

**Chapter 26.710**  
**LAND USE REGULATIONS**  
**PART 700 — 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 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:

- a. The use can only be developed on land in which it is a permitted or a conditional use.
- b. 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:

- a. 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.
- b. 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 percent (75%) 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 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 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.

**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, short term vacation rentals, and 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 (2) detached residential dwellings.
4. Home occupations.
5. Accessory buildings and uses.
6. Accessory dwelling units and carriage houses meeting the provisions of Chapter 26.520.
7. Vacation rentals. Pursuant to Section 26.575.220

**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 Gross Lot Area (square feet): six thousand (6,000) square feet. For lots created by Section 26.480.030.A.4, Historic landmark lot split: Three thousand (3,000).
2. Minimum Net 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.
1. Minimum lot width (feet): Sixty (60). For lots created by Section 26.480.030.A.4, Historic Landmark Lot Split: Thirty (30).
  2. Minimum front yard (feet): Principal buildings: 10. Accessory buildings: 15.
  3. Minimum rear yard (feet): Principal buildings: 10. For the portion of a principal building used solely as a garage: 5. Accessory buildings: 5.
  4. Minimum side yard:

Gross Lot Area (Square Feet)	Minimum Size for Each Side Yard	Total of Both Side Yards*
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 Gross 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 Gross 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 Gross 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 Gross 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>Gross Lot Area (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 Gross 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 Gross 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>Gross Lot Area (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 Gross Lot Area, to a maximum site coverage of 40%
9,000 – 12,000	40%, minus 1% for each additional 300 square feet of Gross Lot Area, to a maximum site coverage of 30%
12,000 – 18,000	30%, minus 1% for each additional 1,200 square feet of Gross 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 feet.

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

11. Floor area ratio (applies to conforming and nonconforming lots of record):

<b>Net Lot Area (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 square feet in Net 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 Net 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 Net 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 Net Lot Area, up to a maximum of 3,600 square feet of floor area
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 Net 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 Net 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 Net 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 Net 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 Net 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 Net 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 Net Lot Area.	6,190 square feet of floor area, plus 3 square feet of floor area for each additional 100 square feet in Net Lot Area



\*Total external floor area for multiple detached residential dwellings on one (1) lot shall not exceed the floor area allowed for one (1) duplex.

- a. Each City of Aspen Historic Transferable Development Right certificate extinguished, pursuant to Section 26.535, Transferable Development Rights, shall allow an additional two hundred and fifty (250) square feet of Floor Area. Each residence on the parcel, excluding accessory dwelling units and carriage houses, shall be eligible for one (1) floor area increase in exchange for the extinguishment of one (1) historic TDR. 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. No more than one (1) floor area increase shall be allowed per residence, with the following exceptions:
- b. Non-historic properties with a net lot area of 9,000 sf or larger that contain only a single family residence are eligible to extinguish up to two (2) historic TDRs.
- c. Properties within the same subdivision or planned 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 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 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 development approvals granted by City Council. The total number of floor area increases permitted within the subdivision or planned development shall not exceed an aggregate total of one (1) per non-historic residence within the entire subdivision or planned development.

(Ord. No. 56-2000, §§ 1, 7 [part], 10; Ord. No. 25-2001, §§ 1, 5 [part]; Ord. No. 1-2002, § 20 [part]; Ord. No. 54-2003, § 6; Ord. No. 48-2004, § 1; Ord. No. 50-2005, § 1; Ord. No. 27-2010, §4; Ord. No. 34-2011, §3; Ord. No. 33-2014, §2; Ord. No. 6-2019)



**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, short term vacation rentals, and 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.
6. Accessory dwelling units and carriage houses meeting the provisions of section 26.520.040
7. Vacation rentals. Pursuant to Section 26.575.220.

**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 Gross Lot Area (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 Net 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):
- a. *Residential dwellings*: twenty-five (25).
  - b. *Accessory buildings and all other buildings*: thirty (30).
5. Minimum side yard setback (feet): Ten (10).
6. Minimum rear yard setback (feet):
- a. *Principal buildings*: 10
  - b. *Accessory buildings*: 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>Net Lot Area (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 square feet in Net 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 Net 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 Net 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 Net 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 Net 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 Net 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 Net 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 Net 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 Net Lot Area.	7,020 square feet of floor area, plus 3 square feet of floor area for each additional 100 square feet in Net Lot Area.

Total external floor area for multiple detached residential dwellings on one (1) lot shall not exceed the floor area allowed for one (1) duplex.

Each City historic transferable development right certificate extinguished, pursuant to Chapter 26.535, Transferable development rights, shall allow an additional two hundred and fifty (250) square feet of floor area. Each residence on the parcel, excluding accessory dwelling units and carriage houses, shall be eligible for one (1) floor area increase in exchange for the extinguishment of one (1) historic TDR. Properties listed on the inventory of historic sites and structures shall not be eligible for this floor area increase. Nonconforming uses and structures shall not be eligible for this floor area increase. No more than one (1) floor area increase shall be allowed per residence, with the following exceptions:

- a. Non-historic properties with a net lot area of 15,000 sf or larger that contain only a single family residence are eligible to extinguish up to two (2) historic TDRs.

([Ord. No. 56-2000, §§ 2, 7 \[part\]](#); [Ord. No. 25-2001, §§ 2, 5 \[part\]](#); [Ord. No. 1-2002, § 20 \[part\]](#); [Ord. No. 54-2003, § 7](#); [Ord. No. 50-2005, § 2](#); [Ord. No. 27-2010, §4](#); [Ord. No. 34-2011, §4](#); [Ord. No. 33-2014, §3](#); [Ord. No. 6-2019](#))



**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, short term vacation rentals, and 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 percent (50%) of the duplex units are restricted to affordable housing.
3. Two (2) 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.
7. Vacation rentals. Pursuant to Section 26.575.220

**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 Gross Lot Area (square feet): fifteen thousand (15,000). For lots created by Subsection 26.480.030.A.4, Historic landmark lot split: three thousand (3,000).
2. Minimum Net Lot Area per dwelling unit (square feet):
  - a. *Detached residential dwelling:* 15,000. For historic landmark properties: three thousand (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) feet. For lots created by Subsection 26.480.030.A.4, Historic landmark lot split: thirty (30).
- 4. A minimum front yard setback (feet):
  - a. *Residential dwelling*: twenty-five (25).
  - b. *Accessory buildings and all other buildings*: thirty (30).
- 5. Minimum side yard setback (feet): 10.
- 6. Minimum rear yard setback (feet):
  - a. *Residential dwellings*: ten (10).
  - b. *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>Net Lot Area (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 square feet in Net 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 Net 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 Net 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 Net 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 Net 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 Net 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 Net 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 Net 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 Net Lot Area.	7,020 square feet of floor area, plus 3 square feet of floor area for each additional 100 square feet in Net Lot Area.

Total external floor area for multiple detached residential dwellings on one (1) lot shall not exceed the floor area allowed for one (1) duplex.

Each City historic transferable development right certificate extinguished, pursuant to Chapter 26.535, Transferable development rights, shall allow an additional two hundred and fifty (250) square feet of floor area. Each residence on the parcel, excluding accessory dwelling units and carriage houses, shall be eligible for one (1) floor area increase in exchange for the extinguishment of one (1) historic TDR. Properties listed on the inventory of historic sites and



structures shall not be eligible for this floor area increase. Nonconforming uses and structures shall not be eligible for this floor area increase. No more than one (1) floor area increase shall be allowed per residence, with the following exceptions:

- a. Non-historic properties with a net lot area of 15,000 sf or larger that contain only a single family residence are eligible to extinguish up to two (2) historic TDRs.

[\(Ord. No. 56-2000, § 7 \[part\]; Ord. No. 25-2001, § 5 \[part\]; Ord. No. 1-2002, § 20 \[part\]; Ord. No. 54-2003, § 8; Ord. No. 50-2005, § 3; Ord. No. 27-2010, §4; Ord. No. 34-2011, §5; Ord. No. 33-2014, §4; Ord. No. 6-2019\)](#)



**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, short term vacation rentals, and 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.
3. Accessory buildings and uses.
4. Vacation rentals. Pursuant to Section 26.575.220.

**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 Gross Lot Area (square feet): fifteen thousand (15,000).
2. Minimum Net 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): ten (10).
5. Minimum side yard setback (feet): five (5).
6. Minimum rear yard setback (feet):
  - a. Residential dwellings: ten (10)
  - b. 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): thirty (30).
7. Maximum height (feet): twenty-five (25).
8. Minimum distance between principal and accessory buildings: 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):

<b>Net Lot Area (Square Feet)</b>	<b>Allowable Floor Area for Single-Family Residence</b>
0—3,000	80 square feet of floor area for each 100 square feet in Net 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 Net 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 Net 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 Net 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 Net Lot Area.

Each City historic transferable development right certificate extinguished, pursuant to Chapter 26.535, Transferable development rights, shall allow an additional two hundred and fifty (250) square feet of floor area. Each residence on the parcel, excluding accessory dwelling units and carriage houses, shall be eligible for one (1) floor area increase in exchange for the extinguishment of one (1) historic TDR. No more than one (1) 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. Nonconforming 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. 51-2005, § 1](#); [Ord. No. 27-2010, §4](#); [Ord. No. 34-2011, §6](#))

**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, short term vacation rentals, and 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.
5. Accessory dwelling units and carriage houses meeting the provisions of Chapter 26.520.
6. Vacation Rentals. Pursuant to Section 26.575.220

**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 Gross Lot Area (square feet): thirty thousand (30,000).
2. Minimum Net Lot Area per dwelling unit (square feet):
  - a. Detached residential dwelling: thirty thousand (30,000).
  - b. Duplex: fifteen thousand (15,000).
3. Minimum lot width (feet): one hundred (100).
4. Minimum front yard setback (feet):

- a. Residential dwellings: twenty-five (25).
- b. Accessory buildings and all other buildings: thirty (30).
- 5. Minimum side yard setback (feet): ten (10).
- 6. Minimum rear yard setback (feet):
  - a. Residential dwellings: fifteen (15).
  - b. Accessory buildings: five (5).
  - c. All other buildings: thirty (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>Net Lot Area (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 square feet in Net 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 Net 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 Net 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 Net 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 Net 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 Net 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 Net 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 Net 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 Net Lot Area	7,020 square feet of floor area, plus 3 square feet of floor area for each additional 100 square feet in Net Lot Area

Each City historic transferable development right certificate extinguished, pursuant to Chapter 26.535, Transferable development rights, shall allow an additional two hundred and fifty (250) square feet of floor area. Each residence on the parcel, excluding accessory dwelling units and carriage houses, shall be eligible for one (1) floor area increase in exchange for the extinguishment of one (1) historic TDR. Properties listed on the Inventory of Historic Landmark Sites and Structures shall not be eligible for this floor area increase. Nonconforming uses and structures shall not be eligible for this floor area increase. No more than one (1) floor area increase shall be allowed per residence, with the following exceptions:

- a. Non-historic properties with a net lot area of 30,000 sf or larger that contain only a single family residence are eligible to extinguish up to two (2) historic TDRs.

([Ord. No. 56-2000, §7 \[part\]](#); [Ord. No. 25-2001, §5 \[part\]](#); [Ord. No. 54-2003, §10](#); [Ord. No. 27-2010, §4](#); [Ord. No.34-2011, §7](#); [Ord. No.33-2014, §5](#))



**26.710.090 Residential Multi-Family (RMF).**

**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, short term vacation rentals, and 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 (RMF) Zone District:

1. Detached residential dwelling.
2. Two (2) 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 Chapter 26.520.
9. For historic landmark properties: bed and breakfast.
10. Vacation Rentals. Pursuant to Section 26.575.220

**C. Conditional uses.** The following uses are permitted as conditional uses in the Residential Multi-Family (RMF) 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 (RMF) Zone District:

1. Minimum Gross Lot Area (square feet): six thousand (6,000). For lots created by Paragraph 26.480.030.A.4, Historic landmark lot split: three thousand (3,000).

2. Minimum Net Lot Area per dwelling unit (square feet):
  - a. *Detached residential dwelling*: four thousand five hundred (4,500). For historic landmark properties: three thousand (3,000).
  - b. *Duplex dwelling unit*: four thousand five hundred (4,500). For historic landmark properties: three thousand (3,000).
  - c. *Multi-family dwellings*: No requirement.
  - d. *Bed and breakfast*: No requirement.
3. Minimum lot width (feet): sixty (60). For lots created by Paragraph 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 R-6 Zone District.
  - b. *Multi-family*: five (5).
5. Minimum side yard setback (feet):
  - a. *Detached residential and duplex dwellings*: same as R-6 Zone District.
  - b. *Multi-family*: five (5).
6. Minimum rear yard setback (feet):
  - a. *Detached residential and duplex dwellings*: same as R-6 Zone District.
  - b. *Multi-family*: five (5).
7. Maximum height (according to density) (feet):
  - a. *Detached residential and duplex dwellings*: same as R-6 Zone District.
  - b. *Multi-family* – parcel density less than one (1) unit per one thousand five hundred (1,500) square feet of Gross Lot Area: twenty-five (25).
  - c. *Multi-family* – parcel density equal to or greater than one (1) unit per one thousand five hundred (1,500) square feet of Gross Lot Area: thirty-two (32).
8. Minimum distance between buildings on the lot (feet):
  - a. *Detached residential and duplex dwellings*: same as R-6 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). This Paragraph applies to each type of use according to density and applies to conforming and nonconforming lots of record:
  - a. *Existing detached residential and duplex dwellings*: one hundred percent (100%) of the allowable floor area of an equivalent-sized lot located in the R-6 Zone District. (See Section 26.710.040, R-6 Zone District.) City historic transferable development

rights shall not permit additional floor area for detached residential and duplex dwellings.

- b. *New or replacement after demolition detached residential and duplex dwellings:* eighty percent (80%) of the allowable floor area of an equivalent-sized lot located in the R-6 Zone District. (See Section 26.710.040, R-6 Zone District.) City historic transferable development rights shall not permit additional floor area for detached residential and duplex dwellings.
  - c. *Multi-family* – parcel density of less than one (1) unit per one thousand five hundred (1,500) square feet of Gross Lot Area: 0.75:1.
  - d. *Multi-family* – parcel density equal to or greater than one (1) unit per one thousand five hundred (1,500) square feet of Gross Lot Area: 1.25:1.
  - e. *Multi-family* – parcel density equal to or greater than one (1) unit per seven hundred fifty (750) square feet of Gross Lot Area: 1.5:1.
11. Maximum multi-family unit size (square feet): For properties in the Aspen infill area, two thousand (2,000) square feet of net livable area. For properties outside the Aspen infill area, two thousand five hundred (2,500) square feet of net livable area.
- a. The property owner may increase individual multi-family unit size by extinguishing historic transferable development right certificates ("certificate" or "certificates"), subject to the following:
    - 1) The transfer ratio is five hundred (500) square feet of net livable area for each certificate that is purchased.
    - 2) The additional square footage accrued may be applied to multiple units. However, the maximum individual unit size attainable by transferring development rights is two thousand five hundred (2,500) square feet of net livable area for properties within the Aspen infill area and three thousand (3,000) square feet of net livable area for properties outside the Aspen infill area (i.e., no more than five hundred [500] additional square feet may be applied per unit).
    - 3) This incentive applies only to individual unit size. Transferring development rights does not allow an increase in the floor area ratio (FAR) of the lot.

*Commentary: Refer to Chapter 26.535 for the procedures for extinguishing certificates.*

([Ord. No. 56-2000, §7 \[part\]](#); [Ord. No. 25-2001, §5 \[part\]](#); [Ord. No. 1-2002, §20 \[part\]](#); [Ord. No. 29-2002, §1](#); [Ord. No. 27-2004, §1](#); [Ord. No. 50-2005, §10](#); [Ord. No. 9, 2007, §1](#); [Ord. No. 27-2010, §4](#); [Ord. No. 34-2011, §8](#))



**26.710.100 Residential Multi-Family-A (RMFA).**

**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, short term vacation rentals, and 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-A (RMFA) Zone District:

1. Detached residential dwelling.
2. Two (2) 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 Chapter 26.520.
9. For historic landmark properties: bed and breakfast.
10. Vacation Rentals. Pursuant to Section 26.575.220

**C. Conditional uses.** The following uses are permitted as conditional uses in the Residential Multi-Family-A (RMFA) 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-A (RMFA) Zone District:

1. Minimum Gross Lot Area (square feet): six thousand (6,000). For historic landmark properties: three thousand (3,000).
2. Minimum Net 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*: No requirement.
3. Minimum lot width (feet): sixty (60). For historic landmark properties: thirty (30).
4. Minimum front yard setback (feet):
  - a. *Detached residential and duplex dwellings*: Same as R-6 Zone District.
  - b. *Multi-family*: 5.
5. Minimum side yard setback (feet):
  - a. *Detached residential and duplex dwellings*: Same as R-6 Zone District.
  - b. *Multi-family*: 5.
6. Minimum rear yard setback (feet):
  - a. *Detached residential and duplex dwellings*: Same as R-6 Zone District.
  - b. *Multi-family*: 5.
7. Maximum height (according to density) (feet):
  - a. *Detached residential and duplex dwellings*: Same as R-6 Zone District.
  - b. *Multi-family* – parcel density less than one (1) unit per 1,500 square feet of Gross Lot Area: 25.
  - c. *Multi-family* – parcel density equal to or greater than one (1) unit per 1,500 square feet of Gross Lot Area: 32.
8. Minimum distance between buildings on the lot (feet):
  - a. *Detached residential and duplex dwellings*: Same as R-6 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). This Paragraph applies to each type of use according to density and applies to conforming and nonconforming lots of record:
  - a. *Existing detached residential and duplex dwellings*: One hundred percent (100%) of the allowable floor area of an equivalent-sized lot located in the R-6 Zone District. (See Section 26.710.040, R-6 Zone District.) City historic transferable



development rights shall not permit additional floor area for detached residential and duplex dwellings.

- b. *New or replacement after demolition detached residential and duplex dwellings:* Eighty percent (80%) of the allowable floor area of an equivalent-sized lot located in the R-6 Zone District. (See Section 26.710.040, R-6 Zone District.) City historic transferable development rights shall not permit additional floor area for detached residential and duplex dwellings.
  - c. *Multi-family* – parcel density of less than one (1) unit per one thousand five hundred (1,500) square feet of Gross Lot Area: 0.75:1.
  - d. *Multi-family* – parcel density equal to or greater than one (1) unit per one thousand five hundred (1,500) square feet of Gross Lot Area: 1.25:1.
  - e. *Multi-family* – parcel density equal to or greater than one (1) unit per seven hundred fifty (750) square feet of Gross Lot Area: 1.5:1.
11. Maximum multi-family unit size (square feet): For properties in the Aspen infill area, two thousand (2,000) square feet of net livable area. For properties outside the Aspen infill area, two thousand five hundred (2,500) square feet of net livable area.
- a. The property owner may increase individual multi-family unit size by extinguishing historic transferable development right certificates ("certificate" or "certificates"), subject to the following:
    - 1) The transfer ratio is 500 square feet of net livable area for each certificate that is purchased.
    - 2) The additional square footage accrued may be applied to multiple units. However, the maximum individual unit size attainable by transferring development rights is 2,500 square feet of net livable area for properties within the Aspen infill area and 3,000 square feet of net livable area for properties outside the Aspen infill area (i.e., no more than five hundred [500] additional square feet may be applied per unit).
    - 3) This incentive applies only to individual unit size. Transferring development rights does not allow an increase in the floor area ratio (FAR) of the lot.  
Commentary: Refer to Chapter 26.535 for the procedures for extinguishing certificates.

([Ord. No. 56-2000, §7 \[part\]](#); [Ord. No. 25-2001, §5 \[part\]](#); [Ord No. 27-2004, §2](#); [Ord. No. 9, 2007, §2](#); [Ord. No. 27-2010, §4](#); [Ord. No. 34-2011, §9](#))



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

**A. Purpose.** The purpose of the Affordable Housing/Planned Development (AH/PD) 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 offset the cost of developing affordable housing. It is contemplated that land may also be subdivided in connection with a development plan. The AH/PD Zone District is intended for residential use primarily by permanent residents of the community and in some instances allows for short term vacation rentals. Recreational and institutional uses customarily found in proximity to residential uses are included as conditional uses. Lands in the AH/PD 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/PD 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/PD 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/PD 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.
4. Accessory dwelling units meeting the provisions of Chapter 26.520.
5. Vacation rentals. Pursuant to Section 26.575.220

**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.
5. Transit facilities.

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

1. Minimum Gross Lot Area.
2. Minimum Net 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 PD process.

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

<b>Unit Type</b>	<b>Minimum Net Lot Area* Per Dwelling Unit (Square Feet)</b>
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 PD Development Plan by using the following table applied to the proposed fathering parcel as a guide:

<b>Fathering Parcel Net Lot Area*</b>	<b>Allowable Floor Area Ratio</b>
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

\* Net Lot Area as defined in the Land Use Code.

([Ord. No. 27-2010, §4](#); [Ord. No. 34-2011, §10](#))



**26.710.120 High Density Residential (R-3).**

**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, short term vacation rentals, and 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 High Density Residential (R-3) Zone District:

1. Mobile home park.
2. Home occupations.
3. Accessory buildings and uses.
2. Accessory dwelling units meeting the provisions of Chapter 26.520.
3. Vacation Rentals. Pursuant to Section 26.575.220.

**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.
2. Church.
3. 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 Gross Lot Area: three thousand (3,000) square feet.
2. Minimum Net Lot Area per dwelling unit: three thousand (3,000) square feet.
2. Minimum lot width: forty (40) feet.
3. Minimum front yard setback: five (5) feet (excluding hitch on mobile home).
4. Minimum side yard setback: five (5) feet.
5. Minimum rear yard setback: five (5) feet.
6. Maximum height:

*Administrative service buildings:* twenty-five (25) feet.

*All other structures:* fifteen (15) feet.

7. Minimum distance between principal and accessory buildings: five (5) feet.
8. Percent of open space required for building site: No requirement.
9. External floor area ratio: No requirement.

[\(Ord. No. 56-2000, § 7 \[part\]; Ord. No. 39-2001, § 1; Ord. No. 27-2010, §4; Ord. No.34-2011, §11\)](#)



**26.710.130 Rural Residential (RR).**

**A. Purpose. Purpose.** The purpose of the Rural Residential (RR) Zone District is to allow utilization of land for low density, long-term residential and short term vacation rental 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 one hundred (100) feet from pre-existing dwellings on other lots.
2. Nursery.
3. Greenhouse.
4. Home occupations.
5. Accessory buildings and uses.
6. Accessory dwelling units meeting the provisions of Section 26.520.040.
7. Vacation Rental. Pursuant to Section 26.575.220

**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.
2. Park and open use recreation site including ski runs, ski lifts and other skiing facilities and structures.
3. Sewage disposal.
4. Water storage and reservoir.
5. Electric substation or gas regulator station (not including building for offices, repair or storage).
6. 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 Gross Lot Area: two (2) acres.
2. Minimum Net Lot Area per dwelling unit: two (2) acres.
3. Minimum lot width: two hundred (200) feet.
4. Minimum front yard setback: thirty (30) feet.
5. Minimum side yard setback: twenty (20) feet.
6. Minimum rear yard setback: twenty (20) feet.
7. Maximum height: twenty-eight (28) feet.
8. Minimum distance between principal and accessory buildings: 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](#); [Ord. No. 27-2010, §4](#); [Ord. No. 34-2011, §12](#))

**26.710.140 Commercial Core (CC).**

**A. Purpose.** The Commercial Core (CC) serves as the highest intensity commercial area, fulfilling the policies of the Aspen Area Community Plan geared towards a strong and sustainable local and visitor economy, a diversity of commercial opportunities and the maintenance of Aspen's historic character. The CC zone provides for the use of land for retail, service, commercial, and institutional purposes within mixed-use buildings oriented to local and tourist populations. The balance of uses is designed to enhance the business and commercial character in the historic core of the City and provide commercial opportunities proximate to multi-modal transit infrastructure. This mix of uses creates economic, cultural and social vitality,

**B. Permitted uses.** The following uses are permitted by right in the Commercial Core (CC) Zone District:

1. Uses allowed on basement floors: General retail, specialty retail, restaurant, bar and entertainment uses, office uses, and building elements necessary and incidental to uses on other floors. Lodging uses, only when the entire building is dedicated to lodging and associated commercial use.
2. Uses allowed on the ground floor: General retail, specialty retail, restaurant, bar and entertainment uses, and uses and building elements necessary and incidental to uses on other floors. Lodging uses, only when the entire building is dedicated to lodging and associated commercial use. Office uses are prohibited on the ground floor except within spaces set back a minimum of forty (40) feet from the front property line and recessed behind the front-most street-facing façade. This prohibition shall not apply to split-level buildings (see definition) or properties north of Main Street. Parking shall not be allowed as the sole use of the ground floor. Automobile drive-through service is prohibited.
3. Uses allowed on upper floors: General retail, specialty retail, restaurant, bar and entertainment uses, office uses, lodging, and affordable multi-family housing.
4. Uses allowed on all floors: General retail, specialty retail, restaurant, bar and entertainment uses, arts, cultural, civic and community uses, public uses, academic uses, service uses, accessory uses and structures, storage accessory to a permitted use, and uses and building elements necessary and incidental to uses on other floors, including parking accessory to a permitted use.
5. Free-Market Residential Units: No new Free-Market Residential Units may be established. Free-Market Residential units are permitted on any level if they were legally established (having received a Certificate of Occupancy, Development Order, or applied for a Development Order) prior to Ordinance 25 (Series of 2012).
6. Affordable Housing Units: Affordable housing is permitted by right on upper floors where accessory to a commercial use on the property or required for on-site affordable housing mitigation requirements. Affordable housing created pursuant to this

subsection is not eligible to be used for the creation of Certificates of Affordable Housing Credit, pursuant to Chapter 26.540, unless for a fraction of a unit.

7. Home Occupations and Vacation Rentals: Home Occupations and Vacation Rentals are permitted only in legally established residential units.

**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 Chapter 26.515.
3. Automobile showroom and dealership.
4. Formula uses, which shall also be subject to the provisions contained in Section 26.425.045.
5. Lodge, Boutique.

**D. Dimensional requirements.** The following dimensional requirements shall apply to all permitted and conditional uses in the Commercial Core (CC) Zone District. The dimensional standards and allotments provided in this section for commercial and mixed-use developments are the maximum allowable for the zone and may not be achieved for all developments. Site constraints, historic resources, on-site mitigation and replacement requirements, and other factors may prevent development from achieving some or all of the maximum allowable dimensional standards.

1. Minimum Gross Lot Area (square feet): No requirement.
2. Minimum Net 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. Minimum utility/trash/recycle area: Pursuant to Chapter 12.06.
8. Maximum height (feet): Twenty-eight (28) feet.
9. Minimum distance between buildings on the lot (feet): No requirement.
10. Pedestrian amenity space: Pursuant to Section 26.412.

11. Floor area ratio (FAR): The following FAR schedule applies to uses cumulatively up to a total maximum FAR of 2.25:1.
- a. *Commercial uses:* 2.25:1.
  - b. *Arts, cultural, civic and community uses, public uses, recreational uses, academic uses, child care center and similar uses:* 2:1.
  - c. *Affordable multi-family housing:* Greater of existing FAR or 1:1.
  - d. *Lodging:* 0.5:1, which may be increased to 1.5:1 if the individual lodge units on the parcel average five hundred (500) net livable square feet or less, which may be comprised of lock-off units.
  - e. *Free-Market multi-family housing:* Limited to the existing free-market multi-family FAR. No expansion to FAR shall be permitted, except at-grade patios, and decks (other than roof-top decks), balconies, exterior stairways, trellis, and other similar features up to 15% of the total free-market residential floor area. Any subsequent reduction in floor area occupied by such residential use shall be deemed a new limitation and the use shall not thereafter be enlarged to occupy a greater floor area. Free-market residential units shall not be able to utilize any exemptions to floor area outlined in Section 26.575.020(D), *Measuring Floor Area*, except as noted above.
12. Maximum lodge unit size (square feet): 1,500. When units are comprised of lock-off units, this maximum shall apply to the largest possible combination of units.
13. Net Livable Area (square feet):
- a) Category 1-7 Affordable multi-family housing: No limitation.
  - b) Resident Occupied Affordable multi-family housing: Individual units shall be limited to 2,000 sq. ft. of net livable area.
  - c) Free-Market Residential: Overall net livable area for a building or project is limited to the existing net livable square footage. No expansion to overall net livable area shall be permitted, except for as described below. Any subsequent reduction in net livable area occupied by such residential use shall be deemed a new limitation and the use shall not thereafter be enlarged to occupy a greater net livable area. Individual units shall be limited to 2,000 sq. ft. of net livable area. Combination of Free-Market residential units is permitted, but subject to the net livable size limitations herein, as well as other provisions of this title.
  - d) Expansions Allowed: Notwithstanding the above, individual multi-family unit sizes may be increased by extinguishing Historic Transferable Development Right Certificates (“certificate” or “certificates”), subject to the following:

- 1) The transfer ratio is 500 sq. ft. of net livable area for each certificate that is extinguished.
- 2) The additional square footage accrued may be applied to multiple units. However, the maximum individual unit size attainable by transferring development rights is 2,500 sq. ft. of net livable area (i.e., no more than 500 additional square feet may be applied per unit).
- 3) This incentive applies only to individual unit size. Transferring development rights does not allow an increase in the Floor Area Ratio (FAR) of the lot or the use.

14. Commercial/residential ratio: When development includes mixed-uses, the total residential net livable area shall be no greater than 65% of the total above-grade commercial net leasable and lodge net livable area on the same parcel.

**Compliance with City of Aspen Charter.** Any property located east of Castle Creek that was in the Commercial Core (CC) zone district on January 1, 2015, is subject to the provisions of Article XIII Section 13.14, *Voter authorization of certain land use approvals*, of the City of Aspen Charter. ;

([Ord. No. 56-2000, §§7 \[part\], 11](#); [Ord. No. 25-2001, §5 \[part\]](#); [Ord. No. 1-2002, §20 \[part\]](#); [Ord. No. 21-2002, §§5 and 6 \[part\]](#); [Ord. No. 28a-2004, §2](#); [Ord. No. 12-2006, §10](#); [Ord. No. 11, 2007, §1](#); [Ord. No. 27-2010, §4](#); [Ord. No. 34-2011, §13](#); [Ord. No. 12-2012, §1](#); [Ord. No. 25-2012, §1](#); [Ord. No. 20-2015, 2](#); [Ord. No. 25-2015, 1](#); [Ord. No. 29, 2016, §1](#); [Ord. No. 6, 2017, §2](#); [Ord. No. 23-2017](#))

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

**Purpose.** The Commercial (C-1) zone district provides for a diversity of commercial uses in mixed-use buildings outside of the historic context of the Commercial Core (CC) zone district. The C-1 zone advances Aspen Area Community Plan policies geared toward a strong and sustainable local and visitor economy, a diversity of commercial opportunities and the maintenance of Aspen as a recreation and cultural destination. The C-1 zone creates economic vitality by providing a mix of commercial uses with greater flexibility in architecture and design, enhancing Aspen's community character. The C-1 creates a transition from the more intense activity of the CC zone district to the surrounding mixed-use, residential and lodge related uses.

**B. Permitted uses.** The following uses are permitted by right in the Commercial (C-1) Zone District:

1. Uses allowed on all floors: General retail, specialty retail, restaurant, bar and entertainment uses, service uses, lodging uses, office uses, arts, cultural, civic and community uses, public uses, recreational uses, academic uses, bed and breakfast, accessory uses and structures, and 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. Parking shall not be allowed as the sole use of the ground floor. Automobile drive-through service is prohibited.
2. Uses allowed on upper floors: Affordable multi-family housing.
3. Free-Market Residential Units: No new Free-Market Residential Units may be established. Free-Market Residential units are permitted on any level if they were legally established (having received a Certificate of Occupancy, Development Order, or applied for a Development Order) prior to Ordinance 25 (Series of 2012).
4. Affordable Housing Units: Affordable housing is permitted by right where accessory to a commercial use on the property or required for on-site affordable housing mitigation requirements. Affordable housing created pursuant to this subsection is not eligible to be used for the creation of Certificates of Affordable Housing Credit, pursuant to Chapter 26.540, unless for a fraction of a unit.
5. Home Occupations and Vacation Rentals: Home Occupations and Vacation Rentals are permitted on any building level only in legally established residential units.

**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. Affordable multi-family housing or home occupations on the ground floor.
2. Commercial parking facility, pursuant to Section 26.515.

3. Automobile showroom and dealership.
4. Formula uses, which shall also be subject to the provisions contained in Section 26.425.045.
5. Lodge, Boutique.

**D. Dimensional requirements.** The following dimensional requirements shall apply to all permitted and conditional uses in the Commercial (C-1) Zone District. The dimensional standards and allotments provided in this section for commercial and mixed-use developments are the maximum allowable for the zone and may not be achieved for all developments. Site constraints, historic resources, on-site mitigation and replacement requirements, and other factors may prevent development from achieving some or all of the maximum allowable dimensional standards.

1. Minimum Gross Lot Area (square feet):
  - a. *Bed and breakfast:* 3,000.
  - b. *All other uses:* No requirement.
2. Minimum Net Lot Area per dwelling unit (square feet):
  - a. *Bed and breakfast:* Same as R-6 Zone District.
  - b. *All other uses:* No requirement.
3. Minimum lot width (feet):
  - a. *Bed and breakfast:* Same as R-6 Zone District.
  - b. *All other uses:* No requirement.
4. Minimum front yard setback (feet):
  - a. *Bed and breakfast:* Same as R-6 Zone District.
  - b. *All other uses:* No requirement.
5. Minimum side yard setback (feet):
  - a. *Bed and breakfast:* Same as R-6 Zone District.
  - b. *All other uses:* No requirement.
6. Minimum rear yard setback (feet):
  - a. *Bed and breakfast:* Same as R-6 Zone District.
  - b. *All other uses:* No requirement.
7. Minimum utility/trash/recycle area: Pursuant to chapter 12.06
8. Maximum height:
  - a. *Bed and breakfast:* Same as R-6 Zone District.
  - b. *All other uses:* Twenty-Eight (28) feet
9. Minimum distance between buildings on the lot (feet):
  - a. *Bed and breakfast:* Same as R-6 Zone District.
  - b. *All other uses:* No requirement.



10. Pedestrian amenity space: Pursuant to Section 26.412.
11. Floor area ratio (FAR): The following FAR schedule applies to uses cumulatively up to a total maximum FAR of 2:1.
- a. Commercial uses: 2:1.
  - b. Arts, cultural, civic and community uses, public uses, recreational uses, academic uses, and similar uses: 1.75:1.
  - c. Affordable multi-family housing: Greater of existing FAR or 1:1
  - d. Lodging: .5:1, which may be increased to 1.5:1 if the individual lodge units on the parcel average five hundred (500) net livable square feet or less, which may be comprised of lock-off units.
  - e. Bed and breakfast (as the sole use of parcel and not cumulative with other uses): Eighty percent (80%) of allowable floor area of a same-sized lot located in the R-6 Zone District. (See R-6 Zone District.) Extinguishment of historic TDRs shall not permit additional FAR for single-family or duplex development.
  - f. Free-Market multi-family housing: Limited to the existing free-market multi-family FAR. No expansion to FAR shall be permitted except at-grade patios, and decks (other than roof-top decks), balconies, exterior stairways, trellis, and other similar features up to 15% of the total free-market residential floor area. Any subsequent reduction in floor area occupied by such residential use shall be deemed a new limitation and the use shall not thereafter be enlarged to occupy a greater floor area. Free-market residential units shall not be able to utilize any exemptions to floor area outlined in Section 26.575.020(D), *Measuring Floor Area*, except as noted above.
12. Maximum lodge unit size (square feet): 1,500. When units are comprised of lock-off units, this maximum shall apply to the largest possible combination of units.
13. Net Livable Area (square feet):
- a) Category 1-7 Affordable multi-family housing: No limitation.
  - b) Resident Occupied Affordable multi-family housing: Individual units shall be limited to 2,000 sq. ft. of net livable area.
  - c) Free-Market Residential: Overall net livable area for a building or project is limited to the existing net livable square footage. No expansion to overall net livable area shall be permitted. Any subsequent reduction in net livable area occupied by such residential use shall be deemed a new limitation and the use

shall not thereafter be enlarged to occupy a greater net livable area. Individual units shall be limited to 2,000 sq. ft. of net livable area. Combination of Free-Market residential units is permitted, but subject to the net livable size limitations herein, as well as other provisions of this title.

- d) Expansions Allowed: Notwithstanding the above, individual multi-family unit sizes may be increased by extinguishing Historic Transferable Development Right Certificates (“certificate” or “certificates”), subject to the following:
  - 1) The transfer ratio is 500 sq. ft. of net livable area for each certificate that is extinguished.
  - 2) The additional square footage accrued may be applied to multiple units. However, the maximum individual unit size attainable by transferring development rights is 2,500 sq. ft. of net livable area (i.e., no more than 500 additional square feet may be applied per unit).
  - 3) This incentive applies only to individual unit size. Transferring development rights does not allow an increase in the Floor Area Ratio (FAR) of the lot or the use.

- 14. Commercial/residential ratio: When development includes mixed-uses, the total residential net livable area shall be no greater than 65% of the total commercial net leasable and lodge net livable area on the same parcel.

**E. Compliance with City of Aspen Charter.** Any property located east of Castle Creek that was in the Commercial (C-1) zone district on January 1, 2015, is subject to the provisions of Article XIII Section 13.14, *Voter authorization of certain land use approvals*, of the City of Aspen Charter.

([Ord. No. 56-2000, §§7 \[part\], 12, 15](#); [Ord. No. 25-2001, §5 \[part\]](#); [Ord. No. 1-2002, §20](#); [Ord. No. 28b-2004, §1](#); [Ord. No. 12-2006, §11](#); [Ord. No. 11, 2007, §2](#); [Ord. No. 27-2010, §4](#); [Ord. No. 34-2011, §14](#); [Ord. No. 12-2012, §2](#); [Ord. No. 25-2012, §2](#); [Ord. No. 20-2015, §3](#); [Ord. No. 25-2015, 2](#); [Ord. No. 29, 2016, §2](#); [Ord. No. 6, 2017, §3](#); [Ord. No. 23-2017](#))

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

**A. Purpose.** The S/C/I zone supports Aspen Area Community Plan policies related to a sustainable, local serving economy and the preservation of a diversity of commercial opportunities for locals and visitors. In response to the decreased intensity of commercial uses in the zone and relative distance from the CC and C1 zones, both multi-modal and automobile parking improvements are appropriate on site in the S/C/I. In order to enhance the City's commercial diversity, the zone allows for uses not found in other zones including light industrial, manufacturing, production, repair and similar service-related uses. The S/C/I zone is designed to provide commercial space to those uses not appropriate in other commercial zones, but which provide an essential or unique service to support the local economy. Flexibility and adaptability are important features of the zone to respond to changing commercial sector dynamics and meet the space needs of the City's service, creative and production economies.

**B. Permitted Uses.**

1. The following uses may have, in combination, a limited percent of the floor area, devoted to retail sales, 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 26.430.050, and according to the standards of Section 26.710.160(E)1. Where retail sales are allowed, this shall be limited to General Retail uses and may include formula uses that fall in the General Retail category.

<b>% retail sales, showroom, or customer reception (<i>maximum – net leasable area</i>)</b>	<b>Uses include the manufacturing, repair, customization, servicing, alteration, detailing, rental or sale of consumer goods, such as:</b>
<b>100%</b>	<ul style="list-style-type: none"><li>• Vehicle sales.</li><li>• Building materials, components, hardware, fixtures, interior finishes and equipment.</li><li>• Fabric and sewing supply.</li><li>• Household appliances such as ranges, refrigerators, dishwashers, etc.</li><li>• Outdoor recreational items, which may be in combination with a service use related to guiding or touring.</li></ul>
<b>25%</b>	<ul style="list-style-type: none"><li>• Animal boarding facility.</li><li>• Animal grooming establishment.</li><li>• Artist studio.</li><li>• Brewery and brewing supply.</li><li>• Coffee roasting and supply.</li><li>• Commercial dry cleaning.</li><li>• Commercial Kitchen or Bakery.</li><li>• Design Studio (limited to the Andrews-McFarlin Subdivision).</li><li>• Laundromat.</li></ul>

<b>% retail sales, showroom, or customer reception</b> <i>(maximum – net leasable area)</i>	<b>Uses include the manufacturing, repair, customization, servicing, alteration, detailing, rental or sale of consumer goods, such as:</b>
	<ul style="list-style-type: none"> <li>• Locksmith.</li> <li>• Marijuana Cultivation Facility, Marijuana Product Manufacturing Facility, or Marijuana Testing Facility.</li> <li>• Consumer electronics service and repair.</li> <li>• Post Office branch.</li> <li>• Printing and copy center.</li> <li>• Shipping, packing and receiving services.</li> <li>• Veterinary clinic.</li> </ul>
<b>10%</b>	<ul style="list-style-type: none"> <li>• Automobile washing facility.</li> <li>• Building/landscape maintenance facility.</li> <li>• Warehousing and storage.</li> </ul>

2. Primary Care Physician's Office Uses permitted:
  - a. On Upper Floors, pursuant to Section 26.710.160 (D)11(b).
  - b. Limited to a cap of 3,500 square feet at the Obermeyer Place PD, upon execution of an Insubstantial PD Amendment.
3. Permitted Accessory Uses:
  - a) Service yard accessory to a permitted use.
  - b) Sales and rental accessory and incidental to a permitted use.
  - c) Accessory buildings and uses.
  - d) Home occupations and Vacation Rentals: Home Occupations and Vacation Rentals are permitted only in legally established residential units.
  - e) Offices, accessory to a permitted or conditional use, may occupy up to 10% of a commercial unit.

**C. Conditional uses.** The following uses are permitted as conditional uses in the Service/Commercial/ Industrial (SCI) zone district, subject to the procedures established in Chapter 26.425.050 Procedures for Review, and the standards established in Section 26.710.160(F). The following Conditional uses shall not be subject to Section 26.425.045, *Standards applicable to formula uses; exemptions; determination of formula uses*.

1. Affordable Housing Units: Affordable housing is permitted as a conditional use where accessory to a commercial use on the property or required for on-site affordable housing mitigation requirements. See 26.710.160.D.11 for affordable housing Floor Area Ratio requirements. Affordable housing created pursuant to this subsection is not eligible to be used for the creation of Certificates of Affordable Housing Credit, pursuant to Chapter 26.540, unless for a fraction of a unit.

2. Free-Market Residential Units: No new Free-Market Residential Units may be established. Free-Market Residential units are permitted on any level if they were legally established (having received a Certificate of Occupancy, Development Order, or applied for a Development Order) prior to Ordinance 29, Series 2016.
3. Consignment retail establishment.
4. Commercial Parking Facility, pursuant to Section 26.515.
5. Gasoline service station.
6. Grocery store.

**D. Dimensional requirements.** The following dimensional requirements shall apply to all permitted and conditional uses in the Service/Commercial/ Industrial (SCI) zone district. The dimensional standards and allotments provided in this section for commercial and mixed-use developments are the maximum allowable for the zone and may not be achieved for all developments. Site constraints, historic resources, on-site mitigation and replacement requirements, and other factors may prevent development from achieving some or all of the maximum allowable dimensional standards.

1. Minimum Gross Lot Area (square feet): 3,000
2. Minimum Net 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. Minimum Utility/Trash/Recycle area: Pursuant to Chapter 12.06.
8. Maximum height: Thirty-five (35) feet.
9. Minimum distance between buildings on the lot (feet): No Requirement.
10. Pedestrian Amenity Space: Pursuant to Section 26.412.
11. Floor Area Ratio (FAR): The following FAR schedule applies to uses cumulatively up to a total maximum FAR of 2.25:1. Achieving the maximum floor area ratio is subject to compliance with applicable design standards, view plane requirements, pedestrian amenity requirements and other dimensional standards. Accordingly, the maximum FAR is not an entitlement and is not achievable in all situations.
  - a. *Commercial Uses*: 2.25:1.

- b. *Primary Care Physician's Office uses*: .25:1 FAR, only if a minimum of .75:1 FAR of Commercial uses, listed in Section 26.710.160(B)1-3, exist on the same parcel.
- c. *Affordable Multi-Family Housing*: Greater of existing FAR or .5:1.
- d. *Free-Market Multi-Family Housing*: Limited to the existing free-market multi-family FAR. No expansion to FAR shall be permitted except at-grade patios, and decks (other than roof-top decks), balconies, exterior stairways, trellis, and other similar features up to 15% of the total free-market residential floor area. Any subsequent reduction in floor area occupied by such residential use shall be deemed a new limitation and the use shall not thereafter be enlarged to occupy a greater floor area. Free-market residential units shall not be able to utilize any exemptions to floor area outlined in Section 26.575.020(D), Measuring Floor Area, except as noted above.

12. Maximum multi-family residential dwelling unit size (square feet):

- a) Category 1-7 Affordable multi-family housing: No limitation.
- b) Resident Occupied Affordable multi-family housing: Individual units shall be limited to 2,000 sq. ft. of net livable area.
- c) Free-Market multi-family housing: Individual units shall be limited to 2,000 sq. ft. of net livable area. Combination of Free-Market residential units is permitted, but subject to the net livable size limitations herein, as well as other provisions of this title.
- d) Expansions Allowed: Notwithstanding the above, individual multi-family unit sizes may be increased by extinguishing Historic Transferable Development Right Certificates ("certificate" or "certificates"), subject to the following:
  - 1) The transfer ratio is 500 sq. ft. of net livable area for each certificate that is extinguished.
  - 2) The additional square footage accrued may be applied to multiple units. However, the maximum individual unit size attainable by transferring development rights is 2,500 sq. ft. of net livable area (i.e., no more than 500 additional square feet may be applied per unit).
  - 3) This incentive applies only to individual unit size. Transferring development rights does not allow an increase in the Floor Area Ratio (FAR) of the lot or the use.

**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 26.430.050. The following additional criteria apply:

1. 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.
2. The additional approved percentage for a specific use shall be limited to that use and not applicable to subsequent uses in the same space.

**F. Conditional Use Review Standards.**

1. **Retail, Showroom or Customer Reception Area.** In addition to meeting the standards in Chapter 26.425, *Conditional Use*, the following Standards shall be met:
  - a. For consignment retail establishment, commercial parking facility (pursuant to Chapter 26.575), and gasoline service station, the Commission shall establish the appropriate amount of floor area to be devoted to retail sales, showroom, or customer reception as a condition of conditional use review.
  - b. To establish the allowable percentage of interior space assigned to retail, showroom, or customer reception area, the applicant shall demonstrate the need and appropriateness for the space and shall demonstrate consistency with the purpose of the SCI Zone District. The approved percentage for a specific use is limited to that use and not applicable to subsequent uses in the same space.
2. **Multi-Family Housing.** In addition to meeting the standards in Chapter 26.425, *Conditional Use*, the following Standards shall be met.
  - a. The applicant must demonstrate that the residential use and individual units are substantially removed and physically separated from Commercial Uses on the same parcel, to the extent practicable, so as to isolate residential uses from commercial impacts and to adequately provide for on-loading, off-loading, circulation and parking for commercial uses.

**G. Compliance with City of Aspen Charter.** Any property located east of Castle Creek that was in the Service/Commercial/Industrial (S/C/I) zone district on January 1, 2015, is subject to the provisions of Article XIII Section 13.14, *Voter authorization of certain land use approvals*, of the City of Aspen Charter.

(Ord. No. 2-1999, §1; Ord. No. 22-2005, §1; Ord. No. 4-2008; Ord. No. 27-2010, §4; Ord. No. 39-2013, §3; Ord. No. 20-2015, §4; Ord. No. 29, 2016, §3; Ord. No. 6, 2017, §4-5)





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

**A. Purpose.** The Neighborhood Commercial (NC) zone supports Aspen Area Community Plan policies related to a sustainable, local serving economy and the preservation of a diversity of commercial opportunities for locals and visitors. The zone district provides opportunities for mixed-use development in close proximity to downtown at higher intensity than the Mixed Use or surrounding residential neighborhood zone districts. The NC allows for a mix of essential goods and services oriented businesses in close proximity to multi-modal transit infrastructure.

The mix of uses in the NC is designed to provide for the daily needs of residents and visitors in a built environment that enhances the community character of Aspen. Greater design flexibility and increased setbacks from the CC and C1 zones allows for mixed-use development which creates a transition from the downtown commercial areas and can accommodate retail, service commercial, food service and related uses in conjunction with affordable housing on upper floors as an ancillary use to the primarily commercial purpose of the zone. Limited on-site parking is appropriate in conjunction with high traffic volume or residential uses and in addition to multi-modal improvements.

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

1. Uses allowed on all building levels: General retail, restaurant, bar and entertainment uses, formula uses (except specialty retail), service uses, office uses, arts, cultural, civic and community uses, public uses, recreational uses, academic uses, 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.
2. Uses allowed on upper floors: Affordable multi-family housing is permitted by right where accessory to a commercial use on the property or required for on-site affordable housing mitigation requirements. See 26.710.170.D.11 for affordable housing Floor Area Ratio requirements. Affordable housing created pursuant to this subsection is not eligible to be used for the creation of Certificates of Affordable Housing Credit, pursuant to Chapter 26.540, unless for a fraction of a unit.
3. Free-Market Residential Units: No new Free-Market Residential Units may be established. Free-Market Residential units are permitted on any level if they were legally established (having received a Certificate of Occupancy, Development Order, or applied for a Development Order (prior to Ordinance 29, Series of 2016).
4. Home Occupations and Vacation Rentals: Home Occupations and Vacation Rentals are permitted only in legally established residential units.

**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. Commercial parking facility, pursuant to Chapter 26.515.
2. Automobile showroom and dealership.

**D. Dimensional requirements.** The following dimensional requirements shall apply to all permitted and conditional uses in the Neighborhood Commercial (NC) Zone District. The dimensional standards and allotments provided in this section for commercial and mixed-use developments are the maximum allowable for the zone and may not be achieved for all developments. Site constraints, historic resources, on-site mitigation and replacement requirements, and other factors may prevent development from achieving some or all of the maximum allowable dimensional standards.

1. Minimum Gross Lot Area (square feet): No requirement.
2. Minimum Net Lot Area per dwelling unit (square feet): No requirement.
3. Minimum lot width (feet): No requirement.
4. Minimum front yard setback (feet): five (5).
5. Minimum side yard setback (feet): five (5).
6. Minimum rear yard setback (feet): five (5).
7. Minimum utility/trash/recycle area: Pursuant to Chapter 12.06.
8. Maximum height: twenty-eight (28) feet.
9. Minimum distance between buildings on the lot (feet): No requirement.
10. Pedestrian amenity space: Pursuant to Section 26.412.
11. Floor area ratio (FAR): The following FAR schedule applies to uses cumulatively up to a total maximum FAR of 1.5:1. Achieving the maximum floor area ratio is subject to compliance with applicable design standards, view plane requirements, pedestrian amenity requirements and other dimensional standards. Accordingly, the maximum FAR is not an entitlement and is not achievable in all situations.
  - a. *Commercial uses:* 1.5:1.
  - b. *Arts, cultural, civic and community uses, public uses, recreational uses, academic uses, and similar uses:* 1:1.
  - c. *Affordable multi-family housing:* Greater of existing FAR and .5:1.
  - d. *Free-market multi-family housing:* Limited to the existing free-market multi-family FAR. No expansion to FAR shall be permitted except at-grade patios, and decks (other than roof-top decks), balconies, exterior stairways, trellis, and other similar

features up to 15% of the total free-market residential floor area. Any subsequent reduction in floor area occupied by such residential use shall be deemed a new limitation and the use shall not thereafter be enlarged to occupy a greater floor area. Free-market residential units shall not be able to utilize any exemptions to floor area outlined in Section 26.575.020(D), Measuring Floor Area, except as noted above.

12. Maximum multi-family residential dwelling size (square feet):

- a) Category 1-7 Affordable multi-family housing: No limitation.
- b) Resident Occupied Affordable multi-family housing: Individual units shall be limited to 1,500 sq. ft. of net livable area.
- c) Free-Market multi-family housing: Individual units shall be limited one thousand five hundred (1,500) square feet of net livable area. Combination of Free-Market residential units is permitted, but subject to the net livable size limitations herein, as well as other provisions of this title.
- d) Expansions Allowed: Notwithstanding the above, individual multi-family unit sizes may be increased by extinguishing Historic Transferable Development Right Certificates (“certificate” or “certificates”), subject to the following:
  - 1) The transfer ratio is 500 sq. ft. of net livable area for each certificate that is extinguished.
  - 2) The additional square footage accrued may be applied to multiple units. However, the maximum individual unit size attainable by transferring development rights is 2,000 sq. ft. of net livable area (i.e., no more than 500 additional square feet may be applied per unit).
  - 3) This incentive applies only to individual unit size. Transferring development rights does not allow an increase in the Floor Area Ratio (FAR) of the lot or the use.

13. Commercial/residential ratio: When development includes mixed-uses the total residential net livable area shall be no greater than 65% of the total commercial net leasable and lodging net livable on the same parcel.

E. Compliance with City of Aspen Charter. Any property located east of Castle Creek that was in the Neighborhood Commercial (NC) zone district on January 1, 2015, is subject to the provisions of Article XIII Section 13.14, *Voter authorization of certain land use approvals*, of the City of Aspen Charter.

([Ord. No. 38-2000, §2](#); [Ord. No. 12-2005, §1](#); [Ord. No. 12-2006, §14, 15](#); [Ord. No. 11, 2007](#); [Ord. No. 27-2010, §4](#); [Ord. No. 34-2011, §15](#); [Ord. No. 20-2015, §5](#); [Ord. No. 29, 2016, §4](#); [Ord. No. 6, 2017, §6](#))



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

**A. Purpose.** The Mixed Use (MU) zone serves as a transition from the more intense commercial areas of the CC and C-1 zones, and the residential and lodging zones surrounding Main Street. By allowing for a mix of commercial and residential uses and smaller-scale development, the Mixed Use zone reflects Aspen's historic character and provides different economic and residential opportunities from more traditional commercial zones. Particularly along Main Street, the Mixed Use zone serves as a buffer from the traffic of Highway 82 while allowing for smaller scale commercial and residential opportunities.

Buildings in the Mixed Use zone consist primarily of commercial, service and office uses on the ground floor, and residential and office uses on upper floors and off of the primary street frontage. Uses in the MU zone should not erode the character of the neighborhood or create excessive impacts to the surrounding residential and lodging zone. Standalone residential uses are permitted on properties as a reflection of the historic residential nature of the zone district.

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

1. On historic landmark properties: Bed and breakfast.
2. General retail uses.
3. Specialty retail uses.
4. Restaurant, bar and entertainment uses.
5. Service uses.
6. Office uses.
7. Lodging.
8. Arts, cultural, civic and community uses.
9. Public uses.
10. Recreational uses.
11. Academic uses.
12. Affordable multi-family residential.
13. Free-market multi-family housing is permitted in a mixed use building if the housing was legally established (having received a Certificate of Occupancy, Development Order, or applied for a Development Order) prior to Ordinance 29, Series 2016. No new Free-Market Residential Units may be established in mixed-use buildings.
14. Free-market multi-family residential when a stand-alone use, or in conjunction with affordable multi-family residential.
15. Single-family residence, Duplex residence, or Two (2) detached single-family residences. Accessory dwelling unit in a separate building accessed off the rear of a lot as an accessory use.
16. Home occupations.

17. Accessory uses and structures.
18. Storage accessory to a permitted use.
19. Vacation rentals. Pursuant to Section 26.575.220

**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 Chapter 26.515.
2. Automobile showroom and dealership.
3. Formula uses in the Main Street Historic District, subject to the provisions contained in Section 26.425.045.
4. Lodge, Boutique.

**D. Dimensional requirements.** The following dimensional requirements shall apply to all permitted and conditional uses in the Mixed-Use (MU) Zone District. The dimensional standards and allotments provided in this section for commercial and mixed-use developments are the maximum allowable for the zone and may not be achieved for all developments. Site constraints, historic resources, on-site mitigation and replacement requirements, and other factors may prevent development from achieving some or all of the maximum allowable dimensional standards.

1. Minimum Gross Lot Area (square feet): 3,000.
2. Minimum Net Lot Area per dwelling unit (square feet):
  - a. *Detached residential dwellings:* 4,500. 3,000 for historic landmark properties.
  - b. *Duplex dwellings (square feet):* 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, Chapter 26.430.
5. Minimum side yard setback (feet): 5.
6. Minimum rear yard setback (feet): 5.
7. Minimum utility/trash/recycle area: Pursuant to Chapter 12.06.
8. Maximum height:
  - a. *Detached residential and duplex dwellings:* 25 feet.
  - b. *All other uses:* 28 feet.
9. Minimum distance between buildings on the lot (feet): 10.

10. Pedestrian amenity space: Pursuant to Section 26.412.

11. Floor Area Ratio (FAR):

- a. The following FAR schedule applies to uses cumulatively and individually when part of a commercial, lodging, or mixed-use development, as follows:

Use	Maximum (allowed by right)	Maximum by special review (see Subsection 26.430.040.A)	
		Main Street Historic District	All Other Locations
<b>Cumulative total of all uses</b>	1:1	1.25:1	1.5:1
<b>Commercial</b>	1:1	1.25:1	1.5:1
<b>Civic</b>	1:1	1.25:1	1.5:1
<b>Lodging</b>	0.75:1	1:1	1:1
<b>Affordable Housing</b>	No limitation other than cumulative total of all uses		

- b. The following FAR schedule applies to affordable housing and free-market residential uses when developed as the only use of the parcel:
- Affordable Housing, multi-family housing*: Limited to cumulative total outlined in Section 26.710.180.11.a, above.
  - Free-market, affordable housing*: 0.5:1, which may be increased to 0.75:1 if affordable housing floor area equal to 100% of the free-market residential floor area is developed on the same parcel.
- c. The following FAR schedule applies to single-family and duplex uses when developed as the only use of the parcel:
- Detached residential and duplex dwellings established prior to the adoption of Ordinance No. 7, Series of 2005*: 100% of the allowable floor area of an equivalent-sized lot located in the R-6 Zone District. (See R-6 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 historic transferable development rights shall not permit additional floor area for detached residential and duplex dwellings.
  - Detached residential and duplex dwellings established after the adoption of Ordinance No. 7, Series of 2005*: 80% of the allowable floor area of an equivalent-sized lot located in the R-6 Zone District. (See R-6 Zone District.) City historic transferable development rights shall not permit additional floor area for detached residential and duplex dwellings.

12. Maximum multi-family residential dwelling unit size (square feet):

- a) Category 1-7 Affordable multi-family housing: No limitation.

- b) Resident Occupied Affordable multi-family housing: Individual units shall be limited to 2,000 sq. ft. of net livable area.
- c) Free-Market multi-family housing: Individual units shall be limited to 2,000 sq. ft. of net livable area. Combination of Free-Market residential units is permitted, but subject to the net livable size limitations herein, as well as other provisions of this title.
- d) Expansions Allowed: Notwithstanding the above, individual multi-family unit sizes may be increased by extinguishing Historic Transferable Development Right Certificates (“certificate” or “certificates”), subject to the following:
  - 1) The transfer ratio is 500 sq. ft. of net livable area for each certificate that is extinguished.
  - 2) The additional square footage accrued may be applied to multiple units. However, the maximum individual unit size attainable by transferring development rights is 2,500 sq. ft. of net livable area (i.e., no more than 500 additional square feet may be applied per unit).
  - 3) This incentive applies only to individual unit size. Transferring development rights does not allow an increase in the Floor Area Ratio (FAR) of the lot or the use.

13. Commercial/residential ratio: When development includes mixed-uses, the total residential net livable area shall be no greater than 150% the total commercial net leasable and lodging net livable area located on the same parcel.

**E. Compliance with City of Aspen Charter.** Any property located east of Castle Creek that was in the Mixed-Use (MU) zone district on January 1, 2015, is subject to the provisions of Article XIII Section 13.14, *Voter authorization of certain land use approvals*, of the City of Aspen Charter.

([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](#); [Ord. No. 11, 2007](#); [Ord. No. 27-2010, §4](#); [Ord. No. 34-2011, §16](#); [Ord. No. 17-2014, §2](#); [Ord. No. 20-2015, §6](#); [Ord. No. 29, 2016, §5](#); Ord. No. 6, 2017, §7; [Ord. No. 23-2017](#))



**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 through short term vacation rentals, high occupancy timeshare facilities and ancillary uses compatible with lodging to support and enhance the City's resort economy. The City 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 Quota System (GMQS).

**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. Bed and breakfast.
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 multi-family housing accessory to a lodging or timeshare operation and for employees of the operation.
11. Free-market multi-family housing.
12. Home occupations.
13. Vacation rentals. Pursuant to Section 26.575.220

**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 Chapter 26.515.
9. Affordable multi-family housing not accessory to a lodging or timeshare operation.
10. Formula uses, which shall also be subject to the provisions contained in Section 26.425.045.
11. Lodge, Boutique.

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

1. Minimum Gross Lot Area (square feet): 3,000.
2. Minimum Net Lot Area per dwelling unit (square feet):
  - a. *Free-market multi-family residential:* 3,000.
  - b. *Affordable multi-family residential:* No requirement.
  - c. *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.
7. Minimum utility/trash/recycle area: pursuant to Section 26.575.060.
8. Maximum height:
  - a. *Bed and breakfast (as a single use):* 25 feet.
  - b. *Multi-family (as a single use):* 28 feet.
  - c. *Lodge, timeshare lodge, exempt timesharing and mixed-use projects, with less than one lodge unit per 500 square feet of Gross Lot Area:* 28 feet.
  - d. *Lodge, timeshare lodge, exempt timesharing and mixed-use projects, with one (1) or more lodge units per 500 square feet of Gross Lot Area:* 36 feet, which may be increased to 40 feet through Commercial Design Review. See Chapter 26.412. Also see Subsection 26.710.190.E.
  - e. *Lodge, timeshare lodge, exempt timesharing and mixed-use projects, with one or more lodge units per 500 square feet of Gross Lot Area and an average lodge unit size of 450 square feet or less:* 38 feet, which may be increased to 40 feet through commercial design review. See Chapter 26.412. Also see Subsection E below.

9. Minimum distance between buildings on the lot (feet): 10.
10. Pedestrian amenity space: Pursuant to Section 26.575.030.
11. Floor area ratio (FAR):
  - a. The following FAR schedule applies to commercial, lodge, timeshare lodge, exempt timesharing and mixed-use projects with one (1) or more lodge units per five hundred (500) square feet of Gross Lot Area. This FAR schedule is cumulative, up to a total maximum FAR of 2.75:1 for parcels of twenty-seven thousand (27,000) square feet or less in size and 2.5:1 for parcels greater than twenty-seven thousand (27,000) square feet. Also see Subsection 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. Achieving the maximum floor area ratio is subject to compliance with applicable design standards, view plane requirements, pedestrian amenity requirements and other dimensional standards. Accordingly, the maximum FAR is not an entitlement and is not achievable in all situations.
    - 1) General retail and specialty retail uses; restaurant, bar and entertainment uses; service uses; arts, assembly, cultural, civic and community uses; public uses; academic uses; child care centers: 0.25:1, which may be increased to 0.5:1 by special review, pursuant to Section 26.430.
    - 2) Lodge units, timeshare lodge units, exempt timesharing units: 2:1.
    - 3) Commercial parking facility: 1:1.
    - 4) Affordable multi-family housing: 0.25:1, which may be increased by special review, pursuant to Chapter 26.430.
    - 5) Free-market multi-family housing: The allowable floor area shall be based on a percentage of the total net livable area of lodging units and affordable housing units on the parcel and according to average lodge unit size on the parcel, as defined in Table 26.710.109.1, below:

**Table 26.710.109.1**  
**Allowable Free-Market Residential FAR**

Table 26.710.190.1	
<i>Average net livable area of individual lodge units on the parcel</i>	<i>Free-market residential FAR as a percentage of total lodge unit and affordable housing net livable area</i>
<b>Greater than 600 square feet</b>	<b>5%</b>
<b>600 square feet</b>	<b>15%</b>
<b>500 square feet</b>	<b>40%</b>
<b>400 square feet</b>	<b>50%</b>
<b>300 square feet or less</b>	<b>60%</b>

When the average lodge unit size falls between the square footage categories, the allowable free-market multi-family or large lodge/timeshare unit floor area shall be determined by interpreting the above schedule proportionately. For example, a lodge project with an average unit size of 450 square feet shall be allowed to develop a free-market residential floor area up to 45% of the total lodge unit net livable area.

This percentage of free-market residential FAR may not be otherwise established for a project through a planned development review.

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 Gross Lot Area. This FAR schedule is cumulative, up to a total maximum FAR of 1.5:1 for parcels of twenty-seven thousand 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; child care 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: 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 26.430.030.a
  - 5) Free-market multi-family housing: .25:1. All non-unit floor area 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 No. 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. The following FAR schedule applies to bed and breakfast as a single use of the parcel: 100% of the allowable floor area of a single-family residence on an equivalent-sized lot located in the R-6 Zone District. (See R-6 Zone District.)
12. Maximum Multi-Family Residential Dwelling Unit Size (square feet): 1,500 sq. ft. of net livable area.
- a. The property owner may increase individual multi-family unit size by extinguishing historic transferable development right certificates ("certificate" or "certificates"), subject to the following:
    - 1) The transfer ratio is 500 square feet of net livable area for each certificate that is extinguished.
    - 2) The additional square footage accrued may be applied to multiple units. However, the maximum individual unit size attainable by transferring development rights is 2,000 square feet of net livable area (i.e., no more than 500 additional square feet may be applied per unit).
    - 3) This incentive applies only to individual unit size. Transferring development rights does not allow an increase in the FAR of the lot.

*Commentary: Refer to Chapter 26.535 for the procedures for extinguishing certificates*

**E. Special review for density standard.** The Planning and Zoning Commission may approve an adjustment of the "density standard," and the project shall remain qualified for the height, floor area, and growth management incentives associated with this standard. 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 Gross Lot Area. An adjustment in excess of this increase may be approved through adoption of a PD 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.

**F. Compliance with City of Aspen Charter.** Any property located east of the Castle Creek River that was in the Lodge (L) zone district on January 1, 2015, is subject to the provisions of Article XIII Section 13.14, *Voter authorization of certain land use approvals*, of the City of Aspen Charter.

[\(Ord. No. 41-2000, §§1, 2; Ord. 56-2000, §§7 \[part\], 13; Ord. No. 25-2001, §5 \[part\]; Ord. No. 21-2002, §§5, 6 \[part\]; Ord. No. 9-2005, §3; Ord. No. 50a-2005, §§7, 8; Ord. No. 25, 2006, §2; Ord. No. 10, 2007, §1; Ord. No. 27-2010, §4; Ord. No.34-2011, §17; Ord. No.20-2015, §7; Ord. No. 6, 2017, §8; Ord. No.23-2017\)](#)



## **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. The City encourages high-occupancy lodging development in this zone district through hotel, lodge and timeshare uses and short term vacation rentals

**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: Lodge uses, conference facilities, restaurant, bar and entertainment uses, office uses, service uses, arts, assembly, cultural, civic and community uses, recreational uses, academic uses, and child care center. Uses and facilities necessary and incidental to uses on Upper Floors. Parking shall not be allowed as the sole use of the ground floor. Automobile drive-through service is prohibited.
2. Uses allowed on upper floors: Lodge uses, exempt timesharing, offices and activities accessory to timeshare unit sales (see Chapter 26.590), accessory uses, storage accessory to a permitted use, affordable multi-family housing, free-market multi-family housing, vacation rentals. (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. The following uses may be located only on upper floors: general retail and specialty retail uses, restaurant, bar and entertainment uses, service uses, office uses, arts, assembly, cultural, civic, and community uses, public uses, academic uses or child care centers.
2. Commercial parking facility, pursuant to Chapter 26.515.
3. Formula uses.
4. Lodge, Boutique.

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

1. Minimum Gross Lot Area (square feet): No requirement.
2. Minimum Net 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. Minimum utility/trash/recycle area: pursuant to Section 26.575.060.
8. Maximum height: 28 feet for two-story elements of a building. 36 feet for three-story elements of a building, which may be increased to 40 feet through Commercial Design Review. See Chapter 26.412. For projects with an average lodge unit size of four hundred fifty (450) square feet or less, three-story elements of a building may be 38 feet, which may be increased to 40 feet through commercial design review.
9. Minimum distance between buildings on the lot (feet): No requirement.
10. Pedestrian amenity space: Pursuant to Section 26.575.030.
11. Floor area ratio (FAR): The following FAR schedule applies to uses cumulatively up to a total maximum FAR of 2.5:1. 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. Achieving the maximum floor area ratio is subject to compliance with applicable design standards, view plane requirements, pedestrian amenity requirements and other dimensional standards. Accordingly, the maximum FAR is not an entitlement and is not achievable in all situations.
  - a. Commercial uses; arts, assembly, cultural, civic and community uses; public uses; academic uses; child care centers; commercial parking facility: 1:1.
  - b. *Lodging units, timeshare lodging units and exempt timesharing units:* 2:1.
  - 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:* .25:1. All non-unit space attributable to Free-Market Multi-Family Housing shall count towards the individual FAR allowance for Free-Market Multi-Family Housing.
12. Maximum Residential Unit Size (square feet): 1,500 sq. ft. of net livable area.
  - a. The property owner may increase individual multi-family unit size by extinguishing historic transferable development right certificates ("certificate" or "certificates"), subject to the following:
    - 1) The transfer ratio is five hundred (500) square feet of net livable area for each certificate that is extinguished.
    - 2) The additional square footage accrued may be applied to multiple units. However, the maximum individual unit size attainable by transferring development rights is 2,000 sq. ft. of net livable area (i.e., no more than 500 additional square feet may be applied per unit).
    - 3) This incentive applies only to individual unit size. Transferring development rights does not allow an increase in the FAR of the lot.

*Commentary: Refer to Chapter 26.535 for the procedures for extinguishing certificates*



**E. Special review for density standard.** The Planning and Zoning Commission may approve an adjustment of the "density standard," and the project shall remain qualified for the growth management incentives associated with this standard. 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 Gross Lot Area. An adjustment in excess of this increase may be approved through adoption of a PD 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.

**F. Compliance with City of Aspen Charter.** Any property located east of the Castle Creek River that was in the Lodge (L) zone district on January 1, 2015, is subject to the provisions of Article XIII Section 13.14, *Voter authorization of certain land use approvals*, of the City of Aspen Charter.

(Ord. No. 21-2002, §§5 and 6 [part]; Ord. No. 9-2005, §2; Ord. No. 50a-2005, §9; Ord. No. 10, 2007, §2; Ord. No. 27-2010, §4; Ord. No.34-2011, §18; Ord. No.25-2012, §3; Ord. No.20-2015, §8; Ord. No. 6, 2017, §9; Ord. No.23-2017)



**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 feedlots) and other farm and agricultural uses.
11. Railroad right-of-way, but not a railroad yard.
12. Home occupations.
13. Accessory buildings and uses.
14. Accessory dwelling units meeting the provisions of Section 26.520.040.
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.
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 Gross Lot Area (acres): 10.
2. Minimum Net 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: twenty-five (25) feet.
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 \[part\]](#); [Ord. No. 13-2005, § 4](#); [Ord. No. 27-2010, §4](#))

**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 shall be in compliance with a Final Planned Development approval granted pursuant to the provisions of Chapter 26.445, Planned Development.

**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;
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; and
3. Student and faculty dining hall.

**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 Final Planned Development approval granted pursuant to the provisions of Chapter 26.445, Planned Development.

(Ord. No.36-2013, §18)



## **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.
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 Final Planned Development approval granted pursuant to the provisions of Chapter 26.445, Planned Development.

[\(Ord. No. 36-2013, § 19\)](#)



**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 nonprofit facilities for cultural, educational, civic and other nonprofit 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;
14. Public and private nonprofit uses providing a community service; and
15. Child care 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.
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 Final Planned Development approval granted pursuant to the provisions of Chapter 26.445, Planned Development.

([Ord. No. 42-2000, § 2](#); [Ord. No. 36-2013, §20](#))



**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 manmade 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.
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.
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 Runoff Management Plan, including conduits, swales, retention ponds and appurtenances.
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 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 and short term vacation rentals 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. Bed and breakfast.
6. Offices and activities accessory to timeshare unit sales (see Chapter 26.590).
7. Conference facilities.
8. Uses associated with outdoor recreation facilities and events.
9. Accessory uses and structures. (Food service for on-site lodge guests is an accessory use.)
10. Storage accessory to a permitted use.
11. Affordable housing accessory to a lodging or timeshare operation and for employees of the operation.
12. Free-market multi-family housing.
13. Vacation rentals. Pursuant to Section 26.575.220.

**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.
4. Lodge, Botique.

**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 Development.

As part of the PD review, an adjustment of the "density standard" may be approved, and the project shall remain qualified for the growth management incentives associated with this standard. 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 Gross Lot Area. An adjustment in excess of this increase may be approved through adoption of a PD 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.

The amount of associated free-market residential floor area to be included in a lodging project shall be as defined in the Lodge (L) Zone District, Subparagraph 26.710.190.D.11.a.5.

**E. Compliance with City of Aspen Charter.** Any property located east of the Castle Creek River that was in the Lodge Overlay (LO) zone district on January 1, 2015, is subject to the provisions of Article XIII Section 13.14, *Voter authorization of certain land use approvals*, of the City of Aspen Charter.

[\(Ord. No. 9-2005, §3; Ord. No. 10, 2007, §3; Ord. No.34-2011, §19; Ord. No.20-2015, §9; Ord.No.23-2017\)](#)

**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 permit short term vacation rentals of residential units, 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 Lodge Preservation (LP) Overlay Zone District:

1. The uses permitted in the underlying zone district.
2. Hotel or lodge.
3. Timeshare lodge.
4. Exempt timesharing.
5. Bed and breakfast.
6. Dormitory.
7. Offices and activities accessory to timeshare unit sales (see Chapter 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.
14. Vacation rentals. Pursuant to Section 26.575.220.

**C. Conditional uses.** The following uses are permitted in the Lodge Preservation (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 Development.

As part of the PD review, an adjustment of the "density standard" may be approved, and the project shall remain qualified for the growth management incentives associated with this standard. 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 Gross Lot Area. An adjustment in excess of this increase may be approved through adoption of a PD 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.

The amount of associated free-market residential floor area to be included in a lodging project shall be as defined in the Lodge (L) Zone District - Section 26.710.190.D.11.a.5.

**E. Compliance with City of Aspen Charter.** Any property located east of the Castle Creek River that was in the Lodge Preservation Overlay (LP) zone district on January 1, 2015, is subject to the provisions of Article XIII Section 13.14, *Voter authorization of certain land use approvals*, of the City of Aspen Charter.

[\(Ord No. 39-1999, §6; Ord. No. 41-1999, §§8, 9; Ord. No. 21-2002, §§3, 5, 6 \[part\]; Ord. No. 9-2005, §4; Ord. No. 10, 2007, §4; Ord. No.34-2011, §20; Ord. No.20-2015, §10\)](#)



### **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, residential uses, and short term vacation rentals. 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 development (PD) 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.
6. 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.
7. Accessory residential dwellings restricted to Affordable Housing Guidelines and Section 26.520.040.
8. Ski area administrative offices.
9. Restaurants and bars.
10. Special events associated with ski areas including such events as ski races, bicycle races and concerts; with special event committee review.
11. Parks, outdoor recreational uses and trails.
12. Recreational facility.
13. Retail establishments.
14. Public transportation stop.
15. Terminal building and transportation related facilities.
16. Medical clinic accessory to the ski area.
17. Fire, police and emergency services facilities.
18. Accessory buildings and uses.

19. Outdoor vendor carts or areas for food and beverages sales and preparation.
20. Timeshare lodge.
21. Exempt timesharing.
22. Vacation rentals. Pursuant to Section 26.575.220

**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. Daycare 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).
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 development.

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

[\(Ord. No. 35-2000, §1; Ord. No. 21-2002 §§5, 6 \[part\]; Ord. No.34-2011, §21\)](#)

## **26.710.340 Essential Business Overlay (EBO) Zone District.**

**A. Purpose.** The purpose of the Essential Business Overlay (EBO) Zone District is to encourage businesses that accommodate the basic consumer needs of Aspen residents and visitors. The EBO provides alternative use standards from the underlying zoning to allow redevelopment to create spaces useful to locally serving, non-traditional or other uses not anticipated in the zoning code. The EBO also provides opportunities for public-private partnerships, where agencies and developers partner to create useful, non-traditional spaces, including live-work, business incubators and other mixed-use development models. This zone is a voluntary overlay that may be applied to properties in the S/C/I and NC zones to enable quality redevelopment and achieve desired use and design outcomes. The EBO is applied through the rezoning process. Approval is contingent upon meeting the criteria in Section 26.310.

### **B. Permitted and conditional uses.**

1. Permitted Uses: Those allowed in the underlying zone district. In addition, General Retail uses, Service/Commercial/Industrial uses, Service uses, and farmer's markets are permitted uses.
2. Conditional Uses: Those allowed as conditional uses in the underlying zone district, as well as restaurant, bar, and entertainment uses for the SCI zone district.
3. Residential uses are not permitted in the EBO Zone, unless the uses are accessory to a commercial use on the property or part of a live-work arrangement where the predominant uses on the site are commercial, and the uses are approved as a condition of rezoning (see subsection C.2 below). The EBO zone may not be applied to an existing residential use, unless the applicant for rezoning enters into a binding commitment to demolish or redevelop the residential uses for a use permitted in the EBO Zone, or the residential use is approved as part of the rezoning.

**C. Dimensional requirements.** The dimensional requirements for all uses in the Essential Business Overlay (EBO) Zone District shall be the dimensional requirements established for those uses in the underlying zone district, except as provided below.

1. The following dimensional standards apply:

Minimum Gross Lot Area (square feet):	No requirement.
Minimum Net Lot Area per dwelling unit (square feet):	No requirement.
Minimum lot width (feet):	No requirement.
Minimum front yard setback (feet):	No requirement.
Minimum side yard setback (feet):	No requirement.
Minimum rear yard setback (feet):	No requirement.
Minimum Utility/Trash/Recycle area:	Pursuant to Chapter 12.06.
Maximum height:	Limited to underlying zoning.

Minimum distance between buildings on the lot (feet): No requirement.

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Pedestrian Amenity Space: Pursuant to Section 26.412.

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Floor Area Ratio (FAR) Limited to underlying zoning.

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Minimum Commercial FAR 1:1

2. The applicant may apply for alternative dimensional requirements as a condition of rezoning, taking into consideration neighborhood compatibility and the dimensional requirements of surrounding zone districts. Under no circumstances shall the overall FAR allowed in the underlying zone district be exceeded. In addition, no reductions in required mitigation may be requested through the EBO rezoning.

**D. Transportation and Parking Management.** See Chapter 26.515, except that the maximum spaces allowed (Section 26.515.040.E, Table 26.515-1) do not apply to the EBO district.

[\(Ord. No. 29, 2016, §6\)](#)

Updated 6-17-2019