district are subject to the GMQS (see Chapter 6).

## **3-40-80: RS-30 (RESOURCE-30 ACRE)**

### (a) Intent

The general intent statement included in Sec. 3-40-30 applies to the RS-30 zone district.

### (b) Locational Criteria

The RS-30 zone district is intended to be applied primarily in the Crystal River Valley and the Snowmass-Capitol Creek area, but may also be appropriate where other lands share similar physical characteristics with those areas. The RS-30 zone district should generally not be applied when the result would be to increase the potential development density outside of the urban growth boundaries.

### (c) When PUD Required

When a rezoning to the RS-30 district occurs, or when land within the RS-30 zone district is subdivided or otherwise divided into separate parcels through a subdivision exemption pursuant to C.R.S. 30-28-110, a PUD must be prepared pursuant to Sec. 2-40-50. The criteria for approval of a PUD are listed in Sec. 3-70-30(i).

## CHAPTER 3 – ZONING DISTRICTS

### (d) Transferable Development Rights (TDRs)

TDRs may not be severed and sold from parcels of land in the RS-30 zone district, unless the lot or parcel is determined to be constrained or visually constrained pursuant to Sec. 6-70-40 or is designated on the Pitkin County Historic Register or is approved as a limited development conservation parcel pursuant to Sec. 6-70-40. TDRs may be purchased and used in the RS-30 zone district for the purpose of increasing the maximum size of an existing dwelling within the limits on final maximum floor area established in Table 5-1, pursuant to Secs. 6-70 and 2-40-30, and as set forth in Table 2-1.

### (e) Growth Management Quota System (GMQS)

Lands in the RS-30 zone district are subject to the GMQS (see Chapter 6).

## **3-40-90: RS-20 (RESOURCE-20 ACRE)**

### (a) Intent

The general intent statement included in Sec. 3-40-30 applies to the RS-20 zone district. The RS-20 PUD (Resource Planned Unit Development-20 Acre) zone district is intended to apply to areas closer to urban growth boundaries than those zoned RS-30.

### (b) Locational Criteria

The RS-20 zone district is intended to be applied primarily in the Woody Creek area, but may also be appropriate where other lands share similar physical characteristics with those areas. The RS-20 zone district should generally not be applied when the result would be to increase the potential development density outside of the urban growth boundaries.

### (c) When PUD Required

When a rezoning to the RS-20 zone district occurs, or when land within the RS-20 zone district is subdivided or otherwise divided into separate parcels through a subdivision exemption pursuant to C.R.S. 30-28-110, in connection with an application for subdivision, a PUD must be prepared pursuant to Sec. 2-40-50. The criteria for approval of a PUD are listed in Sec. 3-70-30(i).

### (d) Transferable Development Rights (TDRs)

TDRs may not be severed and sold from parcels of land in the RS-20 zone district, unless the lot or parcel is determined to be constrained or visually constrained pursuant to Sec. 6-70-40 or is designated on the Pitkin County Historic Register or is approved as a limited development conservation parcel

## CHAPTER 3 – ZONING DISTRICTS

pursuant to Sec. 6-70-40. TDRs may be purchased and used in the RS-20 zone district for the purposes of increasing the maximum size of an existing dwelling located on a parcel of land within the limits on final maximum floor area established in Table 5-1, pursuant to Secs. 6-70 and 2-40-30, and as set forth in Table 2-1. Growth Management Quota System (GMQS)  
Lands in the RS-20 zone district are subject to the GMQS (see Chapter 6).

*(Code repealed and reenacted (all sections) by Ord. 014-D-2006, 07-05-06; § 3-40-80 (part) amended [Ord. 038-06, 12-06-06](#))*

### **3-40-100: AR-10 (AGRICULTURAL/ RESIDENTIAL-10 ACRE)**

#### (a) Intent

The AR-10 district is intended to accommodate small scale agricultural activities and large-lot residential development that maintains the rural character and appearance of the land. Because few agricultural activities can be accomplished on a lot of ten (10) acres, the majority of such land will be used for residential uses. Residential development should be clustered and/or grouped at the edges of valleys or wooded areas in order to minimize the visual disruption of the natural landforms and to avoid the appearance of unrelated homes spread randomly across the land.

#### (b) Locational Criteria

Lands zoned AR-10 are located primarily adjacent to the municipalities of Aspen and Basalt, and along the Highway 82 corridor and in scattered sites elsewhere in the County. The AR-10 zone district could be appropriate for use outside of urban growth boundaries where the applicable Pitkin County Master Plan calls for an increase in residential density, or for residential development on ten (10) acre parcels.

#### (c) Transferable Development Rights (TDRs)

TDRs may not be severed and sold from parcels of land in the AR-10 zone district, unless the lot or parcel is determined to be constrained or visually constrained pursuant to Sec. 6-70-40 or is designated on the Pitkin County Historic Register or is approved as a limited development conservation parcel pursuant to Sec. 6-70-40. TDRs may be purchased and used in the AR-10 zone district for the purpose of increasing the maximum size of an existing dwelling within the limits on final maximum floor area established in Table 5-1, pursuant to Secs. 6-70 and 2-40-30, and as set forth in Table 2-1.

#### (d) Growth Management Quota System (GMQS)

Lands in the AR-10 zone district are subject to the GMQS (see Chapter 6).

## CHAPTER 3 – ZONING DISTRICTS

*(Code repealed and reenacted (all sections) by Ord. 014-D-2006; § 3-40-90 (part) amended [Ord. 038-06, 12-06-06](#))*

### **3-40-110: AR-2 (RESIDENTIAL-2 ACRE)**

(a) Intent

The AR-2 (Residential-2 Acre) zone district is intended to provide for a moderate density, transition zone between moderate and low density residential land uses. This zone district primarily contains existing housing concentrations with densities exceeding those in surrounding areas. It is not intended to be used to accommodate new development in the Rural Area of the County.

(b) Locational Criteria

The existing lands in the AR-2 zone district are generally located along the valley floor located between the County's development centers and its rural, open land area. Lands should only be rezoned to the AR-2 zone district if the lands are located within an urban growth boundary and the rezoning would result in an increase in development density consistent with the Pitkin County Comprehensive Plan.

(c) Transferable Development Rights (TDRs)

TDRs may not be severed and sold from lands located in the AR-2 zone district, unless the lot or parcel is determined to be constrained or visually constrained pursuant to Sec. 6-70-40 or if the property is designated on the Pitkin County Historic Register. TDRs may be purchased and used in the AR-2 zone district for the purposes of (a) increasing the maximum size of an existing dwelling within the limits on final maximum floor area established in Table 5-1, or (b) creating a new development right on a legal parcel located within the Aspen Urban Growth Boundary, pursuant to Secs. 6-70 and 2-40-30, and as set forth in Table 2-1.

(d) Growth Management Quota System (GMQS)

Lands in the AR-2 zone district are subject to the GMQS (see Chapter 6).

### **3-40-120: SKI-REC (SKI-RECREATION)**

(a) Intent

The SKI-REC (SKI-RECreation) zone district is intended for lands that are used for downhill and cross-country skiing and other uses permitted by a Federal or other public agency, such as grazing, hunting, and passive and other recreational uses. The district also accommodates affordable housing.



## CHAPTER 3 – ZONING DISTRICTS

### (b) Master Plan Required

An approved SKI-REC master plan is required for any development in the SKI-REC zone district. The master plan shall address all existing facilities and all proposed development, and shall be consistent with Pitkin County Comprehensive Plan. All standards, requirements, and procedures for the review and adoption of master plans are found in Sec. 2-40-100, and lists of permitted uses that may be included in SKI-REC master plans are found in Chapter 4.

### (c) Transferable Development Rights (TDRs)

TDRs may not be severed and sold from lands located in the SKI-REC zone district. TDRs may not be purchased from other zone districts and used in the SKI-REC zone district.

### (d) Growth Management Quota System (GMQS)

Lands in the SKI-REC zone district are subject to the GMQS (see Chapter 6).

*(Code repealed and reenacted (all sections) by Ord. 014-D-2006; § 3-40-100 (part) amended [Ord. 038-06, 12-06-06](#))*

### **3-40-130: FPV-O (FRYING PAN VALLEY OVERLAY)**

#### (a) Intent

The FPV-O (Frying Pan Valley Overlay) zone district is intended to implement the recommendation of the Upper Frying Pan Valley Master Plan. The theme of the Master Plan is the preservation of the rural and recreational nature of the Frying Pan Valley, while at the same time sustaining the viability of its unique community. Where the County's Official Zone District Map designates a property as being within the Frying Pan Valley Overlay, then the provisions of this Overlay, including its use limitations and dimensional requirements, shall supersede those of the underlying zone district. The Overlay shall apply to lands in the Upper Frying Pan Valley zoned RS-30, RS-35, RS-160, B-1 and AR-2. As an overlay district, the FPV-O district applies in addition to any underlying zone district applied to the property, and in the case of conflict between the provisions of the FPV-O district and the provisions of any underlying zone district, the provisions of the FPV-O district shall govern.

#### (b) Locational Criteria

Lands included in the FPV-O district are those located within the Upper Frying Pan Valley, as those lands are defined in the Upper Frying Pan Valley Comprehensive Plan.

## CHAPTER 3 – ZONING DISTRICTS

### (c) Additional Review Criteria

When the County is evaluating an application for a special review use, or for a subdivision or PUD within the Frying Pan Valley Overlay, the following additional criteria shall be considered:

(1) The proposed development shall be compatible with the unique rural and recreational character of the Upper Frying Pan Valley.

(2) The proposed development shall be consistent with the land use goals of the Upper Frying Pan Valley Master Plan, which are: (a) to limit residential development in the Valley to the maximum extent possible; (b) to support commercial development that provides quality growth and serves the community without creating a financial burden; and (c) to preserve the land in the Valley primarily for agricultural and recreational purposes. The proposed development shall also be consistent with the environmental and scenic goals of the Master Plan, which are to protect the water supply, air quality, wildlife areas, riparian areas, and wetland areas of the Upper Frying Pan Valley.

(3) New residences and access roads shall comply with the provisions of all applicable standards in Chapter 7 and shall not be located in meadows, wetlands, riparian habitat areas, and critical wildlife habitat. Development shall not occur on steep slopes as defined under the potentially unstable slope standards in this Land Use Code, or on ridgelines, as viewed from the Frying Pan River Road. Development is encouraged to be clustered near the Frying Pan River Road, to preserve continuous tracts of land in open space.

### (d) Transferable Development Rights (TDRs)

Transferable development rights are those applicable to the underlying zone district.

### (e) Growth Management Quota System (GMQS)

The applicability of GMQS (see Chapter 6) is subject to those provisions applicable to the underlying zone district.

## **3-40-140: B-1 (RURAL BUSINESS)**

### (a) Intent

The B-1 (Small Business) zone district applies to pre-existing commercial properties limited to the Woody Creek Restaurant and Store, the Aspen Village

## CHAPTER 3 – ZONING DISTRICTS

Quick Mart and those existing properties in Meredith and Thomasville. This rural commercial zone district acknowledges the existence of these commercial properties for limited, small-scale operations that are consistent with the Pitkin County Comprehensive Plan and that are oriented primarily to the local population in the Rural Areas.

### (b) Locational Criteria

B-1 districts shall be located consistent with recommendations for the establishment or preservation of such uses in the Pitkin County Comprehensive Plan, and shall generally be for preservation of small scale existing commercial activities

### (c) Transferable Development Rights (TDRs)

TDRs may not be severed and sold from lands located in the B-1 zone district. TDRs may not be purchased and used in the B-1 zone district from other zone districts.

### (d) Growth Management Quota System (GMQS)

Lands in the B-1 zone district are subject to the GMQS (see Chapter 6).

## **3-50: URBAN/SUBURBAN RESIDENTIAL ZONES**

The following Urban/Suburban Residential zone districts are hereby established and are intended for use inside established urban growth boundaries, with the exception of the VR district, which is intended for use in the Redstone townsite.

### **3-50-10: R-30 (SUBURBAN DENSITY RESIDENTIAL–30,000 SQ. FT. LOT)**

#### (a) Intent

The R-30 (Suburban Density Residential–30,000 Square Foot Lot) zone district is intended to provide areas for suburban density, single-family and duplex residential dwelling units with customary accessory uses. Recreational and institutional uses customarily found near residential areas are also contemplated. R-30 zoning should only be applied to lands designated for this density on the Pitkin County Comprehensive Plan, or to rezone already-developed areas into conformity with actual development patterns and densities.

#### (b) Locational Criteria

Lands located within this zone district should be located in proximity to the City of Aspen and the historic Redstone Townsite.

## CHAPTER 3 – ZONING DISTRICTS

### (c) Transferable Development Rights

TDRs may not be severed and sold from lands located in the R-30 zone district, unless the lot or parcel is determined to be constrained or visually constrained pursuant to Sec. 6-70-40 or if the property is designated on the Pitkin County Historic Register. TDRs may be purchased and used in the R-30 zone district for the purposes of (a) increasing the maximum size of an existing dwelling within the limits on final maximum gross floor area established in Table 5-1, or (b) creating a new development right on a legal parcel located within the Aspen Urban Growth Boundary, pursuant to Secs. 6-70 and 2-40-30, and as set forth in Table 2-1.

### (d) Growth Management Quota System (GMQS)

Lands in the R-30 zone district are subject to the GMQS (see Chapter 6).

### **3-50-20: R-15 (MODERATE DENSITY RESIDENTIAL 15,000 SQ. FT. LOT)**

#### (a) Intent

The R-15 (Moderate Density Residential – 15,000 Square Foot Lot) zone district is intended to provide areas for moderate density, single-family, residential dwelling units with customary accessory uses.

#### (b) Location Criteria

This zone district is located adjacent to the City of Aspen.

#### (c) Transferable Development Rights

TDRs may not be severed and sold from lands located in the R-15 zone district, unless the lot or parcel is determined to be constrained or visually constrained pursuant to Sec. 6-70-40 or if the property is designated on the Pitkin County Historic Register. TDRs may be purchased and used in the R-15 zone district for the purposes of (a) increasing the maximum size of an existing dwelling within the limits on final maximum gross floor area established in Table 5-1, or (b) creating a new development right on a legal parcel located within the Aspen Urban Growth Boundary, pursuant to Secs. 6-70 and 2-40-30, and as set forth in Table 2-1.

#### Growth Management Quota System (GMQS)

Lands in the R-15 zone district are subject to the GMQS (see Chapter 6).

## CHAPTER 3 – ZONING DISTRICTS

### **3-50-30A: R-15A (MODERATE DENSITY RESIDENTIAL 15,000 SQ. FT. LOT)**

(a) Intent

The R-15A (Moderate Density Residential – 15,000 Square Foot Lot) zone district is intended to allow for moderate density residential development with customary accessory uses.

(b) Locational Criteria

Lands appropriate for R-15A zoning are generally situated at the edge of existing urban centers and/or in areas where existing development density is in the range of three (3) units per acre.

(c) Transferable Development Rights (TDRs)

TDRs may not be severed and sold from lands located in the R-15A zone district, unless the lot or parcel is determined to be constrained or visually constrained pursuant to Sec. 6-70-40 or if the property is designated on the Pitkin County Historic Register. TDRs may be purchased and used in the R-15 zone district for the purpose of increasing the maximum size of an existing dwelling within the limits on final maximum gross floor area established in Table 5-1, pursuant to Sec. 6-70 and as set forth in Table 2-1.

(d) Growth Management Quota System (GMQS)

Lands in the R-15A zone district are subject to the GMQS (see Chapter 6).

### **3-50-30B: R-15B (MODERATE DENSITY RESIDENTIAL 15,000 SQ. FT. LOT)**

(a) Intent

The R-15B (Moderate Density Residential – 15,000 Square Foot Lot) zone district is intended to allow for moderate density residential development with customary accessory uses.

(b) Locational Criteria

Lands appropriate for R-15B zoning are generally situated at the edge of existing urban centers and/or in areas where existing development density is in the range of three (3) units per acre.

(c) Transferable Development Rights (TDRs)

## CHAPTER 3 – ZONING DISTRICTS

TDRs may not be severed and sold from lands located in the R-15B zone district. Maximum gross floor area exempt from Growth Management is 5,750 square feet in the R-15B zone district and maximum final floor area is 5,750 square feet. As shown in the notes in Table 6-12: TDR Table, in zone districts with FAR limits such as the R-15B zone district, where TDRs are available to increase house size, the maximum size of the house shall be limited by the applicable FAR as shown in Table 5-1. If the FAR limits house size below 5,750 sf, then TDRs may not be used.

(d) Growth Management Quota System (GMQS)

Lands in the R-15B zone district are subject to the GMQS (see chapter 6).

*(Code repealed and reenacted (all sections) by Ord. 014-D-2006, 07-05-06; § 3-50-3 (part) amended [Ord. 026-06, 09-13-06](#))*

### **R-50-40: R-6 (MEDIUM DENSITY RESIDENTIAL 6,000 SQ. FT. LOT)**

(a) Intent

The R-6 (Medium Density Residential District–6,000 Square Foot Lot) zone district is intended to allow for medium density, single-family, residential dwelling units with customary accessory uses on small lots.

(b) Locational Criteria

Lands in the R-6 zone district are intended to be located within or in close proximity to unincorporated towns in Pitkin County.

(c) Transferable Development Rights

TDRs may not be severed and sold from lands located in the R-6 zone district, unless the lot or parcel is determined to be constrained or visually constrained pursuant to Sec. 6-70-40 or if the property is designated on the Pitkin County Historic Register. TDRs may be purchased and used in the R-6 zone district for the purposes of (a) increasing the base floor area of a dwelling unit within the limits on final maximum gross floor area established in Table 5-1, or (b) creating a new development right on a legal parcel located within the Aspen Urban Growth Boundary, pursuant to Sec. 6-70 and as set forth in Table 2-1.

(d) Growth Management Quota System (GMQS)

Lands in the R-6 zone district are subject to the GMQS (see Chapter 6).

## CHAPTER 3 – ZONING DISTRICTS

### **3-50-50 VR (VILLAGE RESIDENTIAL 6,000 SQ. FT. LOT)**

(a) Intent

The VR (Village Residential–6,000 Square Foot Lot) zone district is intended to preserve the historical integrity of the existing neighborhood, ensure compatibility with existing uses, and retain the village atmosphere, pedestrian scale, and unique character of Redstone.

(b) Location Criteria

Lands in the VR zone district are located in the townsite of Redstone.

(c) Transferable Development Rights (TDRs)

TDRs may not be severed and sold from lands located in the VR zone district. TDRs may not be purchased and used in the VR zone district from other zone districts.

(d) GMQS Exemption

Certain new lots or parcels created within the VR zone district are exempt from the need to obtain a GMQS allocation, pursuant to Sec. 6-30-130.

(e) Subdivision Exemption

Certain new lots or parcels may be created within the VR zone district through a subdivision exemption, pursuant to the provisions of Sec. 2-30-30.

### **3-50-60 MHP (MOBILE HOME PARK)**

(a) Intent

The MHP (Mobile Home Park) zone district is intended to provide areas for planned mobile home parks with customary accessory uses. This zone district is designed to provide income and price restricted affordable, detached housing. This zone district need not be located in proximity to incorporated or unincorporated towns, but should be located on mass transit routes, in areas where there will be minimal impact on surrounding areas, and in areas free of environmental hazards.

(b) Locational Criteria

## CHAPTER 3 – ZONING DISTRICTS

Only lands immediately adjacent to lands in the MHP zone district on the 5th of July, 2006 may be included in the MHP zone district. The establishment of new mobile home parks within Pitkin County is not anticipated.

(c) Compliance with Mobile Home Park Standards Required

All development in the MHP zone district is required to comply with the mobile home park standards in Sec. 7-80.

(d) Transferable Development Rights (TDRs)

TDRs may not be severed and sold from lands located in the MHP zone district. TDRs may not be purchased and used in the MHP zone district from other zone districts.

(e) Growth Management Quota System (GMQS)

Lands in the MHP zone district are subject to the GMQS (see Chapter 6).

### 3-50-70 AH (AFFORDABLE HOUSING)

(a) Intent

The AH (Affordable Housing) zone district is intended to provide land for the production of Category affordable housing.

(b) Locational Criteria

The AH zone district may only be applied within an urban growth boundary. Proposed development shall be located consistent with the recommendations in the Pitkin County Comprehensive Plan. Proposed development shall be located consistent with the availability of essential services, particularly mass transit.

(c) Minimum General Criteria for Development

The proposed development must satisfy the following minimum criteria:

- (1) Construction of dwelling units shall contribute to the annual housing production goal and unit mix established in, and shall comply with restrictions on income, occupancy, and sale price or rental rates established in the employee housing guidelines.
- (2) The proposed development must be consistent with the applicable Pitkin County Comprehensive Plan and the employee housing guidelines.
- (3) To the extent applicable, the proposed development shall substantially advance the goals, philosophies and criteria of the Pitkin County Citizen



## CHAPTER 3 – ZONING DISTRICTS

Housing Plan, the Aspen Area Citizen Housing Plan, and the goals and specific action items of the Aspen Area Community Plan and the Down Valley Comprehensive Plan.

(4) The number of units proposed shall not necessitate any major infrastructure improvements, including but not limited to, improvements that would increase the capacity of the road network and extensions of public water or sanitary sewer.

(5) The scale, mass and materials of the proposed development shall be visually compatible with the surrounding environment, both built and unbuilt.

(6) The proposed development shall be clustered to the maximum extent possible.

(7) The proposed development shall be situated so as to minimize the environmental and visual impacts of the development.

(8) The proposed development shall provide community amenities for the benefit of residents and the general public, including, but not limited to: trails and other recreational opportunities, and mass transit facilities.

(9) The proposed development shall utilize affordable housing programs to house low-income handicapped citizens or seniors, if possible.

(10) The proposed development shall maximize construction quality and unit size within given price constraints.

### (d) Transferable Development Rights (TDRs)

TDRs may not be severed and sold from lands located in the AH zone district. TDRs may not be purchased from other zone districts and used in the AH zone district.

### (e) GMQS Exemption

Construction of dwelling units in the AH zone district that meets all applicable requirements is exempt from the need to obtain a GMQS allocation pursuant to Sec. 6-30-40.

## **3-50-80 AH/PUD (AFFORDABLE HOUSING PUD)**

### (a) Intent

## CHAPTER 3 – ZONING DISTRICTS

The AH/PUD (Affordable Housing Planned Unit Development) zone district is intended to provide for (i) the use of land for the production of Category affordable housing and resident occupied units by permanent residents of the County, or (ii) the preservation of existing housing stock that has been historically affordable to and occupied by permanent residents of the County for continued occupancy by qualified residents of Pitkin County, when the proposed development cannot comply with the requirements of the AH zone district. In some cases, the zone district also permits a limited component of free market units/lots to offset the cost of developing affordable housing. Recreational and institutional uses customarily found in proximity to residential areas, and commercial uses that are accessory to the housing development, are also included as special review uses.

### (b) Locational Criteria

The AH/PUD zone district may only be applied within an urban growth boundary, and shall be located consistent with the recommendations of the Pitkin County Comprehensive Plan and the availability of essential services, particularly mass transit. Lands in this zone district should be located near pedestrian and bicycle trails.

### (c) PUD Required

- (1) The AH/PUD district is a mandatory PUD district; no rezoning to the AH/PUD shall be approved without the simultaneous approval of a PUD for the entire property. The criteria for approval of a PUD are:
- (2) The proposed development cannot be accommodated within the AH zone district or another existing zone district.
- (3) Significant progress towards the achievement of current affordable housing goals established in the employee housing guidelines.
- (4) Consistency with the development criteria in subsection (d) below; and
- (5) Minimization of adverse impacts on neighboring properties.

### (d) Minimum General Criteria for Development

- (1) All development in the AH/PUD zone district shall comply with the same general criteria for development applicable to the AH zone district set forth in Sec. 3-50-70(c).
- (2) At least seventy (70) percent of each development in the AH/PUD zone district shall be comprised of either Category affordable housing

## CHAPTER 3 – ZONING DISTRICTS

units, or resident occupied affordable housing units. Of this seventy (70) percent, forty (40) percent of the units/lots must be deed restricted to comply with restrictions on income, occupancy, and sale price or rental rates established in the employee housing guidelines, and resident occupied units may comprise up to thirty (30) percent of the unit mix. Free market development may comprise up to thirty (30) percent of the unit mix. However, only forty (40) percent of a project's bedrooms may be located within free market or resident occupied units. Category housing or resident occupied housing must comprise at least sixty (60) percent of the bedroom mix of the project. Despite these requirements, projects may be comprised of all Category deed restricted or resident occupied units. In the event that no free market development is proposed as part of a project, the limitation on resident occupied units and bedroom mix shall not apply. Residential units may be comprised of single-family, duplex and multi-family dwelling units.

### (e) Prior Zoning Requirements Continue

Lands zoned AH2/PUD, AH3/PUD, or AHP/PUD prior to the 5th of July, 2006 shall continue to be subject to the applicable PUD approval, and shall otherwise be governed by the zoning requirements and standards of the AH/PUD zone district.

### (f) Transferable Development Rights (TDRs)

TDRs may not be severed and sold from lands located in the AH-PUD zone district. TDRs may not be purchased and used in the AH-PUD zone district from other zone districts.

### (g) GMQS Exemption

Construction of dwelling units in the AH/PUD zone district that meets all applicable requirements is exempt from the need to obtain a GMQS allocation pursuant to Sec. 6-30-40.

## 3-60: URBAN BUSINESS ZONE DISTRICTS

The following Urban Business zone districts are hereby established and are intended for use inside established urban growth boundaries, except for the VC zone district, which is intended for use in the Redstone townsite.

### 3-60-10: B-2 (GENERAL BUSINESS)

#### (a) Intent

## CHAPTER 3 – ZONING DISTRICTS

The B-2 (General Business) zone district is intended to provide for the establishment of commercial and low-intensity, non-polluting industrial uses that do not require or generate high customer traffic volumes and to permit customary accessory uses, including a small portion of the land area in high density, long-term residential dwelling units. Because of the need to preserve the existing inventory of B-2 zone district lands for commercial purposes, residential uses are secondary in priority to commercial uses.

### (b) Location Criteria

The B-2 zone district is intended to be used primarily in and adjacent to the Aspen Business Center. Lands located outside an urban growth boundary will not be rezoned to the B-2 zone district.

### (c) Transferable Development Rights (TDRs)

TDRs may not be severed and sold from lands located in the B-2 zone district. TDRs may not be purchased and used in the B-2 zone district from other zone districts.

### (d) Growth Management Quota System (GMQS)

Lands in the B-2 zone district are subject to the GMQS (see Chapter 6).

## **3-60-20: VC (VILLAGE COMMERCIAL)**

### (a) Intent

The VC (Village Commercial) zone district is intended to preserve the historical integrity of the existing Redstone historical district, to provide for businesses that sell goods and services to residents and visitors of Redstone, and to ensure that commercial development is consistent with the scale of existing structures and uses within the zone district.

### (b) Locational Criteria

The VC zone district is for use only in the townsite of Redstone.

### (c) Transferable Development Rights (TDRs)

TDRs may not be severed and sold from lands located in the VC zone district. TDRs may not be purchased and used in the VC zone district from other zone districts.

### (d) GMQS Exemption

## CHAPTER 3 – ZONING DISTRICTS

Certain new lots or parcels created within the VC zone district are exempt from the need to obtain a GMQS allocation, pursuant to Sec. 6-30-130.

### (e) Subdivision Exemption

Certain new lots or parcels may be created within the VC zone district through a subdivision exemption, pursuant to the provisions of Sec. 2-30-30.

### **3-70: SPECIAL PURPOSE DISTRICTS**

The following Special Purpose zone districts are hereby created and are intended for use both inside and outside urban growth boundaries.

#### **3-70-10: P-I (PUBLIC AND INSTITUTIONAL)**

##### (a) Intent

The P-I (Public and Institutional) zone district is intended to provide for the development of public and institutional uses, facilities and services for governmental, civic, educational, humanitarian, health care and other non-profit public purposes consistent with the Pitkin County Comprehensive Plan and to provide for related uses that are customarily incidental or accessory to public and institutional uses. In addition, the zone district is intended to provide for other non-profit facilities and uses that require sites with multiple buildings, unique facilities, or facilities that are not easily categorized into an existing use category. Public and institutional uses may only be established in Urban Areas of the county.

##### (b) Planning and Review Requirements

Because of the high degree of public interest in public and institutional uses, proposed development within the P-I zone district is subject to additional planning and review requirements. All proposed development, and all major amendments to previous development approvals, shall be subject to the preparation and approval of a Public-Institutional Master Plan pursuant to Sec. 2-40-100. The Public-Institutional Master Plan shall cover the entirety of the property, and shall address all permitted activities/uses on the property. Only those uses, activities, and facilities shown on the approved Public-Institutional Master Plan shall be permitted. Minor amendments to previous development approvals may be approved by staff pursuant to the Public-Institutional Master Plan procedure in Sec. 2-40-100.

##### (c) Transferable Development Rights (TDRs)

## CHAPTER 3 – ZONING DISTRICTS

TDRs may not be severed and sold from lands located in the P-I zone district. TDRs may not be purchased and used in the P-I zone district from other zone districts.

### (d) Growth Management Quota System (GMQS)

Lands in the P-I zone district are subject to the GMQS (see Chapter 6).

## 3-70-20: T (TOURIST)

### (a) Intent

The T (Tourist) district is intended to provide for the renovation of existing and construction of new tourist accommodation facilities, including traditional lodges, and to permit small retail outlets to serve persons residing on the site. The range of permitted facilities, and the scale, density, and intensity of facilities permitted in Rural Areas will be lower than those permitted within the urban growth boundaries.

### (b) Locational Criteria

Lands appropriate for the T zone district include those existing tourist-related non-residential facilities located outside or within urban growth boundaries that existed before the 5th of July, 2006. Additional lands outside the urban growth boundaries may be rezoned to the T zone district if (i) the principal structures supporting such facility will be grouped into a land area not exceeding one (1) acre in size (although the supporting lands used by patrons of the facility may be much larger), or (ii) the Community Development Director determines that a larger area of principal supporting structures will not significantly impact the rural character of the surrounding area. Additional lands within the urban growth boundaries may be rezoned to the T zone district if they are adjacent to non-residential zone districts.

### (c) Transferable Development Rights (TDRs)

TDRs may not be severed and sold from lands located in the T zone district. TDRs may not be purchased and used in the T zone district from other zone districts.

### (d) Growth Management Quota System (GMQS)

Lands in the T zone district are subject to the GMQS (see Chapter 6).

## 3-70-30: PLANNED UNIT DEVELOPMENT (PUD) DESIGNATION

### (a) General

## CHAPTER 3 – ZONING DISTRICTS

A Planned Unit Development (PUD) is a designation attached to a zone district that authorizes flexibility in the manner in which the County may apply certain standards of the underlying zone district to a proposed development. A PUD is approved through a rezoning of the property, and acts as an overlay designation that supplements, but does not replace, the terms of the underlying zone district (i.e., unless modified by the terms of the PUD, all provisions of the base zone district still apply). A PUD may only be approved if the Board of County Commissioners determines that it complies with all those standards applicable to a rezoning in Sec. 2-40-10(c), as well as those additional criteria for approval of a PUD rezoning in Sec. 2-40-50(i). In the event of a conflict between the provisions of an approved PUD and those of the base zone district, the provisions of the PUD govern.

### (b) Uses of PUDs

Planned Unit Development designations are used in Pitkin County only to achieve exceptional benefits in three ways critical to the implementation of the Pitkin County Comprehensive Plan:

- (1) Preservation of rural character and/or desirable open space in Rural Areas, and/or;
- (2) Protection of desirable open space in Urban Areas; and/or
- (3) Provision of Affordable Housing in Urban Areas.

The PUD designation may not be used to obtain variations from the requirements of the underlying zone district in return for additional amenities or benefits in ways other than rural character preservation, open space protection, or affordable housing.

### (c) Applicability

The provisions of this Sec. 3-70-30 shall apply whenever a Planned Unit Development designation is approved after the 5th of July, 2006. A PUD designation may be requested within any zone district within the Rural Area, provided that it is intended to provide greater levels of rural land preservation in those areas than would otherwise be required by this Land Use Code. A PUD designation may be requested within any zone district within the Urban Area, provided that it is intended to protect desirable open space or increase the production or availability of affordable housing. There is no minimum land area requirement for application for a PUD.

### (d) Mandatory PUD Designations

## CHAPTER 3 – ZONING DISTRICTS

Within the RS-160, RS-35, RS-30, and RS-20 zone districts, the approval of a PUD designation is mandatory in connection with any subdivision of the land. All such PUD designations and related subdivisions shall comply with the provisions of this section.

### (e) Ownership Parcel

A PUD designation must apply to the entirety of an ownership parcel. For purposes of this Sec. 3-70-30, an ownership parcel is defined as all land that is contiguous, or would be contiguous except for intervening roads, owned (i) by an individual or entity, or (ii) by members of the same immediate family, or (iii) by entities with fifty (50) percent or greater common ownership, or (iv) by any combination of the above. The aggregate area of the lots or parcels shall be considered as one (1) lot or parcel regardless of diverse times of acquisition by a common owner and whether or not the property was acquired before adoption of this regulation. Owners of contiguous parcels under separate ownership may jointly file an application for a PUD designation.

### (f) Phasing

A Planned Unit Development (PUD) shall ensure:

- (1) Each phase is self-sufficient and not dependent upon later phases;
- (2) The failure to develop subsequent phases will not have any adverse impacts on the Planned Unit Development (PUD), its surroundings or the community in general; and
- (3) Amenities such as open space and recreational areas are provided along with proposed residential or tourist accommodation construction at each development phase.

### (g) Maximum Density

A PUD is not entitled automatically to the maximum density allowed in the zone district in which the land is located. Density shall be established based upon:

- (1) Analysis of environmental factors affecting the land;
- (2) Availability of public transportation;
- (3) Compatibility with surrounding land uses; and
- (4) Consistency with adopted Land Use Policies and the Pitkin County Comprehensive Plan.



## CHAPTER 3 – ZONING DISTRICTS

### (h) Variations in Standards

This section establishes criteria for varying dimensional standards, off-street parking standards, and street standards within a PUD. Standards in Chapter 7 related to Constrained Areas may not be varied.

#### (1) Dimensional Standards

##### (a) Standards that May be Varied

Variations to the following dimensional standards, as set forth in Table 5-1, may be approved if the County determines that the criteria in subsection (c) below have been met.

- (1) Minimum lot area per dwelling unit;
- (2) Minimum front, side, and rear yard and road setbacks;
- (3) Minimum lot width;
- (4) Maximum height of buildings;
- (5) Maximum permitted floor area of an individual house, provided that the total permitted floor area in all dwellings does not increase; and
- (6) Minimum usable open space.

##### (b) Overall Density/Intensity of Development

Notwithstanding the flexibility provided by subsection (a) above, the overall density or intensity of the development shall not exceed the maximum allowable density or intensity permitted for the property pursuant to Table 5-1.

##### (c) Criteria for Approval

The standards listed in subsection (a) above may be varied only if the County determines that the proposed dimensions result in a development that:

- (1) Is generally consistent with the scale of surrounding development;

## CHAPTER 3 – ZONING DISTRICTS

- (2) Does not significantly reduce sunlight or create significantly increased shadowing of roads, pedestrian paths, or developed residential properties;
- (3) For any increase in height, is accompanied by increased setbacks along any property line adjacent to single or multi-family uses;
- (4) Provides protection for the water quality and wildlife habitat in rivers and streams at least equal to that if the dimensions had not been varied; and
- (5) Provides areas within the PUD allocated for common usable open space. The common open space shall be used and be suitable, for scenic, landscaping or recreation purposes. The common open space shall be protected from future development, and shall be guaranteed to be available for use by residents of the entire property, through a deed restriction or other legal document, acceptable to the County, and recorded with the clerk and recorder of Pitkin County.

### (2) Off-Street Parking Standards in Urban Area

#### (a) Standards That May be Varied

Within the Urban Area, the off-street parking regulations in Sec. 7-30-20 may be varied if the County determines that the criteria in subsection (b) below have been met.

#### (b) Criteria for Approval

The off-street parking standards may be varied only if the County determines that the proposed development:

- (1) Accommodates the estimated number of cars that will be owned by future occupants and guests of dwellings in a PUD;
- (2) Accommodates the parking needs of any non-residential uses of the development, if any;
- (3) Provides adequate vehicle parking and loading to avoid overloading street parking (if any) and to avoid interference with traffic flows, taking into account the varying time periods of various uses in the proposed development, and the availability of public or private transit programs; and

## CHAPTER 3 – ZONING DISTRICTS

(4) Provides for adequate and environmentally sound storage and drainage of snow, ice, and water from parking areas in an adequate, safe, and efficient manner that will not require significant additional public maintenance.

### (3) Road Design Standards in Urban Areas

#### (a) Standards that May be Varied

Within the Urban Areas, the road design standards in Sec. 7-30-10(c), may be varied if the County determines that the standards in subsection (b) below have been met.

#### (b) Criteria for Approval

The road design standards listed in Sec. 7-30-10(c) may be varied only if the County determines that the proposed development:

(1) Provides adequate access for emergency and utility vehicles throughout the development, and provides an access easement for emergency and utility vehicles to use any private roadways in the development for purposes of providing emergency services and for installation, maintenance, and repair of utilities;

(2) Provides safe and convenient access to all portions of the proposed development using roads that fit the site's natural topography and site conditions, and that follow the contours of the natural terrain;

(3) Provides principal vehicle access points that allow for smooth traffic flow while minimizing hazards to vehicular, pedestrian and bicycle traffic;

(4) Provides internal trails and sidewalks to provide a logical, safe, and convenient system of pedestrian access to proposed lots and common areas, with linkages to off-site areas likely to be used by residents or tenants of the proposed development; and

(5) Provides for storage and drainage of snow, ice, and water from internal streets in an adequate, safe, and efficient manner that will not require significant additional public maintenance.

#### (i) Criteria for PUD Approval

(1) Preservation of Rural Character and Open Space in Rural Area

## CHAPTER 3 – ZONING DISTRICTS

In the Rural and Conservation zone districts, PUDs are used to ensure that any proposed rezoning or development of the land that occurs with a subdivision of land is consistent with the applicable Pitkin County Master Plan, and to ensure that the proposed future uses of the land protect the rural and agricultural character of the land to the maximum extent practicable. A PUD designed to protect rural character in the Rural Area shall only be approved if the County finds that all of the following criteria have been met:

- (a) The proposed development is consistent with the applicable Pitkin County Master Plan, including the applicable intent statements in this Chapter 3.
- (b) The proposed development is consistent with all applicable provisions of this Land Use Code, including the siting of any new structures and non-agricultural uses or activities in compliance with all applicable provisions of Chapter 7.
- (c) The proposed development increases the amount of land protected from development, or provides a greater degree of protection from development (beyond what would otherwise be required by this Land Use Code), or enhances the natural appearance, amenities, agricultural use, or wildlife habitat value, or water quality protection on the land included in the PUD.
- (d) The proposed development does not include non-residential uses not permitted in the underlying zone district, and does not permit houses larger than the largest size permitted in the underlying zone district as shown in Table 5-1.
- (e) The proposed development conserves the rural character and appearance of the land to the maximum extent practicable when viewed from County rights-of-way and State Highways.
- (f) The proposed development locates any new homes or accessory structures exceeding 5,750 square feet in size (excluding barns) where they are not visible from County rights-of-ways and State Highways, if a practicable alternative site exists.
- (g) The proposed development minimizes disruption of the land from its natural state.
- (h) The proposed development minimizes interference with off-site agricultural activities or neighboring uses that support agricultural activities.

## CHAPTER 3 – ZONING DISTRICTS

(i) The proposed development locates access roads and driveways to minimize visibility from County rights-of-way and State Highways.

(j) The advantages to the County of the additional protection of rural lands from development provided by the proposed development significantly outweigh any disadvantages to the County created by any variations in standards that would otherwise apply to the property.

### (2) Protection of Open Space in the Urban Area

A PUD designed to protect desirable open space in the Urban Area shall only be approved if the County finds that all of the following criteria have been met:

(a) The proposed development (i) preserves and if possible enhances unique site features, and (ii) preserves and protects more open lands in their natural state than would be required by the underlying zone district.

(b) The proposed development includes adequate open space for the mutual benefit of all residents and tenants of the proposed development, including residents of on-site affordable housing.

(c) The proposed development includes adequate provisions for maintenance of common open space, and such provisions shall be included in a signed agreement between the owner and the County.

(d) The advantages to the County of the additional protection of desirable open space provided by the proposed development significantly outweigh any disadvantages to the County created by any variations in standards that would otherwise apply to the property.

### (3) Affordable Housing in the Urban Area

A PUD designed to provide affordable housing in the Urban Area shall be approved through the adoption of an AH/PUD zone district designation. The AH/PUD zone district provides a tool for negotiation of affordable housing and mixed-income developments in a way that achieves significant progress towards the housing goals established by the Board of County Commissioners' housing designee. Lands zoned AH2/PUD, AH3/PUD, or AHP/PUD before the 5th of July, 2006 shall be governed by the terms of the PUDs approved for such parcels. Applications for lands to be zoned AH/PUD after the 5th of July, 2006 shall be governed by the

## CHAPTER 3 – ZONING DISTRICTS

provisions of this Sec. 3-70-30. A PUD designed to provide affordable housing in the Urban Area shall only be approved if the County finds that all of the following criteria have been met:

- (a) The proposed development meets all standards required by Sec. 3-50-80.
- (b) The proposed development may not offer amenities unrelated to the provision of affordable housing in return for approval of types or intensities of development not permitted in the zone district.
- (c) The advantages to the County of the additional provision of affordable housing significantly outweigh any disadvantages to the County created by any variations in standards that would otherwise apply to the property.

### (j) Architectural Review

The County may require an applicant for a PUD to submit architectural plans or models at the time of Conceptual or Detailed Subdivision review (if a subdivision of land is being requested) or at the time of Site Plan review (if no subdivision is being approved).

#### (1) Intent

The intent of architectural review is to promote the preservation and enhancement of the visual character of the County by preventing the development of inappropriate or out of character structures that:

- (a) Require the indiscriminate clearing of property, excessive grading and the destruction of trees and shrubbery; and/or
- (b) Are out of scale with adjacent land uses; and/or
- (c) Significantly reduce solar access to public open spaces or adjacent properties.

#### (2) Standards

The County may require changes to architectural plans to:

- (a) Minimize disturbances to the natural terrain; and/or

## CHAPTER 3 – ZONING DISTRICTS

(b) Reduce the adverse visual impacts of buildings that because of size, scale, color, or location are out of harmony with the neighborhood in which they are to be constructed; and/or

(c) Promote advantageous solar orientation and energy conserving design; and/or

(d) Promote consistency with scenic and rural character guidelines.

### **3-70-40: CD-PUD (CONSERVATION DEVELOPMENT PUD)**

(a) Intent

(1) The CD-PUD (Conservation Development PUD) zone district is a designation that allows for a variety of conservation development options with varying degrees of conservation including low density, low intensity residential development or compatible rural commercial agricultural operations.

(2) The purpose of this zone district is to allow residential and agriculturally related commercial uses that minimize impacts of construction, servicing and occupation of the residences to preserve the rural character of lands in this zone district. The zone districts seeks to limit the density and intensity of development thereby protecting existing onsite natural resources, preserving neighborhood rural character, decreasing employment generation which would occur with more intense development and otherwise limiting the demand for public services.

(b) Location Criteria

Land eligible for the CD-PUD zone district designation are large properties of one hundred sixty (160) acres or greater located in Rural Areas. These parcels may have or may be associated with environmental or ecological resources, environmental hazards, and areas of state interest, agricultural resources or properties otherwise sensitive to overly intensive development.

(c) Use Restrictions

(1) Permitted Uses

The approval of a CD-PUD shall restrict the lands within its boundaries to the following permitted uses.

(a) Single family dwelling unit(s), together with associated accessory structures.

## CHAPTER 3 – ZONING DISTRICTS

- (b) Farming or ranching, which must be conducted for the primary purpose of obtaining a monetary profit (permitted only under development Option 2, Commercial Agricultural Development)
- (c) Agricultural buildings.
- (d) Agricultural stands.
- (e) Caretaker dwelling units.
- (f) Home occupations.
- (g) Public utilities, minor, which may be accessory to uses on other properties.
- (h) Satellite reception device.
- (i) Solar energy collector.
- (j) Trail

### (2) Special Review Uses For Commercial Agricultural Development Option Only

The approval of a CD-PUD shall restrict the lands within its boundaries to the following special review uses.

- (a) Agricultural housing.
- (b) Arts and crafts studio.
- (c) Bed and Breakfast
- (d) Blacksmithing.
- (e) Cellular telephone facility or building-mounted cellular telephone antennae.
- (f) Cemetery.
- (g) Club house or recreational building.
- (h) Country inn, guest ranch and resort cabins (allows up to 20 guest rooms)



## CHAPTER 3 – ZONING DISTRICTS

- (i) Day care home.
  - (j) Firewood splitting, commercial.
  - (k) Horse boarding.
  - (l) Logging.
  - (m) Mineral and gravel extraction.
  - (n) Nordic ski area & support.
  - (o) Outdoor recreational, other.
  - (p) Public utilities, major.
  - (q) Radio or TV transmitting station.
  - (r) Sewage disposal area or water plant.
  - (s) Silviculture.
  - (t) Use by Federal permit.
  - (u) Water crossing or diversion.
  - (v) Wind powered electric generator
- (d) Development Standards

(1) General

All standards established in Chapters 5 and 7 of this Land Use Code shall apply within the CD-PUD district unless explicitly modified in the approval documents. Potential modification of dimensional and design standards shall vary depending on whether the applicant decides to pursue Development Options 1 or 2, described in subsections (g) or (h) below.

(2) Entire Parcel

An application for a CD-PUD designation must include within the application the entirety of the unsubdivided parcel and adjacent parcels held in common ownership as configured on the 5th of July, 2006 sufficient to meet the minimum acreage requirement in Sec. 3-70-40(b). The maximum potential density and developability for properties within

## CHAPTER 3 – ZONING DISTRICTS

the CD-PUD designation shall be based on the entire unsubdivided parcel. Adjacent parcels held in separate ownership may be aggregated to meet the minimum acreage requirement; if the CD-PUD is approved, the parcels shall be combined into one (1) ownership per one hundred sixty (160) acre parcel.

### (3) Height and Setbacks

Maximum heights of principal and accessory structures and setbacks of all structures may be modified through the CD-PUD approval process.

### (4) Siting

All buildings and structures will be situated after site specific analysis of the resource, scenic, and hazard qualities of each individual property in consideration and application of the policies and siting criteria contained in this Land Use Code. Following approval of the CD-PUD, approval of a Site Plan conforming to this Land Use Code shall be required.

### (e) Deed Restriction for Undeveloped Land

All land outside of Activity Envelopes designated in the CD-PUD process shall be designated as preservation areas in the approved CD-PUD detailed and final plans. These preservation areas shall be preserved in perpetuity by a conservation easement or covenant approved by the County Attorney, which at a minimum shall restrict the property from future non-agricultural development and subdivision (although it may specifically allow any special review uses approved as part of Development Option 2). Conservation easements may be granted prior to the CD-PUD application and approval process. If land has been preserved through a conservation easement, that land may still be considered as part of a CD-PUD application and approval.

### (f) Choice of Development Options

An applicant who chooses to use Development Option 2 on the parcel may later choose to instead apply for an approval under Development Option 1. As part of the application for approval under Development Option 1, the applicant shall relinquish all rights to conduct any uses by special review available only under Option 2. If the size of either single-family dwelling is to be increased, the applicant shall be required to prepare a revised Site Plan reflecting the increase in size.

### (g) Development Option 1: Residential Development

#### (1) Maximum Residential Density

## CHAPTER 3 – ZONING DISTRICTS

(a) There shall be no more than two (2) principal single-family dwelling units and two caretaker dwelling units per parcel as defined in Sec. 3-70-40(d)(2); except on parcels containing six hundred (600) acres of land or more, there shall be no more than three (3) principal single family dwelling units and two caretaker dwelling units.

### (2) Maximum Floor Area

The total combined maximum floor area of all principal structures within the CD-PUD designation area shall be limited to fifteen thousand (15,000) square feet.

Where codified Caucus limitations to final maximum floor area exist, said limitation shall apply as the maximum, with no individual, or combination of two or three principal structures as applicable, exceeding that limitation.

Within the Frying Pan Caucus, the final maximum floor area for principal structures shall be limited to eight thousand (8,000) square feet, with no more than four thousand (4,000) square feet contained within one principal structure.

Up to two thousand, five hundred (2,500) square feet of floor area for accessory structures (including barns and other agricultural buildings), and up to one thousand (1,000) square feet of floor area for each caretaker dwelling unit is allowed in addition to the final maximum floor area for principal structures. All agricultural floor area, including barns, shall be considered to be “accessory” and shall count towards the limitation of two thousand, five hundred (2,500) square feet of accessory floor area in Development Option 1. Floor area for accessory structures and the caretaker dwelling unit(s) may not be combined.

### (3) Growth Management Quota System (GMQS)

Approval of a CD-PUD designation under Development Option 1 shall result in the creation of the following development rights on the property and the following exemptions from the requirements of GMQS (see chapter 6), provided that all structures are constructed in compliance with all applicable requirements of this Land Use Code:

(a) Eight thousand two hundred fifty (8,250) square feet of residential floor area for principal structures, except where final maximum floor area limitations have been codified for specific Caucus areas, said maximums shall be the maximum GMQS exemption for residential floor area for principal structures. On parcels containing less than six hundred (600) acres, floor area

## CHAPTER 3 – ZONING DISTRICTS

may be divided between two (2) residential structures or used exclusively for one (1) residential structure. On parcels containing six hundred (600) acres or more, floor area may be divided between up to three (3) residential structures or used exclusively for one (1) residential structure.

(b) Within the Frying Pan Caucus area specifically, eight thousand (8,000) square feet of residential floor area for principal structures shall be exempt from GMQS, though no one principal structure may contain more than four thousand (4,000) square feet of floor area. Growth management exempt floor area that is not built as part of a principal structure(s), may be redeemed as a TDR(s), and severed and sold from the property at a rate of one (1) TDR per twenty five hundred (2,500) square feet of floor area.

(c) Two thousand five hundred (2,500) square feet of floor area for accessory structures including barns. This allowance may not be combined with the exemption in subsection (a) above to create larger principal structures.

(d) One thousand (1,000) square feet of floor area for each caretaker dwelling unit. If there is one (1) residential structure, only one caretaker unit is exempt from GMQS; if there are two (2) residential structures, two caretaker units may be exempt from GMQS. This allowance may not be combined with the accessory structure exemption in subsection (c) above to create larger accessory structures or caretaker dwelling units; nor may it be combined with the exemption in subsection (a) or (b) above to create larger principal structures. No more than two caretaker units shall be exempt from GMQS.

### (4) Transferable Development Rights (TDRs)

(a) TDRs may not be purchased and used in the CD-PUD designation under Development Option 1 from other zone districts. However, TDRs from within the CD-PUD designation may be used to increase the final maximum floor area of the principal structure(s) from the eight thousand two hundred fifty (8,250) square feet exempt from GMQS up to a total of fifteen thousand (15,000) square feet of gross floor area. Where Caucus area limitations to final maximum floor area have been codified, the Caucus area limitation shall apply as the maximum.

(b) Within the Frying Pan Caucus area, TDR's shall not be used to exceed the final maximum floor area of four thousand (4,000) square feet for each of the two (2) (or three (3)) allowed principal

## CHAPTER 3 – ZONING DISTRICTS

structures, as acreage allows. However, one (1) TDR may be obtained for every two thousand five hundred (2,500) square feet of growth management exempt floor area not built, up to a total of eight thousand two hundred fifty (8,250) square feet.

(c) TDRs may be severed and sold from lands located within the CD-PUD designation under Development Option 1. TDRs available for sale shall be calculated at one (1) TDR for each twenty (20) acres included in the designation, but excluding the first one hundred sixty (160) acres that are developed pursuant to the standards for Option 1.

(d) If the applicant chooses to limit the permitted principal structure(s) to less than the eight thousand two hundred fifty (8,250) square feet that is exempt from GMQS (or to less than the eight thousand (8,000) square feet that is exempt from GMQS in the Frying Pan) the property may sever and sell one additional TDR per each two thousand five hundred (2,500) square feet reduction in the total floor area of the principal structures. For example, if the total floor area of the principal structures is limited to five thousand seven hundred fifty (5,750) square feet, the CD-PUD property would have one (1) additional TDR to sever and sell. As another example, if floor area is limited to three thousand two hundred and fifty (3,250) square feet in one principal structure and the second (allowed) principal structure was never built, the property would have two (2) additional TDR's to sever and sell.

### (5) Vested Rights

Approval of a CD-PUD under Development Option 1 shall be granted vested property rights pursuant to Sec. 2-20-170, but the vesting of rights shall be for a period of twenty (20) years, rather than three (3) years.

### (6) Agricultural Property Tax Classification – Uses

A CD-PUD approved under Development Option 1 shall specify that the primary purpose of ownership and use of all property in the CD-PUD is for residential purposes, and that all improvements and uses of lands within the CD-PUD are associated with residential use of the property. Any activities occurring on the property, or uses of the property that would cause the properties to be classified as agricultural lands pursuant to Title 39, Colorado Revised Statutes, are prohibited.

### (h) Development Option 2: Commercial Agricultural Development

## CHAPTER 3 – ZONING DISTRICTS

If the Community Development Director verifies that a portion of the parcel included in the application for CD-PUD designation is currently operating legal commercial agricultural uses, that portion of the property may be developed with additional commercial uses as set forth below. In return for the availability of additional agricultural commercial uses, residential development of the property shall be more limited than that allowed under Option 1.

### (1) Additional Special Review Uses

#### (a) Additional Uses Available

In addition to those uses by special review listed in Sec. 3-70-40(c) if Development Option 2 is chosen, the applicant may request that the Board of County Commissioners approve any permitted or special review use that is (i) consistent with the existing agricultural operations on the property, and (ii) support the continuing existence of the existing agricultural operation on the property. Special review uses may be included in the application for approval by the Board as part of the CD-PUD, or may be requested after approval of the CD-PUD through the special review process in Sec. 2-40-20.

#### (b) Criteria for Approval of Special Review Uses

Applications for commercial agricultural support uses are reviewed on an individual basis to determine the appropriateness of the proposed use and level of activity, and shall only be approved if the Board of County Commissioners finds that the use: (i) is consistent with the adopted Comprehensive Plan for Pitkin County; and (ii) is related to, and will support the continued existence of, a commercial agricultural activity or use currently existing on the property; and (iii) will not diminish the agricultural and/or conservation resource value of the parcel; and (iv) is consistent with the stated intent of the CD-PUD zone district; and (v) will occur at times and in frequencies that will not impose significant adverse impacts on nearby residents.

(c) For the first five years following the approval of a CD-PUD under Development Option 2, each approval or permit issued for a commercial agricultural special review use shall be issued for a period of one (1) year; and each such commercial agricultural special review use shall be reviewed by the Board of County Commissioners annually to ensure that it continues to meet the standards in subsection (b) above and that it has complied with all applicable conditions. If these criteria are met for five (5) consecutive years, the special review use shall no longer be subject

## CHAPTER 3 – ZONING DISTRICTS

to annual reviews, and may continue so long as all applicable conditions are met.

### (2) Maximum Residential Density

(a) There shall be no more than two (2) principal single-family dwelling units and two (2) caretaker dwelling units per parcel as defined in Sect. 3-70-40(d)(2); except on parcels containing six hundred (600) acres of land or more, there shall be no more than three (3) principal single family dwelling units and two (2) caretaker dwelling units.

### (3) Maximum Floor Area

Each of the two principal single-family dwelling units shall have a final maximum floor area of five thousand seven hundred fifty (5,750) square feet. On parcels eligible for up to three (3) principal single family dwelling units, the combined final maximum floor area for said units shall not exceed eleven thousand, five hundred (11,500) square feet; and no individual unit shall contain more than five thousand seven hundred fifty (5,750) square feet of floor area. Where codified Caucus limitations to final maximum floor area exist, the Caucus area limitation shall apply as the maximum, with no individual, or combination of two principal structures exceeding the Caucus area limitation.

Within the Frying Pan Caucus, the final maximum floor area for principal structures shall be limited to eight thousand (8,000) square feet with no more than four thousand (4,000) square feet contained within one principal structure.

In addition to the final maximum floor area for the principal structure(s), each of the two caretaker dwelling units shall have a maximum floor area of one thousand (1,000) square feet. If a legal caretaker dwelling unit exists on the date the CD-PUD is approved, and if the Caretaker Dwelling Unit is deed-restricted as stated in the affordable housing guidelines, the floor area of the Caretaker Dwelling Unit may be increased to a maximum size of one thousand (1,000) square feet. All barn floor area and floor area allowed for special review uses shall be in addition to the final maximum floor area for the principal structures. Barn floor area shall be unlimited in Development Option 2.

### (4) Growth Management Quota System (GMQS)

Approval of a CD-PUD designation under Development Option 2 shall result in the creation of the following development rights on the property and the following exemptions from the requirements of GMQS (see

**CHAPTER 3 – ZONING DISTRICTS**

chapter 6), provided that all structures are constructed in compliance with all applicable requirements of this Land Use Code:

(a) Five thousand seven hundred fifty (5,750) square feet of floor area for each of the two (2) principal single-family dwellings. Eleven thousand, five hundred (11,500) square feet of floor area divided between up to three principal single family dwelling units on parcels containing six hundred (600) acres of land, or more. These exemptions may not be combined to produce any principal single-family dwelling with more than five thousand seven hundred fifty (5,750) square feet of floor area. Where codified Caucus limitations to final maximum floor area exist, the Caucus area limitation shall apply as the maximum growth management exemption for principal structure floor area, with no individual, or combination of two principal structures exceeding the Caucus area limitation.

(b) Within the Frying Pan Caucus, eight thousand (8,000) square feet of residential floor area shall be the maximum GMQS exemption for principal structures. No more than four thousand (4,000) square feet shall be contained within one principal structure. One (1) TDR may be obtained for every two thousand five hundred (2,500) square feet of growth management exempt floor area not built, up to a total of eight thousand (8,000) square feet of floor area.

(c) One thousand (1,000) square feet of floor area for each of two (2) caretaker dwelling units. These exemptions may not be combined to produce any caretaker dwelling unit with more than one thousand (1,000) square feet of floor area. No more than two caretaker units shall be exempt from GMQS.

(d) All barn floor area.

(e) The following floor area for approved special review uses:

Parcel Size (acres)	Floor area exempt from GMQS (sq ft)
160-200	1,250
201-300	2,000
301-500	3,000
>500	5,000

(5) Transferable Development Rights (TDRs)

(a) TDRs may be severed and sold from lands located within the CD-PUD designation under Development Option 2. TDRs



## CHAPTER 3 – ZONING DISTRICTS

available for sale shall be calculated at one (1) TDR for each twenty (20) acres included in the designation, but excluding the first one hundred sixty (160) acres that are developed pursuant to the standards for Option 2.

(b) In addition, if the applicant chooses to limit the total gross square footage of the permitted principal dwelling unit(s) to less than the five thousand seven hundred fifty (5,750) square feet that is exempt from GMQS, the property may sever and sell one (1) additional TDR per each two thousand five hundred (2,500) square feet reduction in the total floor area of the principal dwelling unit(s). For example, if the total floor area of one of the principal dwelling units is limited to three thousand two hundred fifty (3,250) square feet, the CD-PUD property would have one (1) additional TDR to sever and sell. As another example, if floor area was limited to five thousand seven hundred and fifty feet (5,750) square feet in one principal structure and the second (allowed) principal structure was never built, the property would have two (2) additional TDRs to sever and sell.

(c) In exceptional cases, at the time of approval of a CD-PUD, the Board of County Commissioners, in its discretion, may also award additional TDRs if the land included in the CD-PUD designation under Development Option 2 includes (a) highly sensitive visual properties as seen from a public right-of-way, (b) critically sensitive wildlife and or wetland areas as determined by state and County wildlife experts, (c) properties that contain critical resources such as water rights, minerals and other natural resources which will be preserved or protected, and/or properties that are listed on the Pitkin County Historic Inventory or Register.

### (6) Vested Rights

Approval of a CD-PUD under Development Option 2 shall be granted vested property rights pursuant to Sec. 2-20-170, but the vesting of rights shall be for a period of twenty (20) years, rather than three (3) years.

### (i) Covenant Regarding Conveyance of Structures

The applicant shall by covenant or other permanent commitment running with the land, guarantee that in the event that multiple principal residences and/or caretaker dwelling units exist and/or are developed on the parcel, said residences and units shall not be sold or otherwise conveyed or separated from the original parcel regardless of their ultimate form of ownership.

### (j) Sunset Provision

## CHAPTER 3 – ZONING DISTRICTS

This CD-PUD regulation (Sec. 3-70-40) as a whole, shall be reviewed by the Board of County Commissioners After [five (5) years from July 5, 2006 on July 5, 2011)] and shall otherwise expire on its own accord without further action by the Board of County Commissioners on [10 years from July 5, 2006 (on July 5, 2016)].

Codified Caucus floor area limitations (within the CD-PUD provisions only) shall be reviewed by the Board of County Commissioners after [two (2) years from October 11, 2006] (on October 11, 2008.) The purpose of the review will be to determine whether the Caucus floor area limitations within the provision shall be retained, modified or repealed.

*(Code repealed and reenacted (all sections) by Ord. 014-D-2006, 07-05-08; § 3-70-40 (part) amended [Ord. 030-06, 10-11-06](#); Ord. 023-07, 08-28-07)*

### **3-80: PRIOR ZONING REQUIREMENTS CONTINUE**

Lands governed Public, Industrial, Unclassified and Accommodation/Recreation prior to the 5th of July, 2006 shall be governed by the zoning requirements and standards applicable to such lands prior to such date, as specified below. No new lands may be included in the Public, Industrial, Unclassified or Accommodation/Recreation zone districts.

#### **3-80-10: PUB (PUBLIC)**

(a) Intent

The PUB (Public) district is intended to provide for the development of public uses, facilities and services for governmental, civic, educational, humanitarian, health care and other non-profit (as evidenced by Internal Revenue Service Code 501C3 status (1993)), public purposes consistent with County land use plans and policies and to provide for related uses which are customarily incidental or accessory to public uses. Development activity in the zone should be based upon the adoption of a master plan.

(b) Allowed Uses

The following uses are allowed as of right in the Public (PUB) Zone District:

- (1) Accessory buildings and uses.
- (2) Bus stop.
- (3) Crop production.

## CHAPTER 3 – ZONING DISTRICTS

- (4) Farm buildings.
- (5) Home occupations.
- (6) Hospitals.
- (7) Solar energy collectors (private use).
- (8) Trails.

### (c) Special Review Uses

The following uses in the Public (PUB) zone district are subject to special review and may be permitted if found to be in support of allowed principal uses:

- (1) Agriculture stands.
- (2) Airport.
- (3) Amusement and entertainment establishments.
- (4) Caretaker dwelling units.
- (5) Cemeteries.
- (6) Churches.
- (7) Club houses or recreational buildings used in connection with and accessory to a permitted outdoor recreational use.
- (8) Commercial automobile parking lots.
- (9) Community health facilities.
- (10) Day care centers.
- (11) Dormitory housing.
- (12) Duplex dwelling units.
- (13) Equipment supplies and contraction or subcontractation.
- (14) Essential government and public utility uses, facilities and services.
- (15) General services.

## CHAPTER 3 – ZONING DISTRICTS

- (16) Golf courses.
- (17) Junk yards.
- (18) Logging.
- (19) Medical/dental clinics.
- (20) Mineral exploration/mining concrete batch plants.
- (21) Multi-family dwelling units.
- (22) Nursing, convalescent, rest, and retirement homes.
- (23) Offices.
- (24) Outdoor recreational uses.
- (25) Parks, playgrounds, playing fields.
- (26) Places for retailing of goods (structures and businesses limited to twelve thousand (12,000) square feet of floor area per building).
- (27) Manufactured home.
- (28) Professional offices.
- (29) Radio transmitting station.
- (30) Research facilities, indoors.
- (31) Research facilities, other.
- (32) Satellite reception devices.
- (33) Schools/universities.
- (34) Sewage disposal areas/landfills/water plants.
- (35) Single-family dwelling units with a maximum floor area of 5,750 sq. ft. within the Basalt Urban Growth Boundary.
- (36) Transferable development rights (TDRs).
- (37) Uses, activities and facilities permitted by special use permit issued by Federal agencies.

## CHAPTER 3 – ZONING DISTRICTS

(38) Vehicle and aircraft sales and service.

(39) Water crossing and diversion.

### (d) Prohibited Uses

The following uses are prohibited in the Public (PUB) Zone District:

- (1) Alpine ski areas and support.
- (2) Animal production and husbandry services, and other farm and agricultural uses.
- (3) Commercial camping areas.
- (4) Commercial firewood splitting, storage and sales.
- (5) Commercial kennels and veterinary clinics.
- (6) Commercial riding stables.
- (7) Employee dwelling units.
- (8) Financial institutions.
- (9) Guest ranches.
- (10) Mobile homes.
- (11) Motels, hotels, lodges.
- (12) Nordic ski areas and support facilities.
- (13) Personal service outlets: food stores, drug stores, post office substation, self-service laundries, dry cleaning outlets and liquor stores; the total space shall be limited to eighty (80) square feet of gross leasable space per dwelling unit in the district.
- (14) Resort cabins.
- (15) Restaurants and bars.
- (16) Timesharing/fractional fees.
- (17) Uses not listed.

## CHAPTER 3 – ZONING DISTRICTS

### (e) Master Plans

Undefined uses may be allowed through adoption of a master plan or amendment to an existing Master plan subject to Sections 2-20-150(g) and 2-40-100.

### (f) Dimensional Requirements

The following dimensional requirements shall apply to all permitted and special review uses in the Public (PUB) Zone District:

- (1) Minimum lot area: special review.
- (2) Minimum lot area principal use: special review.
- (3) Minimum usable open space per dwelling unit: special review.
- (4) Minimum front yard setback: thirty feet (30').
- (5) Minimum side yard setback: ten feet (10').
- (6) Minimum rear yard setback: ten feet (10').
- (7) Minimum lot width: special review.
- (8) Maximum height principal structures: twenty-eight feet (28').
- (9) Maximum height accessory structures: twenty feet (20').
- (10) Maximum floor area ratio: .50.

*(Code repealed and reenacted (all sections) by Ord. 014-D-2006, § 3-80-10 (part) amended [Ord. 026-10, 11-17-10](#))*

### **3-80-20: I (INDUSTRIAL)**

#### (a) Intent

The I (Industrial) district is intended to provide for the establishment of non-polluting manufacturing and warehouse facilities and accessory long-term residential dwelling units.

#### (b) Allowed Uses

The following uses are allowed as of right in the Industrial (I) Zone District:

## CHAPTER 3 – ZONING DISTRICTS

- (1) Accessory buildings and uses.
- (2) Bus stop.
- (3) Commercial firewood splitting, storage and sales.
- (4) Crop production.
- (5) Essential government public utility uses, facilities and services.
- (6) Home occupations.
- (7) Multi-family dwelling units.
- (8) Offices limited to one thousand (1,000) square feet per business.
- (9) Parks, playgrounds, playing fields.
- (10) Research facilities, indoors.
- (11) Single-family dwelling units.
- (12) Single-family dwelling units.
- (13) Solar energy collectors (private use).
- (14) Trails.

### (c) Special Review Uses

The following uses in the Industrial (I) zone district are subject to special review and may be permitted if found to be in support of allowed principal uses:

- (1) Agriculture stands.
- (2) Amusement and entertainment establishments.
- (3) Caretaker dwelling units.
- (4) Commercial automobile parking lots.
- (5) Commercial kennels and veterinary clinics.
- (6) Community health facilities.
- (7) Employee dwelling units.

## CHAPTER 3 – ZONING DISTRICTS

- (8) Equipment supplies and contraction or subcontractation.
- (9) Farm buildings.
- (10) Financial institutions.
- (11) Food related businesses.
- (12) General services.
- (13) Junk yards.
- (14) Mineral exploration/mining, concrete batch plants.
- (15) Personal service outlets: food stores, drug stores, post office substation, self-service laundries, dry cleaning outlets and liquor stores; the total space shall be limited to eighty (80) square feet of gross leasable space per dwelling unit in the district.
- (16) Manufactured home.
- (17) Professional offices (office space restricted to a maximum of one thousand (1,000) square feet per business).
- (18) Radio transmitting station.
- (19) Research facilities, other.
- (20) Restaurants and bars.
- (21) Satellite reception devices.
- (22) Schools/universities.
- (23) Sewage disposal areas/landfills/water plants.
- (24) Uses, activities and facilities permitted by special use permit issued by Federal agencies.
- (25) Vehicle and aircraft sales and service.
- (26) Water crossing and diversion.

### (d) Prohibited Uses

The following uses are prohibited in the Industrial (I) Zone District:



## CHAPTER 3 – ZONING DISTRICTS

- (1) Airport.
- (2) Alpine ski areas and support.
- (3) Animal production and husbandry services, and other farm and agricultural uses.
- (4) Cemeteries.
- (5) Churches.
- (6) Club houses or recreational buildings used in connection with and accessory to a permitted outdoor recreational use.
- (7) Commercial camping areas.
- (8) Commercial riding stables.
- (9) Day care centers.
- (10) Dormitory housing.
- (11) Duplex dwelling units.
- (12) Golf courses.
- (13) Guest ranches.
- (14) Hospitals.
- (15) Logging.
- (16) Medical/dental clinics.
- (17) Mobile homes.
- (18) Motels, hotels, lodges.
- (19) Nordic ski areas and support facilities.
- (20) Nursing, convalescent, rest, retirement homes.
- (21) Outdoor recreational uses.
- (22) Places for retailing of goods.

## CHAPTER 3 – ZONING DISTRICTS

- (23) Resort cabins.
- (24) Timesharing/fractional fees.
- (25) Uses not listed.

### (e) Master Plans

Undefined Uses may be allowed through adoption of a master plan or amendment to an existing Master Plan subject to Sections 2-20-150(g) and 2-40-100.

### (f) Dimensional Requirements

The following dimensional requirements shall apply to all permitted and special review uses in the Industrial (I) Zone District:

- (1) Minimum lot area for multi-family: fifteen thousand (15,000) square feet.
- (2) Minimum lot area for other: six thousand (6,000) square feet.
- (3) Minimum Lot Area per Dwelling Unit:
  - (a) Multi-family unlimited (special review): five thousand five hundred (5,500) square feet.
  - (b) Multi-family one bedroom: three thousand two hundred (3,200) square feet.
  - (c) Multi-family studio: two thousand five hundred (2,500) square feet.
- (4) Minimum usable open space per dwelling unit: one thousand two hundred (1,200) square feet.
- (5) Minimum front yard setback: thirty feet (30').
- (6) Minimum side yard setback: ten feet (10').
- (7) Minimum rear yard setback: ten feet (10').
- (8) Minimum lot width: fifty feet (50').
- (9) Maximum height principal structures: twenty-eight feet (28').
- (10) Maximum height accessory structures: twenty feet (20').

## CHAPTER 3 – ZONING DISTRICTS

(11) Maximum floor area ratio: .36.

### **3-80-30: U (UNCLASSIFIED)**

(a) Intent

The U, Unclassified district, includes those properties in the County which have not been rezoned for uses because of their distance from developed areas and/or the lack of a land use plan for the areas in which they are located.

(b) Allowed Uses

The following uses are allowed as of right in the Unclassified (U) Zone District:

- (1) Accessory buildings and uses.
- (2) Animal production and husbandry services, other farm and agricultural uses (not including commercial feed lots).
- (3) Bus stop.
- (4) Crop production.
- (5) Farm buildings.
- (6) Home occupations.
- (7) Parks, playground, playing fields.
- (8) Manufactured home.
- (9) Single-family dwelling units.
- (10) Single-family dwelling units.
- (11) Solar energy collectors (private use).
- (12) Trails.

(c) Special Review Uses

The following uses are subject to special review:

- (1) Agriculture stands.
- (2) Caretaker dwelling units.

## CHAPTER 3 – ZONING DISTRICTS

- (3) Cemeteries.
- (4) Churches.
- (5) Club houses or recreational buildings used in connection with and accessory to a permitted outdoor recreational use.
- (6) Commercial camping areas.
- (7) Commercial firewood splitting, storage and sales.
- (8) Commercial kennels and veterinary clinics.
- (9) Community health facilities.
- (10) Day care centers.
- (11) Employee dwelling units.
- (12) Equipment supplies and contraction or subcontractation.
- (13) Logging.
- (14) Mineral exploration/mining, concrete batch plants.
- (15) Nordic ski areas and support facilities.
- (16) Nursing, convalescent, rest, and retirement homes.
- (17) Outdoor recreational uses.
- (18) Radio transmitting station.
- (19) Resort cabins.
- (20) Satellite reception devices.
- (21) Schools/universities.
- (22) Sewage disposal areas/landfills/water plants.
- (23) Transferable development rights (TDRs).
- (24) Uses, activities and facilities permitted by special use permit issued by Federal agencies.

## CHAPTER 3 – ZONING DISTRICTS

(25) Water crossing and diversion.

(d) Prohibited Uses

The following uses are prohibited in the Unclassified (U) Zone District:

- (1) Airport.
- (2) Alpine ski areas and support.
- (3) Amusement and entertainment establishments.
- (4) Commercial automobile parking lots.
- (5) Commercial riding stables.
- (6) Dormitory housing.
- (7) Duplex dwelling units.
- (8) Essential government and public utility uses, facilities and services.
- (9) Financial institutions.
- (10) General services.
- (11) Golf courses.
- (12) Guest ranches.
- (13) Hospitals.
- (14) Junk yards.
- (15) Medical/dental clinics.
- (16) Mobile homes.
- (17) Motels, hotels, lodges.
- (18) Multi-family dwelling units.
- (19) Offices.

## CHAPTER 3 – ZONING DISTRICTS

(20) Personal service outlets: food stores, drug stores, post office substation, self-service laundries, dry cleaning outlets and liquor stores; the total space shall be limited to eighty (80) square feet of gross leasable space per dwelling unit in the district.

(21) Places for retailing of goods.

(22) Professional offices.

(23) Research facilities, indoors.

(24) Research facilities, other.

(25) Restaurants and bars.

(26) Timesharing/fractional fees.

(27) Uses not listed.

(28) Vehicle and aircraft sales and service.

### (e) Dimensional Requirements

The Unclassified zone district has the same dimensional requirements as the AR-10 zone district (Table 5-1).

### **3-80-40: AC/REC-2 (ACCOMMODATION/RECREATION)**

#### (a) Intent

The AC/REC-2 (Accommodation/Recreation) zone district is intended to provide for resident and tourist housing nearby to skiing and other recreation areas.

#### (b) Allowed Uses

The following uses are allowed as of right in the Accommodation/Recreation (AC/REC-2) Zone District:

(1) Accessory buildings and uses.

(2) Bus stop.

(3) Crop production.

(4) Day care centers.

## CHAPTER 3 – ZONING DISTRICTS

- (5) Duplex dwelling units.
- (6) Home occupations.
- (7) Multi-family dwelling units.
- (8) Manufactured home.
- (9) Parks, playgrounds, playing fields.
- (10) Single-family dwelling units.
- (11) Solar energy collectors (private use).
- (12) Trails.

### (c) Special Review Uses

The following uses are subject to special review and may be permitted if found to be in support of allowed principal uses:

- (1) Agriculture stands.
- (2) Alpine ski areas and support.
- (3) Amusement and entertainment establishments.
- (4) Caretaker dwelling units.
- (5) Cemeteries.
- (6) Churches.
- (7) Club houses or recreational buildings used in connection with and accessory to a permitted outdoor recreational use.
- (8) Commercial automobile parking lots.
- (9) Commercial kennels and veterinary clinics.
- (10) Commercial riding stables.
- (11) Community health facilities.
- (12) Dormitory housing.

## CHAPTER 3 – ZONING DISTRICTS

- (13) Farm buildings.
- (14) Golf courses.
- (15) Guest ranches.
- (16) Motel, hotels, lodges.
- (17) Nordic ski areas and support facilities.
- (18) Nursing, convalescent, rest, and retirement homes.
- (19) Outdoor recreational uses.
- (20) Personal service outlets: food stores, drug stores, post office substation, self-service laundries, dry cleaning outlets and liquor stores; the total space shall be limited to eighty (80) square feet of gross leasable space per dwelling unit in the district.
- (21) Places for retailing of goods (structures and businesses limited to twelve thousand (12,000) square feet of floor area per building).
- (22) Professional offices.
- (23) Radio transmitting station.
- (24) Resort cabins.
- (25) Restaurants and bars.
- (26) Satellite reception devices.
- (27) Schools/universities.
- (28) Sewage disposal areas/landfills/water plants.
- (29) Timesharing/fractional fees.
- (30) Transferable development rights (TDRs).
- (31) Uses, activities and facilities permitted by special use permit issued by Federal agencies.
- (32) Water crossing and diversion.

### (d) Prohibited Uses



## CHAPTER 3 – ZONING DISTRICTS

The following uses are prohibited in the Accommodation/Recreation (AC/REC-2) Zone District:

- (1) Airport.
- (2) Animal production and husbandry services, and other farm and agricultural uses.
- (3) Commercial camping areas.
- (4) Commercial firewood splitting, storage and sales.
- (5) Employee dwelling units.
- (6) Equipment supplies and contraction or subcontractation.
- (7) Essential government and public utility uses, facilities and services.
- (8) Financial institutions.
- (9) General services.
- (10) Hospitals.
- (11) Junk yards.
- (12) Logging.
- (13) Medical/dental clinics.
- (14) Mineral exploration/mining concrete batch plants.
- (15) Mobile homes.
- (16) Offices.
- (17) Research facilities, indoors.
- (18) Research facilities, other.
- (19) Uses not listed.
- (20) Vehicle and aircraft sales and service.

(e) Dimensional Requirements

## CHAPTER 3 – ZONING DISTRICTS

The following dimensional requirements shall apply to all permitted and special review uses in the Accommodation/Recreation (AC/REC-2) Zone District:

- (1) Minimum lot area:
  - (a) Hotel/motel/lodge: two (2) acres.
  - (b) All other: one (1) acre.
- (2) Minimum Lot Area per Dwelling Unit:
  - (a) Hotel motel lodge (HML): two thousand two hundred (2,200) square feet.
  - (b) Multi-family (unlimited): five thousand five hundred (5,500) square feet.
  - (c) Multi-family (one-bedroom limited): three thousand two hundred (3,200) square feet.
  - (d) Multi-family (studio limited): two thousand five hundred (2,500) square feet.
  - (e) Other: one (1) acre.
- (3) Minimum usable open space per dwelling unit: one thousand two hundred (1,200) square feet.
- (4) Minimum front yard setback: seventy-five feet (75').
- (5) Minimum side yard setback: twenty feet (20').
- (6) Minimum rear yard setback: twenty feet (20').
- (7) Minimum lot width: one hundred feet (100').
- (8) Maximum height principal structures: twenty-eight feet (28').
- (9) Maximum height accessory structures: twenty feet (20').
- (10) Maximum floor area ratio: .36.

## CHAPTER 3 – ZONING DISTRICTS

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