



The
City of
Aspen



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Community Development

Zoning Checklist For Building Permit Review

The following is a minimum checklist that, with proper compliance and attention to detail, should get building permit applications readily through the Zoning Division. However, please realize that no checklist can account for all possible unique features or circumstances associated with a particular property.

In order to determine compliance with all applicable regulations or restrictions, the following information must be included with building permit applications for the Zoning review:

SITE PLAN REQUIREMENTS

- Statement of scale (bar and graphic scale), date and north arrow. The drawing should utilize the improvement survey as a basis of the site plan.
- Must show locations and dimensions of the following: lot lines, setbacks, building envelope, streets, driveways, parking spaces, trails, sidewalks and walkway, existing and proposed buildings and improvements, easements, site drainage and grading plan significant natural and man-made features (streams, steep sloping areas, retaining walls, etc.), dumpster locations, and any other features required by a site specific land use approval.
- Parking layout, driveway slope (within 20 ft. of public or private right-of-way). Landscape plan, approved by Parks Department, for sites containing trees with diameters greater than six inches (6") at four foot (4') height, that may have to be removed or relocated, or if the landscape plan is required by site specific land use approval.
- Utility and infrastructure locations and dimensions, including main and service lines serving the property, hydrants, meter locations, catch basins, drains, ditches, culverts and any other drainage improvement structures.

IMPROVEMENT SURVEY

- Prepared within one year of plan submittal by a registered land surveyor licensed in Colorado including wet ink signature and seal
- Include the legal description with stamped and signed certification that the survey plat is correct and with perimeter monuments described on the plat having been placed or found
- Indicate the lot size
- Indicate the location and dimensions of any easements or rights-of-way of record (including vacated rights-of-way) in evidence on the property
- Indicate the location and dimensions of any portion of the property which is located beneath the high water line of a body of water
- Indicate site topography at 2 foot contour intervals, including continuous spot elevations as related to proposed improvements, i.e., building floors
- Indicate all site features including such things as water courses, major rock outcroppings, existing trees, etc
- Slope analysis indicating the area of the property containing slopes between 20-30%, and slopes 30% or greater, if applicable
- Full monumentation shown
- Any other information required by the City Engineering Department, or by a site specific land use approval

FLOOR PLANS:

- Indicate the existing and proposed use of each room. Only one kitchen is permitted per residential dwelling unit.
- Indicate room dimensions.

FLOOR AREA CALCULATIONS:

In order to determine allowable floor area and to verify floor area calculations, the following must be provided:

- An accurate determination of existing lot area through documentation on a certified survey of all areas that are within dedicated or vacated rights-of-way, areas that are beneath the high water level, and areas that are in excess of 20% slope.
- Drawings showing all areas that were calculated as floor area, including elevations of the subgrade levels indicating the percentage of subgrade

surface wall area that is exposed above natural or finished grade, whichever is more restrictive.

BUILDING ELEVATION DRAWINGS:

- Show the complete building exterior with elevation views labeled including subgrade spaces.
- Provide the mid-point, one-third point, or ridge point elevations dependent on roof pitch.
- Provide a building elevation that corresponds clearly to the topography map.
- Indicate both finished and natural grade.

REQUIRED FEES:

- A park development impact fee must be paid before issuance of a building permit for all new residential units and for any increase in the number of bedrooms in a unit.
- Other impact fees (affordable housing, school, open space, parking) must be paid as applicable.

CITY ZONING DEFINITIONS AND CALCULATIONS

The following information has been compiled from the City of Aspen Municipal Code to act as a general guide for developing within the Aspen City limits. To determine the specific dimensional requirements for a given property, please refer to the individual zone districts. For further clarification or information, please refer to Chapter 26 of the Aspen Municipal Code (the Municipal Code can be accessed at www.aspengov.com). For information that is more specific regarding Floor Areas and building heights, please call the Community Development Department at (970)-920-5090.

Accessory structure or building is a building or other structure that is supportive, secondary and subordinate in use and/or size to the principal building or structure on the same parcel or lot. (See, Chapter 26.575.140, Supplementary Regulations - Accessory uses and accessory structures).

Bedroom is a portion of a dwelling unit intended to be used for sleeping purposes, which may contain closets, may have access to a bathroom and which meets Uniform Building Code requirements for light and ventilation.

Berm manmade berms are prohibited in the front yard setback

Building is a permanent structure having a roof supported by walls and intended to act as an enclosure or shelter for persons, animals, or property of any kind.

Building envelope is a designated area on a lot or parcel in which all structures and development shall be constructed or occur, unless specifically excepted or exempted, including but not limited to excavation, landscaping, building, grading, demolition or filling.

Demolition is to raze, disassemble, tear down, or destroy fifty percent (50%) or more of an existing structure as measured by exterior surface wall area; also, the removal of a dwelling unit in a multi-family building, or its conversion to non-residential use.

Density is the number of dwelling units or bedrooms per unit of land as permitted in the zone district.

Development is the use or alteration of land or land uses and improvements inclusive of, but not limited to: 1) the creation, division, alteration or elimination of lots; or 2) mining, drilling (except to obtain soil samples or to conduct tests) or the construction, erection, alteration or demolition of buildings or structures; or 3) the grading, excavation, clearing of land, or the deposit of fill in preparation or anticipation of future development, but excluding landscaping.

Dwelling is a structure, or portion thereof, intended and used as a shelter in which a person or people reside and sleep.

Dwelling unit is a separately enterable room or combination of rooms which contain a kitchen and bathroom and which are designed for or used as an individual residence.

Detached residential is a residential structure consisting of a single dwelling with open yards on all sides, excluding mobile homes.

Duplex is a residential building on a single lot or parcel comprised of two (2) attached units in either an over-and-under or side-by-side configuration having a common un-pierced wall of at least one-story in height and ten (1) feet in length or a common un-pierced wall/ceiling as applicable.

Multi-family is a residential structure containing three (3) or more attached dwelling units, not including hotels and lodges, but including townhomes, with accessory use facilities limited to an office, laundry, recreation facilities, and off-street parking used by the occupants. One or more dwelling units located within an office, retail, or service commercial building shall also be considered a multi-family dwelling. The term "multi-family dwelling" also includes historic landmark sites consisting of three or more detached dwelling units where permitted by the zone district.

Fences shall be permitted in every zone district provided that no fence shall exceed six (6) feet above natural grade. Fences, hedgerows and planters boxes shall not be more than forty-two (42) inches high, measured from natural grade, in all areas forward of the front façade of the house. Fences visible from the public right-of-way shall be constructed of wood, stone, wrought iron or masonry. On corner lots, no fence, retaining wall, or similar object shall be erected or maintained which obstructs the traffic vision, nor on corner lots shall any fence, retaining wall, or similar obstruction be erected or maintained which exceeds a height of forty-two (42) inches, measured from street grade, within 30 feet from the paved or unpaved roadway. Plans showing proposed construction, material, location and height shall be presented to the zoning office before a building permit for a fence is issued. Additionally, foliage shall be placed and maintained so that it will not obstruct vehicular visibility at intersections.

Fences on historic properties may not exceed a height of forty-two inches (42") in any area forward of the front façade of the house.

A building permit is required for installation or expansion of any fence. Fence

repairs will not require a permit.

Floor Area is the sum total of the gross horizontal areas of each story of the building measured from the exterior walls or from the center line of the party walls. Floor area ratio (FAR) is the total floor area of all structures on a lot divided by the lot area. Please refer to Chapter 26.710 for the allowable floor areas in each zone district.

1. **General** In measuring floor area for the purposes of calculating floor area ratio and allowable floor area, there shall be included that floor area within the surrounding exterior walls (measured from their exterior surface) of a building, or portion thereof.
2. **Decks, Balconies, Porches, and Exterior Stairways.** The calculation of the floor area of building or a portion thereof shall not include decks, balconies, exterior stairways, terraces and similar features, unless the area of these features is greater than fifteen percent of the maximum allowable floor area of the building (the excess of the 15% shall be included).

Porches are defined as un-insulated, unheated areas under a roof, enclosed on at least one side by an exterior wall of a living space, and open on at least two sides to the outdoors, shall not be counted towards FAR.

3. **Garages, Carports and Storage Areas.** In all zone districts except the R15-B zone district, for the purpose of calculating floor area ratio and allowable floor area for a lot whose principal use is residential, garages, carports and storage areas shall be excluded up to a maximum area of two hundred fifty (250) square feet per dwelling unit; all garage, carport and storage areas between two hundred fifty (250) and five hundred (500) square feet shall count 50% towards allowable floor area; all garage, carport and storage areas in excess of five hundred (500) square feet per dwelling unit shall be included as part of the residential floor area calculation. For any dwelling unit which can be accessed from an alley or private road entering at the rear or side of the dwelling unit, the garage shall only be excluded from floor area calculations up to two hundred fifty (250) square feet per dwelling unit if it is located on said alley or road; all

garage, carport and storage areas between two hundred fifty (250) and five hundred (500) square feet shall count 50% towards allowable floor area. For purposes of determining the exclusion, if any, applicable to garages, carports, and storage areas, the area of all such structures on a parcel shall be aggregated. In the R15-B zone district, garage, carport, and storage areas shall be limited to a five hundred (500) square foot exemption.

4. **Subgrade areas.** To determine the portion of subgrade areas that are to be included in calculating floor area, the following shall apply:

Partially exposed subgrade areas. For any story that is partially above and partially below natural or finished grade, whichever is lower, the total percentage of exterior surface wall area that is exposed above the most restrictive of the grades shall be the total percentage of the gross square footage of the subject story included in the floor area calculation. Subgrade stories with no exposed exterior surface wall area shall be excluded from floor area calculations.

(Example: If 15% of the exterior surface wall area has been exposed above natural or finished grade (whichever is lower), then 15% of the gross square footage of the subject story will be included as floor area.)

5. **Volume.** Floor area ratio and allowable floor area for a residential building or portion thereof shall include a calculation based on the relationship between every instance of the exterior expressions and interior plate heights. All interior areas that include exterior expressions of a plate height greater than ten (10) feet shall be counted as two (2) square feet per each square footage of actual floor area. Exterior expressions shall be defined as facade penetrations between nine (9) and twelve (12) feet above the elevation of the finished floor, and circular, semi-circular or non-orthogonal facade penetrations between nine (9) and fifteen (15) feet above the level of the finished floor.
6. **Accessory Dwelling.** An Accessory Dwelling Unit shall be calculated and attributed to the allowable floor area for a parcel with the same inclusions and exclusions for calculating Floor Area as defined in this Section, unless eligible for an exemption as described below.

Detached ADU Floor Area Bonus Fifty (50) percent of the net livable square footage of an ADU which is detached from the primary residence by a distance of no less than ten (10) feet and which is housed in a structure with a footprint of no more than 625 square feet shall be excluded from the calculation of Floor Area

Mandatory Occupancy ADU Floor Area Bonus. Fifty (50) percent of the net livable square footage of an Accessory Dwelling Unit deed restricted to Mandatory Occupancy shall be excluded from the calculation of Floor Area. This mandatory occupancy restricted requires the ADU be continuously occupied by a local working resident, as defined by the Aspen/Pitkin County Housing Authority, for lease periods of six months or greater. The owner shall retain the right to select a qualified renter.

Combined FAR Bonuses. If an ADU is eligible for both of the Floor Area bonuses described above, one hundred (100) percent of the net livable square footage of the ADU shall be excluded from the calculation of Floor Area.

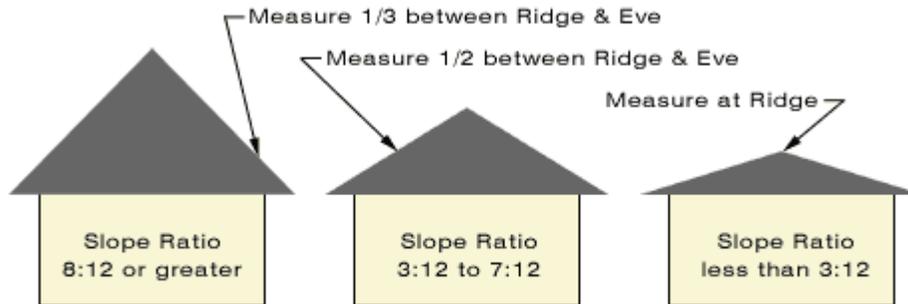
Linked Pavilion An element linking a principal structure to an accessory structure shall not be included in the calculation of floor area provided that the linking structure is no more than one (1) story tall, six (6) feet wide, and ten (10) feet long. Areas of linking structures in excess of ten feet in length shall be counted in floor area.

Grade, finished is the elevation of the ground surface measured where it meets the exterior wall of a structure upon completion of construction.

Grade, natural is the undisturbed elevation of the ground surface prior to construction or other development activity.

Height is the maximum possible distance, as established by the underlying zone district, from the natural grade or finished grade, whichever is lower, at the exterior perimeter of a building to the highest point of the structure within a vertical plane.

1. Methods of Measurement for Varying Types of Roofs.



Building Heights & Measuring Standards

- a. **Flat Roofs or Roofs With a Slope of Less Than 3:12.** The height of the building shall be the maximum distance measured vertically from the natural or finished grade, whichever is lower, to the top or ridge of a flat, mansard, or other roof with a slope of less than 3:12.
- b. **Roofs With a Slope From 3:12 to 7:12.** For roofs with a slope from 3:12 to 7:12, height shall be measured vertically from the natural or finished grade, whichever is lower, to the mean height between the eave point and ridge of a gable, hip, gambrel or other similar pitched roof. The ridge of a gable, hip, gambrel, or other pitched roof shall not extend over five feet above the maximum height limit.
- c. **Roofs With a Slope of 8:12 or Greater.** For roofs with a slope of 8:12 or greater, height shall be measured vertically from the natural or finished grade, whichever is lower, to a point one-third (1/3) of the distance up from the eave point to the ridge. There shall be no limit on the height of the ridge. Chimneys and other appurtenances may extend up to a maximum of two (2) feet above the ridge.
- d. **Eave point** is defined as the point in the roof plane of a structure or building which intersects with the exterior wall surface.
- e. **Chimneys, Antennas and Other Appurtenances.** Antennas, chimneys, flues, vents or similar structures shall not extend over ten (10) feet above the specified maximum height limit, except for roofs with a pitch of 8:12 or greater; these elements may not extend more than two (2) feet above the ridge. Water towers and mechanical equipment shall not extend over five (5) feet above the specified maximum height limit.

Church spires, bell towers and like architectural projections, as well as flag poles, may extend over the specified maximum height limit.

2. Exceptions for Buildings on Slopes. The maximum height of a building's front (street facing) facade may extend for the first thirty (30) feet of the building's depth.

3. Exceptions for Areaways, Lightwells and Basement Stairwells. An areaway, lightwell or basement stairwell of less than one hundred (100) square feet, entirely recessed behind the vertical plane established by the portion of the building facade which is closest to the street, and enclosed on all four sides to within eighteen (18) inches of the first floor level shall not be counted towards maximum permissible height.

Lot Area is the total horizontal area contained within the lot lines of a lot, or other parcel of land. To calculate lot area, the following shall apply: Except in the R15-B zone district, when calculating floor area ratio, lot areas shall include only areas with a slope of less than 20%. In addition, half (.50) of lot areas with a slope of 20-30% may be counted towards floor area ratio; areas with slopes of greater than 30% shall be excluded. The total reduction in FAR attributable to slope reduction for a given site shall not exceed 25%.

Also excluded from total lot area for the purpose of floor area calculations in all zone districts is that area beneath the high water line of a body of water and that area within a vacated right-of-way, or within an existing or proposed dedicated right-of-way or surface easement. Lot area shall include any lands dedicated to the City of Aspen or Pitkin County for the public trail system, any open irrigation ditch, or any lands subject to an above ground or below ground surface easement such as utilities that do not coincide with road easements. When calculating density, lot area shall have the same exclusions and inclusions as for calculating floor area ratio except for exclusion of areas of greater than 20% slope.

Net-Leasable Square Footage are those areas within a commercial or office building which are, or which are designed to be, leased to a tenant and occupied for commercial or office purposes, exclusive of any area including, but not

necessarily limited to, areas dedicated to bathrooms, stairways, circulation corridors, mechanical areas and storage areas provided, however that these areas are used solely by tenants on the site.

Net livable area is the area available within a building for habitation and human activity measured from interior wall to interior wall, including interior partitions, and inclusive of but not limited to, habitable basements and interior storage areas, closets and laundry areas, but excluding uninhabitable basements, mechanical areas, exterior storage, stairwells, garages (attached or detached), patios, decks and porches.

Nonconforming structure is a structure which was originally constructed in conformity with zoning and building codes or ordinances in effect at the time of its development, but which no longer conforms to the dimensional or other requirements imposed by the land use code for the zone district in which it is located.

Nonconforming use is the use of land or a building or structure which was originally established in conformity with the zoning and building codes or ordinances in effect at the time of its development, but which is no longer allowed as a permitted or conditional use under the regulations imposed by this Title for the zone district in which it is located.

Open Space is a designated space or area of land suitable for public or private use, including space available for landscaping. Such space shall be open to the sky, free of automobile traffic, parking, display of merchandise, outdoor storage or undue hazard. Development that is required to provide open space shall comply with the following provisions:

1. **Open to View.** Open space areas shall be open to view from the street at pedestrian level, which view need not be measured at right angles. Fences or walls shall only be permitted within or around the perimeter of open space if such structures shall permit views from the street into and throughout the open space.
2. **Exclusion** Open space areas shall not include storage areas, utility/trash service areas, rear access area, parking areas or structures of any type,

except as specifically provided for herein. Vacated rights-of-way shall be excluded from open space calculations as well.

3. **Minimum Frontage.** The open space shall have a minimum frontage on the street, or if there is no street, on the public right-of-way, of one-half (1/2) of the length of the lot line on that side of the building site, or one hundred (100) feet, whichever is less.
4. **Minimum Depth.** The minimum depth of the open space which is open to a street shall be ten (10) feet measured at right angles from the front lot line.
5. **Grade Limitations.** Required open space shall not be more than four (4) feet above or two (2) feet below the existing grade of the street which abuts the open space, unless the open space shall follow undisturbed natural grade, in which case there shall be no limit on the extent to which it is above or below the existing grade of the street.
6. **Pedestrian Links.** In the event that the City of Aspen shall have adopted a trail plan incorporating mid-block pedestrian links, any required open space must, if the city shall so elect, be applied and dedicated for such use.
7. **Landscaping Plan.** Prior to issuance of a building permit, the chief building official shall require site plans and drawings of any required open space area, including a landscaping plan, and a bond in a satisfactory form and amount to insure compliance with any open space requirements under this title.
8. **Maintenance of Landscaping.** Whenever the landscaping required herein is not maintained, the chief building official, after thirty (30) days written notice to the owner or occupant of the property, may revoke the certificate of occupancy until said party complies with the landscaping requirements of this section.
9. **Commercial Activity.** No area of a building site designated as required open space under this section shall be used for any commercial activity, including, but not limited to, the storage, display, and merchandising of goods and services; provided, however, that the prohibition of this subsection shall not apply when such use is in conjunction with permitted commercial activity on an abutting right-of-way.
10. **Commercial Restaurant Use.** The provisions above notwithstanding, required open space may be used for commercial restaurant use if the

Planning and Zoning Commission shall determine that such use is compatible with or enhances the purposes of these open space requirements and that adequate pedestrian and emergency vehicle access will be maintained. Trellis structures shall only be proposed in conjunction with commercial restaurant uses on a designated Historic Landmark or within (H) Historic overlay zones and must be approved by the Historic Preservation Commission pursuant to review requirements contained in Chapter 26.415 and the Community Development Director pursuant to Section 26.470.060(A)(2)(a)(1). Such approved structures shall not be considered as floor area or a reduction in open space on the parcel.

Structure is anything constructed, installed, or erected which requires location on the ground, or is attached/supported by something on the ground, inclusive of buildings, signs, roads, walkways, berms, fences and/or walls greater than six feet (6') in height, tennis courts, swimming pools, and the like, but excluding poles, lines, cables, or similar devices used in the transmission or distribution of public utilities.

Setbacks/Yards are the areas commencing and extending horizontally and vertically from a lot line, property line, or other boundary which shall be unoccupied and unobstructed from the ground upward, excepting trees, vegetation and/or fences, or other structures or projections as allowed.

Lot line, front - The line normally closest to and/or dividing a lot from a street or street right-of-way.

Lot line, rear - The lot line opposite the front lot line.

Lot line, side - The lot lines other than the front or rear lot lines

Yard, front - The yard extending the full width of a lot or parcel, the depth of which is measured by the narrowest horizontal distance between the front lot line and the nearest surface of the principal or accessory building at grade

Yard, rear - A yard extending the full width of a lot or parcel, the depth of which is measured at the narrowest horizontal distance between the rear lot line and the nearest surface of the principal or accessory building at grade.

Yard, side - A yard extending from the front yard to the rear yard of a lot or parcel, the width of which is measured at the narrowest horizontal distance between the side lot line and the nearest surface of the principal or accessory building at grade.

Projections Into Required Yards. Yards shall be unobstructed from the ground to the sky except for the following allowed projections:

Building eaves--Eighteen (18) inches;

Architectural projections (Defined as a non-functional or ornamental feature on a building or other structure that does not extend to, or from, the ground)- -- Eighteen (18) inches;

Individual balconies not utilized as a passageway (provided they do not project more than one-third (1/3) the distance from the exterior wall to the property line)--Four (4) feet;

Fire escapes required by the Uniform Building Code--Four (4) feet;

Uncovered porches, slabs, patios, walks, retaining walls, steps and similar structures, which do not exceed thirty (30) inches above or below natural grade, shall be permitted to project into the yard without restriction. Projections may exceed thirty (30) inches below grade if determined to be required by the chief building official for window egress.

Fences, hedges, berms and walls less than six (6) feet in height, as measured from natural grade, are permitted in all required yard setbacks. (See, Supplementary Regulations - Section 26.575.050, Fences.).

Driveways Driveway access shall not exceed a depth or height greater than twenty-four (24) inches above or below grade within the required front yard setback. Within all other required setbacks, driveway access shall not exceed a depth or height greater than thirty (30) inches above or below grade. Parking is only permitted within required setbacks if it is in an approved driveway or other

area approved for parking.

Exterior merchandizing. Exterior merchandizing in non-residential zone districts shall be prohibited in all required yard set backs.

Required Yards Adjacent to Private Roads. All required yard setbacks under zone district regulations are based on distance measured from the right-of-way line of a dedicated public way. Where there is no public dedication and the lot line extends to the centerline of the right-of-way, the required yard setback shall equal the distance specified under zone district regulations, plus an additional distance equal to one-half (1/2) of the right-of-way width as if such private way were dedicated for public use.

Corner Lots. (Does not apply to commercial core) On a lot bordered on two (2) sides by intersecting streets, the owner shall have a choice as to which yard shall be considered as the front yard, such yard to meet minimum setbacks for a front yard in that zone district. The remaining yard bordering a street may be reduced by one-third (1/3) of the required front yard setback distance for the zone district. The rear yard must coincide with the rear alignment of neighboring lots regardless of which yard is considered the front yard by the owner.

Transitional Yards. Where two (2) lots which share a common side lot line are in different zone districts, the lot in the more intensive zone district shall observe the required yard setback distance as established for the less intensive use zone district.

Non-Aligned Lots. For any lot in the R-6 zone district in excess of nine thousand (9,000) square feet which is not aligned along the traditional Aspen Townsite lot lines, the building inspector shall measure the side yards from the two (2) shortest sides of the lot which are opposite from each other and the front and rear yards from the two (2) longest sides of the lot which are opposite from each other.

Site Coverage is the percentage of a site covered by buildings, measured at the exterior walls of a building at ground level. Site coverage is typically expressed as a percentage. When calculating site coverage of a structure or building, the

exterior walls of the structure or building at ground level should be used. Porches, roofs, or balcony overhangs, cantilevered building elements and similar features extending directly over grade shall be excluded from maximum allowable site coverage calculations.