

# CHAPTER 65 ANIMAS VALLEY ZONE DISTRICTS AND ECONOMIC DEVELOPMENT AREAS

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## Overview

This code is premised upon performance-based zoning and the type of standards more particularly described in the overview of chapter 70. However, in the Animas Valley, traditional zoning has been adopted. This chapter contains detailed use, density and lot standards for development covered by the Animas Valley Land Use Plan (AVLUP). Applications for development in the Animas Valley should refer to this chapter to determine (1) if the proposed use is allowed and what type of review procedures apply, (2) what minimum lot size, maximum density, minimum open space and maximum impervious coverage standards may apply, and (3) whether any supplemental use, density and development standards are applicable because of the property's location in the Animas Valley River Corridor District or one of several Animas Valley Neighborhood Overlay Zoning Districts.

This chapter is also intended to accommodate future placement of unique standards that may apply to economic development areas, once designated under section 66-38, or future overlay areas that may be adopted relative to requirements for affordable housing or other matters.

## SEC. 65-1 APPLICABILITY

Unless otherwise excepted, the uses set forth in this chapter shall meet all applicable standards imposed by this section as well as the general and additional standards imposed by chapters 70 and 72-74. If the general and additional standards imposed by this code conflict with the applicable standards imposed by this section and cannot be read harmoniously with such standards, the standards in this chapter 65 shall control.

There are no ordinances associated with this section.

Effective on: 10/1/2020

## **SEC. 65-2 LAND USE CLASSIFICATIONS IN THE ANIMAS VALLEY**

### **I. Animas Valley Land Use Plan.**

A. Use. This section is to be used in conjunction with the Animas Valley Land Use Map.

B. Basic plan provisions. The basic plan provisions are as follows:

1. Any pre-existing, legal lot of record made nonconforming by this plan shall be entitled to one single-family residence, uses that are customarily secondary to a single-family residence, including accessory uses, and other developments that do not require a land use permit as described in section 66-3 and other applicable provisions of this code.

2. Any pre-existing dwelling unit made nonconforming in terms of density shall enjoy the right of replacement unless the entire site is being redeveloped, at which time the entire site shall be made to conform to the plan.

3. Uses made nonconforming shall enjoy the right to regular maintenance, repair and to some extent replacement and expansion, as provided in section 79-3.

4. No new subdivisions shall occur on slopes of thirty (30) degrees or greater. One (1) dwelling unit is permitted on any preexisting, legal lot of record lying on steep slopes. This subsection shall in no way supersede the county's geologic hazards map regulations.

5. Accessory uses shall be allowed in all Animas Valley Land Use Plan Districts so long as meeting the standards established in section 73-2 and/or permitted pursuant to section 73-2.

C. Use permitted by right. The developments listed as "uses permitted by right" for each of the districts shall not require land use permits.

D. Special uses. Special uses shall require a Major land use permit meeting the standards identified in this chapter and any other applicable standards, as determined by the director, within this code.

E. Conformance. All applications for development, including sketch plans which are not in conformance with the Animas Valley Land Use Plan shall not be accepted by the CDD staff. The Animas Valley Land Use Plan must be amended prior to approval of any application for development not in conformity therewith. The process for amending the AV land use plan shall require a neighborhood meeting, a public hearing before the planning commission or joint planning commission, and a subsequent hearing before the board of county commissioners.

F. Notification. Any development requiring a public hearing shall require a notification of surrounding landowners. For purposes of this provision, surrounding landowners shall include those owners of property within one thousand (1,000) feet of the property line of the lot or parcel subject to the application for a land use permit.

G. Economic Development Areas shall be designated using the process for rezoning set forth in section 66-37 followed by recording a designated EDA as set forth in subsection 66-38.II.

H. AgPlus uses are not applicable in the AVLUP.

I. Major Land Use permits required. Major land uses as described in 66-7

### **II. Public policies for land development in the Animas Valley.**

A. Open spaces required for clustered housing shall be encouraged to be dedicated as developer conservation easements, in addition to being platted as open space, to further guarantee perpetuity.

B. Specially designated pedestrian and cycling paths are endorsed along CR 203, Hwy 550, CR 252, and CR 250 rights-of-way.

C. Public access to the river is encouraged as a condition of approval for any commercial projects permitted by special use permit.

D. There shall be a general maximum building height of thirty (30) feet for all nonagricultural structures, and a maximum of thirty-five (35) feet for agricultural structures. Height measurements shall be taken based on the existing grade and from the lowest point along the foundation wall.

E. Proposed developments height and bulk shall be designed to avoid silhouetting of buildings from ridgelines in order to preserve the natural and rural appearance of the Animas Valley night sky and skyline.

F. Any property split by a public road may, at the owner's request, be considered as two (2) individual lots with regard to density allowances.

G. Areas deemed un-developable due to steep slopes and River Corridor District designation shall be entitled to use fifty (50) percent of those land areas for clustered housing calculations. In such cases, clustered development shall occur on the developable lands only.

H. All new development or redevelopment shall meet (at a minimum) the water and sewer service requirements as stated in the permit system, regardless of land use designation.

I. All structures shall maintain a minimum setback of **seventy five (75) feet** from the **Animas River bank**, regardless of land use plan designation or location of the floodway.

J. **Low intensity tourist-oriented recreational activities.** As applied to the AVLUP only, these uses must all be low in size, intensity, and density in order to fit within the rural atmosphere of the Animas Valley. This special use classification may include golf courses, driving ranges, RV parks, riding stables, fishing ponds, campgrounds, glider ports of no more than six (6) planes (maximum of two (2) fixed wings, four (4) gliders). A recreational vehicle park is a type of developed campground under state regulations, 6 CCR 1010-9. This classification shall specifically not include high volume, intensity or density RV, Camping, Glamping, Adventure, Climbing or similar types of Parks, outdoor music venues, outdoor racing or terrain parks for motorized or non-motorized vehicles, tiny home parks or manufactured home parks.

K. In order to preserve the rural atmosphere of the Animas Valley, all new residential and commercial buildings shall be required to have night-sky lighting. All existing residential and commercial buildings must convert to night sky lighting by 2030. Farming operations are exempt from this requirement when necessary for their agricultural operations.

#### L Animas Valley Growth Hubs

1. Growth hubs are locations where the County has recognized the opportunity for future development due to the availability of infrastructure, or the potential for expanded infrastructure. These infrastructure components include reliable water supply, adequate sewer capacity, and a roadway network that supports increased traffic. Growth hubs may contain development and/or characteristics that are compatible with and already serve as a community hub/activity center. These growth hubs indicate areas that have land use characteristics and existing infrastructure or potential infrastructure to support future development. These areas are not specific to a certain type of use such as residential or commercial. While these areas may be more suitable to support future growth, this is not an assurance that these locations will see future development or that growth is restricted only to these areas.
2. Areas designated as "growth hubs" in the AV District Plan, as amended from time to time. Growth hub boundaries in the AV shall be clearly outlined and documented. All plans to change any outlined growth hub areas shall be clearly communicated to the Animas Valley community as a whole and amended only after a published notice of an "in person" hearing by the County Planning Commissioners.

### **III. Animas Valley land use plan area.**

A. Development within the Animas Valley Land Use Plan Area, as shown on the official development district map of the county and the Animas Valley Land Use Map, dated 1993, shall conform with the standards and requirements of the Animas Valley Land Use Plan as set forth in this Chapter 65. Notwithstanding any language in this section to the contrary, compliance with the Animas Valley Land Use Plan shall be mandatory and a required standard including, but not limited to, density, lot size, allowable uses and any and all other specific standards contained within the plan. The Animas Valley Land Use Plan must be amended prior to approval of any application for development not in conformity therewith. The Animas Valley Land Use Plan also includes the neighborhood zoning districts as set forth in this chapter.

### **IV. Personal marijuana cultivation; marijuana facilities.**

- A. Personal marijuana cultivation. Personal marijuana cultivation shall only be permitted as either accessory uses if meeting the standards and permitting requirements established in section 73-14 or as a Major land use permit subject to all applicable standards in this code including the general standards imposed by section 73-14.
- B. Marijuana facilities. When proposed to be in the Animas Valley Land Use Plan Area, marijuana facilities shall meet all applicable standards imposed by this section as well as the general and additional standards imposed by section 73-14. If the general and additional standards imposed by section 73-14 conflict with the applicable standards imposed by this section and cannot be read harmoniously with such standards, the stricter standard shall control and apply.

### **V. Telecommunications facilities.**

A. In the Animas Valley Land Use Plan Area, telecommunications facilities may only be constructed in the neighborhood commercial, general commercial, and industrial land use plan districts, except for the collocation of antennae on existing telecommunications towers or other types of structures in any district. Notwithstanding the foregoing, small cell facilities and small cell networks, as both are defined in C.R.S. § 29-27-402, may be permitted in all zone districts.

B. The construction of new telecommunications facilities or collocation of antennae as described above shall be subject to the applicable permitting processes in sections 66-4 through 66-7 and 73-21.

C. When proposed to be in the Animas Valley Land Use Plan Area, telecommunication facilities shall meet all applicable standards imposed by this chapter as well as the general standards imposed by section 73-21. If the general standards imposed by section 73-21 conflict with the applicable standards imposed by this chapter and cannot be read harmoniously with such standards, the stricter standard shall control and apply.

There are no ordinances associated with this section.

## **SEC. 65-3 ANIMAS VALLEY OVERLAY AND SPECIAL ZONING DISTRICTS**

**I. Purpose and applicability.** The Animas Valley has a river corridor district and five (5) neighborhood overlay districts that were established in 1993. Specific standards and regulations were adopted and remain applicable to these districts. The purpose of this section is to address these standards and regulations. All standards set forth in this code, not in conflict with the Animas Valley River Corridor District or the neighborhood zoning district standards, shall apply within these districts, it being the intent of this code that the most restrictive standards shall apply. The standards of the neighborhood zoning districts shall be required standards for development within the respective district. Each neighborhood district is depicted on the county geographic information system mapping.

## II. Animas Valley River Corridor District

A. Purpose. The Animas Valley River Corridor District was established in 1993 and is defined on the east side of the Animas River by the 100-year floodplain boundary, and on the west side by a five hundred (500) foot width from the river bank or the 100-year floodplain limit, whichever is closest to the river. Uses permitted within the river corridor district range from very low density residential and agricultural to offices and tourist oriented businesses.

B. The reasons for creating this linear district are manifold:

1. Reduce the private and public cost, property damage and safety threat of flooding by limiting the intensity and proximity of development near the river.
2. Protect the unique riparian areas along the Animas River. The benefits from doing so include:
  - a. Stormwater runoff is significantly cleansed by providing a river buffer area, or vegetative strips, which act to slow and filter stormwater runoff. This effect has been documented by a study entitled, "Relating Land Use and Buffer Areas to In-Stream Water Quality: The Salt Fork Watershed in Illinois." The study found that buffer areas of 400 feet to 1,000 feet in width filtered 70 percent to 80 percent of the non-point-source pollutants, including nutrients and sediments.
  - b. By reducing the likelihood of encroachment, river bank stabilization is better assured. Erosion of stream banks is both a form of property loss and a major contributor to sediment loading.
  - c. The specially adapted flora and fauna association which is limited in its extent within this semiarid climate is preserved. River bank stabilization can also be enhanced by limiting encroachment near the river.
  - d. A wildlife corridor is provided for larger animals and birds as they move up and down the Animas Valley; the area is used by migrating birds and is designated as prime winter range for deer and elk. Habitat specialists warn of riparian areas too narrow to support foraging, nesting, migration and predator protection. This special habitat can be better protected if the number and types of development allowed within it are reasonable but limited.
3. Preserve the scenic corridor within the Animas Valley by limiting building height, impervious cover and the type and intensity of land uses allowed for consideration. These same types of controls are proposed for the river corridor district and throughout the study area in order to minimize the visual impact of development.
4. Due to residents' input, the width of the river corridor district is narrower on the west side than it is on the east side. Both sides, however, extend beyond the narrower floodway. Practically speaking, there is no development within the floodway because that is the part of the floodplain that experiences the greatest flood velocities. The Animas River's floodway width varies from 75 feet to 800 feet from the river bank; the average floodway width shows to be about 250 feet. For comparison purposes, the west side of the river corridor district is approximately twice the average width of the floodway, whereas, the east side is approximately four times the average floodway width.
5. The river corridor district is breaking new ground locally; however, there is some precedent for such a protective district within the state. Douglas County zoning regulations prohibit residences from being built within the entire 100-year floodplain for public safety reasons. Pitkin County permits no development within the 100-year floodplain, but does allow agricultural and recreational uses. Justifications include public safety and welfare, wildlife and riparian habitat preservation; authority comes from HB 1041. Last, the Comprehensive Plan for Ellicott Valley in El Paso County states that development should generally be oriented away from the floodplain.

C. Purpose of the River Corridor district

The purpose of this river corridor district is to provide a safety net for flood damage, protect river water quality with a filtering vegetative strip, protect the riparian habitat, provide a corridor for wildlife, and promote a scenic corridor in the valley. The river boundary generally respects a 500-foot setback from the bank on the west side, and the 100-year floodplain elevation on the east. The floodplain boundary used here was surveyed in 1977; therefore, it would be wise for a proposed development to resurvey for greater accuracy. The readjusted boundary could well be at a lower elevation than presently mapped. There shall be no net loss of wetlands in the Animas Valley Land Use Plan area. If a development proposes to fill in an existing wetland, it must bond and construct another wetland of comparable size to the satisfaction of Colorado Parks and Wildlife, Soil Conservation Service, and the Army Corps of Engineers elsewhere in the study area.

D. Uses permitted by right.

1. Uses permitted by right in the river corridor district include one (1) dwelling unit per existing legal lot of record or per thirty-five (35) acres, whichever is less; granny flats; commercial livestock and agriculture-related operations, and accessory structures. No structure may locate within the floodway or within seventy-five (75) feet of the river bank.
2. Existing, adjacent legal or nonconforming lots of record may be reconfigured through boundary adjustments with the following specifications:
  - a. The resultant lots allow for no more dwelling units than originally allowed for on the parcels.
  - b. The resulting lots are no smaller than twelve (12) acres.
  - c. All boundary adjustments involving existing nonconforming lots of record must be accomplished by a plat meeting all requirements of section 67-9.IV of this code.
  - d. The plat shall designate minimum building setbacks of fifty (50) feet from all property lines.
  - e. It may be deemed necessary by the board of county commissioners to require specific building envelopes to be designated on the plat. Reasons for the requirement may include, but not be limited to: visual or other adverse impact on the river or road, adverse impact on wetlands, wildlife or agricultural operations.

E. Special uses permitted by a Major land use permit.

1. Special uses permitted by a Major land use permit in the river corridor district include: bed and breakfasts of no more than ten (10) guest rooms, plant nurseries, greenhouses, public and quasi-public facilities, professional offices and low intensity tourist-oriented recreational uses. Such uses shall be designed to reflect the rural and scenic quality of the Animas Valley.
2. No property subdivision shall create lots smaller than twelve (12) acres. No structures shall locate within the floodway, and in no case shall a structure locate within seventy-five (75) feet of the Animas river bank. All outdoor storage shall be screened from view off site. Projects by special use permit that access Highway 550 shall be directed to consolidate and adequately improve selected intersections along the highway commensurate with development intensity. Providing an adequate means of internal circulation between sites shall also be encouraged so as to minimize turn movement conflicts along the highway. Parking shall be as required under section 70-18.

**III. Hermosa Creek Neighborhood Zoning District.**

A. Applicable standards: Pursuant to the authority conferred by C.R.S. § 30-28-119, this division was



enacted for the purpose of promoting the health, convenience, order, prosperity and welfare of the present and future inhabitants of the Hermosa Creek Neighborhood Zoning District by avoiding undue congestion by population, by distributing land development and utilization, by preventing the overcrowding of land and buildings, and by maintaining the traditional rural quality of the area. This previously created Hermosa Creek Neighborhood Zoning District is hereby adopted by the board pursuant to C.R.S. § 30-28-102 and incorporated into this code. The County will provide clear boundaries for the Hermosa Creek Neighborhood Zoning District.

B. Minimum lot area. The minimum lot area per single-family dwelling shall be three (3) acres.

C. Use regulations. No building or land shall be used and no building shall be hereafter erected, converted or structurally altered unless otherwise provided herein except for one (1) or more of the following uses. Any use not specifically included in this list is excluded from use in the Hermosa Creek Zoning District:

1. Single-family dwellings:

a. All the allowable manufactured housing shall have skirting of the same or similar material as the siding.

b. No lot shall provide dwellings for more than two (2) households or families.

2. Accessory buildings.

3. Gardening or truck gardens: this includes truck gardening, nursery, a noncommercial conservatory for plants and flowers, farming (but not fur farming and not including stock raising or dairying except as provided in subparagraph (4) of this paragraph).

4. Livestock:

a. The type of animal, by its nature, shall be able to be kept without undue detriment to neighboring uses.

b. The animals shall be housed and located on the property in a manner to minimize any obnoxious influence upon other properties. To this end, the following shall be complied with:

i. The animals shall be fenced or otherwise constrained to the property.

ii. Manure shall be managed in a manner so as to minimize the effect of smell and insects to adjacent properties.

iii. Animals shall not be kept in areas that could adversely affect domestic water systems.

c. Private poultry houses containing not more than four hundred (400) square feet of ground floor area; private rabbit and chinchilla hutches containing not more than one hundred (100) square feet of ground floor area.

D. Nonconforming uses. Certain uses for land and buildings may be in existence upon the enactment of the zoning resolution from which this chapter is derived which may not comply with this division. It is the purpose of this division to allow for continuance of such uses and buildings and to provide criteria by which they may be maintained.

1. Continuance of nonconforming uses.

a. Facilities and structures shall be kept in good repair. The use shall be of a continuous nature. If the use is of a seasonal nature, it shall be operated annually.

b. Discontinuance of nonconforming uses. Nonconforming uses shall be deemed discontinued pursuant to section 79-3.

2. Nonconforming lot size. A structure that is damaged or destroyed on a lot less than three (3) acres may be repaired or replaced when such repair or replacement is commenced within twelve (12) months of the occurrence of the damage.

3. Any pre-existing legal lot of record made non-conforming by the plan in 1993 shall be entitled to one single family residence. Original non-conforming uses include mobile home parks operating in the Animas Valley prior to 1993.

#### **IV. Bruce Lane Neighborhood Zoning District**

A. Purpose of district. The Bruce Land Neighborhood Zoning district was enacted for the purpose of promoting the welfare and independence of the present and future inhabitants of the Bruce Lane Neighborhood Zoning District by preventing high density housing development and maintaining the traditional rural quality of the area as it existed when created. This previously created Bruce Lane Neighborhood Zoning District is incorporated into this code. The County will provide clear boundaries for the Bruce Lane Neighborhood Zoning District.

B. Applicable standards. Minimum lot size.

1. The minimum lot area shall be three (3) acres.
2. Any existing lot smaller than the minimum lot area at the time of formation of the Bruce Lane Neighborhood Zoning District is an existing nonconforming use. It is the purpose of this section to allow continuance of such existing nonconforming lot size, but to prevent further subdivision of such lots and further construction thereon.

C. Residences per lot.

1. No lot may contain more than two (2) single-family residences; provided, however, that the lot meets the minimum lot size of three (3) acres.
2. For those lots smaller than three (3) acres with an existing residence, no additional residences shall be permitted. However, a structure that is damaged or destroyed on a lot of less than three (3) acres may be repaired or replaced subject to the terms and conditions of chapter 79.

#### **V. Hermosa/Animas Valley Zoning District**

A. Purpose of district. Pursuant to the authority conferred by C.R.S. § 30-28-119, this district was enacted for the purpose of promoting the welfare and independence of the present and future inhabitants of the Hermosa/Animas Valley Zoning District by preventing high density housing development and maintaining the traditional rural quality of the area as it existed. This previously created Hermosa/Animas Valley Zoning District is hereby adopted by the board pursuant to C.R.S. § 30-28-102 and incorporated into this code. The County will provide clear boundaries for the Hermosa/Animas Zoning District.

B. Zoning regulations. The Animas Valley Land Use Plan and Map are hereby adopted by this section as the land use regulations for the Hermosa/Animas Valley Zoning District, with the following specific exception: granny flats shall be allowed as special uses requiring a minor land use permit. There are no ordinances associated with this section.

Effective on: 10/25/2016

## **SEC. 65-4 ANIMAS VALLEY LAND USE PLAN DISTRICTS: USE, DENSITY AND LOT STANDARDS**

### **I. Fifteen-acre minimum single-family residential.**

A. Purpose of district. The purpose of the fifteen-acre minimum single-family residential district is to provide a reasonable use of land that predominantly has no central water or sewer service, and which lies outside the river corridor district. Preserving the rural character is of prime importance in this area.



B. Uses permitted by right. Uses permitted by right in the fifteen-acre minimum single family residential district include: single-family residential, granny flats, commercial livestock and agriculture-related operations and their accessory structures. Clustering is permitted for subdivisions that maintain a minimum five (5) acre lot for each dwelling unit and a minimum of fifty (50) percent of the overall site as landscaped and dedicated open space. The calculated land area remaining between minimum lot sizes and required open space may be used for internal roads, greater lot sizes or more open space. This surplus land area may not be used to justify additional dwelling units.

C. Special uses permitted by a Major land use permit. Special uses permitted by a Major land use permit in the fifteen-acre minimum single-family residential district include: bed and breakfasts of no more than ten (10) guest rooms, plant nurseries and greenhouses, day care centers, and public and quasi-public facilities. A minimum lot size when subdividing in this district shall be fifteen (15) acres. Highway 550 access points shall be consolidated and improved to the level commensurate with any approved development. Parking shall be as required under section 70-18.

## II. Ten-acre minimum single-family residential.

A. Purpose of district. The purpose of the ten-acre minimum single-family residential district is to provide a reasonable use of land that has no central sewer service, and that is located outside of the 100-year floodplain. Preserving the rural character is also of prime importance in this area.

B. Uses permitted by right. Uses permitted by right in the ten-acre minimum single-family residential district include single-family residential, granny flats, commercial livestock and agriculture-related operations and their accessory structures. Clustering is permitted for subdivisions that maintain a minimum three (3) acre lot for each dwelling unit and a minimum of fifty (50) percent of the overall site as landscaped and dedicated open space. The calculated land area remaining between minimum lot sizes and required open space may be used for internal roads, greater lot sizes or more open space. This surplus land area may not be used to justify additional dwelling units.

C. Special uses permitted by a Major land use permit. Special uses permitted by Major land use permit in the ten-acre minimum single-family residential district include: bed and breakfasts of no more than ten (10) guest rooms, plant nurseries and greenhouses, day care centers, public and quasi-public facilities, and low-intensity tourist-oriented recreational uses. A minimum lot size when subdividing in this district shall be ten (10) acres. Intersection improvements along the public right-of-way may be required commensurate with the requested intensity of the use. Parking shall be as required under section 70-18.

## III. Five-acre minimum single-family residential.

A. Purpose of district. The purpose of the five-acre minimum single-family residential district is to provide a reasonable use of land that predominantly has no central water or sewer service. Protecting surface water and near surface groundwater in an area that relies on individual well and septic systems are major considerations. Preserving the rural character is also of prime importance in this area. Impervious coverage of a lot shall not exceed fifty (50) percent.

B. Uses permitted by right. Uses permitted by right in the five-acre minimum single-family residential district include single-family residential, granny flats, commercial livestock and agriculture-related operations and their accessory structures. Clustering shall be permitted for developments that set aside at least thirty (30) percent open space. In no case shall any individual lot be smaller than three (3) acres. The difference in land area between the lots and the open space may be used for internal roads, larger lot sizes or greater open space, but may not be used to justify additional dwelling units.

C. Special uses permitted by a Major land use permit. Special uses permitted by a Major land use permit in the five-acre minimum single-family residential district include: bed and breakfasts of no more than six (6) guest rooms, plant nurseries and greenhouses, family day care centers, public and quasi-public facilities, professional offices, research and development facilities, and low-intensity tourist-oriented recreational uses. A minimum lot size when subdividing in this district shall be five (5) acres. No outdoor storage of materials is permitted. Building and site design shall reflect the rural and scenic quality of the valley. Highway 550 access points shall be consolidated and improved to a

level commensurate with any approved development. Developments shall provide for adequate internal circulation between properties in order to facilitate the sharing of highway intersections. Parking shall be as required under section 70-18.

#### **IV. Three-acre minimum single-family residential, restricted.**

A. Purpose of district. The purpose of the three-acre minimum single-family residential, restricted district is to provide for large-lot residential development in an area that has no central sewer service. Preserving the existing rural character is also a goal. Impervious coverage of a lot shall not exceed fifty (50) percent.

B. Uses permitted by right. Uses permitted by right in the three-acre minimum single family residential, restricted district include single-family residential, agriculture related operations and their accessory structures.

C. Special uses permitted by a **Major** land use permit. Special uses permitted by a **Major** land use permit in the three-acre minimum single-family residential, restricted district include: none.

#### **V. Three-acre minimum single-family residential.**

A. Purpose of district. The purpose of the three-acre minimum single-family residential district is to provide for large-lot residential development in areas that have direct frontage onto major arterial and collector roads, and which have no central sewer service. Preserving the rural character is also the goal. Impervious coverage of a lot shall not exceed fifty (50) percent.

B. Uses permitted by right. Uses permitted by right in the three-acre minimum single family residential district include: single-family residential, granny flats and agriculture-related operations and their accessory structures. Where there is central water service, clustering is permitted for subdivisions that maintain a one (1) acre minimum lot size for each dwelling unit and at least forty (40) percent of the entire site as landscaped and dedicated open space. The difference in land area between the lots and the open space may be used for internal roads, larger lots sizes or greater open space, but may not be used to justify additional dwelling units.

C. Special uses permitted by a **Major** land use permit. Special uses permitted by a **Major** land use permit in the three-acre minimum single-family residential district include: bed and breakfasts of no more than three (3) guest rooms, plant nurseries, greenhouses, public and quasi-public facilities, and day care homes. A minimum lot size when subdividing in this district shall be three (3) acres. Intersection improvements along public right-of-way may be required commensurate with the requested intensity of use. Parking shall be as required in section 70-18.

#### **VI. Two-acre minimum single-family residential.**

A. Purpose of district. The purpose of the two-acre minimum single-family residential district is to provide for a medium-density residential area within a rural environment, and to provide a step-down buffer between three-acre and one-acre districts. Preserving the existing rural character even where central water and sewer service is available is the goal. Impervious coverage of a lot shall not exceed fifty (50) percent.

B. Uses permitted by right. Uses permitted by right in the two-acre minimum single family residential district include: single-family residential, granny flats and agriculture-related operations and their accessory structures. Clustering is permitted for subdivisions that maintain a one (1) acre minimum lot size for each dwelling unit and at least thirty (30) percent of the entire site as landscaped and dedicated open space. The difference in land area between the lots and the open space may be used for internal roads, larger lots sizes or greater open space, but may not be used to justify additional dwelling units.

C. Special uses permitted by a **Major** land use permit. Special uses permitted by a **Major** land use permit in the two-acre minimum single-family residential district include: bed and breakfasts of no more than three (3) guest rooms, public and quasi-public facilities, and day care homes. A minimum lot size when subdividing in this district shall be two (2) acres. Intersection improvements along the public right-of-way may be required commensurate with the requested intensity of use. Parking shall

be as required under section 70-18.

#### **VII. One-acre minimum single-family residential, restricted.**

- A. Purpose of district. The purpose of the one-acre minimum single-family residential, restricted district is to provide for medium-density residential areas that lie outside the 100-year floodplain and that have central water and sewer service. Preserving the rural character while balancing the need for additional housing is the goal. Impervious coverage of a lot shall not exceed fifty (50) percent.
- B. Uses permitted by right. Uses permitted by right in the one-acre single-family residential, restricted district include single-family residential and agriculture operations and their accessory structures. Clustering is not permitted in this one-acre restricted district.
- C. Special uses permitted by a Major land use permit. Special uses permitted by a Major land use permit in the one-acre single-family residential, restricted district include: bed and breakfasts of no more than three (3) guest rooms, public and quasi-public facilities and day care homes. A minimum lot size when subdividing in this district shall be one (1) acre. Intersection improvements along the public right-of-way may be required commensurate with the requested intensity of use. Parking shall be as required in section 70-18.

#### **VIII. One-acre minimum single-family residential.**

- A. Purpose of district. The purpose of the one-acre minimum single-family residential district is to provide for medium-density residential areas that lie outside the 100-year floodplain and have central water and sewer service. Preserving the rural character while balancing the need for additional housing is the goal. Impervious coverage of a lot shall not exceed fifty (50) percent.
- B. Uses permitted by right. Uses permitted by right in the one-acre minimum single-family residential district include single-family residential, granny flats and agriculture operations and their accessory structures. Clustering is permitted for subdivisions that provide a minimum of thirty (30) percent of the site area as maintained and dedicated open space. The difference in land area between the lots and the open space may be used for internal roads, larger lots sizes or greater open space, but may not be used to justify additional dwelling units. While the individual lot sizes may be as small as ten thousand (10,000) square feet, in no case shall the overall density be greater than one (1) unit per acre.
- C. Special uses permitted by a Major land use permit. Special uses permitted by a Major land use permit in the one-acre minimum single-family residential district include: bed and breakfasts of no more than three (3) guest rooms, public and quasi-public facilities, plant nurseries and day care homes. A minimum lot size when subdividing in this district shall be one (1) acre. Intersection improvements along the public right-of-way may be required commensurate with the requested intensity of use. Parking shall be as required in section 70-18.

#### **IX. High-density, single-family residential/PUD.**

- A. Purpose of district. The purpose of the high-density, single-family residential/PUD district is to make existing high-density, single-family residential areas and PUDs conforming. If such a development is permitted in the future, it shall be held to a higher standard for open space than those now existing. Impervious coverage of a lot shall not exceed sixty (60) percent.
- B. Uses permitted by right. Uses permitted by right in the high-density, single-family residential/PUD district include attached or detached single-family residential with a maximum density of one (1) unit per ten thousand (10,000) square feet, based on net area. Such a development shall dedicate thirty (30) percent of the original site area as perpetual and landscaped open space.
- C. Special uses permitted by a Major land use permit. Special uses permitted by a Major land use permit in the high-density, single-family residential/PUD district include golf courses and supporting facilities. Intersection improvements along the public right-of way may be required commensurate with the requested intensity of use. Parking shall be as required in section 70-18.

## X. Multifamily residential.

A. Purpose of district. The purpose of the multifamily residential district is principally to make existing multifamily developments conforming in terms of use if not entirely in terms of density. This multifamily residential district also provides the opportunity for a redevelopment of existing multifamily projects, but with a compromised, downward adjustment in density.

B. Uses permitted by right. Uses permitted by right in the multifamily residential district include single-family residential on a minimum lot size of one (1) acre.

C. Special uses permitted by Major land use permit. Special uses permitted by Major land use permit in the multifamily residential district include multifamily developments including apartments, condominiums, town homes, and patio/zero lot line homes. Maximum density shall be six (6) units per net acre, based on a twenty (20) percent open space set aside. Existing multifamily developments may redevelop at twelve (12) units per net acre with twenty (20) percent of total site area dedicated as perpetual landscaped open space. Building and site design shall be compatible with the rural and scenic character of the valley. Intersection improvements along public right-of-way may be required commensurate with the requested intensity of use. Parking shall be as required in section 70-18.

## XI. Neighborhood commercial.

A. Purpose of district. The purpose of the neighborhood commercial district is to provide specific and limited locations to supply simple day-to-day goods and services to the Animas Valley residents. Building and site design shall be compatible with the rural and scenic character of the valley.

B. Uses permitted by right. There are no uses permitted by right in the neighborhood commercial district.

C. Special uses permitted by a Major land use permit. Special uses permitted by a Major land use permit in the neighborhood commercial district may include: neighborhood oriented businesses, public and quasi-public facilities, general and professional offices not to exceed two thousand five hundred (2,500) square feet, mini-storage facilities, bed and breakfasts of no more than six (6) guest rooms, medical marijuana centers as defined in Section 16(2)(m) of Article XVIII of the Colorado Constitution, and retail marijuana stores as defined in Section 16(2)(n) of Article XVIII of the Colorado Constitution.

Impervious coverage of a lot shall not exceed fifty (50) percent. All outdoor storage shall be screened from view. New structures shall be designed, built and buffered to blend in with the rural and scenic character of the area. Intersections along public rights-of-way shall be consolidated and improved to a level commensurate with any approved development. Developments shall provide for adequate internal circulation between properties in order to facilitate the sharing of road intersections. Parking shall be as required in section 70-18.

It is an objective of this plan to provide for high quality commercial development at locations so designated. Projects proposed within the neighborhood and general commercial districts should be designed in a comprehensive manner regarding access, internal circulation, drainage, parking and landscaping. It is not the purpose of these commercial districts to promote small lot subdivisions that lead to a strip commercial development.

## XII. General commercial.

A. Purpose of district. The purpose of the general commercial district is principally to make existing businesses conforming and, as well, to give appropriately located properties a reasonable use of the land.

B. Uses permitted by right. There are no uses permitted by right in the general commercial district.

C. Special uses permitted by a Major land use permit. Uses permitted by special use permit in the general commercial district may include: low-intensity tourist-oriented recreational uses, motels, restaurants, outdoor entertainment, professional office buildings, plant nurseries, sale of goods hand-produced or hand-assembled on site, neighborhood-oriented businesses, public and quasi-public

facilities, telecommunication facilities and marijuana facilities as defined in chapter 62.

In all cases, outdoor storage shall be screened, and lighting shall conform with dark sky standards. Noise levels shall be maintained to minimize the nuisance for nearby residents. Intersections along public rights-of-way shall be consolidated where appropriate and improved to a level commensurate with any approved development. Developments shall be encouraged to provide for adequate internal circulation between properties in order to facilitate the sharing of road intersections. Parking shall be as required under section 70-18. Building and site design shall be compatible with the rural and scenic character of the valley.

It is an objective of this plan to provide for high quality commercial development at locations so designated. Projects proposed within the neighborhood and general commercial districts should be designed in a comprehensive manner with regard to access, internal circulation, drainage, parking and landscaping. It is not the purpose of these commercial districts to promote small lot subdivisions that lead to a strip commercial development.

### **XIII. Industrial.**

A. Purpose of district. The purpose of the industrial district is to make existing industrial uses conforming while not encouraging new ones, as well as to give appropriately located properties a reasonable use of the land.

B. Uses permitted by right. There are no uses permitted by right in the industrial district.

C. Special uses permitted by a Major and use permit. Special uses permitted by a Major land use permit in the industrial district may include sand and gravel operations, asphalt plants, public and quasi-public facilities, telecommunication facilities and marijuana facilities as defined in chapter 62. The location of sand and gravel type industrial properties indicated on the Animas Valley Land Use Plan Map are based on the permitted areas map provided by the state division of minerals and geology. If there is any question of land use map accuracy, the records of the state division of minerals and geology shall prevail.

There are no ordinances associated with this section.

### **XIV. Non-conforming uses.**

1. Continuanance of non-conforming uses
  - a. Facilities and structures shall be kept in good repair
  - b. The use shall be continuous in nature. If the use is of seasonal nature, it shall be operated annually.
2. Non-conforming uses shall be deemed discontinued if:
  - a. The use is abandoned for a period of one year or more: or
  - b. The use is damaged by more than fifty percent (50%) of the replacement cost of the original non-conforming use.
  - c. Discontinued or destroyed use may only be replaced with uses that conform to current zoning regulations
3. Any pre-existing legal lot of record made non-conforming by the plan in 1993 shall be entitled to one single family residence. Original nonconforming uses included mobile/manufactured home parks operating in the Animas Valley prior to 1993.

## **SEC. 65-5 ECONOMIC DEVELOPMENT AREAS**

I. **Purpose.** The purpose of an economic development area is to encourage economic development with an efficient process and predictable land uses. This is accomplished by providing, after approval of designation of the area, an administrative land use permit process for commercial, industrial, and



mixed-use projects in appropriate areas of the county that would otherwise require **Major** land use permits.

**II. Creation of district.** The board shall determine, by resolution, specific districts of the county which are appropriate for designation as economic development areas, pursuant to section 66-38.

**III. Process; application requirements; standards.** In economic development areas designated pursuant to section 66-38, an application for a commercial, industrial or mixed use project shall be processed as an administrative land use permit pursuant to section 66-18. The submittal requirements and standards for such development within an economic development area shall be consistent with those requirements and standards that apply to developments requiring a major land use permit, except that the compatibility assessment pursuant to section 70-5 shall not apply. In all other respects, development within an economic development area shall be consistent with the processes and standards of this code.

**IV. Established economic development areas enumerated.** The following economic development areas have been established:

A. Gem Village (established pursuant to Resolution No. 1995-35). **RDAC believes this area should be in general La Plata LUC or placed with Bayfield**

1. Qualifying development. The following development that would otherwise require a minor or major land use permit pursuant to sections 66-6 and 66-7, instead qualify for an administrative land use permit:

- a. Commercial development or redevelopment;
- b. Industrial development or redevelopment;
- c. Mixed use development;
- d. Commercial outdoor storage or parking of equipment, machines, tools, products, raw materials, cars and/or trucks, including salvage/junk yards;
- e. Large childcare centers as defined and regulated by the state department of human services.

B. Reserved.

There are no ordinances associated with this section.

Effective on: 10/1/2020

## **SEC. 65-6 CROWBAR CREEK PLANNING AREA**

**RDAC believes this area should be in general La Plata LUC or placed with Bayfield**

**I. Applicability.** The Crowbar Creek Planning Area was adopted as a neighborhood overlay in 1994 (Resolution No. 1994-29). Except as otherwise provided in this section, all other provisions of this code shall apply within the Crowbar Creek Planning Area. The Crowbar Creek Planning Area is depicted on the Crowbar Creek Area Map.

**II. Standards.**

A. Density. A maximum of two (2) dwelling units per thirty-five (35) acres are allowed.

B. Minimum lot size. Minimum lot size shall be thirty-five (35) acres for any newly created lot.

C. Building setbacks. The front yard building setback shall be a minimum of twenty (20) feet. Side yard and rear yard building setbacks shall be a minimum of ten (10) feet each.

D. Permitted uses. Single-family residential and agricultural uses are allowed, as provided in section 66-3. A second dwelling on a lot may be permitted as provided in section 73-3. Home occupations on



a lot may also be permitted as an accessory use pursuant to section 73-2. However, allowable home occupations shall be limited to not more than eight hundred (800) square feet of building area within a single development and thereby shall be limited to accessory uses permitted with administrative land use permits. Development applications for lot sizes or uses not otherwise allowed within the Crowbar Creek Planning Area shall require a major land use permit, with a mandatory compatibility assessment pursuant to section 70-5.

E. Outdoor lighting. Outdoor yard lighting, either mounted on poles or on buildings, are permitted. New lighting shall be shielded so that light is directed downward so as not to glare onto a neighboring property or dilute the night sky.

F. Water wells. To ensure adequate water quantity and quality in the Crowbar Creek Planning Area, per section 70-4, any application for any permit shall first require findings of adequate water supply taken from a test well located on the site.

G. Wildlife protection corridor. To provide a haven for big game and other wildlife, there is an established wildlife corridor as shown on the Crowbar Creek Planning Area Map. In the wildlife protection corridor, no permanent structures are permitted or allowed. Fencing within the wildlife protection corridor is discouraged. Any fence constructed in the corridor shall not exceed a height of forty-two (42) inches and shall conform to division of wildlife standards for materials, spacing, clearance and other design criteria.

H. Fencing. So that wildlife movement into and out of the wildlife protection corridor is not impeded, any fencing outside of the wildlife corridor is encouraged to follow the fencing design plans of the Colorado Parks and Wildlife. Fencing materials are not limited within one hundred fifty (150) feet of any dwelling (outside of the wildlife corridor). Opaque fencing is not permitted further than one hundred fifty (150) feet from any dwelling.

There are no ordinances associated with this section.

Effective on: 10/1/2020

## **SEC. 65-7 AFFORDABLE HOUSING - RESERVED**

Effective on: 10/1/2020

## **SEC. 65-8 INTERPRETATION OF LAND USE MAPS AND OVERLAY MAPS**

Unless otherwise specified, in the event of uncertainty, boundaries of land use and overlay maps shall be on section lines; lot lines; the centerlines of highways, streets, alleys, **growth hubs**, railroad rights-of-way, or such lines extended; municipal corporation lines; natural boundary lines, such as rivers or streams;; or other lines to be determined by the use of scales shown on the maps.

There are no ordinances associated with this section.

Effective on: 10/1/2020