

# Title 9 – Land Management Code

## Chapter 7

### ZONE DISTRICT REGULATIONS

[9-7-1: R-1 SINGLE-FAMILY RESIDENTIAL:](#)

[9-7-2: R-2 MEDIUM DENSITY RESIDENTIAL:](#)

[9-7-3: R-3 MULTI-FAMILY RESIDENTIAL:](#)

[9-7-4: GC GENERAL COMMERCIAL:](#)

[9-7-5: VC VILLAGE COMMERCIAL:](#)

[9-7-6: L-1 LIGHT INDUSTRIAL:](#)

[9-7-7: ROS RECREATION OPEN SPACE:](#)

[9-7-8: COS CONSERVATION OPEN SPACE:](#)

[9-7-9: C CIVIC:](#)

[9-7-10: AT ANNEXED TRANSITION](#)

[9-7-11: BUILDING BONUSES:](#)

[9-7-12: CCOD COMMERCIAL CORE OVERLAY DISTRICT](#)

[9-7-13: ASPEN MEADOWS MOUNTAIN ZONING OVERLAY DISTRICT \(MZOD\)](#)

#### **9-7-1: R-1 SINGLE-FAMILY RESIDENTIAL:**

A. **Purpose:** The R-1 district is intended to provide sites for low density single-family residential uses, together with such public facilities as may appropriately be located in the same district. The R-1 district regulations are intended to ensure adequate light, air, open space for each dwelling, commensurate with single-family occupancy, and, along with the Town Design Standards, to maintain the desirable residential qualities of such sites by establishing appropriate site development standards. Certain nonresidential uses may be permitted as conditional uses, and where approved, are intended to blend harmoniously with the residential character of the district.

B. **Permitted Uses:** Only the following uses are permitted in the R-1 zone:

Boarding of horses for non-commercial use, subject to a horse boarding permit.

Commercial rentals of single-family residences, subject to a business license.

Home occupations identified in subsection [9-10-5](#) of this title.

Single-unit dwellings.

Other uses customarily incidental and accessory to single-family residential uses, and necessary for the operation thereof (garages or carports, play equipment, or other approved single-family use).

C. **Conditional Uses:** The following uses are conditional and require a conditional use permit:

Bed and breakfast rentals.

Churches.

Home occupations identified in subsection [9-10-5C](#) of this title.

One accessory dwelling unit (ADU) on an R-1 lot will be allowed per lot. Accessory Dwelling Units (ADUs) are defined as a secondary living space on a property that shares a lot and ownership with the primary residential structure. ADUs can be a basement apartment, a garage conversion, or an addition to the house (internal ADU). They can also be stand-alone structures on the lot (detached ADU). The following requirements/restrictions apply to this type of dwelling:

1. The purpose of allowing this type of use on an R-1 lot is to create more affordable housing. ADUs will not be permitted as Short-Term Rentals (STR).
2. The ADU is a secondary use to the primary residential structure on the lot and therefore one master water meter and one sewer hookup per lot shall be installed for utilities on the lot.
3. Detached ADUs will meet all the requirements of Accessory Structures in §9-12-7(I).
4. Off-street parking requirements will remain per the parking ordinance for the main residence. If the new construction for the ADU diminishes the number of parking spaces for the main residence, then new parking will be installed to bring the main residence in compliance with the LMC. For new ADU's off-street parking requirements of 1 per bedroom in the ADU, not to exceed 2 new spaces will be added to the lot (whether the ADU is detached or internal).
5. All detached accessory dwelling units must follow the Design Standards and Guidelines as outlined in §9-12-7 and should substantially match the primary residential structure in design features.
6. ADUs are subject to the building codes (IRC), and Design Standards in place at the time of the application.
7. Occupancy shall comply with the same definition for a single-family unit as it pertains to the number of unrelated occupants allowed to dwell in the unit (see definition for "Family").

(ord. 25-003, 5-13-25)

Public or private schools.

Public parks.

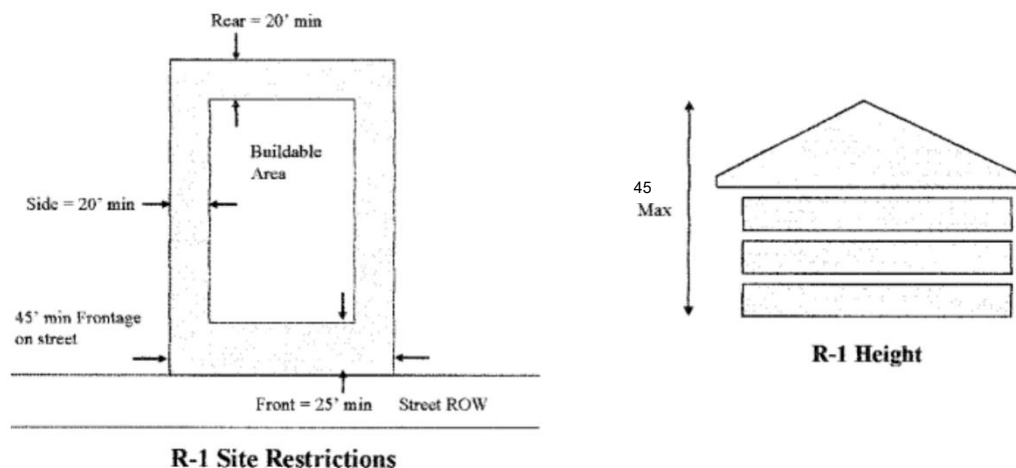
Public utility uses.

**D. Physical Restrictions:**

1. One (1) acre or forty-three thousand five hundred sixty (43,560) square feet. Lots as small as fourteen thousand five hundred twenty (14,520) square feet or one-third (1/3) acre may be allowed more where the provisions of [§9-9-7](#) are met. (ord. 23-007, 8-8-2023)
2. Minimum frontage width: Forty-five feet (45'). (amd. ord. 22-002, 5-10-22)
3. Minimum setbacks:
  - a. Front: Twenty-five feet (25'). An administrative exception may be granted for the garage only when all of the following apply:
    - i. Front yard setback exceeds twenty percent (20%) slope (11.3 degrees).
    - ii. No habitable space within the setback area.
    - iii. Required off street parking is satisfied and maintained in the garage or on the lot.
    - iv. The roof sheds snow away from the public right of way.
    - v. Adequate snow storage on the lot.

Under no circumstances will the setback be less than five feet (5'). (ord. 17-004, 7-11-2017)
  - b. Side: Twenty feet (20').
  - c. Rear: Twenty feet (20').
  - d. Minimum distance between buildings: Ten feet (10'). (ord. 23-008, 8-8-2023)
4. Setback exception: The following shall be allowed to encroach within the required setback, subject to compliance with the provisions of this section:
  - a. Driveway and walkways.
  - b. Roof eaves provided they encroach no more than five feet (5') into the required setback.
  - c. Pop out windows, provided the bottom of the pop out structure is no less than four (4') feet above grade, measured at the pop out structure, the total width of the pop out structure does not exceed twelve feet (12') measured at the point where the pop out structure attaches to the residential structure, the pop out structure is under and completely covered by a roof overhang or eaves, and the completely covered by a roof overhang or eaves, and the pop out structure encroaches no more than three and one-half feet (3 ½') into the required setback; and, (2010 Code, amd. ord. 15-004, 4-28-2015)
  - d. Decks and exterior staircases attached to the residential structure may be permitted on a case-by-case basis after written approval of the Zoning Administrator, following review. The deck or exterior staircase may encroach no more than four feet (4') into the required setback. Uncovered decks or walkways less than 30" above grade may stand within the innermost one-third (1/3) of the setback. (amd. ord. 15-004, 04-28-2015, amd. Ord. 24-011, 8-27-24).
5. Maximum Building Height: Twenty-five feet (25'). (2010 Code, amd. ord. 22-002, 5-10-22)

6. Maximum building coverage:
  - a. One thousand square feet (1,000 sq. ft) footprint including garages, patios, and decks for a primary habitable structure. No more than 40% for all structures combined. (amd. ord. 15-004, 04-28-2015, amd. ord. 22-002, 5-10-22)
  - b. Minimum building coverage: 400 square feet for a primary habitable structure footprint (not including unenclosed decks and porches) and 160 square feet for a secondary habitable structure. (ord. 20-006, 7-14-20)
  - c. A property owner wishing to build larger than what is allowed in this code may refer to the Building Bonus section in 9-7-10. (ord. 22-002, 5-10-2022)
7. Minimum landscaping: Twenty-five percent (25%) of the lot shall be landscaped per section [9-12-5](#) of this title, with every effort to preserve vegetation. (2010 Code, amd. ord. 15-004-2015).
8. Parking: In accordance with section [9-12-15](#) of this title.
9. Undisturbed lot area: Fifteen (15%) of the lot shall not be disturbed during development. (2010 Code, amd. ord. 15-004, 04-28-2015)
10. Remaining undeveloped lot: The remaining area shall be landscaped as per section [9-12-5](#) of this title. (2010 Code, amd. ord. 15-004, 04-28-2015)
11. One piece of heavy equipment along with two heavy equipment attachments may be kept on premises for non-commercial use, such as private snow removal or light excavation. The equipment shall be parked in a place and manner so as to be reasonably screened from view from the public right of way. Additional equipment used for construction may be parked at the site when authorized by a current building permit or otherwise authorized by the Town. (ord. 16-007, 11-08-2016)
12. Storage Containers: Storage or cargo containers are not allowed to be used as dwelling units in R-1 zones. (ord. 22-002, 5-10-22)



## 9-7-2: R-2 MEDIUM DENSITY RESIDENTIAL:

- A. **Purpose:** The R-2 district is intended to provide sites for medium density single- and multi- family residential use at a maximum density of eight (8) dwelling units per acre, together with such public facilities as may appropriately be located in the same district. The R-2 district regulations are intended to ensure adequate light, air, open space for each dwelling, commensurate with medium density multi-family occupancy, and along with the Town Design Guidelines, to maintain the desirable residential qualities of such sites by establishing appropriate site development standards. Certain nonresidential uses may be permitted as conditional uses, and where approved, are intended to blend harmoniously with the residential character of the district.
- B. **Permitted Uses:** Only the following uses are permitted in the R-2 zone:
- Food and beverage services (restaurant, cafe, etc.).
  - Home occupations identified in subsection [9-10-5](#) of this title.
  - Multi-family dwellings (2 or more dwelling units per structure, including townhomes).
  - Nightly rental of dwelling units, subject to a business license.
  - Property management.
  - Public parks and open spaces.
  - Single-unit dwellings.
  - Spa.
  - Other uses customarily incidental and accessory to medium density family residential uses, and necessary for the operation thereof (garages or carports, play equipment, etc.)
- C. **Conditional Uses:** The following uses are conditional and require a conditional use permit:
- Bed and breakfast rentals.
  - Churches.
  - Home occupations identified in subsection [9-10-5 C](#) of this title.
  - Public facilities.
  - Public or private schools. Public utility uses.
- D. **Physical Restrictions:**
1. Minimum lot area: Twenty-one thousand seven hundred eighty (21,780) square feet ( $\frac{1}{2}$  acre).

2. Minimum frontage: Forty-five feet (45').

3. Minimum setbacks:

- a. Front: Twenty-five feet (25'). An administrative exception may be granted for the garage only when all of the following apply:
  - i. Front yard setback exceeds twenty percent (20%) slope (11.3 degrees);
  - ii. No habitable space within the setback area;
  - iii. Required off street parking is satisfied and maintained in the garage or on the lot;
  - iv. The roof sheds snow away from the public right of way; and
  - v. Adequate snow storage on the lot.

Under no circumstances will the setback be less than five feet (5').

(ord. 17-004, 7-11-2017)

- b. Side: Twenty feet (20');
- c. Rear: Twenty feet (20'). (amd. ord. 22-002, 5-10-22)
- d. Minimum distance between buildings:
  - i. Under twenty feet (20') in height: Ten feet (10')
  - ii. Over twenty feet (20') and under thirty feet (30') in height: Fifteen feet (15')
  - iii. Over thirty feet (30') in height: Twenty feet (20').

(ord. 23-008, 8-8-2023)

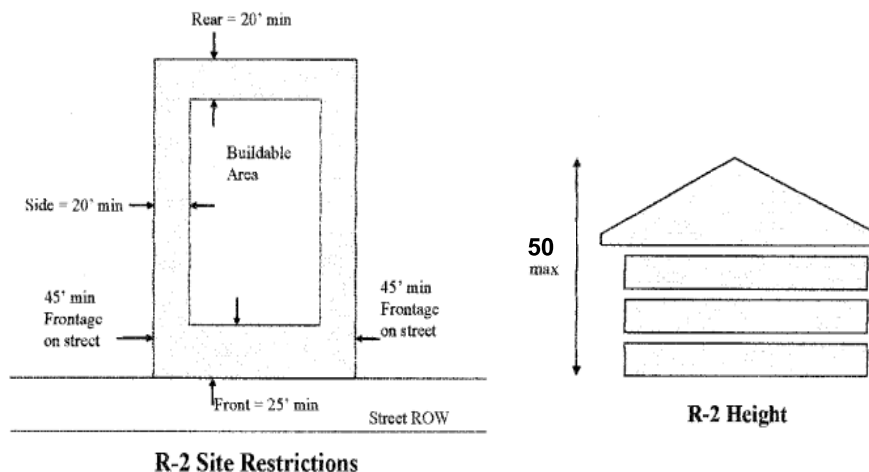
4. Setback exception: The following shall be allowed to encroach within the required setback, subject to compliance with the provisions of this section:

- a. Driveways and walkways;
- b. Roof eaves, provided they encroach no more than five feet (5') into the required setback;
- c. Pop out windows, provided the bottom of the pop out structure is no less than four feet (4') above grade measured at the pop out structure, the total width of the pop out structure does not exceed twelve feet (12') measured at the point where the pop out structure attaches to the residential structure, the pop out structure is under and completely covered by a roof overhang or eaves, and the pop out structure encroaches no more than three and one-half feet (3<sup>1</sup>/<sub>2</sub>') into the required setback; and
- d. Decks and exterior staircases attached to the residential structure may be permitted on a case-by-case basis after written approval of the Zoning Administrator, or designee, following review. The deck or exterior staircase may encroach no more than four feet (4') into the required setback. Uncovered decks or walkways less than 30" above grade may stand within the innermost one-third (1/3) of the setback. (amd. ord. 15-004, 04-28-2015, amd. Ord. 24-011, 8-27-24)

5. Maximum height: Twenty-five feet (25'). (amd. ord. 22-002, 5-10-2022)

6. Maximum building coverage: One thousand five hundred square feet (1,500 sq. ft.) footprint including garages, patios, and decks. (amd. ord. 22-002, 5-10-2022)

7. A property owner wishing to build larger than what is allowed in this code may refer to the Bonus Section in [9-7-10](#) of this title.
8. Maximum density: Four (4) units per acre (or a fraction thereof) for multi-family dwellings, including constraints of this title relating to height, setback, landscaping, lot disturbance, parking, etc. Up to ten (10) units per acre may be allowed where the provisions of [§9-9-7](#) are met. (amd. ord 23-007, 8-8-2023)
9. Minimum landscaping: Twenty-five percent (25%) of the lot shall be landscaped per [§ 9-12-5](#) of this title, with every effort to preserve vegetation. (2010 Code, amd. ord. 15-004, 04-28-2015).
10. Parking: In accordance with section [9-12-15](#)
11. Undisturbed lot area: Remaining undeveloped area shall be landscaped as per section [9-12-5](#) of this title. (2010 Code, amd. ord. 15-004, 04-28-2015)
12. Remaining undeveloped area shall be landscaped as per section [9-12-5](#) of this title. (amd. 2015 ord. 15-004, 04-28-2015)
13. One piece of heavy equipment along with two heavy equipment attachments may be kept on premises for uses such as snow removal or light excavation. The equipment shall be parked in a place and manner so as to be reasonably screened from the view of the public right of way. Additional equipment used for construction may be parked at the site when authorized by a current building permit or otherwise authorized by the Town. (ord. 17-001, 4-11-2017)
14. Storage containers: Storage or cargo containers are not allowed to be used as a dwelling unit in R-2 zones. (ord. 22-002, 5-10-2022).



(2010 Code, amd. ord. 15-004, 4-28-2015)

### 9-7-3: R-3 MULTI-FAMILY RESIDENTIAL:

- A. **Purpose:** The R-3 district is intended to provide sites for multiple-family dwellings at densities restricted by constraints of this title relating to height, setback, landscaping, lot disturbance, parking, etc., together with such commercial and public facilities as may appropriately be located in the same district. The R-3 district regulations are intended to ensure adequate light, air, open space, and other amenities commensurate with multiple-family occupancy, and, with the Town Design Standards, to maintain the desirable residential qualities of the district by establishing appropriate site development standards. Certain nonresidential uses may be permitted as conditional uses and, where approved, are intended to blend harmoniously with the residential character of the district.
- B. **Permitted Uses:** Only the following uses are permitted in the R-3 zone:
- Bed and breakfast establishments.
  - Home occupations identified in subsection [9-10-5](#) of this title.
  - Multi-family dwellings (2 or more dwelling units per structure, including townhomes).
  - Nightly rentals of dwelling units, subject to a business license.
  - Property management.
  - Public open spaces (parks and trails for hiking, non-motorized biking, and Nordic skiing etc.).
  - Single-unit dwellings.
  - Other uses customarily incidental and accessory to permitted uses and necessary for the operation and maintenance thereof, such as garages, carports, play equipment and accessory structure.
- C. **Conditional Uses:** The following uses are conditional and require a conditional use permit:
- Churches.
  - Convention facilities.
  - Food and beverage services (restaurant, cafe, etc.).
  - Home occupations identified in subsection [9-10-5C](#) of this title.
  - Limited retail, food and beverage service and personal services in conjunction with lodging facilities (barber/beauty, travel, childcare, etc.) for the use of building residents (area of accessory uses may not exceed 40 square feet per residential unit).
  - Public institutions.
  - Public parking lots.



Real estate sales offices operated in conjunction with condominium rental offices when the office space is constructed as part of the project or when approved by the homeowners' association and in conformance with the projects CC&Rs.

Recreational trails and use of open space for motorized vehicles.

Schools.

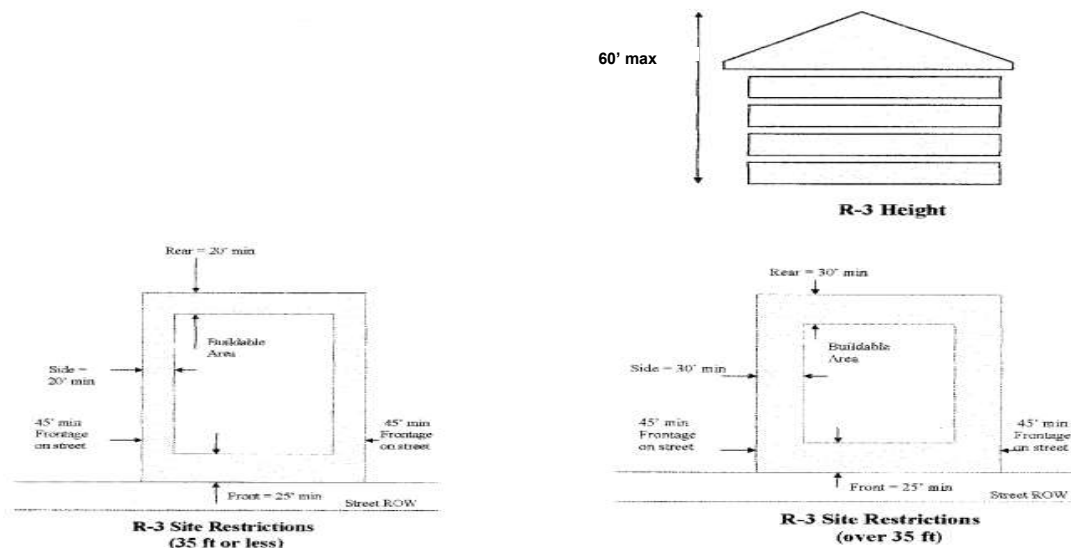
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**D. Physical Restrictions:**

1. Minimum lot area: Twenty-one thousand seven hundred eighty (21,780) square feet ( $\frac{1}{2}$  acre).
2. Minimum frontage: Forty-five feet (45').
3. Minimum setbacks:
  - a. Front: Twenty-five feet (25'). An administrative exception may be granted for the garage only when all of the following apply:
    - i. Front yard setback exceeds twenty percent (20%) slope (11.3 degrees);
    - ii. No habitable space within the setback area
    - iii. Required off-street parking is satisfied and maintained in the garage or on the lot
    - iv. The roof sheds snow away from the public right of way
    - v. Adequate snow storage on the lot
    - vi. Development does not exceed R-2 density. (Ord. 20-006, 7-14-20)Under no circumstances will the setback be less than five feet (5').
  - b. Side: Twenty feet (20').
  - c. Rear: Twenty feet (20').
  - d. For buildings over thirty-five feet (35') in height
    - i. Side: Thirty feet (30');
    - ii. Rear: Thirty feet (30');
    - iii. Front: Twenty-five feet (25').
  - e. Minimum distance between buildings:
    - i. Under twenty feet (20') in height: Ten feet (10')
    - ii. Over twenty feet (20') and under thirty feet (30') in height: Fifteen feet (15')
    - iii. Over thirty feet (30') in height: Twenty feet (20')(ordinance 23-008, 8-8-2023)
4. Setback exceptions: The following may be permitted to encroach within the required setback, subject to compliance with the provisions of this section, on a case-by-case basis after written approval of the Town Manager, or designee, following review:

- a. Driveways and walkways running parallel to a property line shall not occupy more than seventy five percent (75%) of the required setback area while retaining at least twenty five percent (25%) of the required area as a landscape buffer.
  - b. Roof eaves, provided they encroach no more than five feet (5') into the required setback.
  - c. Pop out windows, provided the bottom of the pop out structure is no less than four feet (4') above grade measured at the pop out structure, the total width of the pop out structure does not exceed twelve feet (12') measured at the point where the pop out structure attaches to the residential structure, the pop out structure is under and completely covered by a roof overhang or eaves, and the pop out structure encroaches no more than three and one-half feet (3 $\frac{1}{2}$ ') into the required setback; and (2010 Code amd ord. 15-004, 04-28-2015)
  - d. Decks and exterior staircases attached to the residential structure on a case-by-case basis after written approval of the Zoning Administrator, following review. The deck or exterior staircase may encroach no more than four feet (4') into the required setback. Uncovered decks or walkways less than 30' above grade may stand within the innermost one-third (1/3) of the setback. (amd ord. 15-004, 04-28-2015, amd. Ord. 24-015, 10-8-24)
5. Maximum density: Eight (8) units per acre (or a fraction thereof) for multi-family dwellings, including constraints of this title relating to height, setback, landscaping, lot disturbance, parking, etc. Up to twenty-five (25) units per acre may be allowed where the provisions of [§9-9-7](#) are met. (amd. ord. 23-007, 8-8-2023)
6. Maximum height: Sixty feet (60') for peaked roof, forty feet (40') for flat roof; (2010 Code. amd ord. 15-004, 04-28-2015)
7. Maximum building coverage: Forty percent (40%) of the lot area. Fifty percent (50%) is permitted if all of the required parking is within the footprint of the building. (2010 Code. amd ord. 15-004, 04-28-2015)
8. Minimum landscaping: Forty percent (40%) or all disturbed portions of the property, whichever is greater, shall be landscaped per section [9-12-5](#) of this title, with every effort to preserve existing vegetation. If the building footprint is at 50% and required covered parking is within the footprint of the building, then the landscaping minimum will be 30%. Vegetated undisturbed areas may be counted towards landscaping requirements. (2010 Code. amd ord. 15-004, 04-28-2015, amd. ord. 24-011, 10-8-24, amd. ord. 24-015, 10-8-24) )
9. Parking: In accordance with section [9-12-15](#) of this title
10. Undisturbed lot area: Twenty percent (20%) of the parcel shall not be disturbed during development. All area within minimum setbacks of the development shall remain undisturbed except for space directly adjacent to buildings which is required to be cleared by wildland urban interface code, utility location, and space used for driveways and walkways. All reasonable efforts shall be made to avoid removing mature trees. (ord. 24-015, 10-8-24)

11. Remaining undeveloped area shall be landscaped as per section [9-12-5](#) of this title. (2010 Code. amd Ord. 15-004, 04-28-2015)
12. One piece of heavy equipment along with two heavy equipment attachments may be kept on premises for uses such as snow removal or light excavation. The equipment shall be parked in a place and manner so as to be reasonably screened from view from the public right of way. Additional equipment used for construction may be parked at the site when authorized by a current building permit or otherwise authorized by the Town. (ord. 17-001, 4-11-2017)



(2010 Code, amd. ord. 15-004, 04-28-2015)

#### 9-7-4: GC GENERAL COMMERCIAL:

- A. **Purpose:** The general commercial (GC) district is intended to provide sites outside of the village commercial zone, with a mixture of lodges and commercial establishments in an auto oriented setting. The GC district regulations are intended to ensure light, air, open space, and other amenities appropriate to the permitted types of buildings and uses. The GC district regulations, in conjunction with this title, prescribe site development standards that are intended to maintain the unique character and relationship of the town commercial areas and to ensure an attractive, functional commercial setting.
- B. **Permitted Uses:** Only the following uses are permitted in the GC zone:
- Banks.

Childcare centers.

Churches.

Food and beverage service establishments.

Home occupations identified in subsection [9-10-5 \(D\)](#) of this title. (amd. ord. 21-006, 5-25-21)

Indoor entertainment (Theater, arcade, bowling alley, etc). (ord. 15-004, 04-28-2015, amd. ord. 21-006, 5-25-21)

Other uses customarily incidental and necessary to permitted uses and necessary for the operation thereof.

Light hardware (no outside storage or sales of goods).

Lodging and nightly rentals (including hotels and motels).

Mortuary (ord. 17-004, 7-11-2017)

Personal services (barber/beauty, spa, self-service laundry, etc.).

Places for retailing of goods such as necessities, sundries, groceries, and convenience items), including outdoor display. (amd. ord. 21-006, 5-25-21)

Professional offices (real estate, finance, insurance, medical and dental, etc.).

Public and private educational institutions.

Public institutions and government buildings, e.g., town hall, library, senior center, etc.

Public open spaces (parks, etc.).

Public parking lots.

Public recreation areas.

Residential dwellings in conjunction with commercial space. It is required that at least seventy-five percent (75%) of the entire main floor, facing the public street or thoroughfares, be dedicated to commercial business residential units to be located in the rear or sides of the building to maximize the commercial business exposure. On multi-building projects, the commercial space may be cumulatively oriented toward the vehicle and pedestrian corridors rather than locations typically not accessible or visible to the general public. (amd. ord. 21-006, 5-25-21)

Retail, guest services, non-motorized equipment rental (e.g., skis, bicycles, etc.) oriented to tourists and mountain outdoor recreation (including outdoor display).

Schools.

**C. Conditional Uses:** The following uses are conditional and require a conditional use permit:

Building Material Sales (no outdoor storage or display). (ord. 17-004, 7-11-2017, amd. ord. 21-006, 5-25-21)

Car Wash (ord. 17-004, 7-11-2017)

Fuel service stations.

Home occupations identified in subsection [9-10-5\(E\)](#) of this title.

Public and private utility structures. (2010 Code, amd. ord. 15-004, 04-28-2015)

Recreational vehicle rental, sales, and service.

Rental of horses.

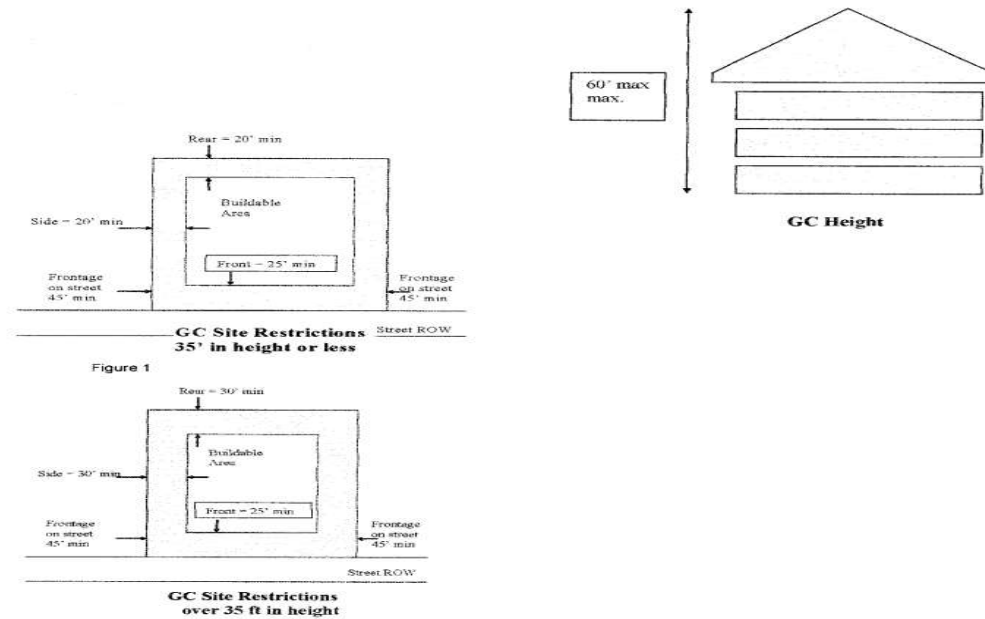
Outdoor entertainment. (amd. ord. 21-006, 5-25-21)

(amd. Ord. 21-006, 5-25-21)

**D. Physical Restrictions:**

1. Minimum lot area: Twenty-one thousand seven hundred eighty (21,780) square feet (1/2 acre).
2. Minimum frontage: Forty-five feet (45').
3. Minimum setbacks:
  - a. Front: Twenty-five feet (25');
  - b. Side and rear: Twenty feet (20') up to thirty-five feet (35') height.
  - c. For buildings over thirty-five feet (35') in height:
    - i. Front: Twenty-five feet (25');
    - ii. Side and rear: Thirty feet (30').
4. Setback exceptions: The following shall be allowed to encroach within the required setback, subject to compliance with the provisions of this section.
  - a. Driveways and walkways.
  - b. Roof eaves provided they encroach no more than five feet (5') into the required setback.
  - c. Pop out windows, provided the bottom of the pop out structure is no less than four feet (4') above grade measured at the pop out structure, the total width of the pop out structure does not exceed twelve feet (12') measured at the point where the pop out structure attaches to the residential structure, the pop out structure is under and completely covered by a roof overhang or eaves, and the pop out structure encroaches no more than three and one-half feet (3<sup>1</sup>/<sub>2</sub>') into the required setback; (2010 Code, amd. ord. 15-004, 04-28-2015)
  - d. Decks and exterior staircases attached to the residential structure may be permitted on a case-by-case basis after written approval of the Town Manager, or designee, following review. The deck or exterior staircase may encroach no more than four feet (4') into the required setback. Uncovered decks or sidewalks less than 30" above grade may stand within the innermost one-third (1/3) of the setback. (amd. ord. 15-004, 04-28-2015, amd. Ord. 24-011, 8-27-24)

- e. Portico or secondary egress stairways (when required on a second story above grade plan and higher by section 1006 in IBC) may extend into the innermost half of the setback when approved by the Planning Commission. (amd. ord. 22-004, 5-24-22)
- 5. Maximum height: Sixty feet (60') for peak roof, fifty feet (50') for flat roof.
  - 6. Maximum density: Restricted by constraints of this title relating to height, setback, landscaping, lot disturbance, parking, etc.
  - 7. Maximum building coverage: Forty percent (40%) of the lot area.
  - 8. Minimum landscaping: Forty percent (40%) of the lot shall be landscaped per section [9-12-5](#) of this title, with every effort to preserve existing vegetation.
  - 9. Parking and loading: In accordance with section [9-12-15](#) of this title. Onsite parking should be provided in the rear of the building or underground. Parking may be provided off site by participating in a parking district, or by providing parking lots jointly with other specific establishments with the approval of the Planning Commission. (2010 Code, amd. ord. 15-004, 04-28-2015)
  - 10. Remaining undeveloped area shall be landscaped as per section [12-9-5](#) of this title. (2010 Code, amd. ord. 15-004, 04-28-2015)
  - 11. One piece of heavy equipment along with two heavy equipment attachments may be kept on premises for uses such as snow removal or light excavation. The equipment shall be parked in a place and manner so as to be reasonably screened from view from the public right of way. Additional equipment used for construction may be parked at the site when authorized by a current building permit or otherwise authorized by the Town. (ord. 20-011, 12-08-2020)
  - 12. Storage containers: Storage containers or cargo containers are not allowed to be used as a building in General Commercial zones unless the applicant follows the Building Bonus process listed in 9-7-10 of this title. (ord. 22-004, 5-10-2022)



(2010 Code, amd. ord. 15-004, 04-28-2015)

## 9 -7-5: VC VILLAGE COMMERCIAL:

- A. **Purpose:** The village commercial VC district is intended to provide for village core area with a mixture of lodges, business, and commercial establishments in a predominantly pedestrian setting. The VC district regulations are intended to ensure light, air, open space, and other amenities appropriate to the permitted types of buildings and uses. The district regulations, in conjunction with the town design guidelines, prescribe site development standards that are intended to maintain the unique character of the Town commercial areas and to ensure an attractive, functional village resort setting. It is encouraged that development in the village core would be by development agreement. (2010 Code, amd. ord. 15-004, 04-28-2015)

- B. **Permitted Uses:** Only the following uses are permitted in the VC zone:

Banks.

Entertainment establishments (not including sexually oriented business establishments).

Food and beverage establishments.

Guest services

Non-motorized recreation equipment rental.

Home occupations identified in subsection [9-10-5](#) of this title.

Multi-family housing: Hotel type lodging in conjunction with commercial space. It is required that at least seventy five percent (75%) of the entire main floor, facing the public street or thoroughfares, be dedicated to commercial business with provisions for ADA compliant residential units to be located in the rear or sides of the building to maximize the commercial business exposure. On multi-building projects, the commercial space may be cumulatively oriented toward the vehicle and pedestrian corridors rather than locations typically not accessible or visible to the general public.

Pedestrian oriented retail stores (including outdoor display).

Professional and personal services (beauty shops, travel agencies, real estate, law, medicine),

Professional offices.

Spas.

Other uses customarily incidental and necessary to permitted uses and necessary for the operation thereof.

- C. **Conditional Uses:** The following uses are conditional and require a conditional use permit:

Home occupations as identified in subsection [9-10-5C](#) of this title.

Recreational activities and supporting appurtenances. (ord. 15-004, 4-28-2015)

OHV rental offices for which rental vehicles are stored and displayed outside of the village core zone. The conditional use permit will be no longer than a five-year period. (ord. 15-004, 4-28-2015, amd. ord. 20-002 4-28-2020)

- D. **Physical Restrictions:**

1. Minimum lot area: Three thousand (3,000) square feet.
2. Minimum frontage: Thirty feet (30').
3. Setbacks:
  - a. Minimum: Rear, twenty feet (20'), side and front, zero feet (0');
  - b. Maximum: Front, ten feet (10'), i.e., the front line of the building shall be located no further than ten feet (10') from the front lot line.
4. Rear setback exceptions: The following shall be allowed to encroach within the required setback, subject to compliance with the provisions of this section: (amd. ord. 17-004, 7-11-2017)
  - a. Driveways and walkways.
  - b. Roof eaves provided they encroach no more than five feet (5') into the required setback.



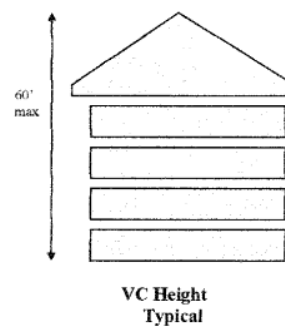
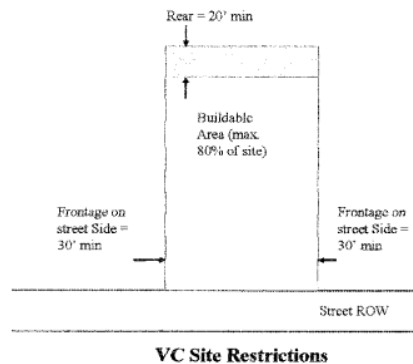
- c. Pop out windows, provided the bottom of the pop out structure is no less than four feet (4') above grade measured at the pop out structure, the total width of the pop out structure does not exceed twelve feet (12') measured at the point where the pop out structure attaches to the residential structure, the pop out structure is under and completely covered by a roof overhang or eaves, and the pop out structure encroaches no more than three and one-half feet (3<sup>1</sup>/<sub>2</sub>') into the required setback; and (2010 Code, amd. ord. 15-004, 04-28-2015).
  - d. Decks and exterior staircases attached to the residential structure may be permitted on a case-by-case basis after written approval of the Town Manager, or designee, following review. The deck or exterior staircase must be uncovered other than by a permitted roof overhang or eaves of the residential structure, and the deck or exterior staircase may encroach no more than four feet (4') into the required setback. Decks or sidewalks less than 30" above grade may stand within the innermost 1/3 of the setback. (2010 Code, amd. ord. 15-004, 04-28-2015)
- 5. Maximum height: Sixty feet (60') for peaked roof, fifty feet (50') for flat roof.
- 6. Density: Restricted by constraints of this title relating to height, setback, landscaping, lot disturbance, parking, etc.
- 7. Maximum building coverage: Eighty percent (80%) of the lot area. Commercial structures which existed prior to the year 2000 in the Village Commercial zone district may expand the building coverage up to 90% of the lot area. (ord. 23-001, 1-10-23)
- 8. Landscaping: No minimum requirement. Planters, decorative paving, and trees in tree grates are appropriate in conformance with section [9-12-5](#) of this title, with every effort to preserve existing vegetation.
- 9. Parking and loading:
  - a. Surface level parking areas are limited to 30% of the building footprint.
    - i. Location of surface parking must be approved by the Planning Commission to ensure the purpose of the Village Core is met.
    - ii. Surface level parking may not be located between pedestrian walkways and entrances to the commercial building.
  - b. Required residential parking must be placed onsite.
  - c. Required employee parking must be onsite or adjacent to the property.
  - d. Patron parking may be located off-site, as agreed upon through a Development Agreement with the Town or in accordance with a shared parking agreement approved by the Planning Commission following review of a parking demand study of the uses in question.
    - i. Shared parking agreements must designate an off-site parking facility that is within 500 feet of a Town transit stop.

- ii. The primary uses of the designated shared off-site parking facility must have clearly distinct hours of peak parking demand from the proposed uses.
- iii. Any development permitted with a shared parking agreement shall be required to develop additional parking, if and when the use changes in the future rendering the shared parking agreement deficient.
- e. All parking must be in accordance section [9-12-15](#) with the following exceptions:
  - i. Required number of parking spaces:
    - 1) Patron Parking: 30% less than the requirements in section [9-12-15](#) of this title.
    - 2) Each underground parking space will satisfy 1.5 spaces against the requirement of section [9-12-15](#) of this title.

(Ord. 22-008, 7-26-2022)

- f. Commercial structures which existed prior to the year 2000 in the Village Commercial zone district may expand the footprint of the building by up to 25% without additional parking requirements. (ord. 23-001, 1-10-23)

- 10. Pedestrian Traffic: Provisions for pedestrian traffic, integrated with neighboring walkways, must be provided. (2010 Code)
- 11. Remaining undeveloped area shall be landscaped as per section [12-9-5](#) of this title. (ord. 17-004, 7-11-2017)
- 12. Storage containers: Storage or cargo containers are not allowed to be used as a building in Village Commercial unless the applicant abides by the Building Bonus process in [9-7-10](#) of this title. (ord. 22-004, 5-10-2022)



#### **9-7-6: L-1 LIGHT INDUSTRIAL:**

- A. **Purpose:** To provide sites for light industrial uses which are not appropriate in other commercial districts. Because of the varied nature and potential impacts of the uses, all permitted uses are subject to the restrictions below and the Town Design Guidelines as a condition of approval. The physical restrictions set out below shall be considered minimum, and more restrictive standards may be prescribed as conditions of a permit for any use.
- B. **Permitted Uses:** Only the following uses are permitted in the L-1 zone:
- Firewood preparation, storage, and sales.
  - Fuel and oil storage, sales, or distribution.
  - Recreational vehicle rental, sales, and service (e.g., snowmobiles, ATVs, etc.).
  - Residential dwellings in conjunction with industrial space (owner/employee housing).  
(ord. 15-004, 04-28-2015)
  - Storage and/or sales of construction/building materials.
  - Utility substations.
  - Vehicle and equipment storage yards (including recreational vehicles).
  - Vehicle service yards and service garages (including recreational vehicles).
  - Warehouses or storage unit rental facilities.
  - Other similar uses.
- C. **Conditional Uses:** The following uses are conditional and require a conditional use permit: (2010 Code, amd. ord. 15-004, 4-28-2015)
- Light Manufacturing (amd. ord. 17-004, 7-11-2017)
  - Car Wash (ord. 17-004, 7-11-2017)
  - Rental of horses.
  - Sexually oriented businesses (SOB).
- D. **Physical Restrictions:** The restrictions below shall be considered minimum, and more restrictive standards may be prescribed as conditions of a conditional use permit for any use:
1. Minimum lot area: Twenty-one thousand seven hundred eighty (21,780) square feet (1/2 acre).
  2. Minimum frontage: Forty-five feet (45').

3. Minimum setbacks:
  - a. Front: twenty-five feet (25');
  - b. Side and rear: twenty feet (20') (from residential property);
  - c. Side and rear: ten feet (10') (from adjoining L-1 property).
4. Maximum height: Fifty feet (50') maximum structure height.
5. Density: Not applicable.
6. Maximum building coverage: Fifty percent (50%) of lot area.
7. Minimum landscaping: Twenty five percent (25%) of the lot area shall be landscaped per section [9-12-5](#) of this title, with every effort to preserve existing vegetation.
8. Parking and loading: In accordance with section [9-12-15](#) of this title.
9. Screening: All outdoor storage, including vehicles, machinery, and equipment, shall be screened from the public view as seen from any public roadway or from adjacent residential lots. Landscaping, fencing, and building orientation are acceptable methods to minimize the adverse visual impacts. (2010 Code amd. ord.16-007, 11-8-2016)
10. Noise: No use shall be permitted or conducted which creates noise, objectionable by reason of volume, pitch, intermittent, or frequency, which is audible at the boundaries of the site.
11. Other restrictions: Design should provide for all servicing of vehicles and equipment to be within structures, except for delivery of gas and other fluids.
12. Storage containers: Storage or cargo containers are not allowed to be used as a building in Light Industrial zones unless the applicant abides by the Building Bonus process in [9-7-10](#) of this title. (ord. 22-002, 5-10-2022)

#### **9-7-7: ROS RECREATION OPEN SPACE:**

- A. **Purpose:** To preserve areas for land uses requiring substantial areas of open land and substantially free from structures, roads, and parking lots, while permitting recreational pursuits such as ski runs, parks, golf courses and trails. Public or private recreational facilities are suitable uses in this district; provided that such uses maintain the open, undeveloped character of the land.
- B. **Permitted Uses:** Only the following uses are permitted in the ROS zone:  
Multi-use roads and trails for OHVs, biking, hiking, and equestrian use (motorized and non-motorized roads and trails).

Outdoor recreation, including golf courses, swimming facilities, riding or bridle paths, related facilities and uses, picnic areas, tennis courts.

Parks, playgrounds, and other open recreational facilities.

Ski runs and ski lifts, tubing parks, mountain bike parks and non-motorized trails.

Unpaved maintenance roads. (2010 Code, amd. ord. 15-004, 04-28-2015)

C. **Conditional Uses:** The following uses are conditional and require a conditional use permit:

Buildings and parking related to permitted uses, such as stalls, shelters, ticket booth, pavilion, clubhouse, or warming hut, with maximum building area of one thousand five hundred (1,500) square feet.

Recreational vehicle parking and campground facilities (ord. 21-006, 05-25-21)

Rental of horses with horse boarding permit. (2010 Code, amd. ord. 15-004, 04-28-2015)

D. **Physical Restrictions:** The restrictions below shall be considered minimum, and more restrictive standards may be prescribed as conditions of a conditional use permit for any use:

1. Minimum lot area: Twenty-one thousand seven hundred eighty (21,780) square feet (1/2 acre).
2. Minimum frontage: Fifty feet (50').
3. Minimum setbacks: Front, twenty-five feet (25'), side and rear, twenty feet (20').
4. Maximum height: Thirty-five feet (35') for peaked roof, twenty-five feet (25') for flat roof.
5. Density: Not applicable.
6. Maximum building coverage: Ten percent (10%) of lot area.
7. Minimum Undisturbed Area: Fifty percent (50%) of lot area, unless an alternate plan is approved by the Planning Commission which satisfies the intent of [9-12-3\(J\)](#). (ord. 21-006, 05-25-21)
8. Minimum landscaping: Seventy five percent (75%) of the lot area shall be landscaped per section [9-12-5](#) of this title, with every effort to preserve existing vegetation (undisturbed area counts toward landscaping requirement). (amd. ord. 21-006, 05-25-21).
9. Parking and loading: In accordance with section [9-12-15](#) of this title. (ord. 08-016, 8-12-2008)

#### **9-7-8: COS CONSERVATION OPEN SPACE:**

- A. **Purpose:** To identify and preserve land that is, by virtue of ownership or easement, precluded from development, and to preserve the historic and natural beauty of those areas. Qualifying land includes property owned by a governmental entity, or parcels for which a scenic or conservation easement has been granted to a governmental entity, land trust or conservation organization.
- B. **Permitted Uses:** Only the following uses are permitted in the COS zone:
- Conservation areas.
  - Recreational trails.
  - Ski lifts (limited to towers and terminals)
  - Waterways, streams, lakes, water features.
- C. **Conditional Uses:** The following uses are conditional and require a conditional use permit:
- Bridges over natural vegetation and water features to preserve open space.
  - Public Restrooms.
- D. **Restrictions:** All lands are to remain free of structures other than those specifically mentioned above.

#### **9-7-9: C CIVIC:**

- A. **Purpose:** The Civic zone C is intended to provide areas for the location and establishment of facilities which are maintained in public and quasi-public ownership. This zone is intended to provide immediate recognition of such areas on the official Zoning Map of the Town, and to reduce the affect which the location of these facilities may have upon neighborhoods in residential, commercial, or industrial areas. Typical uses permitted in the C zone are public schools, public parks, hospitals, airports, public utilities, public equipment storage areas, municipal offices and meeting halls, and public shop areas. Though some of these uses will be allowed in other zones to initially accommodate public facilities in appropriate areas without undue difficulty, it is intended that the C zone would then be applied to all such facilities for ease of recognition and minimizing impacts. (amd. ord. 22-008, 7-26-22)

**B. Permitted Uses:** Only the following uses are permitted in the C zone:

Cultural activities and nature exhibits (public only).

Forest reserves (public only).

Governmental services.

Public school facilities.

Recreational activities (public only).

Public Parking lots. (ord. 22-008, 7-26-22)

**C. Permitted Accessory Uses:** Accessory uses, and structures are permitted in the C zone, provided they are incidental to, and do not substantially alter the character of the permitted use or structure, including, but not limited to, the following:

Accessory buildings such as garages, carports, bath houses, green houses, gardening sheds, recreation rooms, and similar structures which are customarily used in conjunction with and incidental to a principal use or structure.

Detached single-family residence used only for the use of a caretaker, watchman or similar employee of a permitted use, when located upon the same site as said permitted use, i.e., RV park camp host.

Fishing activities.

Swimming pool.

Nothing herein shall be construed to permit the open storage of materials or equipment used in conjunction with permitted uses. All such materials or equipment shall be screened from view from public or private streets.

**D. Conditional Uses:** The following businesses are conditional uses and require a conditional use permit:

Airports, Heliports, and general aircraft flying fields.

Ambulance services.

Cemetery.

Combination utilities company storage yards and equipment storage.

Communications.

Golf courses.

Group or organized camps.

Hospitals.

Parks.

Religious activities.

Public Utilities and Supporting Facilities

(2010 Code, amd. ord. 15-004, 04-28-2015)

**E. Physical Restrictions:**

1. Minimum lot area: Ten thousand eight hundred ninety (10,890) square feet ( $\frac{1}{4}$  acre).
2. Minimum frontage: Fifty feet (50').
3. Minimum setbacks:
  - a. Front: twenty-five feet (25');
  - b. Side and rear: ten feet (10') (adjoining L-1 property); or twenty feet (20') when adjoining property in all other zones.
4. Maximum height: forty feet (40') for peaked roof, thirty feet (30') for flat roof. (ord. 11-007, 6-28-2011)
5. Maximum building coverage: fifty percent (50%) of lot area.
6. Minimum landscaping: Twenty percent (20%) of lot area shall be landscaped per section [9-12-5](#) of this title, with every effort to preserve existing vegetation. (amd. ord. 22-008, 7-26-22)
7. Screening: All outdoor storage, including vehicles, machinery, and equipment, shall be screened from the public view as seen from any public roadway. Landscaping, fencing, and building orientation are acceptable methods to minimize the adverse visual impacts.
8. Parking and loading: In accordance with section [9-12-15](#) of this title.
9. Noise: No use shall be permitted or conducted which creates noise objectionable by reason of volume, pitch, intermittence, or frequency which is audible at the boundaries of the site.
10. Other restrictions: No service facilities may be located within setbacks. Design should provide for all servicing of vehicles to be within structures, except for delivery of gas and other fluids. (amd. ord. 21-006, 05-25-21).

**9-7-10: ANNEXED TRANSITION:**

- A. Purpose: The AT(Annexed Transition) zone is intended as a holding zone for newly annexed areas where the future land use is not determined at the time of annexation. It is further intended to retain and protect properties for future development which are undeveloped or underdeveloped and do not have adequate facilities developed, such as sanitary sewer,



water, drainage, and streets. The zone allows for the continuation of legally established (pre-existing non-conforming) uses and the establishment of uses compatible with the General Plan designation and zone criteria.

- B. Permitted Uses: The following uses, when developed under the applicable development standards in this zoning ordinance, are permitted in the AT zone:

Lawful uses existing on a property at the time of the effective date of this zone.

Animal grazing, limited to horses, cattle, sheep, and goats and including their supplementary feeding, providing such grazing is not a part of, nor conducted in conjunction with any dairy, livestock feed yard, livestock sales yard or commercial riding academy located on the premises.

Single-family dwellings on tracts of land which contain five acres or more. No more than one such dwelling shall be permitted on one lot regardless of the size of the lot.

- C. Physical Restrictions:

1. Lot Area Requirements: Property in this zone shall remain the same size or lot area as it existed at the time of annexation. There is no minimum or maximum lot size for this zone. Pre-existing legally created lots of record that exist at the time of annexation will be recognized by the Town for purposes of sale. Subdivision of property is not permitted in this zone. The property must be re-zoned to allow further subdivision.

2. All other physical restrictions are the same as R-1 Single Family Residential.

Ord. 24-006, 5-24-24

## **9-7-11: BUILDING BONUSES:**

- A. Except as provided under paragraph B below, single family and two-family structures as permitted in sections [9-7-1](#) and [9-7-2](#) of this title are not required to follow section [9-12-5](#) (as it relates to backyard landscaping plans so long as the landscaping remains “affordable”, remains water efficient, and attempts to keep as many trees on the property as possible to conform with the spirit of living in a rustic alpine resort town) [9-12-7-B](#), or [9-12-7-F](#) of this title.

1. An owner who wishes to build a dwelling unit larger than what is allowed in Section 9-7-1 and 9-7-2, or an owner who wishes to build a container dwelling unit, may submit a Bonus Request to do so, provided that the Owner requests the Town to apply Sections [9-12-5](#), [9-12-7B](#) (Exterior Walls) and [9-12-7F](#) (Windows) of this title to their

property for larger residential homes. For container dwelling units, an owner must request Section [9-7-10C\(3\)](#) of this title.

- a. In doing so, Brian Head Town will require a signed and notarized Bonus Request Statement between the Town and the legal property owner agreeing that the Town will grant a larger home so long as the property owner agrees to abide by the Design and Building Standards listed in this code. The Town has a notary onsite and will provide a standard request form for owners to help with the process.
- b. The Town will require proof of ownership or title to the property.
- c. Upon the Town's receipt of the requested Bonus Statement listed in (a) above, all Design Standards listed in Section [9-12](#) of this title will apply to the selected property. If the Requested Bonus Statement is incomplete, altered, or has any other defect not listed here, it will be deemed invalid, and the request will not be granted.
- d. After receipt of the signed and notarized Bonus Request Statement, the Town will record the statement with Iron County Recorder's office. Failure to record a requested statement has no effect on the Town's authority to enforce regulations against a property owner for which a Bond Request has been received.
- e. If the property owner is found to have violated the signed Bonus Request Statement, the Certificate of Occupancy may be withheld until all provisions are in compliance with the Town's standards and regulations.

**B. The following bonuses shall be granted** if Section A above is appropriately complied with:

1. For Single-Family Residential Zones (R-1) as referred to in [9-7-1](#) of this title:
  - a. Building Height: Increased up to forty-five feet (45').
  - b. Building coverage including garages, patios: Increased up to 40% of the lot area.
2. For Medium-Family Residential Zones (R-2) as referred to in [9-7-2](#) of this title:
  - a. Building Height: Increased up to fifty feet (50') for peaked roofs and thirty five feet (35') for flat roofs.
  - b. Building coverage including garages and patios increased up to forty percent (40% of the lot area).
3. For container dwelling units in R-1 and R-2 zones only:
  - a. No more than 25% of the overall structure shows the metal walls of the storage container:

- i. The metal of the storage container that is visible must be painted with premium, exterior, rust-resistant paint, and color matched to soil or vegetation on the property which the container will sit on. The paint color shall strive to make the storage container blend into the surroundings and maintain the rustic feel of Brian Head.
  - b. A minimum of 75% of the dwelling unit (not including windows) must be made of cladding requirements in section [9-12-7F](#) (Exterior Walls) of this title.
  - c. Windows and Doors: Windows and doors should be trimmed or framed by wood, timber, wood shutters, stone or wood lintels and sills that are of a scale, color and mass that reflect styles of a mountain resort community. Windows shall comply with section [9-12-7B](#) (Windows) of this title. Doors: Container doors must be covered to camouflage the raw storage container door made of metal and roads. All door designs are subject to the Zoning Administrator's approval.
  - d. Roof Pitch: The roof pitch should be a 2-12 to 12-12. The Mountain Modern style may be allowed. An entirely flat roof with no pitch shall not be allowed.
  - e.
  - f. Roof Colors: The roof color must have a LRV of less than 30 and must complement the rest of the dwelling unit.
  - g. Landscaping: Landscaping requirements remain the same as identified in [chapter 7](#) of this title.
4. Container Buildings in Village Commercial (VC), General Commercial (GC) and Light Industrial (IL) zones only.
- a. No more than 25% of the overall structure shows metal walls of the storage container.
    - i. The metal of the dwelling unit that is visible must be painted with premium, exterior, rust-resistant paint and the color matched to soils or vegetation on the property which the dwelling unit will be located. The paint color shall strive to make the dwelling unit blend into the surroundings and maintain the rustic feel of Brian Head Town.
  - b. A minimum of 75% of the dwelling unit (not including windows) must be made of cladding requirements found in section [9-12-7B](#) (Exterior Walls) of this title.
  - c. Windows and Doors: Windows and doors should be trimmed or framed by wood, timber, wood shutters, stone or wood lintels and sills that are of a scale, color and mass that reflect styles of a mountain resort community. Windows shall

comply with section [9-12-7B](#) (Windows) of this title. Doors: The storage container door is prohibited and must be changed or shielded to reflect the style of a mountain resort community.

- d. Roof Pitch: The roof pitch should be 2:12 to 12-12. The Mountain Modern style may be allowed. An entirely flat roof with no pitch shall not be allowed.
- e. Roof Colors: The roof color must have an LRV of less than 30 and must complement the rest of the dwelling.
- f. Landscaping: Landscaping requirements remain the same as listed in [Chapter 7](#) of this title.

(ord. 22-004, 5-10-2022)

## **9-7-12: CCOD COMMERCIAL CORE OVERLAY DISTRICT**

- A. Purpose Statement:** The purpose of the Commercial Core Overlay District is to guide development in the commercial core in a manner that achieves the aesthetics desired in a mountain resort community and improves the first impression of the town. This overlay district employs stricter design standards in order to achieve the Town's goals in return for relaxing other standards that may not be as critical to the Town's goals specifically in the commercial core.
- B. District Locational Criteria:** The Commercial Core Overlay District will be identified on the Zone District map as prescribed in Chapter 6 of this title. Areas covered by the district are characterized by the following:
  - 1. Uses compatible with mountain resort-complimentary commercial and residential activity.
  - 2. Located adjacent to transportation corridors; and
  - 3. Frequented by guests and visitors to the Town.
- C. Permitted Uses:** The uses specified as permitted uses set forth in this chapter for the underlying zone shall be permitted uses and no other.
- D. Eligibility for District:** Applicants proposing a project under the allowances and requirements of the Commercial Core Overlay District should make application according to the requirements outlined in Chapter 4 of this Title and state on their application that they intend to develop under the requirements of the overlay district rather than the underlying zone. The designated review authority shall determine eligibility of the

application to be considered under the overlay district regulations according to the following standards:

1. The proposed use and development is consistent with the Town General Plan
2. The proposed use and development enhances the character of the overlay district, as set forth in the purpose of the overlay district, in a manner which could not be reasonably achieved under the regulations and standards of the underlying zone
3. The proposed use and development strictly adheres to or exceeds the enhanced design standards set forth in this section

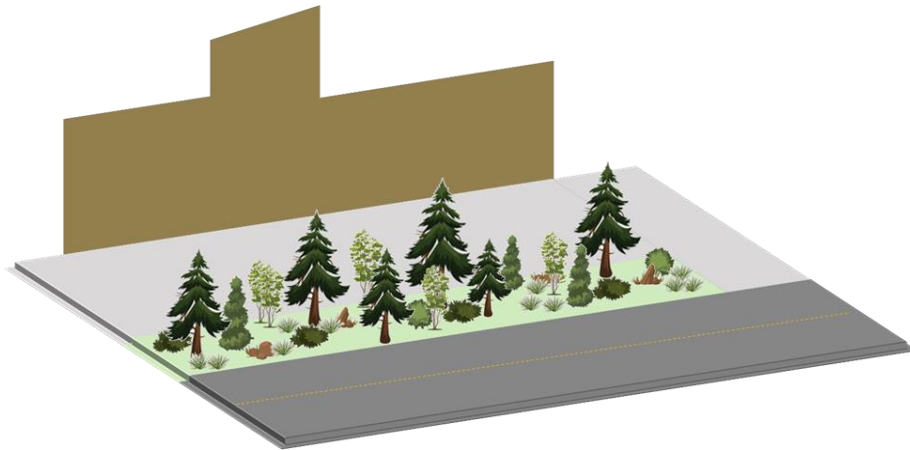
**E. Conditional Uses:** The uses specified as conditional uses set forth in this chapter for the underlying zone shall be conditional uses and no other.

**F. Physical Restrictions:** The physical restrictions specified as set forth in this chapter for the underlying zone shall be applied unaltered in this overlay district with the following exceptions:

1. Minimum Landscaping: Minimum requirement may be reduced to 20% in L-1, R-1 and R-2 underlying zones and may be reduced to 25% in R-3 and GC underlying zones. Minimum requirement remains unaltered in all other zones.

**G. Design Standards:** The Design Standards specified as set forth in [chapter 12](#) of this title shall be applied unaltered in this overlay district with the following exceptions:

1. Landscaping: Landscaping shall be incorporated along frontages between any buildings, structures or parking area and the public right-of-way to achieve enhanced screening. Landscaping used for screening shall consist of mature trees and shrubs, varied in height but a minimum of six (6) feet in height and four (4) inches in trunk diameter for trees. While landscaping intended for screening does not need to completely block buildings and parking area from sight, it shall be of sufficient density to render any structures significantly less imposing on views from the right-of-way. Evergreen trees shall be used predominantly to ensure that screening is effective year-round. Spacing between the foliage of mature trees shall be no greater than four (4) feet with shrubs interspersed in the spaces between and beneath tree foliage, except where driveways and walkways intersect the frontage. Placement of trees and shrubs shall be staggered and varied to avoid unnaturally linear appearance of vegetation. Enhanced landscaped areas shall not be designated for snow storage. Landscape screening shall not impede visibility for drivers entering and exiting driveways.
2. Landscape Maintenance. The developer or applicant shall maintain the landscaping plan as originally approved and may be required to provide a financial guarantee for replacement of plant materials that have died, for a period of two (2) years from the issuance of a certificate of occupancy or certificate of completion.



*Example of Enhanced Landscaping Requirement required by 9-7-11(G)(1)*

(ord. 22-004, 5-24-22)

### **9-7-13: ASPEN MEADOWS MOUNTAIN ZONING OVERLAY DISTRICT (MZOD)**

- A. Purpose Statement: The purpose of the Mountain Zoning Overlay District is to guide development in the Aspen Meadows area consistent with the master plan contemplated in the Aspen Meadows Annexation & Development Agreement. This overlay district allows certain deviation from standards in underlying zones in exchange for guarantees to the Town included in the annexation and development agreement.
- B. District Locational Criteria: The Aspen Meadows Mountain Zoning Overlay District will be identified on the Zone District Map as prescribed in Chapter 6 of this title.
- C. Eligibility for District: All applicants proposing development of properties located entirely within the Aspen Meadows Mountain Zoning Overlay District boundary are eligible for allowances under this section.
- D. In addition to the allowances in the underlying zones, the following allowances and restrictions are made:
  - 1. Single Family Residential Zone
    - a. Conditional Uses – Mother-in-law/guest house accessory use are not to exceed 2,500 square feet.
    - b. Physical Restrictions

- I. Maximum Height: Thirty-five (35') with town requirement, acknowledge, and notary of a required Bonus Request Statement.
- II. Maximum Building Coverage: Each individual building lot in Aspen Meadows is made up of three (3) zones; the development envelope zone, the driveway corridor zone, and the natural open space zone. Building coverage is measured by total site coverage which cannot exceed 20% of the total individual lot size measured in square feet and as identified within the Aspen Meadows development envelope zone only per individual lot.
- III. Driveways: Minimum five-foot (5') setback from the side corners at road frontage or all driveway edging, pavement, or other surface materials. Minimum with allowed twelve feet (12').

## 2. Village Commercial Zone

### a. Physical Restrictions

- I. Maximum Height: Additional heights may be applied for taking into account, design, uses, massing, stepping, commercial and residential mix and ceiling heights such as found within an anchor hotel. This condition applies to only one of the two envisioned Villages, being the Art Village for Aspen Meadows.

## 3. Recreation Open Space Zone

### a. Uses

- I. Outfitter Cabins, Ski Lodges and other resort-planned support buildings may exceed 1,500 SF in size, per Development Agreement.
- II. Horse boarding is allowed.
- III. Permitted accessory uses: Detached or attached single-family residence used only for the use of ranch / outfitter caretaker, watchman or similar employee of a permitted use, when located upon the same site as said permitted use.

## 4. Design Standards

- a. Use of storage or metal cargo containers for either permanent or temporary residential use is not allowed within Aspen Meadows. Tents, yurts, temporary structures, or storage needs allowed for use only by the declarant for planned resort amenity site specific uses and development purposes such as planned events, on-hill skier-hubs, field office use or stage of materials on site.
- b. Perimeter fencing allowed throughout Aspen Meadows development and its boundaries for purposes of providing security, controlled access points and ongoing monitoring and prevention of unauthorized access onto property. All public access points to be controlled, marked, and designated for hiking and mountain bike access only into and out of property together with controlled main public road access points. For fencing standards allowed within Aspen Meadows, refer to the Aspen Meadows Design and Development Guidelines.