

## PART 700 - ZONING DISTRICTS

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## **Chapter 26.710 ZONE DISTRICTS**

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### **26.710.010 General purpose.**

In order to ensure that all development is consistent with the goals and objectives of the Aspen Area Community Plan and this Title, it is necessary and proper to establish a series of zone districts to ensure

that each permitted and conditional use is compatible with surrounding land uses, is served by adequate public facilities, and is consistent with the environmental sensitivity of the City

and its surrounding area's natural resources. All development within each zone district shall be consistent with the purposes stated for that zone district in this Chapter. Any use which is not specifically listed in this Chapter as a permitted or conditional use in a zone district shall be considered prohibited, unless otherwise interpreted by the Community Development Director pursuant to Chapter 26.306.

**26.710.020 Zone districts established.**

The City of Aspen is hereby divided in several zones, known and designated as detailed in this Chapter, to serve the purposes stated above and in each Section of this Chapter describing the individual zone districts.

**26.710.022 Zoning of lands containing more than one underlying zone district.**

Whenever any parcel of land shall contain more than one underlying zone district, the following rules shall apply:

**A. *Proposed use not allowed in all zone districts.*** When a parcel of land contains more than one underlying zone district and the proposed use is not allowed in all of the respective zone districts, then:

1. The use can only be developed on land in which it is a permitted or a conditional use.
2. The external floor area and density which shall apply to the use shall be calculated based only on the land area of the zone district in which the use is a permitted or conditional use. The off-street parking requirements and other dimensional requirements which shall apply to the use shall be those of the zone district in which the use is a permitted or conditional use, but shall be calculated on the basis of the land area and development of the entire parcel.

**B. *Proposed use allowed in all zone districts.*** When a parcel of land contains more than one underlying zone district and the proposed use is allowed in all of the respective zone districts, then:

1. The use shall be developed by comparing each dimensional and parking requirement of the respective zone districts and applying the more restrictive of each requirement. These requirements shall, however, be calculated based on the land area and development of the entire parcel.
2. The only exception shall be when the area of the parcel which is designated with the zone district which permits the higher density constitutes more than seventy-five (75) percent of the entire land area of the parcel. In this case, the use shall be developed using the dimensional requirements and off-street parking requirements of the zone district permitting the higher density, which shall be calculated on the basis of the land area and development of the entire parcel.

**26.710.024 Zoning of vacated areas.**

Whenever any street, alley or other public way within the City of Aspen is vacated by the City Council, the land on which the street, alley, or public way is located shall become a part of the zone district of the lands adjoining such street, alley or public way. Those lands shall then become subject to the regulations that apply to that zone district. In determining land available for development, however, vacated lands shall be excluded from the calculation of allowable floor area, density or required open space.

**26.710.030 Official zone district map.**

*A. Establishment of zone district map.* The location and boundaries of the zone districts established in this Title shall be set forth on the Official Zone District Map of the City of Aspen which is incorporated herein by reference into this Title as if fully described and set forth herein. A copy of the official zone district map shall be located in the office of the Community Development Department at all times for inspection by the general public during regular business hours. The official zone district map shall be the final authority as to the current zoning of land in the City of Aspen.

*B. Amendment to zone district map.* If pursuant to the terms of this Title, amendments are made to the boundaries of the official zone district map, such amendments shall be entered on the official zone district map promptly after amendment.

## **26.710.040 Medium-Density Residential (R-6).**

**A. Purpose.** The purpose of the Medium-Density Residential (R-6) zone district is to provide areas for long term residential purposes with customary accessory uses. Recreational and institutional uses customarily found in proximity to residential uses are included as conditional uses. Lands in the Medium-Density Residential (R-6) zone district are generally limited to the original Aspen Townsite, contain relatively dense settlements of predominantly detached and duplex residences, and are within walking distance of the center of the City.

**B. Permitted uses.** The following uses are permitted as of right in the Medium-Density Residential (R-6) zone district:

1. Detached residential dwelling;
2. Duplex;
3. Two detached residential dwellings;
4. Home occupations;
5. Accessory buildings and uses; and
6. Accessory dwelling units and Carriage Houses meeting the provisions of Chapter 26.520.

**C. Conditional uses.** The following uses are permitted as conditional uses in the Medium-Density Residential (R-6) zone district, subject to the standards and procedures established in Chapter 26.425:

1. Arts, Cultural, and Civic Uses.
2. Academic Uses.
3. Recreational Uses.
4. Group home.
5. Child care center.
6. For historic landmark properties: bed and breakfast and boardinghouse.

**D. Dimensional requirements.** The following dimensional requirements shall apply to all permitted and conditional uses in the Medium-Density Residential (R-6) zone district:

1. Minimum lot size (square feet): Six thousand (6,000). For lots created by Section 26.480.030 A.4., Historic Landmark Lot Split: Three thousand (3,000).
2. Minimum lot area per dwelling unit (square feet):
  - a) Detached residential dwelling: 4,500. For Historic Landmark Properties: 3,000.
  - b) Duplex: 4,500. For Historic Landmark Properties: 3,000. For properties subdivided as of April 28, 1975: 4,000. For properties annexed subsequent to January 1, 1989: 3,750.
  - c) Bed and breakfast, boardinghouse: No requirement.
3. Minimum lot width (feet): Sixty (60). For lots created by Section 26.480.030 A.4., Historic Landmark Lot Split: Thirty (30).
4. Minimum front yard (feet): Principal buildings: 10. Accessory buildings: 15.
5. Minimum rear yard (feet): Principal buildings: 10. For the portion of a principal building used solely as a garage: 5. Accessory buildings: 5.
6. Minimum side yard:

<b>Lot Size (Square Feet)</b>	<b>Minimum Size for each Side Yard</b>	<b>Total of both Side Yards*</b>
0--4,500	5 feet.	10 feet.
4,500--6,000	5 feet.	10 feet, plus 1 foot for each additional 300 square feet of lot area, to a maximum of 15 feet of total side yard.
6,000--8,000	5 feet.	15 feet, plus 1 foot for each additional 200 square feet of lot area, to a maximum of 25 feet of total side yard.
8,000--10,000	10 feet.	25 feet, plus 1 foot for each additional 200 square feet of lot area, to a maximum of 35 feet of total side yard.
10,000+	15 feet.	35 feet, plus 1 foot for each additional 400 square feet of lot area, to a maximum of 50 feet of total side yard.

The following requirements shall apply on a lot annexed subsequent to January 1, 1989.

<b>Lot Size (Square Feet)</b>	<b>Minimum Size for each Side Yard</b>	<b>Total of both Side Yards*</b>
0--7,500	10 feet.	20 feet.
7,500--10,000	10 feet.	20 feet, plus 1 foot for each additional 200 square feet of lot area, to a maximum of 32.5 feet of total side yard.
10,000+	15 feet.	32.5 feet, plus 1 foot for each additional 400 square feet of lot area, to a maximum of 50 feet of total side yard.

\* Two detached residential dwellings located on one lot shall not be subject to the combined side yard setback requirements, provided that the minimum setback between the two detached dwellings on the lot shall be ten (10) feet.

For purposes of calculating the minimum side yard setback for lots within the Hallam Lake Bluff Environmentally Sensitive Area (ESA), the area below the top of slope shall be subtracted from lot size.

7. Maximum site coverage:

<b>Lot Size (Square Feet)</b>	<b>Maximum Site Coverage (%)</b>
0--5,999	No limitation
6,000--9,000	50%, minus 1% for each additional 300 square feet of lot area, to a maximum site coverage of 40%
9,000--12,000	40%, minus 1% for each additional 300 square feet of lot area, to a maximum site coverage of 30%
12,000--18,000	30%, minus 1% for each additional 1,200 square feet of lot area, to a maximum site coverage of 25%
18,000+	25%

8. Maximum height (feet): 25

9. Minimum distance between detached buildings on the lot (feet): 5.

10. Percent of open space required for building site: No requirement.

11. Floor Area Ratio (applies to conforming and nonconforming lots of record):

<b>Lot Size (Square Feet)</b>	<b>Allowable Floor Area for Single-Family Residence*</b>	<b>Allowable Floor Area for Two Detached Dwellings or one Duplex*</b>
0--3,000	80 square feet of floor area for each 100 in lot area, up to a maximum of 2,400 square feet of floor area.	90 square feet of floor area for each 100 square feet in lot area, up to a maximum of 2,700 square feet of floor area.
3,000--6,000	2,400 square feet of floor area, plus 28 square feet of floor area for each additional 100 square feet in lot area, up to a maximum of 3,240 square feet of floor area.	2,700 square feet of floor area, plus 30 square feet of floor area for each additional 100 square feet in lot area, up to a maximum of 3,600 square feet of floor area.

<b>Lot Size (Square Feet)</b>	<b>Allowable Floor Area for Single-Family Residence*</b>	<b>Allowable Floor Area for Two Detached Dwellings or one Duplex*</b>
6,000--9,000	3,240 square feet of floor area, plus 14 square feet of floor area for each additional 100 square feet in lot area, up to a maximum of 3,660 square feet of floor area.	3,600 square feet of floor area, plus 16 square feet of floor area for each additional 100 square feet in lot area, up to a maximum of 4,080 square feet of floor area.
9,000--15,000	3,660 square feet of floor area, plus 6 square feet of floor area for each additional 100 square feet in lot area, up to a maximum of 4,020 square feet of floor area.	4,080 square feet of floor area, plus 6 square feet of floor area for each additional 100 square feet in lot area, up to a maximum of 4,440 square feet of floor area.
15,000--50,000	4,020 square feet of floor area, plus 5 square feet of floor area for each additional 100 square feet in lot area, up to a maximum of 5,770 square feet of floor area.	4,440 square feet of floor area, plus 5 square feet of floor area for each additional 100 square feet in lot area, up to a maximum of 6,190 square feet of floor area.
50,000+	5,770 square feet of floor area, plus 2 square feet of floor area for each additional 100 square feet in lot area.	6,190 square feet of floor area, plus 3 square feet of floor area for each additional 100 square feet in lot area.

\*Total external floor area for multiple detached residential dwellings on one lot shall not exceed the floor area allowed for one duplex. Total external floor area for multiple detached residential dwellings on a lot less than nine-thousand (9,000) square feet listed on the Inventory of Historic Landmark Sites and Structures shall not exceed the floor area allowed for one detached residential dwelling.

Each City of Aspen Historic Transferable Development Right certificate extinguished, pursuant to Section 26.535, Transferable Development Rights, shall allow an additional 250 square feet of Floor Area. Each residence on the parcel, excluding Accessory Dwelling Units and Carriage Houses, shall be eligible for one Floor Area increase in exchange for the extinguishment of one Historic TDR. No more than one Floor Area increase shall be allowed per residence, with the following exception: Properties within the same Subdivision or Planned Unit Development as a sending site may be specified as eligible for up to two (2) Floor Area increases per residence pursuant to the Subdivision or Planned Unit Development approval. The properties to be specified as eligible for up to two (2) Floor Area increases per residence shall be located within the same Subdivision or Planned Unit Development so as to enhance preservation of the historic



resource, considering a recommendation from the Historic Preservation Commission, shall not be located adjacent to the sending site, and shall be described and depicted in the Subdivision or Planned Unit Development approvals granted by City Council. The total number of Floor Area increases permitted within the Subdivision or Planned Unit Development shall not exceed an aggregate total of one (1) per non-historic residence within the entire Subdivision or Planned Unit Development. Properties listed on the Inventory of Historic Sites and Structures shall not be eligible for this Floor Area increase. Non-conforming uses and structures shall not be eligible for this Floor Area increase.

(Ord. No. 56-2000 §§ 1, 7 (part), 10; Ord. No. 25-2001, §§ 1, 5 (part); Ord. No. 1-2002 § 20 (part), 2002; Ord. No. 54, 2003 - §6; Ord. No. 48-2004 §1; Ord. No. 50-2005, §1)

## **26.710.050 Moderate-Density Residential (R-15).**

**A. Purpose.** The purpose of the Moderate-Density Residential (R-15) zone district is to provide areas for long term residential purposes with customary accessory uses. Recreational and institutional uses customarily found in proximity to residential uses are included as conditional uses. Lands in the Moderate-Density Residential (R-15) zone district typically consist of additions to the Aspen Townsite and subdivisions on the periphery of the City. Lands within the Townsite which border Aspen Mountain are also included in the Moderate-Density Residential (R-15) zone district.

**B. Permitted uses.** The following uses are permitted as of right in the Moderate-Density Residential (R-15) zone district.

1. Detached residential dwelling;
2. Duplex;
3. Two detached residential dwellings
4. Home occupations;
5. Accessory buildings and uses; and
6. Accessory dwelling units and Carriage Houses meeting the provisions of section 26.520.040.

**C. Conditional uses.** The following uses are permitted as conditional uses in the Moderate-Density Residential (R-15) zone district, subject to the standards and procedures established in Chapter 26.425:

1. Arts, Cultural, and Civic Uses.
2. Academic Uses.
3. Agricultural Uses.
4. Recreational Uses.
5. Group home.
6. Child care center.
7. For historic landmark properties: bed and breakfast and boardinghouse.

**D. Dimensional requirements.** The following dimensional requirements shall apply to all permitted and conditional uses in the Moderate-Density Residential (R-15) zone district.

1. Minimum lot size (square feet): Fifteen thousand (15,000). For lots created by Section 26.480.030 A.4., Historic Landmark Lot Split: Three thousand (3,000)
2. Minimum lot area per dwelling unit (square feet):
  - a. Detached residential dwelling: 15,000. For Historic Landmark Properties: 3,000.
  - b. Duplex: 7,500. For Historic Landmark Properties: 3,000.
  - c. Bed and breakfast, boardinghouse: No requirement.
3. Minimum lot width (feet): Seventy-five (75). For lots created by Section 26.480.030 A.4., Historic Landmark Lot Split: Thirty (30).
4. Minimum front yard setback (feet):  
Residential dwellings: Twenty-five (25).  
Accessory buildings and all other buildings: Thirty (30).
5. Minimum side yard setback (feet): Ten (10).

6. Minimum rear yard setback (feet):  
Principal buildings: 10  
Accessory buildings: Five (5).
7. Maximum height (feet): Twenty-five (25).
8. Minimum distance between detached buildings on the lot (feet): Ten (10).
9. Percent of open space required for building site: No requirement.
10. External floor area ratio (applies to conforming and nonconforming lots of record):

<b>Lot Size (Square Feet)</b>	<b>Allowable Floor Area for Single-Family Residence*</b>	<b>Allowable Floor Area for Two Detached Dwellings or one Duplex*</b>
0--3,000	80 square feet of floor area for each 100 in lot area, up to a maximum of 2,400 square feet of floor area.	90 square feet of floor area for each 100 square feet in lot area, up to a maximum of 2,700 square feet of floor area.
3,000--9,000	2,400 square feet of floor area, plus 28 square feet of floor area for each additional 100 square feet in lot area, up to a maximum of 4,080 square feet of floor area.	2,700 square feet of floor area, plus 30 square feet of floor area for each additional 100 square feet in lot area, up to a maximum of 4,500 square feet of floor area.
9,000--15,000	4,080 square feet of floor area, plus 7 square feet of floor area for each additional 100 square feet in lot area, up to a maximum of 4,500 square feet of floor area.	4,500 square feet of floor area, plus 7 square feet of floor area for each additional 100 square feet in lot area, up to a maximum of 4,920 square feet of floor area.
15,000--50,000	4,500 square feet of floor area, plus 6 square feet of floor area for each additional 100 square feet in lot area, up to a maximum of 6,600 square feet of floor area.	4,920 square feet of floor area, plus 6 square feet of floor area for each additional 100 square feet in lot area, up to a maximum of 7,020 square feet of floor area.
50,000+	6,600 square feet of floor area, plus 2 square feet of floor area for each additional 100 square feet in lot area.	7,020 square feet of floor area, plus 3 square feet of floor area for each additional 100 square feet in lot area.

\*Total external floor area for multiple detached residential dwellings on one lot shall not exceed the floor area allowed for one duplex. Total external floor area for multiple detached residential dwell-

ings on a lot less than twenty-thousand (20,000) square feet listed on the Inventory of Historic Landmark Sites and Structures shall not exceed the floor area allowed for one detached residential dwelling.

Each City of Aspen Historic Transferable Development Right certificate extinguished, pursuant to Section 26.535, Transferable Development Rights, shall allow an additional 250 square feet of Floor Area. Each residence on the parcel, excluding Accessory Dwelling Units and Carriage Houses, shall be eligible for one Floor Area increase in exchange for the extinguishment of one Historic TDR. No more than one Floor Area increase shall be allowed per residence. Properties listed on the Inventory of Historic Sites and Structures shall not be eligible for this Floor Area increase. Non-conforming uses and structures shall not be eligible for this Floor Area increase.

(Ord. No. 56-2000, §§ 2, 7 (part); Ord. No. 25-2001 §§ 2, 5 (part); Ord. No. 1-2002 § 20 (part), 2002; Ord. No. 54, 2003 §7; Ord No. 50-2005, §2)

## **26.710.060 Moderate-Density Residential (R-15A).**

**A. Purpose.** The purpose of the Moderate-Density Residential (R-15A) zone district is to provide areas for long term residential purposes with customary accessory uses. Recreational and institutional uses customarily found in proximity to residential uses are included as conditional uses. Lands in the Moderate-Density Residential (R-15A) zone district are similarly situated to those in the Moderate-Density Residential (R-15) zone district and are lands annexed from Pitkin County from zone districts in which duplexes are a prohibited use.

**B. Permitted uses.** The following uses are permitted as of right in the Moderate-Density Residential (R-15A) zone district:

1. Detached residential dwelling;
2. Duplex, provided fifty (50) percent of the duplex units are restricted to affordable housing;
3. Two detached residential dwellings;
4. Home occupations;
5. Accessory buildings and uses;
6. Accessory dwelling units and Carriage Houses meeting the provisions of section 26.520.

**C. Conditional uses.** The following uses are permitted as conditional uses in the Moderate-Density Residential (R-15A) zone district, subject to the standards and procedures established in Chapter 26.425:

1. Arts, Cultural, and Civic Uses.
2. Academic Uses.
3. Agricultural Uses.
4. Recreational Uses.
5. Group home.
6. Child care center.
7. For historic landmark properties: bed and breakfast and boardinghouse.

**D. Dimensional requirements.** The following dimensional requirements shall apply to all permitted and conditional uses in the Moderate-Density Residential (R-15A) zone district:

1. Minimum lot size (square feet): Fifteen thousand (15,000). For lots created by Section 26.480.030 A.4., Historic Landmark Lot Split: Three thousand (3,000)
2. Minimum lot area per dwelling unit (square feet):
  - a) Detached residential dwelling: 15,000. For Historic Landmark Properties: 3,000.
  - b) Duplex: 7,500. For Historic Landmark Properties: 3,000.
  - c) Bed and breakfast, boardinghouse: No requirement.
3. Minimum lot width (feet): Seventy-five (75). For lots created by Section 26.480.030 A.4., Historic Landmark Lot Split: Thirty (30).
4. A minimum front yard setback (feet):  
Residential dwelling: Twenty-five (25).  
Accessory buildings and all other buildings: Thirty (30).
5. Minimum side yard setback (feet): 10.

6. Minimum rear yard setback (feet):  
     Residential dwellings: Ten (10).  
     Accessory buildings and all other buildings: Five (5).
7. Maximum height (feet): Twenty-five (25).
8. Minimum distance between principal and accessory buildings (feet): Ten (10).
9. Percent of open space required for building site: No requirement.
10. Floor area ratio (applies to conforming and nonconforming lots of record):

<b>Lot Size (Square Feet)</b>	<b>Allowable Floor Area for Single-Family Residence*</b>	<b>Allowable Floor Area for Two Detached Dwellings or one Duplex*</b>
0--3,000	80 square feet of floor area for each 100 in lot area, up to a maximum of 2,400 square feet of floor area.	90 square feet of floor area for each 100 square feet in lot area, up to a maximum of 2,700 square feet of floor area.
3,000--9,000	2,400 square feet of floor area, plus 28 square feet of floor area for each additional 100 square feet in lot area, up to a maximum of 4,080 square feet of floor area.	2,700 square feet of floor area, plus 30 square feet of floor area for each additional 100 square feet in lot area, up to a maximum of 4,500 square feet of floor area.
9,000--15,000	4,080 square feet of floor area, plus 7 square feet of floor area for each additional 100 square feet in lot area, up to a maximum of 4,500 square feet of floor area.	4,500 square feet of floor area, plus 7 square feet of floor area for each additional 100 square feet in lot area, up to a maximum of 4,920 square feet of floor area.
15,000--50,000	4,500 square feet of floor area, plus 6 square feet of floor area for each additional 100 square feet in lot area, up to a maximum of 6,600 square feet of floor area.	4,920 square feet of floor area, plus 6 square feet of floor area for each additional 100 square feet in lot area, up to a maximum of 7,020 square feet of floor area.
50,000+	6,600 square feet of floor area, plus 2 square feet of floor area for each additional 100 square feet in lot area.	7,020 square feet of floor area, plus 3 square feet of floor area for each additional 100 square feet in lot area.

\*Total external floor area for multiple detached residential dwellings on one lot shall not exceed the floor area allowed for one duplex. Total external floor area for multiple detached residential dwell-

ings on a lot less than twenty-thousand (20,000) square feet listed on the Inventory of Historic Landmark Sites and Structures shall not exceed the floor area allowed for one detached residential dwelling.

Each City of Aspen Historic Transferable Development Right certificate extinguished, pursuant to Section 26.535, Transferable Development Rights, shall allow an additional 250 square feet of Floor Area. Each residence on the parcel, excluding Accessory Dwelling Units and Carriage Houses, shall be eligible for one Floor Area increase in exchange for the extinguishment of one Historic TDR. No more than one Floor Area increase shall be allowed per residence. Properties listed on the Inventory of Historic Sites and Structures shall not be eligible for this Floor Area increase. Non-conforming uses and structures shall not be eligible for this Floor Area increase.

(Ord. No. 56-2000, § 7 (part); Ord. No. 25-2001, § 5 (part); Ord. No. 1-2002 § 20 (part), 2002; Ord. No. 54-2003, §8; Ord. No. 50-2005, §3)

## **26.710.070 Moderate-Density Residential (R-15B).**

**A. Purpose.** The purpose of the Moderate-Density Residential (R-15B) zone district is to provide areas for long term residential purposes with customary accessory uses. Lands in the Moderate-Density Residential (R-15B) zone district are similarly situated to those in the Moderate-Density Residential (R-15) and (R-15A) zone districts, but are those in which single-family structures are a permitted use and duplexes are prohibited.

**B. Permitted uses.** The following uses are permitted as of right in the Moderate-Density Residential (R-15B) zone district:

1. Detached residential dwelling;
2. Home occupations; and
3. Accessory buildings and uses.

**C. Conditional uses.** The following uses are permitted as conditional uses in the Moderate-Density Residential (R-15B) zone district, subject to the standards and procedures established in Chapter 26.425:

1. Agricultural Uses.

**D. Dimensional requirements.** The following dimensional requirements shall apply to all permitted and conditional uses in the Moderate-Density Residential (R-15B) zone district:

1. Minimum lot size (square feet): Fifteen thousand (15,000).
2. Minimum lot area per dwelling unit (square feet): Fifteen thousand (15,000).
3. Minimum lot width (feet): Seventy-five (75).
4. Minimum front yard setback (feet): Thirty 30. For properties located between Eastwood Drive and Highway 82 [Lots 6-19, Eastwood Subdivision] and properties located on the northwest portion of Skimming Lane [Lots 8-11, Block 1, Aspen Grove subdivision] (feet) 10.
5. Minimum side yard setback (feet): Five. (5).
6. Minimum rear yard setback (feet):  
Residential dwellings: Ten (10).  
Accessory buildings and all other buildings: Five (5).  
For properties located between Eastwood Drive and Highway 82 [Lots 6-19, Eastwood Subdivision] and properties located on the northwest portion of Skimming Lane [Lots 8-11, Block 1, Aspen Grove subdivision] (feet) 30.
7. Maximum height (feet): 25.
8. Minimum distance between principal and accessory buildings (feet): No requirement
9. Percent of open space required for building site: No requirement.
10. Floor area ratio (applies to conforming and nonconforming lots of record):



Lot Size (Square Feet)	Allowable Floor Area for Single-Family Residence
0--3,000	80 square feet of floor area for each 100 in lot area, up to a maximum of 1,680 square feet of floor area.
3,000--9,000	1,680 square feet of floor area, plus 20 square feet of floor area for each additional 100 square feet in lot area, up to a maximum of 2,880 square feet of floor area.
9,000--15,000	2,880 square feet of floor area plus 5 square feet of floor area for each additional 100 square feet in lot area, up to a maximum of 3,180 square feet of floor area.
15,000--50,000	3,180 square feet of floor area, plus 4 square feet of floor area for each additional 100 square feet in lot area, up to a maximum of 4,580 square feet of floor area.
50,000+	4,580 square feet of floor area, plus 1 square foot of floor area for each additional 100 square feet in lot area.

Each City of Aspen Historic Transferable Development Right certificate extinguished, pursuant to Section 26.535, Transferable Development Rights, shall allow an additional 250 square feet of Floor Area. Each residence on the parcel, excluding Accessory Dwelling Units and Carriage Houses, shall be eligible for one Floor Area increase in exchange for the extinguishment of one Historic TDR. No more than one Floor Area increase shall be allowed per residence. Properties listed on the Inventory of Historic Sites and Structures shall not be eligible for this Floor Area increase. Non-conforming uses and structures shall not be eligible for this Floor Area increase.

(Ord. No. 56-2000, § 7 (part); Ord. No. 25-2001, § 5 (part); Ord. No. 54-2003, §9; Ord. No. 51-2005 §1)

## **26.710.080 Low-Density Residential (R-30).**

**A. Purpose.** The purpose of the Low-Density Residential (R-30) zone district is to provide areas for long term residential purposes with customary accessory uses. Recreational and institutional uses customarily found in proximity to residential uses are included as conditional uses. Lands in the Low-Density Residential (R-30) zone district are typically located along river frontages in outlying areas of the City.

**B. Permitted uses.** The following uses are permitted as of right in the Low-Density Residential (R-30) zone district:

1. Detached residential dwelling;
2. Duplex;
3. Home occupations;
4. Accessory buildings and uses; and
5. Accessory dwelling units and Carriage Houses meeting the provisions of Section 26.520.

**C. Conditional uses.** The following uses are permitted as conditional uses in the Low-Density Residential (R-30) zone district, subject to the standards and procedures established in Chapter 26.425:

1. Arts, Cultural, and Civic Uses.
2. Academic Uses.
3. Agricultural Uses.
4. Recreational Uses.
5. Group home.
6. Child care center.

**D. Dimensional requirements.** The following dimensional requirements shall apply to all permitted and conditional uses in the Low-Density Residential (R-30) zone district:

1. Minimum lot size (square feet): 30,000
2. Minimum lot area per dwelling unit (square feet):  
Detached: 30,000.  
Duplex: 15,000 per unit.
3. Minimum lot width (feet): 100.
4. Minimum front yard setback (feet):  
Residential dwellings: 25.  
Accessory buildings and all other buildings: 30.
5. Minimum side yard setback (feet): 10
6. Minimum rear yard setback (feet):  
Residential dwellings: Fifteen (15).  
Accessory buildings: Five (5).  
All other buildings: 30
7. Maximum height (feet): Twenty-five (25).

8. Minimum distance between principal and accessory buildings (feet): Ten (10).
9. Percent of open space required for building site: No requirement.
10. Floor area ratio (applies to conforming and nonconforming lots of record):

<b>Lot Size (Square Feet)</b>	<b>Allowable Floor Area for Single-Family Residence</b>	<b>Allowable Floor Area for Duplex</b>
0--3,000	80 square feet of floor area for each 100 in lot area, up to a maximum of 2,400 square feet of floor area.	90 square feet of floor area for each 100 square feet in lot area, up to a maximum of 2,700 square feet of floor area.
3,000--9,000	2,400 square feet of floor area, plus 28 square feet of floor area for each additional 100 square feet in lot area, up to a maximum of 4,080 square feet of floor area.	2,700 square feet of floor area, plus 30 square feet of floor area for each additional 100 square feet in lot area, up to a maximum of 4,500 square feet of floor area.
9,000--15,000	4,080 square feet of floor area, plus 7 square feet of floor area for each additional 100 square feet in lot area, up to a maximum of 4,500 square feet of floor area.	4,500 square feet of floor area, plus 7 square feet of floor area for each additional 100 square feet in lot area, up to a maximum of 4,920 square feet of floor area.
15,000--50,000	4,500 square feet of floor area, plus 6 square feet of floor area for each additional 100 square feet in lot area, up to a maximum of 6,600 square feet of floor area.	4,920 square feet of floor area, plus 6 square feet of floor area for each additional 100 square feet in lot area, up to a maximum of 7,020 square feet of floor area.
50,000+	6,600 square feet of floor area, plus 2 square feet of floor area for each additional 100 square feet in lot area.	7,020 square feet of floor area, plus 3 square feet of floor area for each additional 100 square feet in lot area.

Each City of Aspen Historic Transferable Development Right certificate extinguished, pursuant to Section 26.535, Transferable Development Rights, shall allow an additional 250 square feet of Floor Area. Each residence on the parcel, excluding Accessory Dwelling Units and Carriage Houses, shall be eligible for one Floor Area increase in exchange for the extinguishment of one Historic TDR. No more than one Floor Area increase shall be allowed per residence. Properties listed on the Inventory of Historic Sites and Structures shall not be eligible for this Floor Area increase. Non-conforming uses and structures shall not be eligible for this Floor Area increase.

(Ord. No. 56-2000, § 7 (part); Ord. No. 25-2001, § 5 (part); Ord. No. 54-2003 §10)

## **26.710.090 Residential Multi-Family (R/MF).**

**A. Purpose.** The purpose of the Residential Multi-Family (RMF) zone district is to provide for the use of land for intensive long-term residential purposes, with customary accessory uses. Recreational and institutional uses customarily found in proximity to residential uses are included as conditional uses. Lands in the Residential Multi-Family (RMF) zone district are typically those found in the Aspen Infill Area, within walking distance of the center of the City, or lands on transit routes, and other lands with existing concentrations of attached residential dwellings and mixed attached and detached residential dwellings.

**B. Permitted uses.** The following uses are permitted as of right in the Residential/Multi-Family (R/MF) zone district:

1. Detached residential dwelling.
2. Two detached residential dwellings.
3. Duplex dwelling.
4. Multi-family dwellings.
5. Home occupations.
6. Accessory buildings and uses.
7. Dormitory.
8. Accessory Dwelling Units and Carriage Houses meeting the provisions of Section 26.520.
9. For historic landmark properties: bed and breakfast, and boardinghouse.

**C. Conditional uses.** The following uses are permitted as conditional uses in the Residential/Multi-Family (R/MF) zone district, subject to the standards and procedures established in Chapter 26.425:

1. Arts, Cultural, and Civic Uses.
2. Academic Uses.
3. Recreational Uses.
4. Group home.
5. Child care center.

**D. Dimensional requirements.** The following dimensional requirements shall apply to all permitted and conditional uses in the Residential/Multi-Family (R/MF) zone district:

1. Minimum lot size (square feet): Six thousand (6,000). For lots created by Section 26.480.030 A.4., Historic Landmark Lot Split: Three thousand (3,000)
2. Minimum lot area per dwelling unit (square feet):
  - a. Detached residential dwelling: 4,500. For Historic Landmark properties: 3,000.
  - b. Duplex dwelling unit: 4,500. For Historic Landmark properties: 3,000.
  - c. Multi-family dwellings: No requirement.
  - d. Bed and breakfast, boardinghouse: No requirement.
3. Minimum lot width (feet): Sixty (60). For lots created by Section 26.480.030 A.4., Historic Landmark Lot Split: Thirty (30).
4. Minimum front yard setback (feet):
  - a. Detached residential and Duplex dwellings: Same as R6 zone district.

- b. Multi-Family: 5.
- 5. Minimum side yard setback (feet):
  - a. Detached residential and Duplex dwellings: Same as R6 zone district.
  - b. Multi-Family: 5.
- 6. Minimum rear yard setback (feet):
  - a. Detached residential and Duplex dwellings: Same as R6 zone district.
  - b. Multi-Family: 5.
- 7. Maximum height (according to density) (feet):
  - a. Detached residential and Duplex dwellings: Same as R6 zone district.
  - b. Multi-Family – parcel density less than one unit per 1,500 square feet of lot area: 25.
  - c. Multi-Family – parcel density equal to or greater than one unit per 1,500 square feet of lot area: 32.
- 8. Minimum distance between buildings on the lot (feet):
  - a. Detached residential and Duplex dwellings: Same as R6 zone district
  - b. Multi-Family: No requirement. (Building and fire codes may apply.)
- 9. Pedestrian Amenity Space: Pursuant to Section 26.575.030.
- 10. Floor Area Ratio (FAR) (applies to each type of use, according to density) (applies to conforming and nonconforming lots of record):
  - a. Detached residential and Duplex dwellings established prior to the adoption of Ordinance 27, Series of 2004: 100% of the allowable floor area of an equivalent-sized lot located in the R6 zone district. (See R6 Zone District.) Receipt of a Development Order shall constitute the date the use was established. Replacement after Demolition shall not effect a new establishment date for the purposes of this section. City of Aspen Historic Transferable Development Rights shall not be extinguished in this zone district and shall not permit additional floor area.
  - b. Detached residential and Duplex dwellings established after the adoption of Ordinance 27, Series of 2004: 80% of the allowable floor area of an equivalent-sized lot located in the R6 zone district. (See R6 Zone District.) City of Aspen Historic Transferable Development Rights shall not be extinguished in this zone district and shall not permit additional floor area.
  - c. Multi-Family – parcel density of less than one unit per 1,500 square feet of lot area: .75:1.
  - d. Multi-Family – parcel density equal to or greater than one unit per 1,500 square feet of lot area: 1.25:1.
  - e. Multi-Family – parcel density equal to or greater than one unit per 750 square feet of lot area: 1.5:1.

(Ord. No. 56-2000, § 7 (part); Ord. No. 25-2001, § 5 (part); Ord. No. 1-2002 § 20 (part), 2002; Ord. No. 29-2002 § 1; Ord. No. 27-2004 §1; Ord. No. 50-2005, §4 2002)

## **26.710.100 Residential/Multi-Family (R/MFA).**

**A. Purpose.** The purpose of the Residential Multi-Family A (RMFA) zone district is to provide for the use of land for intensive long-term residential purposes, with customary accessory uses. Recreational and institutional uses customarily found in proximity to residential uses are included as conditional uses. Lands in the Residential Multi-Family A (RMFA) zone district are typically those found in the Aspen Infill Area, within walking distance of the center of the City, or lands on transit routes, and other lands with existing concentrations of attached residential dwellings and mixed attached and detached residential dwellings.

**B. Permitted uses.** The following uses are permitted as of right in the Residential/Multi-Family (R/MF(A)) zone district:

1. Detached residential dwelling.
2. Two detached residential dwellings.
3. Duplex dwelling.
4. Multi-family dwellings.
5. Home occupations.
6. Accessory buildings and uses.
7. Dormitory.
8. Accessory Dwelling Units and Carriage Houses meeting the provisions of Section 26.520.
9. For historic landmark properties: bed and breakfast, and boardinghouse.

**C. Conditional uses.** The following uses are permitted as conditional uses in the Residential/Multi-Family (R/MF(A)) zone district, subject to the standards and procedures established in Chapter 26.425:

1. Arts, Cultural, and Civic Uses.
2. Academic Uses.
3. Recreational Uses.
4. Group home.
5. Child care center.

**D. Dimensional requirements.** The following dimensional requirements shall apply to all permitted and conditional uses in the Residential/Multi-Family (R/MFA) zone district:

1. Minimum lot size (square feet): 6,000. For Historic Landmark properties: 3,000.
2. Minimum lot area per dwelling unit (square feet):
  - a. Detached residential dwelling: 4,500. For Historic Landmark properties: 3,000.
  - b. Duplex dwelling unit: 4,500. For Historic Landmark properties: 3,000.
  - c. Multi-family dwellings: No requirement.
  - d. Bed and breakfast, boardinghouse: No requirement.
3. Minimum lot width (feet): 60. For Historic Landmark properties: 30
4. Minimum front yard setback (feet):
  - a. Detached residential and Duplex dwellings: Same as R6 zone district

- b. Multi-Family: 5.
- 5. Minimum side yard setback (feet):
  - a. Detached residential and Duplex dwellings: Same as R6 zone district
  - b. Multi-Family: 5.
- 6. Minimum rear yard setback (feet):
  - a. Detached residential and Duplex dwellings: Same as R6 zone district
  - b. Multi-Family: 5.
- 7. Maximum height (according to density)(feet):
  - a. Detached residential and Duplex dwellings: Same as R6 zone district.
  - b. Multi-Family – parcel density less than one unit per 1,500 square feet of lot area: 25.
  - c. Multi-Family – parcel density equal to or greater than one unit per 1,500 square feet of lot area: 32.
- 8. Minimum distance between buildings on the lot (feet):
  - a. Detached residential and Duplex dwellings: Same as R6 zone district.
  - b. Multi-Family: No requirement. (Building and fire codes may apply.)
- 9. Pedestrian Amenity Space: Pursuant to Section 26.575.030.
- 10. Floor Area Ratio (FAR) (applies to each type of use, according to density) (applies to conforming and nonconforming lots of record):
  - a. Detached residential and Duplex dwellings established prior to the adoption of Ordinance 27, Series of 2004: 100% of the allowable floor area of an equivalent-sized lot located in the R6 zone district. (See R6 Zone District.) Receipt of a Development Order shall constitute the date the use was established. Replacement after Demolition shall not effect a new establishment date for the purposes of this section. City of Aspen Historic Transferable Development Rights shall not be extinguished in this zone district and shall not permit additional floor area.
  - b. Detached residential and Duplex dwellings established after the adoption of Ordinance 27, Series of 2004: 80% of the allowable floor area of an equivalent-sized lot located in the R6 zone district. (See R6 Zone District.) City of Aspen Historic Transferable Development Rights shall not be extinguished in this zone district and shall not permit additional floor area.
  - c. Multi-Family – parcel density of less than one unit per 1,500 square feet of lot area: .75:1.
  - d. Multi-Family – parcel density equal to or greater than one unit per 1,500 square feet of lot area: 1.25:1.
  - e. Multi-Family – parcel density equal to or greater than one unit per 750 square feet of lot area: 1.5:1.

(Ord. No. 56-2000, § 7 (part); Ord. No. 25-2001, § 5 (part); Ord No.27-2004, §2)

## **26.710.110 Affordable Housing/Planned Unit Development (AH/PUD).**

**A. Purpose.** The purpose of the Affordable Housing/Planned Unit Development (AH/PUD) zone district is to provide for the use of land for the production of Category affordable housing and resident occupied lots and units. The zone district also permits a limited component of free market lots/units to off-set the cost of developing affordable housing. It is contemplated that land may also be subdivided in connection with a development plan. The AH/PUD zone district is intended for residential use primarily by permanent residents of the community. Recreational and institutional uses customarily found in proximity to residential uses are included as conditional uses. Lands in the AH/PUD zone district should be scattered throughout the City to ensure a mix of housing types, including those which are affordable by its working residents; at the same time the AH/PUD zone district can protect the City's neighborhoods from rezoning pressures that other non-community oriented zone districts may produce. Further, lands in the AH/PUD zone district should be located within walking distance of the center of the City, or on transit routes.

**B. Permitted uses.** The following uses are permitted as of right in the AH/PUD zone district:

1. Residential uses restricted to Category affordable housing guidelines and resident occupied units which comply with the following requirements:
  - a. Minimum Bedroom Mix. A minimum of seventy percent (70%) of the project's total bedrooms shall be deed restricted affordable housing consistent with the Affordable Housing Guidelines. The mix between categories of housing shall be consistent with the Affordable Housing Guidelines. The remaining bedrooms that are not deed restricted to affordable housing may be free market residential units.
  - b. Permissible reduction in bedroom mix for exemplary projects. A project may be eligible for a reduction of the minimum affordable housing bedroom mix requirement to a level of sixty percent (60%) of the project's total bedrooms if the applicant can demonstrate to the satisfaction of the City Council that the project meets the requirements for an exceptional project as set forth in the Affordable Housing Guidelines.
2. Home occupations;
3. Accessory buildings and uses; and
4. Accessory dwelling units meeting the provisions of Section 26.520.

**C. Conditional uses.** The followings uses are permitted as conditional uses in the Affordable Housing (AH) zone district, subject to the standards and procedures established in Chapter 26.425:

1. Park and open use recreation site;
2. Child care center;
3. Satellite dish antennae;
4. Dormitory; and
5. Transit facilities.



**D. Dimensional requirements.** The following dimensional requirements shall be established by adoption of a Final PUD Development Plan and shall apply to all permitted and conditional uses in the Planned Unit Development:

1. Minimum Lot Size.
2. Minimum Lot Area per dwelling unit.
3. Maximum allowable density.
4. Minimum lot width.
6. Minimum front yard.
7. Minimum side yard.
8. Minimum rear yard.
9. Maximum site coverage.
10. Maximum height (including view planes).
11. Minimum distance between buildings on the lot.
12. Minimum percent open space required for the building site.
13. Trash access area.
14. Allowable Floor Area.
15. Minimum off-street parking spaces.
16. Other dimensions determined necessary to establish through the PUD process.

**Note #1:** The maximum allowable density permitted in this zone shall be established by adoption of a Final PUD Development Plan by using the following table applied to the proposed fathering parcel as a guide:

Unit Type	Minimum Lot Area* per dwelling unit (square feet)
Dormitory	300
Studio	400
One Bedroom	500
Two Bedroom	1000
Three Bedroom	1500
3+ Bedrooms	500 /Bedroom

**Note #2:** The allowable floor area permitted in this zone shall be established by adoption of a Final PUD Development Plan by using the following table applied to the proposed fathering parcel as a guide:

Fathering parcel Lot Area*	Allowable Floor Area Ratio
0--15,000 square feet	1.1:1
15,001--25,000 square feet	1:1
25,001--43,560 square feet	.8:1
>1 acre--3 acres	.6:1
>3 acres--6 acres	.36:1
>6 acres	.3:1

\* Lot Area as defined in the Land Use Code. (Ord. No. 55-2000, § 22)

## **26.710.120 Residential Mobile Home Park (MHP).**

**A. Purpose.** The purpose of the High Density Residential (R-3) zone district is to provide for the use of land to locate manufactured housing for intensive long-term residential purposes, with customary accessory uses and less intensive office uses. Recreational and institutional uses customarily found in proximity to residential uses are included as conditional uses. The High Density Residential (R-3) zone district shall be located in areas where the effect on surrounding property shall be minimized, where the health, safety and general welfare of the High Density Residential (R-3) zone district residents and others will be protected and where the topography is suitable for the permitted uses and conditional uses allowed in the High Density Residential (R-3) zone district.

**B. Permitted uses.** The following uses are permitted as of right in the the High Density Residential (R-3) zone district:

1. Mobile home park;
2. Home occupations;
3. Accessory buildings and uses; and
4. Accessory dwelling units meeting the provisions of Section 26.520.

**C. Conditional uses.** The following uses are permitted as conditional uses in the High Density Residential (R-3) zone district, subject to the standards and procedures established in Chapter 26.425:

1. Park and open use recreation site;
2. Public and private academic school;
3. Church; and
4. Child care center.

**D. Dimensional requirements.** The following dimensional requirements shall apply to all permitted and conditional uses in the High Density Residential (R-3) zone district:

1. Minimum lot size (square feet): 3,000.
2. Minimum lot area per dwelling unit (square feet): 3,000.
3. Minimum lot width (feet): 40.
4. Minimum front yard setback (feet): 5 (excluding hitch on mobile home).
5. Minimum side yard setback (feet): 5.
6. Minimum rear yard setback (feet): 5.
7. Maximum height (feet):  
Administrative service buildings: 25.  
All other structures: 15.
8. Minimum distance between principal and accessory buildings (feet.): 5.
9. Percent of open space required for building site: No requirement.
10. External floor area ratio: No requirement.

(Ord. No. 56-2000, § 7 (part); Ord. No. 39-2001, § 1)

**26.710.130 Rural Residential (RR).**

**A. Purpose.** The purpose of the Rural Residential (RR) zone district is to allow utilization of land for low density, long term residential purposes with the recreational, institutional, public and other compatible uses customarily found in proximity to those uses allowed as permitted uses or conditional uses.

**B. Permitted uses.** The following uses are permitted as of right in the Rural Residential (RR) zone district:

1. Detached residential dwelling;
2. Farm building and use, provided that all such buildings and storage areas are located at least 100 feet from pre-existing dwellings on other lots;
3. Nursery;
4. Greenhouse;
5. Home occupations;
6. Accessory buildings and uses; and
7. Accessory dwelling units meeting the provisions of Section 26.520.040.

**C. Conditional uses.** The following uses are permitted as conditional uses in the Rural Residential (RR) zone district, subject to the standards and procedures established in Chapter 26.425:

1. Public building;
2. Public and private academic school;
3. Church;
4. Radio tower;
5. Recreation club;
6. Child care center;
7. Park and open use recreation site including ski runs, ski lifts and other skiing facilities and structures;
8. Sewage disposal;
9. Water storage and reservoir;
10. Electric substation or gas regulator station (not including building for offices, repair or storage); and
11. Veterinary clinic.

**D. Dimensional requirements.** The following dimensional requirements shall apply to all permitted and conditional uses in the Rural Residential (RR) zone district:

1. Minimum lot size (acres): 2.
2. Minimum lot area per dwelling unit (acres): 2.
3. Minimum lot width (feet): 200.
4. Minimum front yard setback (feet): 30.
5. Minimum side yard setback (feet): 20.

6. Minimum rear yard setback (feet): 20.
7. Maximum height (feet): 28.
8. Minimum distance between principal and accessory buildings (feet): No requirement.
9. Percent of open space required for building site: No requirement.
10. External floor area ratio (applies to conforming and nonconforming lots of record): same as R-15 zone district.

(Ord. No. 56-2000, § 3; Ord. No. 25-2001, § 3)

## **26.710.140 Commercial Core (CC).**

**A. Purpose.** The purpose of the Commercial Core (CC) zone district is to allow the use of land for retail, service commercial, recreation, and institutional purposes within mixed-use buildings to support and enhance the business and service character in the historic central business core of the City. The district permits a mix of retail, office, lodging, affordable housing, and free market housing uses oriented to both local and tourist populations to encourage a high level of vitality. Retail and restaurant uses are appropriate for ground floors of buildings while residential and office uses are not permitted on ground floors.

**B. Permitted uses.** The following uses are permitted as of right in the Commercial Core (CC) zone district:

1. Uses allowed on Basement Floors: Retail and Restaurant Uses, Office Uses, uses and building elements necessary and incidental to uses on other floors.
2. Uses allowed on the Ground Floor: Retail and Restaurant Uses and uses and building elements necessary and incidental to uses on other floors. Office Uses are prohibited on the Ground Floor except within spaces set back a minimum of 40 feet from a Street and recessed behind the front-most street-facing façade. This prohibition shall not apply to Split-Level Buildings (see definition). Parking shall not be allowed as the sole use of the Ground Floor.
3. Uses allowed on Upper Floors: Retail and Restaurant Uses, Office Uses, Lodging, Timeshare Lodge, Affordable Multi-Family Housing, Free-Market Multi-Family Housing, home occupations.
4. Uses allowed on all building levels: Retail and Restaurant Uses, Neighborhood Commercial Uses, Service Uses, Arts Cultural and Civic Uses, Public Uses, Recreational Uses, Academic Uses, child care center, accessory uses and structures, storage accessory to a permitted use, uses and building elements necessary and incidental to uses on other floors including parking accessory to a permitted use, farmers market provided a vending agreement is obtained pursuant to Section 15.04.350(B).

**C. Conditional uses.** The following uses are permitted as conditional uses in the Commercial Core (CC) zone district, subject to the standards and procedures established in Chapter 26.425:

1. Gasoline service station;
2. Commercial Parking Facility, pursuant to Section 26.515.

**D. Dimensional requirements.** The following dimensional requirements shall apply to all permitted and conditional uses in the Commercial Core (CC) zone district:

1. Minimum lot size (square feet): No requirement.
2. Minimum lot area per dwelling unit (square feet): No requirement.
3. Minimum lot width (feet): No requirement.
4. Minimum front yard setback (feet): No requirement.

5. Minimum side yard setback (feet): No requirement.
6. Minimum rear yard setback (feet): No requirement except trash/utility service area shall be required abutting an alley, pursuant to Section 26.575.060.
7. Maximum height (feet): 42 feet for all areas of the property. 46 feet for areas setback 15 or more feet from lot lines adjoining a Street right-of-way.
8. Minimum distance between buildings on the lot (feet): No requirement.
9. Pedestrian Amenity Space: Pursuant to Section 26.575.030.
10. Floor Area Ratio (FAR): The following FAR schedule applies to uses cumulatively up to a total maximum FAR of 3:1.
  - a. Commercial Uses: 1.5:1, which may be increased to 2:1 if affordable housing equal to 60% of the additional commercial floor area is developed on the same parcel. (For example: a project with a commercial FAR of 2:1 must also include affordable housing FAR of .3:1.) Existing (prior to redevelopment) commercial FAR may be replaced, subject to acknowledgement by the City Zoning Officer prior to demolition.
  - b. Lodging, Arts Cultural and Civic Uses, Public Uses, Recreational Uses, Academic Uses, child care center, and similar uses: 3:1.
  - c. Affordable Multi-Family Housing: No limitation.
  - d. Free-Market Multi-Family Housing: 1:1. Free-Market residential FAR shall be accompanied by affordable housing development or mitigation pursuant to the requirements of Section 26.470.040.B.4. Existing (prior to redevelopment) free-market residential FAR may be replaced, subject to acknowledgement by the City Zoning Officer prior to demolition, with no commensurate affordable housing requirement. Requirements of the Multi-Family Housing Replacement Program, Section 26.530, may apply.

11. Maximum Residential Unit Size (square feet): 2,000. This maximum shall apply to Free-Market and Affordable residential units and shall be measured pursuant to the definition of Net Livable Area on a per unit basis. The total free-market net livable space shall be no greater than the total above grade space associated with the uses described in Section 26.710.140.D.10. a and b combined on the same parcel

(Ord. No. 56-2000, §§ 7 (part), 11; Ord. No. 25-2001, § 5 (part); Ord. No. 1-2002 § 20 (part), 2002; Ord. No. 21-2002 §§ 5 and 6 (part); Ord. No. 28a-2004 §2; Ord. No.12-2006, §10; 2002)

## **26.710.150 Commercial (C-1).**

**A. Purpose.** The purpose of the Commercial (C-1) zone district is to provide for the establishment of mixed-use buildings with commercial uses on the ground floor, opportunities for affordable and free-market residential density, and to provide a transition between the commercial core and surrounding residential neighborhoods.

**B. Permitted uses.** The following uses are permitted as of right in the Commercial (C-1) zone district:

1. Uses allowed on Upper Floors: Lodging, Affordable Multi-Family Housing, Free-Market Multi-Family Housing, home occupations.
2. Uses allowed on all building levels: Retail and Restaurant Uses, Neighborhood Commercial Uses, Service Uses, Office Uses, Arts, Cultural and Civic Uses, Public Uses, Recreational Uses, Academic Uses, child care center, bed and breakfast, accessory uses and structures, uses and building elements necessary and incidental to uses on other floors including parking accessory to a permitted use, storage accessory to a permitted use, farmers market provided a vending agreement is obtained pursuant to Section 15.04.350(B). Parking shall not be allowed as the sole use of the Ground Floor.

**C. Conditional uses.** The following uses are permitted as conditional uses in the Commercial (C-1) zone district, subject to the standards and procedures established in Chapter 26.425:

1. Lodging, Affordable Multi-Family Housing, Free-Market Multi-Family Housing, or home occupations on the Ground Floor.
2. Commercial Parking Facility, pursuant to Section 26.515;
3. For historic landmark properties: Detached residential dwelling, two detached residential dwellings, and duplex dwelling.

**D. Dimensional requirements.** The following dimensional requirements shall apply to all permitted and conditional uses in the Commercial (C-1) zone district:

1. Minimum lot size (square feet):
  - a. Detached residential dwelling, two detached residential dwellings, duplex dwelling, and bed and breakfast: 3,000.
  - b. All other uses: No requirement.
2. Minimum lot area per dwelling unit (square feet):
  - a. Detached residential dwelling, two detached residential dwellings, duplex dwelling, and bed and breakfast: Same as R6 zone district.
  - b. All other uses: No requirement.
3. Minimum lot width (feet):
  - a. Detached residential dwelling, two detached residential dwellings, duplex dwelling, and bed and breakfast: Same as R6 zone district.
  - b. All other uses: No requirement.

4. Minimum front yard setback (feet):
  - a. Detached residential dwelling, two detached residential dwellings, duplex dwelling, and bed and breakfast: Same as R6 zone district.
  - b. All other uses: No requirement.
5. Minimum side yard setback (feet):
  - a. Detached residential dwelling, two detached residential dwellings, duplex dwelling, and bed and breakfast: Same as R6 zone district.
  - b. All other uses: No requirement.
6. Minimum rear yard setback (feet):
  - a. Detached residential dwelling, two detached residential dwellings, duplex dwelling, and bed and breakfast: Same as R6 zone district.
  - b. All other uses: No requirement except trash/utility service area shall be required abutting an alley, pursuant to Section 26.575.060.
7. Maximum height:
  - a. Detached residential dwelling, two detached residential dwellings, duplex dwelling, and bed and breakfast: Same as R6 zone district.
  - b. All other uses: 38 feet for sloped roofs. For flat roofs, 42 feet.
8. Minimum distance between buildings on the lot (feet):
  - a. Detached residential dwelling, two detached residential dwellings, duplex dwelling, and bed and breakfast: Same as R6 zone district.
  - b. All other uses: No requirement.
9. Pedestrian Amenity Space: Pursuant to Section 26.575.030.
10. Floor Area Ratio (FAR):

The following FAR schedule applies to uses cumulatively up to a total maximum FAR of 3:1.

- a. Commercial Uses: 1.5:1, which may be increased to 2:1 if affordable housing equal to 60% of the additional commercial floor area is developed on the same parcel. (For example: a project with a commercial FAR of 2:1 must also include affordable housing FAR of .3:1.) Existing (prior to redevelopment) commercial FAR may be replaced, subject to acknowledgement by the City Zoning Officer prior to demolition.
- b. Lodging, Arts Cultural and Civic Uses, Public Uses, Recreational Uses, Academic Uses, child care center, and similar uses: 3:1.
- c. Affordable Multi-Family Housing: No limitation.
- d. Free-Market Multi-Family Housing: 1:1. Free-Market residential FAR shall be accompanied by affordable housing development or mitigation pursuant to the requirements of Section 26.470.040B4. Review(s) may be required. Existing (prior to redevelopment) free-market residential FAR may be replaced, subject to acknowledgement by the City Zoning Officer prior to demolition, with no commensurate affordable housing requirement. Requirements of the Multi-Family Housing Replacement Program, Section 26.530, may apply.



- e. Detached residential dwellings, Duplex dwellings, and bed and breakfast (as the sole use of parcel and not cumulative with other uses): 80% of allowable floor area of a same-sized lot located in the R6 zone district. (See R6 Zone District.) Extinguishment of Historic TDRs shall not permit additional FAR for single-family or duplex development.

11. *Maximum Residential Unit Size (square feet): 2,000.* This maximum shall apply to Free-Market and Affordable residential units and shall be measured pursuant to the definition of Net Livable Area on a per unit basis. The total free-market net livable space shall be no greater than the total above grade space associated with the uses described in Section 26.710.150.D.10. a and b combined on the same parcel

(Ord. No. 56-2000, §§ 7 (part), 12, 15; Ord. No. 25-2001, § 5 (part); Ord. No. 1-2002 § 20; Ord. No. 28-b-2004 §1; Ord. No. 12-2006, §11), 2002)

## **26.710.160 Service/Commercial/Industrial (S/C/I).**

**A. Purpose.** The purpose of the Service/Commercial/Industrial (S/C/I) zone district is to preserve and enhance locally-serving, primarily non-retail small business areas to ensure a more balanced permanent community; to protect the few remaining such small business parks historically used primarily for light industrial uses, manufacturing, repair, storage and servicing of consumer goods, with limited retail, showroom, or customer reception areas. The SCI zone district contains uses that may not be appropriate in other zone districts or do not require or generate high customer traffic volumes, and permits customary accessory uses.

**B. Permitted Uses.** The following uses are permitted as of right in the Service/Commercial/Industrial (S/C/I) zone district. Except as noted below, each of the permitted uses may have, in combination, no more than twenty-five (25) percent of the floor area devoted to retail sales, offices, showroom, or customer reception, and such uses shall be ancillary to the primary commercial use. This floor area percentage may be increased through Special Review by the Planning and Zoning Commission, pursuant to Section 26.430, and according to the standards of Section 26.710.160(E).

### SCI Uses which may use up to 100% of the floor area for retail sales, offices, showroom, or customer reception:

1. Manufacturing, repair, servicing, detailing, sales, and rental of consumer goods such as:
  - a) Building materials, components, hardware, fixtures, and equipment.
  - b) Household appliances such as ranges, refrigerators, dishwashers, etc.
  - c) Automobiles and motorcycles, including parts.
  - d) Fabric and sewing supply.

### SCI Uses which may use, in combination, up to 25% of the floor area for accessory retail sales, offices, showroom, or customer reception:

1. Manufacturing, repair, alteration, tailoring, and servicing of consumer goods such as: Electronic equipment; floral arrangements; furniture; clothing; or sporting goods.
2. Building/landscape maintenance facility.
3. Typesetting and printing, including copy center.
4. Photo processing laboratory.
5. Locksmith.
6. Post Office branch.
7. Shipping and receiving services.
8. Automobile washing facility.
9. Catalogue sales store.
10. Laundromat.
11. Commercial dry cleaning.
12. Recycling center.
13. Artist studio.
14. Rehearsal or teaching studio for the creative, performing, or martial arts with no public performances. This shall permit a yoga/pilates studio but prohibit Medical Clinics and fitness clubs.
15. Veterinary clinic.

16. Animal boarding facility.
17. Animal grooming establishment.
18. Brewery and brewing supply.
19. Coffee roasting and supply.
20. Commercial Kitchen or Bakery.
21. Warehousing and storage.
22. Service yard accessory to a permitted use.
23. Sales and rental accessory and incidental to a permitted use.
24. Accessory buildings and uses.

Non-SCI Uses permitted:

1. Design Studio such that the total net leasable square footage devoted to such use within the entire zone district does not exceed 9,000 square feet.
2. Home occupations.

**C. *Conditional uses.*** The following uses are permitted as conditional uses in the Service/Commercial/ Industrial (S/C/I) zone district, subject to the standards and procedures established in Chapter 26.425. The Commission shall establish the appropriate amount of floor area devoted to retail sales, office, showroom, or customer reception for each conditional use during the review.

1. Consignment retail establishment.
2. Commercial Parking Facility, pursuant to Section 26.515.
3. Gasoline service station.
4. Affordable Multi-Family Housing on Upper Floors.
5. Free-Market Multi-Family Housing on Upper Floors.
6. Artist's Studio with ancillary residence on Upper Floors.

**D. *Dimensional requirements.*** The following dimensional requirements shall apply to all permitted and conditional uses in the Service/Commercial/ Industrial (S/C/I) zone district:

1. Minimum lot size (square feet): 3,000
2. Minimum lot area per dwelling unit (square feet): No requirement.
3. Minimum lot width (feet): No requirement.
4. Minimum front yard setback (feet): No requirement.
5. Minimum side yard setback (feet): No requirement.
6. Minimum rear yard setback (feet): No requirement.
7. Maximum height: 35 feet, which may be increased to 40 feet through one of the following options:
  - a) An additional 5 feet of total height may be approved, pursuant to Special Review, Section 26.430 and according to the standards of Section 26.710.160(E), if a minimum of .75:1 Floor Area Ratio of SCI uses exists on the same parcel. (Also, see Floor Area Ratio below.)

- b) An additional 5 feet of total height may be approved, pursuant to Special Review, Section 26.430 and according to the standards of Section 26.710.160(E), to increase first floor ceiling height.
- 8. Minimum distance between buildings on the lot (feet): No Requirement.
- 9. Pedestrian Amenity Space: Pursuant to Section 26.575.030.
- 10. Floor Area Ratio (FAR): The following FAR schedule applies to uses cumulatively up to a total maximum FAR of 2:1.
  - a) Commercial Uses 1.5:1.
  - b) Affordable Multi-Family Housing: .5:1.
  - c) Free-Market Multi-Family Housing: .5:1, only if a minimum of .75:1 FAR of commercial uses exist on the same parcel.

**E. Special Review Standards.** Whenever the dimensional standards of a proposed development within the SCI Zone District are subject to Special Review, the development application shall be processed as a Special Review, pursuant to Section 26.430, and shall be approved, approved with conditions, or denied based on conformance with the following criteria:

1. To increase the allowable height the applicant shall demonstrate the need for additional height, the appropriateness of the additional height and massing considering the context in which the building will be developed, and shall demonstrate consistency with the purpose of the SCI Zone District. Five (5) feet of additional height may be approved as an incentive to either develop a minimum of .75:1 FAR of SCI business space or to increase the usable floor-to-ceiling height of the ground floor. The height increase shall not be used to accommodate additional ceiling height for residential uses. Only one five-foot height increase may be approved, even if both development options are taken.
2. To increase the allowable percentage of interior space assigned to retail, showroom, or customer reception area, the applicant shall demonstrate the need and appropriateness for such additional space and shall demonstrate consistency with the purpose of the SCI Zone District. The approved additional percentage for a specific use shall be limited to that use and not applicable to subsequent uses in the same space.

(Ord. No. 2-1999, § 1; Ord. No. 22-2005)

## **26.710.170 Neighborhood Commercial (NC).**

**A. Purpose.** The purpose of the Neighborhood Commercial (NC) zone district is to provide for the establishment of mixed-use buildings with commercial uses serving the daily or frequent needs of the surrounding neighborhood, thereby reducing traffic circulation and parking problems, to provide opportunities for affordable and free-market residential density, and to provide a transition between the commercial core and surrounding residential neighborhoods.

**B. Permitted uses.** The following uses are permitted as of right in the Neighborhood Commercial (NC) zone district:

1. Uses allowed on Upper Floors: Lodging, Affordable Multi-Family Housing, Free-Market Multi-Family Housing, home occupations.
2. Uses allowed on all building levels: Retail and Restaurant Uses, Neighborhood Commercial Uses, Service Uses, Office Uses, Arts, Cultural and Civic Uses, Public Uses, Recreational Uses, Academic Uses, child care center, bed and breakfast, accessory uses and structures, uses and building elements necessary and incidental to uses on other floors including parking accessory to a permitted use, storage accessory to a permitted use, farmers market provided a vending agreement is obtained pursuant to Section 15.04.350(B).

**C. Conditional uses.** The following uses are permitted as conditional uses in the Neighborhood Commercial (NC) zone district, subject to the standards and procedures established in Chapter 26.425:

1. Lodging, Affordable Multi-Family Housing, Free-Market Multi-Family Housing, or home occupations on the Ground Floor.
2. Commercial Parking Facility, pursuant to Section 26.515;

**D. Dimensional requirements.** The following dimensional requirements shall apply to all permitted and conditional uses in the Neighborhood Commercial (NC) zone district:

1. Minimum lot size (square feet): No requirement.
2. Minimum lot area per dwelling unit (square feet): No requirement.
3. Minimum lot width (feet): No requirement.
4. Minimum front yard setback (feet): 5.
5. Minimum side yard setback (feet): 5.
6. Minimum rear yard setback (feet): 5. Plus, a trash/utility service area shall be required, pursuant to Section 26.575.060.
7. Maximum height: 32 feet.
8. Minimum distance between buildings on the lot (feet): No requirement.
9. Pedestrian Amenity Space: Pursuant to Section 26.575.030.
10. Floor Area Ratio (FAR):

The following FAR schedule applies to uses cumulatively up to a total maximum FAR of 1.5:1.

- a) Commercial Uses: 1:1.
- b) Lodging, Arts Cultural and Civic Uses, Public Uses, Recreational Uses, Academic Uses, child care center, and similar uses: 1:1.
- c) Affordable Multi-Family Housing: .5:1.
- d) Free-Market Multi-Family Housing: .5:1. The total free-market residential Floor Area on the parcel shall be no greater than the total Floor Area attributed to the uses described in sub-section 26.710.170.D.10.a and b, above, located on the same parcel.
- e)

11. Maximum Residential Unit Size (square feet): 2,000. This maximum shall apply to Free-Market and Affordable residential units and shall be measured pursuant to the definition of Net Livable Area on a per unit basis.

(Ord. No. 38-2000, § 2; Ord. No. 12-2005 §1; Ord. No. 12-2006, §14, 15)

**26.710.180 Mixed-Use (MU).**

**A. Purpose.** The purpose of the Mixed-Use (MU) Zone District is to provide for a variety of lodging, multi-family, single-family, and mixed-use buildings with commercial uses serving the daily or frequent needs of the surrounding neighborhood, provide a transition between the commercial core and surrounding residential neighborhoods, and to provide a variety of building sizes compatible with the character of the Main Street Historic District.

**B. Permitted uses.** The following uses are permitted as of right in the Mixed-Use (MU) zone district:

1. On Historic Landmark Properties: Retail and Restaurant Uses, Neighborhood Commercial Uses, and Bed and breakfast.
2. Service Uses.
3. Office Uses.
4. Lodging, Timeshare Lodge, Exempt Timesharing.
5. Arts, Cultural and Civic Uses.
6. Public Uses.
7. Recreational Uses.
8. Academic Uses.
9. Child care center.
10. Affordable Multi-Family Housing.
11. Free-Market Multi-Family Housing.
12. Single Family Residence.
13. Duplex Residence.
14. Two Detached Single-Family Residences.
15. Home occupations.
16. Accessory uses and structures.
17. Storage accessory to a permitted use.

**C. Conditional uses.** The following uses are permitted as conditional uses in the Mixed-Use (MU) zone district, subject to the standards and procedures established in Chapter 26.425:

1. Commercial Parking Facility, pursuant to Section 26.515.

**D. Dimensional requirements.** The following dimensional requirements shall apply to all permitted and conditional uses in the Mixed-Use (MU) zone district:

1. Minimum lot size (square feet): 3,000.
2. Minimum lot area per dwelling unit (square feet):
  - a. Detached residential dwellings: 4,500. 3,000 for Historic Landmark properties.
  - b. Duplex dwellings: 4,500. 3,000 for Historic Landmark properties.
  - c. All other uses: Not applicable.
3. Minimum lot width (feet): 30.
4. Minimum front yard setback (feet): 10, which may be reduced to 5, pursuant to Special Review, Section 26.430.

5. Minimum side yard setback (feet): 5.
6. Minimum rear yard setback (feet): 5.
7. Maximum height:
  - a. Commercial, Lodge, Timeshare Lodge, Exempt Timesharing, Multi-Family, and Mixed-Use Buildings: 32 feet.
  - b. Detached residential and Duplex dwellings: 25 feet.
8. Minimum distance between buildings on the lot (feet): 10.
9. Pedestrian Amenity Space: Pursuant to Section 26.575.030.
10. Floor Area Ratio (FAR):
  - A. The following FAR schedule applies to uses cumulatively up to a total maximum FAR of 2:1. For properties within the Main Street Historic District, this maximum cumulative FAR shall be 1:1, which may be increased to 1.25:1 by Special Review, pursuant to Section 26.430.040.A.
    1. Commercial; Lodge; Timeshare Lodge, Exempt Timesharing; Arts, Cultural and Civic uses; Public Uses; Recreational Uses; Academic Uses: .75:1, which may be increased to 1:1 by Special Review, pursuant to Section 26.430.040.A.
    2. Affordable Multi-Family Housing: No limitation, other than the cumulative FAR limit stated above.
    3. Free-Market Multi-Family Housing: .75:1. which may be increased to 1:1 by Special Review, pursuant to Section 26.430.040.A. The total free-market residential Floor Area on the parcel shall be no greater than the total Floor Area attributed to the uses described in sub-section 26.710.180.D.10.A.1, above, located on the same parcel.
  - B. The following FAR schedule applies to single-family and duplex uses when developed as the only use of the parcel:
    1. Detached residential and Duplex dwellings established prior to the adoption of Ordinance 7, Series of 2005: 100% of the allowable floor area of an equivalent-sized lot located in the R6 zone district. (See R6 Zone District.) Receipt of a Development Order shall constitute the date the use was established. Replacement after Demolition shall not effect a new establishment date for the purposes of this section. City of Aspen Historic Transferable Development Rights shall not be extinguished in this zone district and shall not permit additional floor area.
    2. Detached residential and Duplex dwellings established after the adoption of Ordinance 7, Series of 2005: 80% of the allowable floor area of an equivalent-sized lot located in the R6 zone district. (See R6 Zone District.) City of Aspen Historic Transferable Development Rights shall not be extinguished in this zone district and shall not permit additional floor area.



**11. Maximum Residential Unit Size (square feet): 2,000. This maximum shall apply to Free-Market and Affordable residential units and shall be measured pursuant to the definition of Net Livable Area on a per unit basis.**

(Ord. No. 56-2000, § 7 (part); Ord. No. 25-2001, § 5 (part); Ord. 1-2002 § 20; Ord. No. 7-2005 § 1 (part); Ord. No. 12-2006, §13, 2002)

**26.710.190 Lodge (L).**

**A. Purpose.** The purpose of the Lodge (L) Zone District is to encourage construction, renovation, and operation of lodges, tourist-oriented multi-family buildings, high occupancy timeshare facilities, and ancillary uses compatible with lodging to support and enhance Aspen's resort economy. Free-Market residential units within this zone district shall be permitted, but not required, to be used as short-term tourist accommodations. The City of Aspen encourages high-occupancy lodging development in this zone district. Therefore, certain dimensional incentives are provided in this zone district as well as other development incentives in Chapter 26.470 – Growth Management.

**B. Permitted uses.** The following uses are permitted as of right in the Lodge (L) Zone District:

1. Hotel or Lodge.
2. Timeshare Lodge.
3. Exempt Timesharing.
4. Offices and activities accessory to timeshare unit sales (see Section 26.590).
5. Conference facilities.
6. Uses associated with outdoor recreation facilities and events.
7. Accessory uses and structures. (Food service for on-site lodge guests is an accessory use.)
8. Storage accessory to a permitted use.
9. Affordable Multi-Family Housing accessory to a lodging or timeshare operation and for employees of the operation.
10. Free-Market Multi-Family Housing.
11. Home occupations.

**C. Conditional uses.** The following uses are permitted as conditional uses in the Lodge (L) Zone District, subject to the standards and procedures established in Chapter 26.425:

1. Retail and Restaurant Uses.
2. Neighborhood Commercial Uses.
3. Service Uses.
4. Arts, Cultural and Civic Uses.
5. Public Uses.
6. Academic Uses.
7. Child Care Center.
8. Commercial Parking Facility, pursuant to Section 26.515.
9. Affordable Multi-Family Housing not accessory to a lodging or timeshare operation.

**D. Dimensional requirements.** The following dimensional requirements shall apply to all permitted and conditional uses in the Lodge (L) Zone District:

1. Minimum lot size (square feet): 3,000
2. Minimum lot area per dwelling unit (square feet):
  - a. Multi-Family residential- 3,000 square feet. When the development is residential, there is no minimum requirement for an affordable housing unit.
  - b. Lodge, Timeshare Lodge, and Exempt Timesharing – no requirement.
3. Minimum lot width (feet): 30.
4. Minimum front yard setback (feet): 5.
5. Minimum side yard setback (feet): 5.
6. Minimum rear yard setback (feet): 5. Plus, a trash/utility service area shall be required abutting the alley, pursuant to Section 26.575.060, Utility/Trash/Recycle Service Area.
7. Maximum height:
  - a) Multi-Family (as a single use): 28 feet.
  - b) Lodge, Timeshare Lodge, Exempt Timesharing, and mixed-use projects, with less than one lodge unit per 500 square feet of Lot Area or an average lodge unit size greater than 500 square feet: 28 feet.
  - c) Lodge, Timeshare Lodge, Exempt Timesharing, and mixed-use projects, with one or more lodge units per 500 square feet of Lot Area and an average lodge unit size of 500 square feet or less: 38 feet for sloped roofs. 42 feet for flat roofs. Also see Section 26.710.190.E.
8. Minimum distance between buildings on the lot (feet): 10.
9. Pedestrian Amenity Space: Pursuant to Section 26.575.030.
10. Floor Area Ratio (FAR):
  - A. The following FAR schedule applies to Commercial, Lodge, Timeshare Lodge, Exempt Timesharing, and mixed-use projects, with one or more lodge units per 500 square feet of Lot Area and an average lodge unit size of 500 square feet or less. This FAR schedule is cumulative, up to a total maximum FAR of 3:1 for parcels of 27,000 square feet or less in size and 2.5:1 for parcels greater than 27,000 square feet. Also see Section 26.710.190.E. Unless otherwise stated below, a development's non-unit space shall not count towards the FAR cap of an individual use category; however, the maximum FAR cap for the parcel shall not be exceeded.
    1. Retail and Restaurant Uses, Neighborhood Commercial Uses, Service Uses; Arts, Cultural and Civic Uses; Public Uses; Academic Uses; childcare center: .25:1, which may be increased to .5:1 by Special Review, pursuant to Section 26.430.
    2. Lodge units, Timeshare Lodge units, Exempt Timesharing units (unit space): 2:1, which may be increased to 2.5:1 by Special Review, pursuant to Section 26.430.
    3. Commercial Parking Facility: 1:1.

4. Affordable Multi-Family Housing: .25:1, which may be increased by Special Review, pursuant to Section 26.430.
  5. Free-Market Residential or Large Lodge/Timeshare Units: An amount less than or equal to 25% of the FAR of the total project including both unit and non-unit space, but not including FAR devoted to parking. For example: If the total project represents 10,000 square feet of Floor Area, then 2,500 square feet may be free-market residential space or space devoted to lodge/timeshare units which are not to be limited by the average unit-size limitation. This percentage may be otherwise established for a project through a Planned Unit Development review. Also see Section 26.710.190.F. All non-unit space attributable to Free-Market Residential or Large Lodge/Timeshare Units shall count towards the individual FAR allowance for Free-Market Residential or Large Lodge/Timeshare units.
- B. The following FAR schedule applies to Commercial, Lodge, Timeshare Lodge, Exempt Timesharing, and mixed-use projects, with less than one lodge unit per 500 square feet of Lot Area or an average lodge unit size greater than of 500 square feet. This FAR schedule is cumulative, up to a total maximum FAR of 1.5:1 for parcels of 27,000 square feet or less in size and 1:1 for parcels greater than 27,000 square feet. Unless otherwise stated below, a development's non-unit space shall not count towards the FAR cap of an individual use category; however, the maximum FAR cap for the parcel shall not be exceeded.
1. Commercial uses; Arts, Cultural and Civic Uses; Public Uses; Academic Uses; childcare center: .25:1, which may be increased to .5:1 by Special Review, pursuant to Section 26.430.
  2. Lodge units, Timeshare Lodge units, Exempt Timesharing units (unit space): 1:1.
  3. Commercial Parking Facility: 1:1.
  4. Affordable Multi-Family Housing: .25:1, which may be increased by Special Review, pursuant to Section 26.430.
  5. Free-Market Multi-Family Housing: .25:1, which may be increased to .5:1 by Special Review, pursuant to Section 26.430. All non-unit space attributable to Free-Market Multi-Family Housing shall count towards the individual FAR allowance for Free-Market Multi-Family Housing.
- C. The following FAR schedule applies to multi-family (as a single use) projects established prior to the adoption of Ordinance 9, Series of 2005, cumulatively, up to a total maximum FAR of 1:1. Receipt of a Development Order shall constitute the date the use was established.
1. Affordable Multi-Family Housing: 1:1.
  2. Free-Market Multi-Family Housing: 1:1.
- D. The following FAR schedule applies to multi-family (as a single use) projects established after the adoption of Ordinance 9, Series of 2005, cumulatively, up to a total maximum FAR of .75:1. Receipt of a Development Order shall constitute the date the use was established.

1. Affordable Multi-Family Housing: .5:1.
2. Free-Market Multi-Family Housing: .5:1.

**E. Special Review for Density and Unit-Size Standards.** The Planning and Zoning Commission may approve an adjustment of the “density standard” and the “unit-size standard” and the project shall remain qualified for the height, Floor Area, and Growth Management incentives associated with these standards. The review shall be pursuant to the review procedures for Special Review, Chapter 26.430, and the following criteria:

1. The density standard may be amended by a maximum of 10% to one lodge unit per 550 square feet of Lot Area. The average unit-size standard may be amended by a maximum of 10% to permit an average unit size of 550 square feet. An adjustment in excess of these increases may be approved through adoption of a PUD plan, but the project shall no longer be qualified for the associated incentives.
2. The project includes a generous amount of non-unit space, amenities, and services for guests of the lodging operation. This can include both internal and external amenities.
3. The project provides a range of unit sizes and configurations to be attractive to a broad segment of potential guests. Flexible units are encouraged.
4. There exists a system or strategy for the project to maximize short-term occupancies.

**F. Considerations for Increasing the Percentage of the Project Used for Free-Market Residential Space.** A Lodge, Timeshare Lodge, or Exempt Timeshare project may exceed the twenty-five (25) percent limitation on Free-Market Residential or large lodge/timeshare unit space with Planned Unit Development approval. In addition to the PUD criteria of Chapter 26.445.050, the following factors shall also be considered:

1. The amount of non-unit space, amenities, and services for guests of the lodging operation. This can include both internal and external amenities.
2. Any lodge/timeshare units provided which are in excess of the minimum needed to achieve the height and FAR incentives.
3. Any legal or physical limitation of the property such that additional incentive is necessary to develop guest accommodations on the property.
4. The range of lodge unit sizes and configurations, including flexible units, which are attractive to a broad segment of potential guests.
5. Any system or strategy for the project to maximize short-term occupancies.

(Ord. No. 41-2000, §§ 1, 2; Ord. 56-2000 §§ 7 (part), 13; Ord. No. 25-2001, § 5 (part); Ord. No. 21-2002 §§ 5 and 6 (part); Ord. No. 9-2005; Ord. No. 50-a, 2005, §7,8; Ord. 25-2006, §1; 2002)

## **26.710.200 Commercial Lodge (CL).**

**A. Purpose.** The purpose of the Commercial Lodge (CL) zone district is to provide for the establishment of mixed-use commercial and lodge development by permitting commercial uses on the ground floor with lodging development above. Free-Market residential units within this zone district shall be permitted, but not required, to be used as short-term tourist accommodations. The City of Aspen encourages high-occupancy lodging development in this zone district.

**B. Permitted uses.** The following uses are permitted as of right in the Commercial Lodge (CL) zone district:

1. Uses allowed in Basement and Ground Floors: Those uses allowed in Basement and Ground Floors, respectively, within the Commercial Core Zone District. Uses and facilities necessary and incidental to uses on Upper Floors. Parking shall not be allowed as the sole use of the ground floor.
2. Uses allowed on Upper Floors: Hotel or Lodge, Timeshare Lodge, Exempt Timesharing, offices and activities accessory to timeshare unit sales (see Section 26.590), conference facilities, accessory uses, storage accessory to a permitted use, Affordable Multi-Family Housing, Free-Market Multi-Family Housing. (Food service for on-site lodge guests is an accessory use.)

**C. Conditional uses.** The following uses are permitted as conditional uses in the Commercial Lodge (CL) zone district, subject to the standards and procedures established in Chapter 26.425:

1. Retail and Restaurant Uses, Neighborhood Commercial Uses, Service Uses, Office Uses, Arts Cultural and Civic Uses, Public Uses, Academic Uses, or child care center, located on Upper Floors.
2. Commercial Parking Facility, pursuant to Section 26.515.

**D. Dimensional requirements.** The following dimensional requirements shall apply to all permitted and conditional uses in the Commercial Lodge (CL) zone district:

1. Minimum lot size (square feet): No requirement.
2. Minimum lot area per dwelling unit (square feet): No requirement.
3. Minimum lot width (feet): No requirement.
4. Minimum front yard setback (feet): No requirement.
5. Minimum side yard setback (feet): No requirement.
6. Minimum rear yard setback (feet): No requirement except trash/utility service area shall be required abutting alley, pursuant to Section 26.575.060.
7. Maximum height: 42 feet for all areas of the property. 46 feet for areas setback 15 or more feet from lot lines adjoining a Street right-of-way.
8. Minimum distance between buildings on the lot (feet): No requirement.
9. Pedestrian Amenity Space: Pursuant to Section 26.575.030.

10. Floor Area Ratio (FAR): The following FAR schedule applies to uses cumulatively up to a total maximum FAR of 3:1. Unless otherwise stated below, non-unit space associated with individual uses shall be attributable to the individual FAR allowance. Unless otherwise stated below, a development's non-unit space shall not count towards the FAR cap of an individual use category; however, the maximum FAR cap for the parcel shall not be exceeded.

- a) Commercial Uses; Arts, Cultural and Civic Uses; Public Uses; Academic Uses; childcare center; commercial parking facility: 1:1.
- b) Lodging units, timeshare lodging units, and exempt timesharing units (unit space): 2:1, which may be increased to 2.5:1 by Special Review, pursuant to Section 26.430.
- c) Affordable Multi-Family Housing: .25:1, which may be increased by Special Review, pursuant to Section 26.430.d
- d) Free-Market Multi-Family Housing: .5:1. All non-unit space attributable to Free-Market Multi-Family Housing shall count towards the individual FAR allowance for Free-Market Multi-Family Housing.

**E. *Special Review for Density and Unit-Size Standards.*** The Planning and Zoning Commission may approve an adjustment of the “density standard” and the “unit-size standard” and the project shall remain qualified for the Growth Management incentives associated with these standards. The review shall be pursuant to the review procedures for Special Review, Chapter 26.430, and the following criteria:

- 1. The density standard may be amended by a maximum of 10% to one lodge unit per 550 square feet of Lot Area. The average unit-size standard may be amended by a maximum of 10% to permit an average unit size of 550 square feet. An adjustment in excess of these increases may be approved through adoption of a PUD plan, but the project shall no longer be qualified for the associated incentives.
- 2. The project includes a generous amount of non-unit space, amenities, and services for guests of the lodging operation. This can include both internal and external amenities.
- 3. The project provides a range of unit sizes and configurations to be attractive to a broad segment of potential guests. Flexible units are encouraged.
- 4. There exists a system or strategy for the project to maximize short-term occupancies.

(Ord. No. 21-2002 §§ 5 and 6 (part); Ord. No. 9-2005; Ord. No. 50-a, 2005, §9 - 2002)

## **26.710.220 Conservation (C).**

**A. Purpose.** The purpose of the Conservation (C) zone district is to provide areas of low density development to enhance public recreation, conserve natural resources, encourage the production of crops and animals, and to contain urban development.

**B. Permitted uses.** The following uses are permitted as of right in the Conservation (C) zone district:

1. Detached residential dwelling;
2. Park, playfield, playground and golf course;
3. Riding stable;
4. Cemetery;
5. Crop production, orchards, nurseries, flower production and forest land;
6. Pasture and grazing land;
7. Dairy;
8. Fishery;
9. Animal production;
10. Husbandry services (not including commercial feed lots) and other farm and agricultural uses;
11. Railroad right-of-way but not a railroad yard;
12. Home occupations;
13. Accessory buildings and uses; and
14. Accessory dwelling units meeting the provisions of Section 26.520.040; and
15. Temporary special events associated with ski areas including, but not limited to, such events as ski races, bicycle races and concerts; with special event committee approval.

**C. Conditional uses.** The following uses are permitted as conditional uses in the Conservation (C) district, subject to the standards and procedures established in Chapter 26.425.

1. Guest ranches;
2. Recreational uses including a riding academy, stable, club, country club and golf course;
3. Ski lift and other ski facilities;
4. Sewage disposal area;
5. Water treatment plant and storage reservoir; and
6. Electric substations and gas regulator stations (not including business or administration offices).

**D. Dimensional requirements.** The following dimensional requirements shall apply to all permitted and conditional uses in the Conservation (C) zone district.

1. Minimum lot size (acres): 10.
2. Minimum lot area per dwelling unit (acres): 10.
3. Minimum lot width (feet): 400.
4. Minimum front yard setback (feet): 100.
5. Minimum side yard setback (feet): 30.
6. Minimum rear yard setback (feet): 30.
7. Maximum height (feet): 25.

8. Minimum distance between principal and accessory buildings (feet): No requirement.
9. Percent of open space required for building site: No requirement.
10. External floor area ratio: (applies to conforming and nonconforming lots of record): same as R-15 zone district.

(Ord. No. 32-1999, § 2; Ord. No. 56-2000, §§ 4, 7 (part), 14; Ord. No. 25-2001, §§ 3, 5 (part))



**26.710.230 Academic (A).**

**A. Purpose.** The purpose of the Academic (A) zone district is to establish lands for education and cultural activities with attendant research, housing and administrative facilities. All development in the Academic zone district is to proceed according to a conceptual development plan and final development plan approved pursuant to the provisions of Chapter 26.440, Specially Planned Areas.

**B. Permitted uses.** The following uses are permitted as of right in the Academic (A) zone district:

1. Private school or university, teaching hospital, research facility or testing laboratory, provided that such facilities are enclosed and there are no adverse noise or environmental effects;
2. Auditorium and other facilities for performances and lectures;
3. Gallery;
4. Museum;
5. Library; and
6. Administrative offices.

**C. Conditional uses.** The following uses are permitted as conditional uses in the Academic (A) zone district, subject to the standards and procedures established in Chapter 26.425.

1. Boardinghouse and dormitory for housing students and faculty of schools and other academic institutions;
2. Student health care facility;
3. Student and faculty dining hall; and

**D. Dimensional requirements.** The dimensional requirements which shall apply to all permitted and conditional uses in the Academic (A) zone district shall be set by the adoption of a conceptual development plan and final development plan, pursuant to Chapter 26.440, specially planned area.

## **26.710.240 Park (P).**

**A. Purpose.** The purpose of the Park (P) zone district is to ensure that land intended for recreation use is developed so as to serve its intended use, while not exerting a disruptive influence on surrounding land uses.

1. When a Park (P) zone district is designated with a Transportation Overlay (T) zone district designation, its purpose is to provide for the use of for both parks and public transportation facilities in the most compatible manner practicable, but with the park character remaining dominant.
2. When a Park (P) zone district is designated with a Drainage Overlay (D) zone district designation, its purpose is to provide for the use of both park and drainage system facilities in the most compatible manner practicable, with the park character remaining dominant.
3. When the Park (P) zone district is designated both with the Transportation Overlay (T) zone district and the Drainage Overlay (D) zone district, its purpose is to provide for the use of parks, public transportation facilities, and drainage system facilities in the most compatible manner practicable, with the park character remaining dominant.
4. When the Park (P) zone district is designated Golf Course Support (GCS) Overlay zone district, its purpose is to provide for the use of public golf courses and adjacent support facilities in the most compatible manner practicable, with the park character remaining dominant.

**B. Permitted uses.** The following uses are permitted as of right in the Park (P) zone district:

1. Open-use recreational facility, park, playfield, playground, swimming pool, golf course, riding stable, nursery, botanical garden; and
2. Accessory buildings and uses.

**C. Conditional uses.** The following uses are permitted as conditional uses in the Park (P) zone district, subject to the standards and procedures established in Chapter 26.425:

1. Recreation building;
2. Sport shop;
3. Restaurant facility; and
4. Park maintenance building.
5. Farmers' market, as defined in section 26.04.100, provided:
  - a. It operates no more than two (2) days per week, unless modified by the Commission under the conditional use review;
  - b. It opens to the public no earlier than 7 a.m. and closes no later than 2 p.m., unless modified by the Commission under the conditional use review; and,
  - c. It shall be limited to those weeks that fall between the first Saturday in June and the weekend following the Thanksgiving holiday, inclusive, unless modified by the Commission under the conditional use review.

**D. Dimensional requirements.** The dimensional requirements which shall apply to all permitted and conditional uses in the Park (P) zone district shall be set by the adoption of a conceptual development plan and final development plan, pursuant to Chapter 26.445, Planned Unit Development.

**26.710.250 Public (PUB).**

**A. Purpose.** The purpose of the Public (PUB) zone district is to provide for the development of governmental, quasi-governmental and non-profit facilities for cultural, educational, civic and other non-profit purposes.

**B. Permitted uses.** The following uses are permitted as of right in the Public (PUB) zone district:

1. Library;
2. Museum;
3. Post office;
4. Hospital;
5. Essential governmental and public utility uses, facilities, services and buildings (excluding maintenance shops);
6. Public transportation stop;
7. Terminal building, and transportation related facilities;
8. Public surface and underground parking areas;
9. Fire station;
10. Public and private school;
11. Public park;
12. Arts, cultural and recreational activities, buildings and uses;
13. Accessory buildings and uses; and
14. Public and Private non-profit uses providing a community service;
15. Childcare center.

**C. Conditional uses.** The following uses are permitted as conditional uses in the Public (PUB) zone district, subject to the standards and procedures established in Chapter 26.425.

1. Maintenance shop; and
2. Affordable housing.

**D. Dimensional requirements.** The dimensional requirements which shall apply to all permitted and conditional uses in the Public (PUB) zone district shall be set by the adoption of a conceptual development plan and final development plan, pursuant to Chapter 26.445, Planned Unit Development. (Ord. No. 42-2000 § 2, 2000)

**26.710.260 Open Space (OS).**

**A. Purpose.** The purpose of the Open Space (OS) zone district is to preserve, protect and enhance lesser developed or undeveloped areas within the City containing unique naturally occurring or man-made landscape features which provide visual relief and enjoyment while reflecting or presenting community artistic or architectural statements. Development in the Open Space (OS) zone district should emphasize and be consistent with the natural dynamic state of the land and minimize disruption of existing natural conditions.

**B. Permitted uses.** The following uses are permitted as of right in the Open Space (OS) zone district:

1. Paved and unpaved walkways;
2. Benches;
3. Sculpture;
4. Water features such as ponds, streams or fountains;
5. Architectural lighting and downcast low-illumination lighting for walkways and trails;
6. Sculptured or manicured landscape features; and
7. Fencing.

**C. Conditional uses.** None.

**26.710.270 Wildlife Preservation (WP).**

**A. Purpose.** The purpose of the Wildlife Preservation (WP) zone district is to secure and protect undeveloped or less developed areas within the City from traditional development activities so as to provide for the nurturing and preservation of naturally occurring vegetation, topography, wildlife and wildlife habitat while permitting controlled and limited human use and activities.

**B. Permitted uses.** The following uses are permitted as of right in the Wildlife Preservation (WP) zone district:

1. Unpaved walkways and trails;
2. Benches;
3. Pedestrian bridges.

**C. Conditional uses.** The following uses are permitted as conditional uses in the Wildlife Preservation (WP) zone district, subject to the standards and procedures established in Chapter 26.425:

1. Paved walkways and trails;
2. Fencing;
3. Downcast low-illumination lighting for walkways and trails.

**26.710.280 Transportation Overlay (T) zone district.**

**A. Purpose.** The purpose of the Transportation Overlay (T) zone district is to provide for the uses necessary to accommodate the public transportation needs of the City, including the bus system, public parking, and similar uses.

**B. Permitted uses.** The following uses are permitted as of right in the Transportation Overlay (T) zone district:

1. Public transportation facilities, including bus stops and other transit stops;
2. Terminal buildings;
3. Transportation information and other service related facilities;
4. Public underground parking structures; and
5. The permitted uses of the underlying zone district.

**C. Conditional uses.** There are no uses permitted as conditional uses in the Transportation Overlay (T) district, except the conditional uses of the underlying zone district.

**D. Dimensional requirements.** The dimensional requirements for all uses in the Transportation Overlay (T) zone district, shall be the dimensional requirements established for those uses in the underlying zone district.

**26.710.290 Drainage Overlay (D) zone district.**

**A. Purpose.** The purpose of the Drainage Overlay (D) zone district is to provide for the uses necessary to accommodate the water draining from Aspen Mountain, as well as to retain the drainage discharging from the City's drainage system.

**B. Permitted uses.** The following uses are permitted as of right in the Drainage Overlay (D) zone district:

1. All uses required by the City of Aspen Runoff Management Plan, including conduits, swales, retention ponds, and appurtenances; and
2. The permitted uses of the underlying zone district.

**C. Conditional uses.** There are no uses permitted as conditional uses in the Drainage Overlay (D) zone district, except the conditional uses allowed in the underlying zone district.

**D. Dimensional requirements.** The dimensional requirements for all uses in the Drainage Overlay (D) zone district, shall be the dimensional requirements established for those uses in the underlying zone district.

**26.710.300 Golf Course Support Overlay (GCS) zone district.**

**A. Purpose.** The purpose of the Golf Course Support Overlay (GCS) zone district is to provide for the uses necessary to support the City of Aspen Golf Course, and to permit such other uses as may be required for the facility on a year round basis.

**B. Permitted uses.** The following uses are permitted as of right in the Golf Course Support Overlay (GCS) zone district:

1. Lodge;
2. Conference facilities;
3. Restaurant and bar;
4. Sport shop;
5. Golf and maintenance facilities;
6. Active recreational facilities such as tennis courts and swimming pools;
7. Housing for lodge employees;
8. Parking lot; and
9. The permitted uses of the underlying zone district.

**C. Conditional uses.** There are no uses permitted as conditional uses in the Golf Course Support Overlay (GCS) zone district, except the conditional uses of the underlying zone district.

**D. Dimensional requirements.** The dimensional requirements for all uses in the Golf Course Support Overlay (GCS) zone district shall be the dimensional requirements established for those uses in the underlying zone district.



### **26.710.310 Lodge Overlay (LO) zone district.**

**A. Purpose.** The purpose of the Lodge Overlay (LO) zone district is to provide for lodge uses in areas of the City suitable for lodge accommodations but which lie in predominantly residential neighborhoods or where there are limitations on development that necessitate the permitted density to be significantly less than that in the City's other lodge zone districts.

**B. Permitted uses.** The following uses are permitted as of right in the Lodge Overlay (LO) zone district:

1. The uses permitted in the underlying zone district.
2. Hotel or Lodge.
3. Timeshare Lodge.
4. Exempt Timesharing.
5. Offices and activities accessory to timeshare unit sales (see Section 26.590).
6. Conference facilities.
7. Uses associated with outdoor recreation facilities and events.
8. Accessory uses and structures. (Food service for on-site lodge guests is an accessory use.)
9. Storage accessory to a permitted use.
10. Affordable Housing accessory to a lodging or timeshare operation and for employees of the operation.
11. Free-Market Multi-Family Housing.

**C. Conditional uses.** The following uses are permitted as conditional uses in the Lodge Overlay (LO) zone district, subject to the standards and procedures established in Chapter 26.425:

1. The uses allowed as conditional uses in the underlying zone district.
2. Affordable housing intended for the general public.
3. Restaurant.

**D. Dimensional requirements.** The dimensional requirements for all uses in the Lodge Overlay (LO) Zone District shall be the dimensional requirements established for those uses in the underlying zone district. Where no specific dimensions have been established for the use, the permitted dimensions shall be limited to that of a single-family residence or multi-family residences where such uses are permitted in the underlying zone district. Upon consideration of the neighborhood compatibility and the dimensional requirements of surrounding zone districts, the dimensional requirements may be established pursuant to Chapter 26.445 – Planned Unit Development.

As part of the PUD review, an adjustment of the “density standard” and the “unit-size standard” may be approved and the project shall remain qualified for the Growth Management incentives associated with these standards. The review shall consider the following criteria:

1. The density standard may be amended by a maximum of 20% to one lodge unit per 600 square feet of Lot Area. The average unit-size standard may be amended by a maximum of 20% to permit an average unit size of 600 square feet. An adjustment in excess of these increases may be approved through adoption of a PUD plan, but the project shall no longer be qualified for the associated incentives.

2. The project includes a generous amount of non-unit space, amenities, and services for guests of the lodging operation. This can include both internal and external amenities.
3. The project provides a range of unit sizes and configurations to be attractive to a broad segment of potential guests. Flexible units are encouraged.
4. There exists a system or strategy for the project to maximize short-term occupancies.

As part of the PUD Approval, the amount of associated free-market residential or large lodge/timeshare unit space to be included in the project shall be established by considering the following factors:

1. The amount of non-unit space, amenities, and services for guests of the lodging operation. This can include both internal and external amenities.
2. The project's range of unit sizes and configurations which are attractive to a broad segment of potential guests. Flexible units are encouraged.
3. The extent of additional lodge units being added to the inventory.
4. The number and average size of lodging units being provided.
5. Any legal or physical limitations of the property such that additional incentive is necessary to develop guest accommodations.
6. Any system or strategy for the project to maximize short-term occupancies.

(Ord. No. 9-2005)

### **26.710.320 Lodge Preservation Overlay (LP) zone district.**

**A. Purpose.** The purpose of the Lodge Preservation (LP) Overlay zone district is to provide for and protect small lodge uses on properties historically used for lodge accommodations, to permit redevelopment of these properties to accommodate lodge and affordable housing uses, to provide uses accessory and normally associated with lodge and affordable housing development, to encourage development which is compatible with the neighborhood and respective of the manner in which the property has historically operated, and to provide an incentive for upgrading existing lodges on-site or onto adjacent properties.

**B. Permitted uses.** The following uses are permitted as of right in the LP Overlay zone district:

1. The uses permitted in the underlying zone district.
2. Hotel or Lodge.
3. Timeshare Lodge.
4. Exempt Timesharing.
5. Boarding house.
6. Dormitory.
7. Offices and activities accessory to timeshare unit sales (see Section 26.590).
8. Conference facilities.
9. Uses associated with outdoor recreation facilities and events.
10. Accessory uses and structures. (Food service for on-site lodge guests is an accessory use.)
11. Storage accessory to a permitted use.
12. Affordable Housing accessory to a lodging or timeshare operation and for employees of the operation.
13. Free-Market Multi-Family Housing.

**C. Conditional Uses.** The following uses are permitted in the LP Overlay zone district, subject to the standards and procedures established in Chapter 26.425 of this Code:

1. The uses allowed as conditional uses in the underlying zone district.
2. Affordable housing intended for the general public.
3. Restaurant.

**D. Dimensional requirements.** The dimensional requirements for all uses in the Lodge Preservation (LP) Overlay Zone District shall be the dimensional requirements established for those uses in the underlying zone district. Where no specific dimensions have been established for the use, the permitted dimensions shall be limited to that of a single-family residence or multi-family residences where such uses are permitted in the underlying zone district. Upon consideration of the neighborhood compatibility and the dimensional requirements of surrounding zone districts, the dimensional requirements may be established pursuant to Chapter 26.445 – Planned Unit Development.

As part of the PUD review, an adjustment of the “density standard” and the “unit-size standard” may be approved and the project shall remain qualified for the Growth Management incentives associated with these standards. The review shall consider the following criteria:

1. The density standard may be amended by a maximum of 20% to one lodge unit per 600 square feet of Lot Area. The average unit-size standard may be amended by a maximum of 20% to permit an average unit size of 600 square feet. An adjustment in excess of these increases may be approved through adoption of a PUD plan, but the project shall no longer be qualified for the associated incentives.
2. The project includes a generous amount of non-unit space, amenities, and services for guests of the lodging operation. This can include both internal and external amenities.
3. The project provides a range of unit sizes and configurations to be attractive to a broad segment of potential guests. Flexible units are encouraged.
4. There exists a system or strategy for the project to maximize short-term occupancies.

As part of the PUD Approval, the amount of associated free-market residential or large lodge/timeshare unit space to be included in the project shall be established by considering the following factors:

1. The amount of non-unit space, amenities, and services for guests of the lodging operation. This can include both internal and external amenities.
2. The project's range of unit sizes and configurations which are attractive to a broad segment of potential guests. Flexible units are encouraged.
3. The extent of additional lodge units being added to the inventory.
4. The number and average size of lodging units being provided.
5. Any legal or physical limitations of the property such that additional incentive is necessary to develop guest accommodations.
6. Any system or strategy for the project to maximize short-term occupancies.

(Ord No. 39-1999 § 6; Ord. No. 41-1999 §§ 8, 9; Ord. No. 21-2002 § 3 and §§ 5 and 6 (part); Ord. No. 9-2005, 2002)

### **26.710.330 Ski Area Base (SKI).**

**A. Purpose.** The purpose of the Ski Area Base (SKI) zone district is to provide for areas which allow for a mixture of uses related to ski area uses and operations including, skiing and appurtenant uses and structures, ski area administrative offices, recreation, lodge/hotel, retail, restaurant and bar uses, tourist-oriented service uses and residential uses. It is intended that this zone district will apply to areas located at the base of ski areas and all development within this district will be master planned through a Planned Unit Development (PUD) process.

**B. Permitted uses.** The following uses are permitted as of right in the Ski Area Base (SKI) zone district:

1. Alpine and nordic ski areas, related uses and support facilities typically associated with the uses and operations of ski areas;
2. Lodge units;
3. Hotel;
4. Multi-family dwellings;
5. Detached residential or duplex dwellings;
2. Dining rooms, customary accessory commercial uses, laundry and recreational facilities located on the same site of and for guests of lodge units, hotels and dwelling units;
3. Accessory residential dwellings restricted to affordable housing guidelines and Section 26.520.040;
4. Ski area administrative offices;
5. Restaurants and bars;
6. Special events associated with ski areas including such events as ski races, bicycle races and concerts; with special event committee review;
7. Parks, outdoor recreational uses and trails;
8. Recreational facility;
9. Retail establishments;
10. Public transportation stop;
11. Terminal building and transportation related facilities;
12. Medical clinic accessory to the ski area;
13. Fire, police and emergency services facilities;
14. Accessory buildings and uses;
15. Outdoor vendor carts or areas for food and beverages sales and preparation;
16. Timeshare lodge; and
17. Exempt timesharing.

**C. Conditional uses.** The following uses are permitted as conditional uses in the Ski Area Base (SKI) zone district, subject to the standards and procedures established in Chapter 26.425:

1. Day Care Center;
2. Offices, business;
3. Public and private surface and underground parking areas;
4. Essential governmental and public utility uses, facilities, services and buildings (excluding maintenance shops); and

5. Post office substation.

**D. Dimensional requirements.** The dimensional requirements which shall apply to all permitted and conditional uses in the Ski Area Base (SKI) zone district shall be set by the adoption of a Final Development Plan, pursuant to Chapter 26.445, of Planned Unit Development.

**E. Signs.** Signs within the Ski Area Base (SKI) zone district shall be subject to the provisions of Section 26.510, Signs. A sign master plan may be approved in conjunction with a PUD review process allowing for the establishment of dimensional and quantity sign standards for the PUD.

(Ord. No. 35-2000, § 1; Ord. No. 21-2002 §§ 5 and 6 (part), 2002)