

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PITKIN COUNTY, COLORADO ADOPTING TEXT AMENDMENTS TO THE 2006 PITKIN COUNTY LAND USE CODE, TITLE 8 OF THE PITKIN COUNTY CODE

- **CREATING SECTION 3-40-170, BC-O (BRUSH CREEK MASTER PLAN AREA OVERLAY ZONE DISTRICT); SECTION 3-40-180, E-O (EMMA MASTER PLAN AREA OVERLAY ZONE DISTRICT); SECTION 3-40-190, VCLS-O (VALLEYS OF CAPITOL CREEK AND LOWER SNOWMASS CREEK MASTER PLAN AREA OVERLAY ZONE DISTRICT); AND SECTION 3-40-160, BUGB-O (BASALT URBAN GROWTH BOUNDARY OVERLAY ZONE DISTRICT);**
- **AMENDING SECTION 3-20-20 TO ESTABLISH THE BASALT URBAN GROWTH BOUNDARY AND ASPEN URBAN GROWTH BOUNDARY MAPS; AND**
- **AMENDING SECTIONS 3-70-40, TABLE 5-1.A, TABLE 5-1.B, 6-50-20, AND TABLE 6-12 TO IMPLEMENT A 9,250 SQUARE FOOT FINAL MAXIMUM FLOOR AREA LIMITATION COUNTY-WIDE**

ORDINANCE No. 036-2023

RECITALS

1. Pursuant to 30-35-301 C.R.S., the Board of County Commissioners (“BOCC”) of Pitkin County, a home rule county, is authorized to make and publish ordinances for carrying into effect or discharging the powers and duties conferred upon such counties by law and as seems necessary.
2. Pursuant to Section 2.8.1 of the Home Rule Charter (“HRC”), the BOCC is authorized to take official action by Ordinance for certain matters where action is prescribed pursuant to the Colorado Revised Statutes as amended.
3. The Pitkin County Community Development Department has proposed Land Use Code Text Amendments to create Overlay Zone Districts, as follows:
 - A. Land Use Code Text Amendment to create Section 3-40-170 Brush Creek Master Plan Area Overlay Zone District (“BC-O”) to implement recommendations of the 2022 Brush Creek Master Plan to limit the final maximum floor area for residential development within the Brush Creek Master Plan Area to 5,750 square feet.
 - B. Land Use Code Text Amendment to create the Section 3-40-180 Emma Master Plan Area Overlay Zone District (“E-O”) to implement the recommendation of the 2016 Emma Master Plan to limit the final maximum floor area for residential development within the Emma Master Plan Area to 8,250 square feet.

- C. Land Use Code Text Amendment to create the Section 3-40-190 Valleys of Capitol Creek and Lower Snowmass Creek Master Plan Area Overlay Zone District (“VCLS-O”) to implement certain recommendations of the 2023 Valleys of Capitol Creek and Lower Snowmass Creek Master Plan to limit the final maximum floor area for residential development within the Valleys of Capitol Creek and Lower Snowmass Creek Master Plan Area to 5,750 square feet.
 - D. Land Use Code Text Amendment to create the Section 3-40-160 Basalt Urban Growth Boundary Overlay Zone District (“BUGB-O”) to limit the final maximum floor area for residential development within the unincorporated area within the Basalt Urban Growth Boundary to 5,750 square feet.
4. The Pitkin County Community Development Department has also proposed Land Use Code Text Amendments to amend the final maximum floor area in unincorporated Pitkin County to 9,250 square feet, unless an area is subject to a more restrictive zone district standard or overlay zone district.
 5. The Pitkin County Planning and Zoning Commission considered the proposed amendments at a regularly scheduled meeting on October 17, 2023, and recommended approval of the amendments and certified the zoning plan to the BOCC by a vote of 5-1-1, pursuant to Resolution No. PZ-006-2023.
 6. The BOCC considered and approved the Ordinance on first reading at a public meeting on October 25, 2023. The BOCC adopted the Ordinance on second reading at a duly noticed public hearing on November 15, 2023.
 7. The BOCC finds that the proposed text amendments to create Overlay Zone Districts are consistent with Sections 2-30-40(i) and 2-40-10(c) of the Pitkin County Land Use Code (“Code”), the Land Use Policies in the Code, the applicable Master Plan and the Pitkin County Comprehensive Plan, as follows:
 - A. The Brush Creek Master Plan Area Overlay Zone District (“BC-O”) is supported by and is intended to implement the Brush Creek Master Plan’s objective under 1.3 for Growth Management/House Size: “Maintain the rural character of the Brush Creek Valley by encouraging lower density, conservation-oriented and planned unit development, while acknowledging that larger lots and homes, which are not visible from Brush Creek Road, are part of its character.” Additionally, the first action item under this objective reads, “To address, among other things, water capacity issues, including but not limited to the IBC requirement to provide fire protection sprinkler systems for homes exceeding 5,000 square feet, limit house size to 5,750 square feet and prohibit the use of transferable development rights to increase house size.”
 - B. The Emma Master Plan Area Overlay Zone District (“E-O”) is supported by and is intended to implement the Emma Master Plan’s objective under 1.2 for Residential Development Goal: “It is the goal of this master plan, in keeping with the Caucus opinion survey, that all future residential development in the Emma Caucus Area be consistent with and complimentary to the rural character of the area. The natural environment

should dominate a person's experience of the area. To achieve this and sustain the viability of our year-round resident occupied community, we strongly recommend extremely low density, single-family residential housing of moderate size and bulk." Additionally, the first implementation measure under this objective reads, "The Caucus strongly supports the existing house size (floor area) limitation of 5,750 square feet (as "floor area" is defined in the Land Use Code). Under exceptional circumstances, floor area in the Caucus area may be increased to a maximum of 8,250 square feet through the use of one TDR or through growth management competition..." The E-O furthers the final maximum floor area limitation that is codified in Land Use Code Chapter 5, Table 5-1.A Note 11, which states: "In the Emma Caucus area, the final maximum floor area shall be 8,250 square feet."

- C. The Valleys of Capitol Creek and Lower Snowmass Creek Master Plan Area Overlay Zone District ("VCLS-O") is supported by and is intended to implement the Valleys of Capitol Creek and Lower Snowmass Creek Master Plan's objective under Section IV for Residential Development: "All residential development in the Snowmass-Capitol Creek Caucus area should be consistent with and complimentary to the rural character of the area. The natural environment should dominate a person's experience of the valley. To this end, our caucus strongly advocates that single-family residential housing be of moderate size and bulk and are compatible with the size of lots on which they are built." Additionally, the first implementation measure under this objective reads, "With respect to Transferable Development Rights (TDRs), the Snowmass-Capitol Creek Caucus supports the creation and export of TDRs from the Caucus area. We do not support the use of TDRs generated within or outside of the Caucus area to increase house size above 5,750 square feet."
 - D. The Basalt Urban Growth Boundary Overlay Zone District ("BUGB-O") is established to support and maintain the transition between urban areas and rural character within the County. The BUGB-O further the final maximum floor area limitation that is codified in Chapter 5, Table 5-1, Note 11, which states, "...within the Basalt Urban Growth Boundary, the final maximum floor area shall be 5,750 square feet."
8. The BOCC further finds that the proposed text amendments to reduce the final maximum floor area from 15,000 square feet to 9,250 square feet County-wide, unless subject to a more restrictive zone district standard or overlay zone district, are consistent with the Pitkin County Comprehensive Plan, Sections 2-30-40(i) and 2-40-10(c) of the Code, and the Land Use Policies in the Code, as follows:
- A. It advances the welfare of the community and the dominant policy of the county as stated in the Section 1-60-30, Community Balance, "to conserve and protect from further degradation the present natural environment and its resources."
 - B. It is supported by and is intended to implement the Pitkin County Comprehensive Plan, which supports enactment of further limitations on final maximum floor area as a means to address climate action and preservation of rural character.
 - C. It addresses the BOCC's Declaration of a Climate Emergency (BOCC Resolution No. 042-2021), which established Climate Action goals to reduce annual emissions by 90%

from 2019 levels by 2050 and require all new residential development be net zero by 2030.

- D. It addresses the BOCC’s vision to address increasing impacts from growth and development on the community: *Utilize growth management and the Land Use Code (LUC) to meet our climate action goals while creating an equitable, sustainable and resilient regional quality of life and economy for the future.*
 - E. The BOCC identified the Land Use Code as a tool to “meet our climate action goals while creating an equitable, sustainable and resilient regional quality of life and economy for the future.”
 - F. The Community Growth Advisory Committee (“CGAC”), convened by the BOCC, approved a Final Report of Recommendations on May 17, 2023. One of the recommendations, among many, from the report is to “Implement a square footage cap of 8,750 in unincorporated Pitkin County and 9,250 in the UGB (unless caucus or allowable floor area designates smaller).”
9. The provisions of this Ordinance shall apply to all development of a new, or redevelopment of an existing, residential structure, requiring a building permit, including all new structures, any remodeled structures, any additions to existing structures and any replacement structures, unless specifically exempted by a provision of this Land Use Code.
10. The provisions of this Ordinance shall not apply to:
- A. Development applications submitted on or before November 15, 2023, and determined by the Community Development Department to be complete, pursuant to Sec. 2-20-70.
 - B. Site Specific Development Plans of the kind and type specifically enumerated and identified in PCLUC, Sec. 2-20-170 vested beyond the effective date of this Ordinance, which specifically identify, in the underlying development permit/approval, a floor area that exceeds the final maximum floor area set forth in the Ordinance, subject to the following:
 - 1) The definition of floor area in effect at time of building permit shall apply as a rule of general applicability;
 - 2) If no floor area was specifically identified in the development permit for the Site Specific Development Plan, the final maximum floor area adopted in this Ordinance, or any amendment thereto, applies to the property; and
 - 3) Upon the expiration of the vesting period identified in the development permit/approval, the final maximum floor area adopted in this Ordinance, or any amendment thereto, shall be fully applicable to the property.

C. Unexpired GMQS Allotments Awarded Prior to May 13, 2020

- 1) If the property owner can demonstrate that the commitments made in the application for the allotment have been satisfied, then the property in issue shall be allowed to develop up to the floor area set forth in the development permit, provided that the definition of floor area in effect at time of building permit shall apply as a rule of general applicability.
 - 2) If the development allotment is associated with a Site Specific Development Plan approval that is statutorily vested, then “B” above shall apply.
11. The BOCC finds that adoption of this Ordinance is necessary for the immediate preservation of the public health, safety and welfare of the citizens of Pitkin County and, therefore, declares this Ordinance to be effective immediately upon adoption.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pitkin County, Colorado that it hereby adopts the following text amendments to the 2006 Pitkin County Land Use Code, Title 8 of the Pitkin County Code, and authorizes the Chair or the Chair’s designee to sign the Ordinance and upon the satisfaction of the County Attorney as to form, execute any other associated documents necessary to complete this matter.

1. Create Section 3-40-170, BC-O for Brush Creek Master Plan Area Overlay Zone District attached hereto as *Exhibit A*.
2. Create Section 3-40-180, E-O for Emma Master Plan Overlay Zone District attached hereto as *Exhibit B*.
3. Create Section 3-40-190, VCLS-O for Valleys of Capitol Creek and Lower Snowmass Creek Master Plan Overlay Zone District attached hereto as *Exhibit C*.
4. Create Section 3-40-160, BUGB-O for the Basalt Urban Growth Boundary Overlay Zone District attached hereto as *Exhibit D*.
5. Amend Section 3-20-20: Urban and Rural Areas to include the current Basalt Urban Growth Boundary and the current Aspen Urban Growth Boundary (as specified in the West of Maroon Creek Master Plan) in Figure 3-1: Map Of Urban Growth Boundary Areas Within Pitkin County, attached hereto as *Exhibit F*.
6. Amend the following sections of the Land Use Code to implement a final maximum floor area of 9,250 square feet for all lands within unincorporated Pitkin County, unless subject to a more restrictive zone district standard or overlay zone district:
 - A. Amend Section 3-70-40: CD-PUD (Conservation Development PUD) to include the Overlay Zone Districts and the 9,250 square foot final maximum floor area, attached hereto in *Exhibit G*.
 - B. Amend Table 5-1.A: Dimensional Requirements for Rural and Conservation Zone Districts to establish the 9,250 square foot final maximum floor area and update Note 11 to include the Overlay Zone Districts, attached hereto in *Exhibit H*.

- C. Amend Table 5-1.B: Dimensional Requirements Urban/Suburban Residential Zone Districts Other Than Affordable Housing Districts to establish the 9,250 square foot final maximum floor area, attached hereto in *Exhibit I*.
- D. Amend Section 6-50-20: Standards For Scoring Applications For Residential Allotments, Table 6-6 Points Schedule for Reduction of Visible Mass - Final Maximum Floor Area, to adjust the percentage reductions required to score points, attached hereto in *Exhibit J*.
- E. Amend Table 6-12: TDR Table to include the Overlay Zone District final maximum floor area limitations, attached hereto in *Exhibit K*.

INTRODUCED ON FIRST READING ON THE 25TH DAY OF OCTOBER, 2023.

NOTICE OF PUBLIC HEARING AND TITLE AND SHORT SUMMARY OF THE ORDINANCE PUBLISHED IN THE ASPEN DAILY NEWS ON THE 26TH DAY OF OCTOBER, 2023.

NOTICE OF PUBLIC HEARING AND THE FULL TEXT OF THE ORDINANCE POSTED ON THE OFFICIAL PITKIN COUNTY WEBSITE (www.pitkincounty.com) ON THE 2ND DAY OF NOVEMBER, 2023.

APPROVED AND ADOPTED ON SECOND READING AT A PUBLIC HEARING ON THE 15TH DAY OF NOVEMBER, 2023.

PUBLISHED BY TITLE AND SHORT SUMMARY, AFTER ADOPTION, IN THE ASPEN DAILY NEWS ON THE 23RD DAY OF NOVEMBER, 2023.


POSTED BY TITLE AND SHORT SUMMARY ON THE OFFICIAL PITKIN COUNTY WEBSITE (www.pitkincounty.com) ON THE 16TH DAY OF NOVEMBER, 2023.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF PITKIN COUNTY, COLORADO



Sam Engen
Deputy Clerk



Francie Jacober,
Chair

Date: Dec-11-2023

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Richard Y. Neiley III
Asst. County Attorney



Suzanne Wolff,
Community Development Director

Exhibits:

- A. Sec 3-40-170 Brush Creek Master Plan Area Overlay Text Amendment
- B. Sec 3-40-180 Emma Master Plan Area Overlay Text Amendment
- C. Sec 3-40-190 Valleys of Capitol Creek and Lower Snowmass Creek Master Plan Area Overlay Text Amendment
- D. Sec 3-40-160 Basalt UGB Overlay Text Amendment
- E. NOT USED
- F. Sec 3-20-20, Figure 3-1
- G. Sec 3-70-40, CD-PUD Zone District
- H. Table 5-1.A, Dimensional Requirements Rural Zones
- I. Table 5-1.B, Dimensional Requirements Urban/Suburban Residential Zone Districts Other than Affordable Housing Districts
- J. Sec 6-50-20, Standards for Scoring Applications for Residential Allotments
- K. Table 6-12, TDR Table

EXHIBIT A

3-40-170: BC-O (BRUSH CREEK MASTER PLAN AREA OVERLAY) ZONE DISTRICT

(a) Intent

The BC-O (Brush Creek Master Plan Area Overlay) zone district is intended to implement the recommendations of the Brush Creek Master Plan. A fundamental objective of the Master Plan is to preserve the rural character and maintain existing land use patterns to protect the natural landscape.

The Brush Creek Master Plan recommends that the final maximum floor area for residential development is 5,750 square feet; and does not support the use of TDRs to increase the house size above 5,750 square feet. The intent of the BC-O zone district is to implement a final maximum floor area limitation of 5,750 square feet for residential development to ensure that new residences which are built in Brush Creek are of moderate size and are compatible in character with surrounding development.

(b) Location Criteria

The BC-O zone district shall apply to all lands within the boundaries of the Brush Creek Master Plan Area. As an overlay district, the BC-O zone district applies in addition to any underlying zone district applied to the property. In the case of a conflict between the provisions of the BC-O zone district and the provisions of any underlying zone district the more restrictive standards shall apply.

(c) Final Maximum Floor Area

The final maximum floor area for all residential development on any lot or parcel zoned BC-O in the Brush Creek Master Plan Area shall be 5,750 square feet, as set forth in Note 11 in Table 5-1.A of this Land Use Code. In the case of a conflict between the provisions of the BC-O zone district and the provisions of any underlying zone district the more restrictive standards shall apply.

(d) Receiving Sites for Transferable Development Rights (TDRs)

Transferable development rights shall not be landed on any lot or parcel zoned BC-O in the Brush Creek Master Plan Area to obtain an exemption from GMQS for any floor area beyond the final maximum floor area of 5,750 square feet.

(e) Growth Management Quota System (GMQS)

Lands in the BC-O zone district in the Brush Creek Master Plan Area are subject to the GMQS.

However, a GMS allotment shall not be utilized to exceed the final maximum floor area of 5,750 square feet for the BC-O zone district.

EXHIBIT B

3-40-180: E-O (EMMA MASTER PLAN AREA OVERLAY) ZONE DISTRICT

(a) Intent

The E-O (Emma Master Plan Area Overlay) zone district is intended to implement the recommendations of the Emma Master Plan. The established vision for Emma in the Master Plan is to preserve traditional agricultural operations; protect the natural environment; and maintain low-density residential development that compliments the rural character of the Emma Master Plan Area.

The Emma Master Plan supports a base maximum floor area of 5,750 square feet for residential development that may only be increased to the final maximum floor area of 8,250 square feet “under exceptional circumstances” as determined through special review to utilize one TDR or through growth management competition. The intent of the E-O zone district is to implement a final maximum floor area limitation of 8,250 square feet for residential development under circumstances that ensure that new residences built in the Emma Master Plan Area are of moderate size and are compatible in character with surrounding development.

(b) Location Criteria

The E-O zone district shall apply to all lands within the boundaries of the Emma Master Plan Area. As an overlay district, the E-O zone district applies in addition to any underlying zone district applied to the property. In the case of a conflict between the provisions of the E-O zone district and the provisions of any underlying zone district, the more restrictive standards shall apply.

(c) Final Maximum Floor Area

The final maximum floor area for all residential development in the Emma Master Plan Area on any lot or parcel zoned E-O shall be 8,250 square feet, as set forth in Note 11 in Table 5-1.A of this Land Use Code. In the case of a conflict between the provisions of the E-O zone district and the provisions of any underlying zone district, the more restrictive standards shall apply.

(d) Receiving Sites for Transferable Development Rights (TDRs)

Transferable Development Rights shall not be landed on any lot or parcel zoned E-O in the Emma Master Plan Area to obtain an exemption from GMQS for any floor area beyond the final maximum floor area of 8,250 square feet.

(e) Growth Management Quota System (GMQS)

Lands in the E-O zone district are subject to the GMQS in the Emma Master Plan Area.

However, a GMS allotment shall not be utilized to exceed the final maximum floor area of 8,250 square feet for the E-O zone district.

EXHIBIT C

3-40-190: VCLS-O (THE VALLEYS OF CAPITOL CREEK AND LOWER SNOWMASS CREEK OVERLAY) ZONE DISTRICT

(a) Intent

The VCLS-O (The Valleys of Capitol Creek and Lower Snowmass Creek Overlay) zone district is intended to implement the recommendations of the Valleys of Capitol Creek and Lower Snowmass Creek Master Plan. A fundamental premise of the Master Plan is to protect and preserve the agricultural and rural character; sustain the rural quality of life; and ensure that development is subordinate to the beauty of the natural surroundings.

The Master Plan for the Valleys of Capitol Creek and Lower Snowmass Creek recommends that the final maximum floor area for all residential development is 5,750 square feet; and does not support the use of TDRs to increase the house size above 5,750 square feet. The intent of the VCLS-O zone district is to implement a final maximum floor area limitation of 5,750 square feet for residential development to ensure that new residences which are built in the Valleys of Capitol Creek and Lower Snowmass Creek are of moderate size and are compatible in character with surrounding development.

(b) Location Criteria

The VCLS-O zone district shall apply to all lands within the boundaries of the Valleys of Capitol Creek and Lower Snowmass Creek Master Plan Area. As an overlay district, the VCLS-O zone district applies to any underlying zone district applied to the property. In the case of a conflict between the provisions of the VCLS-O zone district and the provisions of any underlying zone district, the more restrictive standards shall apply.

(c) Final Maximum Floor Area

The final maximum floor area for all residential development on any lot or parcel zoned VCLS-O in the the Valleys of Capitol Creek and Lower Snowmass Creek Master Plan Area shall be 5,750 square feet, as set forth in Note 11 in Table 5-1.A of this Land Use Code. In the case of a conflict between the provisions of the VCLS-O zone district and the provisions of any underlying zone district, the more restrictive standards shall apply.

(d) Receiving Sites for Transferable Development Rights (TDRs)

Transferable development rights shall not be landed on any lot or parcel zoned VCLS-O in the the Valleys of Capitol Creek and Lower Snowmass Creek Master Plan Area to obtain an exemption from GMQS for any floor area beyond the final maximum floor area of 5,750 square feet.

(e) Growth Management Quota System (GMQS)

Lands in the VCLS-O zone district in the the Valleys of Capitol Creek and Lower Snowmass Creek are subject to the GMQS. However, a GMQS allotment shall not be utilized to exceed the final maximum floor area of 5,750 square feet for the VCLS-O zone district.

EXHIBIT D

3-40-160: BUGB-O (BASALT URBAN GROWTH BOUNDARY OVERLAY) ZONE DISTRICT

(a) Intent

The BUGB-O (Basalt Urban Growth Boundary Overlay) zone district is intended to implement a final maximum floor area limitation of 5,750 square feet for residential development to ensure that new residences which are built in unincorporated Pitkin County lands within the boundaries of the Basalt Urban Growth Boundary support and maintain the transition from urban to rural character within unincorporated Pitkin County.

(b) Location Criteria

The BUGB-O zone district shall apply to all unincorporated Pitkin County lands within the boundaries of the Basalt Urban Growth Boundary. As an overlay district, the BUGB-O zone district applies in addition to any underlying zone district applied to the property. In the case of a conflict between the provisions of the BUGB-O zone district and the provisions of any underlying zone district the more restrictive standards shall apply.

(c) Final Maximum Floor Area

The final maximum floor area for all residential development on any lot or parcel zoned BUGB-O in the Basalt Urban Growth Boundary shall be 5,750 square feet, as set forth in Note 11 in Table 5-1.A of the Pitkin County Land Use Code. In the case of a conflict between the provisions of the BUGB-O zone district and the provisions of any underlying zone district the more restrictive standards shall apply.

(d) Receiving Sites for Transferable Development Rights (TDRs)

Transferable development rights shall not be landed on any lot or parcel zoned BUGB-O in the Basalt Urban Growth Boundary to obtain an exemption from GMQS for any floor area beyond the final maximum floor area of 5,750 square feet.

(e) Growth Management Quota System (GMQS)

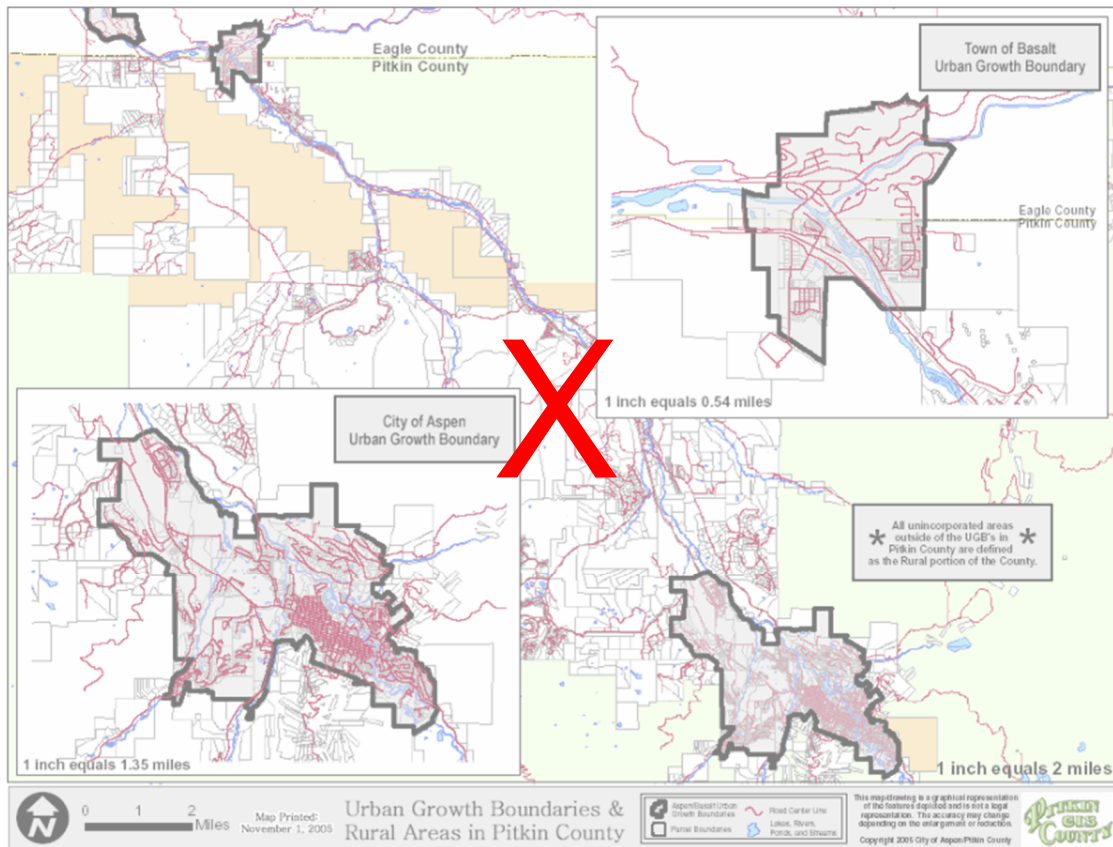
Lands in the BUGB-O zone district are subject to the GMQS. However, a GMQS allotment shall not be utilized to exceed the final maximum floor area of 5,750 square feet for the BUGB-O zone district.

EXHIBIT F

3-20-20: URBAN AND RURAL AREAS

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

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



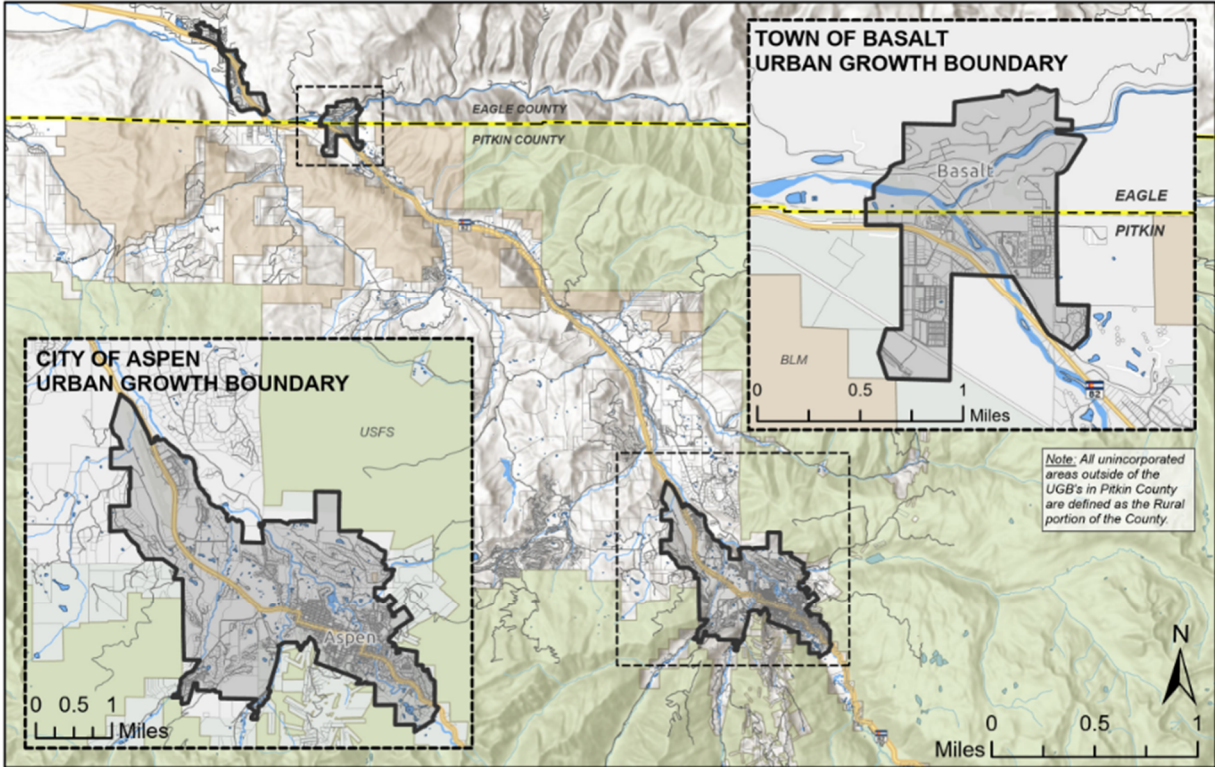


FIGURE 3-1:
MAP OF URBAN GROWTH AREAS WITHIN PITKIN COUNTY

Urban Growth Boundaries	USFS
Highway	BLM
Road Centerline	Water

Map Created By: Pitkin County
 Community Development, 10/9/2023

Pitkin County GIS presents the information and data as a service to the public. Every effort has been made to ensure that the information and data contained in this electronic system is accurate, but the accuracy may change depending on the engagement or reduction.

PITKIN COUNTY
 GEOGRAPHIC INFORMATION SYSTEM

EXHIBIT G

3-70-40 CD-PUD (CONSERVATION DEVELOPMENT PUD)

(a) Intent

- (1) Conservation Development PUD zone district allows for a variety of conservation development options, including low density, low intensity residential development or compatible rural commercial agricultural operations.
- (2) The purpose of this zone district is to allow residential and agriculturally related commercial uses that minimize impacts of construction, servicing and occupation of the residences to preserve the rural character of lands in this zone district. The zone districts seeks to limit the density and intensity of development thereby protecting existing onsite natural resources, preserving neighborhood rural character, decreasing employment generation which would occur with more intense development and otherwise limiting the demand for public services.

(b) Location Criteria

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

(c) A CD-PUD Development Plan

A CD-PUD Development Plan shall be approved concurrent with approval of a rezoning to the CD-PUD zone district.

(d) Use Restrictions

Lands within the CD-PUD zone district are limited to the following permitted and special review uses. Uses not listed are prohibited.

(1) Permitted Uses

- (a) Single family dwelling unit(s), together with associated accessory structures.
- (b) Farming or ranching. Under Development Option 1, Residential Development, farming or ranching shall be accessory to the primary residential use of the property, and any activities occurring on the

property, or uses of the property that would cause the properties to be classified as agricultural lands pursuant to Title 39, Colorado Revised Statutes, are prohibited. Under Development Option 2, Commercial Agricultural Development, and Option 3. Residential/Agricultural Development, farming and ranching must be conducted for the primary purpose of obtaining a monetary profit.

- (c) Agricultural buildings.
- (d) Agricultural stands.
- (e) Caretaker dwelling units.
- (f) Home occupations.
- (g) Public utilities, minor, which may be accessory to uses on other properties.
- (h) Satellite reception device.
- (i) Solar energy collector.
- (j) Trail

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

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

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

(3) Special Review Uses for Residential/Agricultural Development Option 3 Only

- (a) Agricultural housing
- (b) Cellular telephone facility or building-mounted cellular telephone antennae.
- (c) Horse boarding, Accessory (Non-commercial).
- (d) Micro Hydro Electric Energy System.
- (e) Public utilities, major.
- (f) Sewage disposal area or water plant.
- (g) Water crossing or diversion

(h) Wind powered electric generator.

(e) Development Standards

(1) General

All standards established in Chapters 5 and 7 of this Land Use Code shall apply within the CD-PUD unless modified as provided in subsection (3) below.

(2) Entire Parcel

An application for a CD-PUD Rezoning and Development Plan must include within the application the entirety of the un-subdivided parcel and adjacent parcels held in common ownership as configured on the 5th of July, 2006 sufficient to meet the minimum acreage requirement in Sec. 3-70-40(b). Adjacent parcels held in separate ownership may be aggregated to meet the minimum acreage requirement; if the CD-PUD is approved, the parcels shall be combined into one (1) ownership. Adjacent parcels acquired either subsequent to the 5th of July, 2006 or subsequent to establishment of a CD-PUD Plan may be added to an approved CD-PUD, subject to applicable approvals, which may include but not be limited to: Lot Line Adjustment, Merger, Rezoning and Growth Management Exemption pursuant to Section 6-30-100(a)(9).

(3) Height and Setbacks

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

(4) Siting

All development will be sited after a site specific analysis of the resources, scenic qualities, and constraints of the parcel in consideration and application of the policies and siting criteria contained in this Land Use Code. At a minimum, the CD-PUD Development Plan shall establish Activity Envelopes on the parcel. Concurrent with or following approval of the CD-PUD Development Plan, approval of a Site Plan(s) conforming to this Land Use Code shall be required for all development within the approved Activity Envelopes.

(f) Conservation Easement

The entirety of the property within the CD-PUD shall be encumbered by a Conservation Easement that runs to the benefit of Pitkin County. The Conservation Easement shall depict the Activity Envelopes where approved development may occur and the

Preservation Areas outside of the Activity Envelopes. The Conservation Easement shall ensure at a minimum that:

- (1) The Preservation Areas are preserved in perpetuity.
- (2) The Property is limited to those allowed and special review uses specified in the CD-PUD Plan, as may be amended from time to time.
- (3) The Property is restricted in perpetuity against any future division, subdivision (including *de facto* subdivision), partition of the Property into more than one parcel of land, whether by physical or legal process, or encumbering less than the entirety of the Property by deed of trust, and any attempt to do so may be set aside by a court of competent jurisdiction. At all times, the Property shall be owned and conveyed as a single parcel. Notwithstanding the foregoing, multiple parties may hold and own undivided interests in the Property as co-tenants or joint tenants.
- (4) In the case of CD-PUD utilizing Commercial Agricultural Development Option 2 or Residential/Agricultural Development Option 3, the conservation easement shall include provisions guaranteeing continued commercial agricultural practice and operations.

Land that has been previously encumbered by a conservation easement is eligible for consideration in an application for a CD-PUD rezoning and Development Plan.

(g) Choice of Development Options

In the CD-PUD application, the applicant shall choose either Development Option 1 - Residential Development or Development Option 2 – Commercial Agricultural Development, or Development Option 3 – Residential/Agricultural Development. An applicant who chooses to use Development Option 2 or 3 on the parcel may later choose to instead apply for an approval under Development Option 1. As part of the application for approval under Development Option 1, the applicant shall relinquish all rights to conduct any uses by special review available only under Option 2 or 3.

(h) Development Option 1: Residential Development

(1) Maximum Residential Density

- (a) There shall be no more than two (2) principal single-family dwelling units and two (2) caretaker dwelling units on the parcel within the CD-PUD; except if the parcel contains six hundred (600) acres of land or more, there shall be no more than three (3) principal single family dwelling units and two (2) caretaker dwelling units. An existing dwelling unit(s) may remain, but shall count towards the maximum residential density, either as one of the principal single family dwelling units or one

of the caretaker dwelling units, and shall also count towards the maximum floor area.

(2) Maximum Floor Area

(a) The total combined maximum floor area of all principal single-family dwelling units within the CD-PUD designation area shall be limited to ~~fifteen-nine~~ thousand ~~two hundred and fifty~~ (15,000~~9,250~~) square feet.

(b) ~~Certain Caucus area~~ If an Overlay Zone District has a final maximum floor area limitations of less than nine thousand two hundred and fifty (9,250) square feet, specified below shall apply as the maximum, with no individual, or combination of two or three principal single family dwelling units shall exceeding the Caucus area Overlay Zone District limitation.

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

~~(d) Within the Snowmass/Capitol Creek and Upper Snowmass Creek Caucus areas, the final maximum floor area for principal single family dwelling units shall be limited to eight thousand two hundred fifty (8,250) square feet.~~

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

(3) Growth Management Quota System (GMQS)

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

- (a) Eight thousand two hundred fifty (8,250) square feet of residential floor area for principal single family dwelling units.— Any Overlay Zone District floor area limitation of less than eight thousand two hundred fifty (8,250) square feet shall apply as the maximum growth management exemption for principal single-family dwelling unit floor area, with no individual, or combination of two or three principal single family dwelling units exceeding the Overlay Zone District limitation. Where codified Caucus limitations to final maximum floor area have been specified above, the Caucus area limitation shall apply as the maximum growth management exemption for principal single-family dwelling unit floor area, with no individual, or combination of two principal single-family dwelling units exceeding the Caucus area limitation.—On parcels containing less than six hundred (600) acres, floor area may be divided between two (2) single family dwelling units or used exclusively for one (1) single family dwelling unit. On parcels containing six hundred (600) acres or more, floor area may be divided between up to three (3) single family dwelling units or used exclusively for one (1) single family dwelling unit.
- (b) Two thousand five hundred (2,500) square feet of floor area for accessory structures, including agricultural buildings. This allowance may not be combined with the exemption in subsection (a) above to create larger principal structures.
- (c) One thousand (1,000) square feet of floor area for each caretaker dwelling unit. If there is one (1) single-family dwelling unit, only one caretaker unit is exempt from GMQS; if there are two (2) single family dwelling units, two caretaker units may be exempt from GMQS. This allowance may not be combined with the accessory structure exemption in subsection (c) above to create larger accessory structures or caretaker dwelling units; nor may it be combined with the exemption in subsection (a) or (b) above to create larger principal single-family dwelling units. No more than two (2) caretaker units shall be exempt from GMQS.

(4) Transferable Development Rights (TDRs)

- (a) TDRs from sending sites outside of the CD-PUD may not be used in the CD-PUD under Development Option 1. However, TDRs from within the CD-PUD may be used to increase the final maximum floor area of the principal single-family dwelling unit(s) from eight thousand two hundred fifty (8,250) square feet up to a total of fifteen-nine thousand two hundred and fifty (15,009,250) square feet of gross floor area exempt from GMQS, unless— an Overlay Zone District has a more restrictive final maximum floor area limitation. Where Caucus area limitations to final

~~maximum floor area have been codified, the Caucus area limitation shall apply as the maximum.~~

~~(b) Within the Frying Pan Caucus area, TDR's shall not be used to exceed the final maximum floor area of eight thousand (8,000) square feet.~~

(eb) TDRs may be severed and sold from lands located within the CD-PUD under Development Option 1. TDRs available for sale shall be calculated at one (1) TDR for each thirty five (35) acres included in the CD-PUD, but excluding the first one hundred sixty (160) acres that are developed pursuant to the standards for Option 1.

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

(5) Vested Rights

Approval of a CD-PUD under Development Option 1 shall be granted vested property rights pursuant to Sec. 2-20-170 for a period of twenty (20) years.

(6) Agricultural Property Tax Classification – Uses

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

(i) Development Option 2: Commercial Agricultural Development

If the Community Development Director verifies that a portion of the parcel included in the CD-PUD application is currently operating legal commercial agricultural uses, then the property may be developed with additional commercial uses as set forth below. In return for the availability of additional commercial agricultural uses, residential

development of the property shall be more limited than that allowed under Options 1 and 3.

(1) Special Review Uses

(a) Additional Uses Available

In addition to those uses by special review listed in Sec. 3-70-40(d)(2), if Development Option 2 is chosen, the applicant may request that the Board of County Commissioners approve any permitted or special review use listed in Table 4-1 that is (i) consistent with the existing agricultural operations on the property, and (ii) support the continuing existence of the existing agricultural operation on the property. Special review uses may be included in the application for approval by the Board as part of the CD-PUD, or may be requested after approval of the CD-PUD through the special review process in Sec. 2-40-20.

(b) Criteria for Approval of Special Review Uses

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

(c) Annual Review

The BOCC may require the Applicant to submit a statement annually to the Community Development Director attesting to the continued conformance of the special review use(s) to the conditions of approval.

(2) Maximum Residential Density

(a) There shall be no more than two (2) principal single-family dwelling units and two (2) caretaker dwelling units on the parcel within the CD-PUD; except if the parcel contains six hundred (600) acres of land or more, there shall be no more than three (3) principal single family dwelling units and two (2) caretaker dwelling units. An existing dwelling unit(s) may remain, but shall count towards the maximum residential density, either as one of the principal single family dwelling units or one

of the caretaker dwelling units, and shall also count towards the maximum floor area.

(3) Maximum Floor Area

- (a) ~~On parcels eligible for two (2) principal single family dwelling units, the combined final maximum floor area for said units shall be nine thousand two hundred and fifty (9,250) square feet. Each of the two principal single family dwelling units shall have a final maximum floor area of five thousand seven hundred fifty (5,750) square feet.~~ On parcels eligible for up to three (3) principal single family dwelling units, the combined final maximum floor area for said units shall not exceed ~~eleven-nine thousand, five-two hundred and fifty (11,5009,250)~~ square feet; and no individual unit shall contain more than five thousand seven hundred fifty (5,750) square feet of floor area. ~~Certain Caucus area floor area limitations specified below shall apply as the maximum, with no individual, or combination of two or three principal single family dwelling units exceeding the Caucus area limitation.~~
- (b) ~~If an Overlay Zone District has a final maximum floor area limitation of less than nine thousand two hundred and fifty (9,250) square feet, no individual, or combination of two or three principal single family dwelling units shall exceed the Overlay Zone District limitation. Within the Frying Pan Caucus, the final maximum floor area for principal single family dwelling units shall be limited to eight thousand (8,000) square feet with no more than four thousand (4,000) square feet contained within one principal single family dwelling unit.~~
- ~~(c) Within the Snowmass/Capitol Creek and upper Snowmass Creek Caucus areas, the final maximum floor area for principal single family dwelling units shall be limited to eight thousand two hundred fifty (8,250) square feet, with no more than five thousand seven hundred fifty (5,750) square feet contained within one principal single family dwelling unit.~~
- ~~(d)~~(c) In addition to the final maximum floor area for the principal single family dwelling unit(s) each of the two caretaker dwelling units shall have a maximum floor area of one thousand (1,000) square feet. If a legal caretaker dwelling unit exists on the date the CD-PUD is approved, and if the Caretaker Dwelling Unit is deed-restricted as stated in the affordable housing guidelines, the floor area of the Caretaker Dwelling Unit may be increased to a maximum size of one thousand (1,000) square feet. All barn floor area and floor area allowed for special review uses shall be in addition to the final maximum floor area for the principal single family dwelling units.
- ~~(e)~~(d) Agricultural building floor area shall be unlimited in Development Option 2 and shall be in addition to the final maximum floor area for the principal single family dwelling units.

~~(f)~~(e) The following floor area is allowed for approved special review uses:

Parcel Size (acres)	Floor Area for Special Review Uses (sq.ft.)
160-200	1,250
201-300	2,000
301-500	3,000
>500	5,000

(4) Growth Management Quota System (GMQS)

Approval of a CD-PUD under Development Option 2 shall result in the creation of the following development rights on the property and the following exemptions from the requirements of GMQS (see chapter 6), provided that all structures are constructed in compliance with all applicable requirements of this Land Use Code:

(a) ~~Five-Nine~~ thousand ~~seven-two~~ hundred fifty (~~5,750~~9,250) square feet of floor area divided between up to for each of the two (2) principal single-family dwellings on parcels containing less than six hundred (600) acres of land. ~~Eleven thousand, five hundred (11,500) square feet of floor area~~ or divided between up to three principal single family dwelling units on parcels containing six hundred (600) acres of land, or more. These exemptions may not be combined to produce any principal single-family dwelling with more than five thousand seven hundred fifty (5,750) square feet of floor area. Any Overlay Zone District floor area limitation of less than nine thousand two hundred fifty (9,250) square feet shall apply as the maximum growth management exemption for principal single-family dwelling unit floor area, with no individual, or combination of two or three principal single family dwelling units exceeding the Overlay Zone District limitation. ~~Where codified Caucus limitations to final maximum floor area have been specified above, the Caucus area limitation shall apply as the maximum growth management exemption for principal single family dwelling unit floor area, with no individual, or combination of two principal single family dwelling units exceeding the Caucus area limitation.~~

(b) Within the Frying Pan ~~Caucus~~Valley Overlay Zone District, ~~eight thousand (8,000) square feet of residential floor area shall be the maximum GMQS exemption for principal single family dwelling units.~~ ~~No no~~ more than four thousand (4,000) square feet shall be contained within any one principal single-family dwelling unit.

(c) One thousand (1,000) square feet of floor area for each of two (2) caretaker dwelling units. These exemptions may not be combined to produce any caretaker dwelling unit with more than one thousand (1,000)

square feet of floor area. No more than two caretaker units shall be exempt from GMQS.

(d) All agricultural building floor area.

(e) Floor area for approved special review uses shall be exempt from GMQS up to the maximums allowed in Sec. 3-70-40(i)(3)(e).

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

(5) Transferable Development Rights (TDRs)

(a) TDRs may be severed and sold from lands located within the CD-PUD under Development Option 2. TDRs available for sale shall be calculated at one (1) TDR for each thirty (35) acres included in the CD-PUD, but excluding the first one hundred sixty (160) acres that are developed pursuant to the standards for Option 2.

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

(6) Vested Rights

Approval of a CD-PUD under Development Option 2 shall be granted vested property rights pursuant to Sec. 2-20-170 for a period of twenty (20) years.

(j) Covenant Regarding Conveyance of Structures

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

(j) Development Option 3: Residential/Agricultural Development

If the Community Development Director verifies that a portion of the parcel included in the CD-PUD application is currently operating legal commercial agricultural uses, then the property may be developed as set forth below. In return for eliminating the potential for non-agricultural commercial uses, residential development of the property shall be more limited than that allowed under Option 1 but less limited than that allowed under Option 2.

(1) Special Review Uses

The BOCC shall review applications for Special Review uses listed in Sec. 3-70-40(d)(3), pursuant to the standards in Sec. 2-30-30(h)(1) and (2). Special review uses may be included in the application for approval by the Board as part of the CD-PUD, or may be requested after approval of the CD-PUD through the special review process in Sec. 2-40-20.

(a) Additional Criteria for Approval of Special Review Uses

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

(b) Annual Review

The BOCC may require the Applicant to submit a statement annually to the Community Development Director attesting to the continued conformance of the special review use(s) to the conditions of approval.

(2) Maximum Residential Density

There shall be no more than two (2) principal single-family dwelling units and two (2) caretaker dwelling units on the parcel within the CD-PUD; except if the parcel contains six hundred (600) acres of land or more, there shall be no more than three (3) principal single family dwelling units and two (2) caretaker dwelling units. An existing dwelling unit(s) may remain, but shall count towards the maximum residential density, either as one of the principal single family dwelling units or one of the caretaker dwelling units, and shall also count towards the maximum floor area.

(3) Maximum Floor Area

- (a) The total combined maximum floor area of all principal single-family dwelling units within the CD-PUD designation area shall be limited to ~~eleven-nine~~ thousand ~~five-two~~ hundred ~~fifty~~ (11,500,250) square feet. If an Overlay Zone District has a final maximum floor area limitation of less than nine thousand two hundred and fifty (9,250) square feet, no individual, or combination of two or three principal single family dwelling units shall exceed the Overlay Zone District limitation. ~~Caucus area floor area limitations specified below shall apply as the maximum, with no individual, or combination of two or three principal single family dwelling units exceeding the Caucus area limitation.~~

~~Notwithstanding the foregoing provisions of this section (j), when development rights from an adjacent parcel are approved for aggregation pursuant to Sec. 6-30-100(a)(9), density and floor area allowances may be combined into one (1) principal single family dwelling with up to thirteen thousand two hundred fifty (13,250) square feet of floor area. In cases of such aggregation pursuant to Sec. 6-30-100(a)(9), where the applicant desires two (2) principal single-family dwellings, no individual unit shall contain more than eleven thousand five hundred (11,500) square feet of floor area.~~

- ~~(b) Within the Frying Pan Caucus area, the final maximum floor area for principal single family dwelling units shall be limited to eight thousand (8,000) square feet with no more than four thousand (4,000) square feet contained within one principal single family dwelling unit.~~
- ~~(c) Within the Snowmass/Capitol Creek and Upper Snowmass Creek Caucus area, the final maximum floor area for principal single family dwelling units shall be limited to eight thousand two hundred fifty (8,250) square feet, with no more than five thousand seven hundred~~

~~fifty (5,750) square feet contained within one principal single family dwelling unit.~~

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

(~~ec~~) Agricultural building floor area shall be unlimited in Development Option 3 and shall be in addition to the final maximum floor area for the principal single family dwelling units and caretaker dwelling units.

(~~fd~~) The following floor area is allowed for approved special review uses:

Parcel Size (acres)	Floor Area for Special Review Uses (sq.ft.)
160-200	1,250
201-300	2,000
301-500	3,000
>500	5,000

(4) Growth Management Quota System (GMQS)

Approval of a CD-PUD under Development Option 3 shall result in the creation of the following development rights on the property and the following exemptions from the requirements of GMQS (see chapter 6), provided that all structures are constructed in compliance with all applicable requirements of this Land Use Code:

(a) ~~Eleven-Nine thousand five-two hundred fifty (11,5009,250) square feet of floor area for the principal single family dwelling units. Any Overlay Zone District floor area limitation of less than nine thousand two hundred fifty (9,250) square feet shall apply as the maximum growth management exemption for principal single-family dwelling unit floor area, with no individual, or combination of two or three principal single family dwelling units exceeding the Overlay Zone District limitation. Where codified Caucus limitations to final maximum floor area have been specified above, the Caucus area limitation shall apply as the maximum growth management exemption~~

~~for principal single-family dwelling unit floor area, with no individual, or combination of two principal single-family dwelling units exceeding the Caucus area limitation.~~

~~Notwithstanding the foregoing provisions of this section (4)(a), when development rights from an adjacent parcel are approved for aggregation pursuant to Section 6-30-100(a)(9), thirteen thousand two hundred fifty (13,250) square feet of floor area may be developed in one (1) principal single-family dwelling. In cases of such aggregation pursuant to Section 6-30-100(a)(9) where the applicant desires two (2) principal single-family dwellings, no individual unit shall contain more than eleven thousand five hundred (11,500) square feet of floor area.~~

- (b) One thousand (1,000) square feet of floor area for each of two (2) caretaker dwelling units. These exemptions may not be combined to produce any caretaker dwelling unit with more than one thousand (1,000) square feet of floor area. No more than two caretaker units shall be exempt from GMQS.
- (c) All agricultural building floor area.
- (d) Floor area for approved special review uses shall be exempt from GMQS up to the maximums allowed in Sec. 3-70-40(i)(3)(e).

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

(5) Transferable Development Rights (TDRs)

- (a) TDRs may be severed and sold from lands located within the CD-PUD under Development Option 3. TDRs available for sale shall be calculated at one (1) TDR for each thirty (30) acres included in the CD-PUD, but excluding the first one hundred sixty (160) acres that are developed pursuant to the standards for Option 3.
- (b) In addition, if the applicant chooses to limit the total gross floor area of the permitted principal single-family dwelling unit(s) to less than the eleven-nine thousand two hundred fifty (~~11,250~~, 9,250) square feet that is exempt from GMQS, then one (1) TDR per each two thousand

five hundred (2,500) square feet reduction in the total floor area of the principal single-family dwelling unit(s) may be severed and sold.

(6) Vested Rights

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

(7) Covenant Regarding Conveyance of Structures

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

EXHIBIT H

TABLE 5-1.A: Dimensional Requirements Rural Zones	RS - G	RR NOTE 1	RS - 160	RS - 35	LIR-35 NOTE 2	TR-1 NOTE 3	TR-2 NOTES 3, 4, 5	RS - 30	RS - 20	AR - 10	AR-2	B-1	SKI-REC	WOMP Overlay	VLP
LOTS															
Minimum Lot Area (ac.)	N/A	35	160	35	35	35	35	30	20	10	2	MF = 15,000 OTH = 6,000 NOTE 6	M	Note 17	M
Minimum Usable Open Space per Dwelling Unit (sq. ft.)												800	M	Note 17	M
Minimum Lot Width (ft.)	N/A	400	400	400	N/A			400	400	400	200	50	M	Note 17	M
MINIMUM SETBACKS															
From Arterial Highways															
Structures / Outside Uses (ft.)	100 ft. setback for buildings/ 100 ft. setback for outside uses NOTE 7												M	Note 17	M
From Major Roads															
Structures / Outside Uses(ft.)	100 ft. setback for buildings/ 50 ft. setback for outside uses NOTE 7												M	Note 17	M
From Collector Streets															
Structures/ Outside Uses(ft.)	50 ft. setback for buildings/ 25 ft. setback for outside uses NOTE 7												M	Note 17	M
From Property Lines															
Front Setback (ft.)	SR	SR	(1) Lot Size ≤ 3 ac = 30 ft.; (2) Lot > 3 ac. and ≤ 10 acres = 50 ft.; (3) Lot > 10 acres = 100 ft.									30	M	Note 17	M
Side Setback (ft.)	SR	SR	(1) Lot $< 7,500$ sq. ft. = 5 ft.; (2) Lot $\geq 7,500$ & $< 30,000$ sq. ft. = 10 ft.; (3) Lot Size $\geq 30,000$ & $< 43,560$ sq. ft. = 15 ft.; (4) Lot $\geq 43,560$ & < 3 ac. = 20 ft.; (5) Lot ≥ 3 ac. & < 20 ac. = 30 ft.; (6) Lot ≥ 20 ac. = 50 ft.									10	M	Note 17	M
Rear Setback (ft.)	SR	SR	(1) Lot Size $< 30,000$ sq. ft. = 10 ft.; (2) Lot $\geq 30,000$ sq. ft. & < 10 ac. = 30 ft.; (3) Lot ≥ 10 ac. = 50 ft.									10	M	Note 17	M
From Streams (ft.)	100 NOTE 14, 15 and 16												M	Note 17	
MAXIMUM HEIGHT															
Maximum Height of Principal Structure (ft.)	20	20 NOTE 8	28	28	28	20	20	28	28	28	28	28	M	Note 17	M
Maximum Height of Accessory Structure (ft.)	20	12 NOTE 9	20	20	20	15	15	20	20	20	20	20	M	Note 17	M

Maximum Height of Exempt Agricultural Buildings	Refer to Sec. 5-20-70(j)	N/A	Refer to Sec. 5-20-70(j)			N/A	N/A	Refer to Sec. 5-20-70(j)				N/A	N/A	Note 17	M
MAXIMUM FLOOR AREA															
Gross Floor Area Exempt From GMQS (Without GMQS Allocation or TDR Purchase) (Base Maximum Floor Area)	N/A	NOTE 10	5,750 NOTE 11	5,750 NOTE 11	5,750	1,000	2,500 NOTE 4	5,750 NOTE 11	5,750 NOTE 11	5,750 NOTE 11	5,750 NOTE 12	NOTE 11 NOTE 13	M	Note 17	M
Gross Floor Area After GMQS Allocation and/or TDR Purchase (Final Maximum Floor Area)	N/A	NOTE 10	15,000 <u>9,250</u>	15,000 <u>9,250</u> NOTE 11	15,000 <u>9,250</u> NOTE 2	1,000	3,500	15,000 <u>9,250</u> NOTE 11	15,000 <u>9,250</u> NOTE 11 <u>NOTE 18</u>	15,000 <u>9,250</u> NOTE 11 <u>NOTE 19</u>	15,000 <u>9,250</u> NOTE 11	8,000 NOTE 11	M	Note 17	M

ABBREVIATIONS

M = As approved in Master Plan for SKI-REC zone district; HML = Hotel/Motel/Lodge; MF/L= Multi-family limited to 1,2, or 3 Bedrooms; MF/ST = Multi-family Studio; MF/UL = Multi-family with more than 3 bedrooms; OTH = Other

NOTES FOR TABLE 5-1.A – Dimensional Requirements for Rural and Conservation Zone Districts

NOTE 1: In the RR zone district, the maximum size of the Activity Envelope defined for each principal use shall be one-half (1/2) acre. Dimensional standards in the RR zone district may be varied by special review pursuant to the provisions of Sec. 3-40-20.

NOTE 2: As an alternative to the strict application of the area and bulk requirements, parcels in the LIR-35 zone district may be developed as a cluster option, pursuant to the standards in Sec. 3-40-50(d), provided that the application includes the entirety of the unsubdivided parcel and adjacent parcels held in common ownership as configured on January 16, 2000. If the cluster option is used: (1) There shall be no more than one (1) principal single family dwelling unit per eighty (80) acres. Actual lots may be smaller if accompanied with a preserved open space parcel that maintains one unit per 80-acre density. (2) Maximum allowed final maximum floor area of all buildings shall be ~~15,000~~9,250 square feet.; of which (a) 8,250 square feet shall be exempt from growth management; and (b) additional square footage up to ~~15,000~~9,250 square feet may only be obtained through successful growth management competition or for use of transferable development rights.

NOTE 3: The maximum potential density and developability for properties within the TR-1 and TR-2 zone district shall be based on the entire unsubdivided parcel. All buildings shall be included in the calculation of the floor area.

NOTE 4: For lands rezoned to a TR-2 zone district effective on or before January 26, 2005 existing vested rights in prior development approvals are recognized, and property owners may

continue to rely on those vested rights until their expiration. Residential development in place or approved prior to January 26, 2005, shall not be deemed non-conforming relative to the Pitkin County Land Use Code.

NOTE 5: As an alternative to the strict application of the area and bulk requirements, parcels in the TR-2 zone district may be developed as a cluster option, pursuant to the standards in Sec. 3-40-70(d), provided that the application includes the entirety of the unsubdivided parcel and adjacent parcels held in common ownership as configured on January 16, 2000. If the cluster option is used: (1) There shall be no more than one (1) principal single family dwelling unit per fifty (50) acres. Actual lots may be smaller if accompanied with a preserved open space parcel that maintains one unit per 50 acre density. (2) Maximum final allowed floor area of all buildings shall be 3,500 square feet, all of which shall be exempt from growth management; and no additional floor area may be obtained through the use of either TDRs or additional growth management allocations. Heights and setbacks may be modified through the Two-Step Review process.

NOTE 6: Minimum lot area per principal use or dwelling unit (in square feet) shall be: MF/UL = 5,500; MF/L = 3,200; MF/ST = 2,500.

NOTE 7: Off-street parking, signs, and lights shall meet the setback requirements for outside uses. Access roads, highway regulatory and directional signs, safety lighting, and safety features shall be allowed between the right-of-way and the setbacks listed. Off street parking and lights don't need to meet the setback required on collector streets.

NOTE 8: In the RR zone district, building height is measured pursuant to Sec. 5-20-60(h)

NOTE 9: Not applicable to structures existing on the 5th of July, 2006.

NOTE 10: Floor area In the RR zone district is addressed in Section 5-20-70(i).

NOTE 11: ~~For land located within the Frying Pan area, the final maximum floor area shall be 5,750 square feet; Gross floor area for principal structure, including all below grade space and attached accessory structures, shall be limited to 4,000 sq. ft.; up to 1,750 sq. ft. of gross floor area shall be allowed for accessory structures and uses that are detached from principal structure. In the Capitol Creek/Snowmass area, the final maximum floor area shall be 8,250 square feet; and within the Basalt Urban Growth Boundary, the final maximum floor area shall be 5,750 sq. ft. In the Emma Caucus area, the final maximum floor area shall be 8,250 square feet. The final maximum floor area for all residential development within the Maroon Creek Caucus area shall be 5,750 square feet. These maximums shall not be exceeded with a GMQS allotment or use of TDRs. These maximums shall also apply to a dwelling unit which is to be located on a parcel containing five hundred (500) acres or more unless the parcel was legally created and received development approvals prior to July 5, 2006, in which case previous approvals regarding house size shall apply.~~

The final maximum floor area shall not be exceeded. GMQS allotments shall not be granted and Transferable Development Rights (TDR) shall not be utilized to exceed the final maximum floor area. These maximums shall also apply to a dwelling unit which is to be located on a parcel containing five hundred (500) acres . The final maximum floor areas for residential development in certain Overlay Zone Districts shall be set forth per Table 5-1.A (a).

Table 5-1.A(a)

<u>Location</u>	<u>Final Maximum Floor Area (square feet)</u>	<u>Overlay Zone District Code Reference</u>	<u>Additional Criteria</u>
<u>Basalt Urban Growth Boundary Overlay Zone District</u>	<u>5,750 SF</u>	<u>3-40-160</u>	
<u>Brush Creek Master Plan Area Overlay Zone District</u>	<u>5,750 SF</u>	<u>3-40-170</u>	
<u>Emma Master Plan Area Overlay Zone District</u>	<u>8,250 SF</u>	<u>3-40-180</u>	
<u>Maroon Creek Caucus Area</u>	<u>5,750 SF</u>	<u>3-40-150</u>	
<u>Fryingpan Valley Master Plan Area Overlay Zone District</u>	<u>5,750 SF</u>	<u>3-40-130</u>	<u>Gross floor area for principal structure, including all below-grade space and attached accessory structures, shall be limited to 4,000 sq. ft.; up to 1,750 sq. ft. of gross floor area shall be allowed for accessory structures and uses that are detached from principal structure.</u>
<u>The Valleys of Capitol Creek and Lower Snowmass Creek Master Plan Area Overlay Zone District</u>	<u>5,750 SF</u>	<u>3-40-190</u>	

NOTE 12: (1) Lot size 0--25,000 sq. ft. = .13 up to a maximum of 3,250 sq. ft. of floor area; (2) Lot size 25,001--50,000 sq. ft. = 3,250 sq. ft. of floor area, plus 9 sq. ft. of floor area for each additional 100 sq. ft. in lot area up to a maximum of 5,500 sq. ft. of floor area; (3) Lot size 50,001--100,000 sq. ft. = 5,500 sq. ft. of floor area plus 5 sq. ft. of floor area for each additional 100 sq. ft. in lot area up to a maximum of 8,000 sq. ft. of floor area; (4) Lot size 100,000 and larger = 8,000 sq. ft. of floor area plus 1 sq. ft. of floor area for each additional 100 sq. ft. in lot area. Lots in the Preserve Subdivision are each allowed 12,873 sf of Gross Floor Area exempt from Growth Management without GMQS allocation or TDR purchase. Refer to 6 -30-100(b)(6)

NOTE 13: Notwithstanding any other provision of this Land Use Code, the base maximum gross floor area shall not exceed 4,000 square feet for lots and parcels \leq 1 acre; for lots and parcels $>$ 1 acre, then base maximum gross floor area shall not exceed 5,750 square feet plus 1,000 square feet for each 10,000 square feet that parcel size exceeds one acre, up to a maximum of 8,000 square feet on any one B-1 lot or parcel.

NOTE 14: An additional setback may be required or a lesser setback may be allowed pursuant to Sec. 7-20-80.

NOTE 15: Development of a micro hydroelectric energy system may be allowed in a setback pursuant to Section 7-20-80 (c) and 4-30-50(m).

NOTE 16: Stream restoration projects may encroach into this setback pursuant to Sections 7-20-40 and 7-20-80

NOTE 17: All areas mapped within the WOMP Overlay Zone District shall be subject to Section 3-70-50.

NOTE 18: For the six 35+ acre parcels known informally as Star Mesa, 15,000 of Gross Floor Area is exempt from GMQS for each lot. Refer to Sec. 6-30-100(b)(4)

NOTE 19: Lots in the Eagle Pines Subdivision are each allowed 11,500 sf of Gross Floor Area exempt from Growth Management without GMQS allocation or TDR purchase. Refer to Sec. 6-30-100(b)(5).

EXHIBIT I

TABLE 5-1.B: Dimensional Requirements Urban/Suburban Residential Zone Districts Other Than Affordable Housing Districts	R - 30	R - 15	R-15A	R-15B	R-6	RMF	VR	MHP	WOMP Overlay
LOTS									
Minimum Lot Area (sq. ft.)	30,000	15,000	15,000	15,000 NOTE 11	6,000	1 Acre	5,000 NOTE 1	NOTE 2	NOTE 14
Minimum Lot Area Per Principal Use or Dwelling Unit (sq. ft.)	30,000	15,000	15,000	15,000 NOTE 11	6,000	.14	5,000	NOTE 2	NOTE 14
Maximum Lot Area Per Principal Use or Dwelling Unit (sq. ft.)					11,999				NOTE 14
Minimum Usable Open Space per Dwelling Unit (sq. ft.)	6,600	3,000	3,000	3,000	1,500	500	1,500	NOTE 2	NOTE 14
Minimum Lot Width (sq. ft.)	100	75	75	75	60	75	50		
Maximum Dwelling Units Per Acre						10.5			
MINIMUM SETBACKS									
From Arterial Highways									
Structures / Outside Uses (ft.)	100 ft. setback for buildings / 100 ft. setback for outside uses NOTE 3						N/A	N/A	NOTE 14
From Major Roads									
Structures / Outside Uses (ft.)	100 ft. setback for buildings / 50 ft. setback for outside uses NOTE 3						N/A	N/A	NOTE 14
From Collector Streets									
Structures / Outside Uses (ft.)	50 ft. setback for buildings / 25 ft. setback for outside uses NOTE 3						N/A	N/A	NOTE 14
From Property Lines									
Front Setback (ft.)	(1) Lot Size ≤ 3 ac = 30 ft.; (2) Lot > 3 ac. and ≤ 10 acres = 50 ft.; (3) Lot > 10 acres = 100 ft.					5 feet	30	NOTE 2	NOTE 14
Side Setback (ft.)	(1) Lot < 7,500 sq. ft. = 5 ft.; (2) Lot ≥ 7,500 & < 30,000 sq. ft. = 10 ft.; 3) Lot Size ≥ 30,000 & < 43,560 sq. ft. = 15 ft.; (4) Lot ≥ 43,560 & < 3 ac. = 20 ft.; (5) Lot ≥ 3 ac. & < 20 ac. = 30 ft.; (6) Lot ≥ 20 ac. = 50 ft.					5 feet	Min 7 per side and 20 total both sides	NOTE 2	NOTE 14
Rear Setback (ft.)	(1) Lot Size < 30,000 sq. ft. = 10 ft.; (2) Lot ≥ 30,000 sq. ft. & < 10 ac. = 30 ft.; (3) Lot ≥ 10 ac. = 50 ft.					20 feet	10	NOTE 2	NOTE 14
From Streams (ft.)	100 NOTE 4, 12 and 13					100	20 NOTE 4	NOTE 2	NOTE 14
MAXIMUM HEIGHT									
Maximum Height of Principal Structure (ft.)	28	28	28	28	28	28	NOTE 5	NOTE 2	NOTE 14
Maximum Height of Accessory Structure (ft.)	20	20	20	20	20	20	NOTE 6	NOTE 2	NOTE 14
Maximum Height of Exempt Agricultural Buildings	Refer to Sec.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	NOTE 14

TABLE 5-1.B: Dimensional Requirements Urban/Suburban Residential Zone Districts Other Than Affordable Housing Districts	R - 30	R -15	R-15A	R-15B	R-6	RMF	VR	MHP	WOMP Overlay
	5-20-70(j)								
MAXIMUM FLOOR AREA									
Allowable floor area based on Floor Area Ratio (FAR)	.13	.16	NOTE 7	NOTE 10	.30	.50 Note 14	NOTE 8	NOTE 2	NOTE 14
Gross Floor Area Exempt from Growth Management (without GMQS Allocation or TDR) (Base Maximum Floor Area) (sq ft)	5,750 NOTE 9	5,750	5,750	5,750	5,750	Note 15	NOTE 8	N/A	NOTE 14
Gross Floor Area After GMQS Allocation and/or TDR Purchase (Final Maximum Floor Area) (sq ft)	15,000 <u>9,250</u>	15,000 <u>9,250</u>	40,250 <u>9,250</u>	5,750	4,000	Note 15	NOTE 8	N/A	NOTE 14

NOTES TO TABLE 5-1.B: Dimensional Requirements for Residential Zone Districts Other Than Affordable Housing Districts

NOTE 1: 5,000 square feet, which shall include any land areas within the Redstone A Lots (as defined in this Land Use Code)

NOTE 2: Dimensional requirements for the MHP zone district are found in Table 7-4. The dimensional requirements for the Aspen Village Subdivision, Lazy Glen Subdivision, and Woody Creek Subdivision, are described in the PUD Development guide approved by Pitkin County for each development.

NOTE 3: Off-street parking, signs, and lights shall meet the setback requirements for outside uses. Access roads, highway regulatory and directional signs, safety lighting, and safety features shall be allowed between the right-of-way and the setbacks listed. Off street parking and lights don't need to meet the setback required on collector streets.

NOTE 4: An additional setback may be required or a lesser setback may be allowed pursuant to Sec. 7-20-80.

NOTE 5: Maximum height principal structures: twenty-four (24) feet to the top of ridge; fourteen (14) feet to the top of eave (dormers excluded). See also Sec. 5-20-60(i) for Building Height calculation methodology.

NOTE 6: Maximum height accessory structures: twenty-one (21) feet to the top of ridge; twelve (12) feet to the top of eave (dormers excluded). See also Sec. 5-20-60(i) for Building Height calculation methodology.

NOTE 7: The allowable floor area shall be based on the least restrictive of the following formulas: (a) 3,500 square feet (plus 30% for pre-existing duplexes); or (b) floor area ratio (FAR) = .20 (plus 30% of allowed floor area for pre-existing duplexes). Only duplex units that existed prior to 1974 are permitted in the R-15A zone district, and no dwelling unit in the R-15A zone district shall exceed 5,500 square feet of floor area. Each dwelling unit on a pre-1974 duplex lot is exempt from Growth Management up to the Base Maximum of 5,750 square feet of gross floor area.

NOTE 8: (1) Lot with 50-74 ft. frontage = 2,000 square feet; (2) Lot with 75-99 ft. frontage = 2,300 square feet; (3) Lot with 100 ft or larger frontage = 2,500 square feet. See also Sec. 5-20-70 for Floor Area calculation methodology.

NOTE 9: In the Meadowood Subdivision, Lots 3 and 4, Block 1, Filing 1, are allowed an additional 4,400 sf of floor area. All other lots in the Meadowood Subdivision are allowed an additional 2,528 sf of floor area. Refer to Sec. 6-30-100(b)(3)

NOTE 10: The allowable floor area shall be based on the least restrictive of the following formulas: (a) 3,500 square feet; or (b) floor area ratio (FAR) = .20. Duplexes are prohibited in the R-15B zone district and no dwelling shall exceed 3,500 square feet in floor area, and 5,750 in gross floor area (max sq. ft.).

NOTE 11: For the R-15B zone district, the 15,000 square foot minimum relates to Lot Size, and not Lot Area as defined in Section 11, Definitions.

NOTE 12: Development of a micro hydroelectric energy system may be allowed in a setback pursuant to Section 7-20-80(c) and 4-30-50(m).

NOTE 13: Stream restoration projects may encroach into this setback pursuant to Sections 7-20-40 and 7-20-80

NOTE 14: The individual floor area cap per unit in the RMF Zone District is 2,855 square feet

NOTE 15: See Le Chamonix PUD guide for Growth Management Exemption and Maximum floor Area

NOTE 16: All areas mapped within the WOMP Overlay Zone District shall be subject to Section 3-70-50.

EXHIBIT J

6-50-20: STANDARDS FOR SCORING APPLICATIONS FOR RESIDENTIAL ALLOTMENTS

(c) Achievement of Community Goals

(4) Reduction of Visible Mass (Only applies to developments within the Rural Area) *Note: An applicant can receive a score of zero (0) in this category and not be in violation of the Land Use Code.

Considering the extent to which the development proposed is less than the allowable floor area allowed on the property by the underlying zone district; utilizes some of its allowed floor area to develop sub-grade space; or is below the allowable height of the underlying zone district. Points shall be awarded according to the following schedule. Applicants for a new lot or parcel in the Rural Remote Zone District shall receive the maximum score of six (6) points in this category.

TABLE 6-6: Points Schedule for Reduction of Visible Mass			
	Final Maximum Floor Area (see note 1)	Sub-Grade Floor Area (see note 2)	Height (see note 3)
0 Points	Final maximum floor area is limited to <u>no</u> more than 75 89 % of that potentially available to the property.	Less than 20% of the requested floor area would be built sub-grade.	Proposed structure(s) limited to less than 15% below the maximum allowable height.
1 Point	Final maximum floor area is limited to no more than 75 89 % of that potentially available to the property.	At least 20% of the requested floor area will be built sub-grade.	Proposed structure(s) limited to at least 15% below the maximum allowable height.
2 Points (Note 4)	Final maximum floor area is limited to no more than 55 75 % of that potentially available to the property.	At least 30% of the requested floor area will be built sub-grade.	Proposed structure(s) limited to at least 30% below the maximum allowable height.
Notes: 1. This calculation is based on the final maximum floor area that is potentially allowed on the property by the underlying zone district, as specified in Table 5-1.D. See Sec. 5-20-70 for rules governing measurement of floor area.			

2. To qualify as sub-grade, the space must meet the requirements for exempt sub-grade space in Sec. 5-20-70(g)(1).
3. To receive points in this category, no portion of any proposed structure can measure above the stated height limit.
4. Applicants may score points in each of the three categories described in this section, up to a maximum of 6 points (2 points in each category).

EXHIBIT K

TABLE 6-12: TDR Table		
ZONE DISTRICT	CAN A PROPERTY IN THIS ZONE DISTRICT OR DESIGNATION BE A TDR SENDING SITE?	CAN A PROPERTY IN THIS ZONE DISTRICT BE A TDR RECEIVING SITE? IF YES, CAN IT BE USED TO INCREASE HOUSE SIZE AND/OR TO CREATE A NEW DEVELOPMENT RIGHT?
R/R	YES*	NO
RS-160	NO**	NO
RS-35	NO**	YES – to increase house size to max permitted YES - to create a new development right
TR-1	YES*	NO
TR-2	YES*	YES – to increase house size up to 3,500 sq. ft., but only with TDRs from a sending site within the TR-2 zone district
AR-10, RS-20, RS-30	NO**	YES – to increase house size to max permitted; YES - to create a new development right
AR-2	NO	YES – to increase house size to max permitted; YES - to create a new development right
R-6, R-15, R-30	NO	YES – to increase house size to max permitted; YES - to create a new development right
R-15A	NO	YES – to increase house size to max permitted
LIR	NO	YES – to increase house size to max permitted ONLY as part of a Cluster Option Development
CD-PUD	YES	YES – to increase total gross square footage of all structures to max permitted (in compliance with BOCC-adopted Caucus Overlay Zone District final maximum floor area limitations, where such limitations exist) ONLY as part of the Residential Development Option and only with TDRs from within the CD-PUD
RS-G, MHP, AH, AH-PUD, B-1, B-2, VC, P-I, T, SKI-REC, VR, I, PUB, AC/REC-2	NO	NO
Lots/Parcels in any Zone District Other than RR, TR-1, TR-2, VR, VC, SKI-REC, MHP, AH, AH-PUD, RS-G, B-1, B-2, P-I, T, PUB, I, U, AC/REC-2 Determined to be “Constrained Sites”	YES	NOT APPLICABLE
<p>NOTES:</p> <p>In zone districts without FAR limits (RS-35, RS-30, RS-20, and AR-10) where TDRs are available to increase house size, the <u>final maximum size-floor area of the house</u> after use of the TDRs shall be <u>the maximum size as</u> shown in Table 5-1, which is based on Comprehensive Plan for different areas. In zone districts with FAR limits (AR-2, R-30, R-15, R-15A, R-6, and VR) where TDRs are available to increase house size, the maximum allowable floor area of the house shall be limited by the applicable FAR, as shown in Table 5-1. TDRs may not be used to exceed the maximum allowable floor area, but may be used to attain the final maximum gross floor area</p> <p>*Except where parcel is less than 1 acre and does not comply with the criteria specified in Sec. 6-70-40(a)(6) or where a Growth management allotment has been awarded for a new lot or parcel, pursuant to Sec. 6-40-10(b)(1).</p> <p>**Except where parcel is designated as a Limited Development Conservation Parcel by Special Review</p>		