

ARTICLE III. - ANIMAS VALLEY LAND USE PLAN DISTRICTS

DIVISION 1. - GENERALLY

Sec. 106-111. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agriculture-related operations means the keeping and raising of domestic livestock for personal use, and the raising of crops and produce for personal use or for profit. The sale of goods produced on site is permitted.

Commercial livestock means a business or private operation in which the primary purpose is to raise and sell livestock for profit. For the purposes of the Animas Valley Land Use Plan, this use shall not include cattle or swine feed lots, dairy farms or poultry houses.

Day care home means a child care facility for no more than six children that is usually run out of the director's home.

Family means an indeterminate number of related persons, or no more than five unrelated persons, living and cooking together on the premises as a single dwelling unit.

Feedlot means a lot, yard or corral, or other area in which livestock are confined, primarily for the purposes of feeding and growth prior to slaughter. The term does not include areas which are used for raising crops or other vegetation and upon which livestock are allowed to graze or feed.

Impervious cover means the roof and pavement areas that cover a lot and impede water infiltration.

Granny flat means a second dwelling unit of no more than 1,000 square feet that is attached to the principle structure.

Lighting means illumination which shall not spill or glare off site. No business sign shall remain illuminated throughout the night. Security lighting shall be at a minimum. Noise levels shall be maintained so as to minimize the nuisance for nearby residents.

Low-intensity, tourist-related recreational uses means golf courses, driving ranges, RV parks, riding stables, fishing ponds, campgrounds, glider ports of no more than six planes (two fixed wing, four gliders). This special use permit classification shall not include amusement parks, firing ranges, miniature golf courses, bowling alleys, video arcade amusements or drive-in theaters.

Mini-storage facility means a business that provides storage space for household or commercial goods within an enclosed building or group of buildings with controlled access to individual storage spaces. Outdoor storage shall not be permitted including, but not limited to, equipment, trailers, boats, recreational vehicles and other motor vehicles. Sales shall not be conducted on the premises, including but not limited to, auctions, wholesale or retail sales, garage sales, estate sales and other similar sales events. The maximum floor area of the storage space shall be 20,000 square feet on any one parcel.

Neighborhood-oriented businesses means gasoline stations, grocery stores, restaurants serving no alcohol, liquor stores, laundromats, video stores, postal services, hardware stores, retail sale of goods produced on site and plant nurseries.

Parking areas means those areas designated for required and auxiliary parking for multifamily residential and business operations. Parking areas shall be landscaped at a ratio equivalent of one parking stall (162 square feet) landscaped to five actual parking spaces. The landscaped area may be placed around the perimeter of the parking lot. Parking lots shall be graveled at a minimum, and otherwise conform to county parking regulations.

Public and quasipublic facilities means schools; churches; cemeteries; grange halls; fire stations; utility and transportation facilities; and county, state or federal uses or facilities. All outdoor storage shall be screened from view.

Steep slope means slopes with greater than 30 percent grade.

Wetlands means those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. This definition shall include ox bow lakes and ponds.

(LPLUS, § 10.4; Res. No. 2003-13, § 1(Exh. A), 3-17-2003; Res. No. 2012-23, § 1(Exh. A), 6-12-2012; Res. No. 2014-06, § 1(Exh. A), 1-21-2014; Res. No. 2014-24, § 1(Exh. A), 6-10-2014)

Cross reference— Definitions generally, § 1-2.

Sec. 106-112. - Animas Valley Land Use Plan.

- (a) Use. This article 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 preexisting, 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 82-7 and other applicable provisions of this Code.
 - (2) Any preexisting 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 legally nonconforming shall enjoy the right to regular maintenance, repair and to some extent replacement and expansion, as provided in subsection 82-20(4).
 - (4) No new subdivisions shall occur on steep slopes (30 percent or greater). One 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 82-5 and/or permitted pursuant to section 82-5.
- (c) Special use permit. Special use permits shall only be approved through the Class II land use permit procedures.
- (d) Conformance. Applications for development which are not in conformance with the Animas Valley Land Use Plan shall not be accepted by the planning department. To be submitted, the plan must first be amended to allow for the intended use or density. The process for considering amendments to the plan shall be the full Class II process, with a public hearing before the planning commission, joint planning commission, and/or the board of county commissioners.
- (e) 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 1,000 feet of the property boundary of the lot or parcel subject to the application for a land use permit.

(LPLUS, §§ 10.1, 10.2; Res. No. 2004-20, § 1, 6-28-2004; Res. No. 2008-30, § 1, 11-12-2008; Res. No. 2013-08, § 1(Exh. A), 1-29-2013; Res. No. 2014-24, § 1(Exh. A), 6-10-2014; Res. No. 2014-31, § 1(Exh. A), 8-5-2014; Res. No. 2014-29, § 1(Exh. A), 8-5-2014)

Sec. 106-113. - 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/cycling paths are endorsed along CR 203, Hwy 550, CR 252, and northern 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 30 feet for all nonagricultural structures, and a maximum of 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) Any property split by a public road may, at the owner's request, be considered as two individual lots with regard to density allowances.
- (f) Areas deemed undevelopable due to steep slopes and River Corridor District designation shall be entitled to use 50 percent of those land areas for clustered housing calculations. In such cases, clustered development shall occur on the developable lands only.
- (g) 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.
- (h) All structures shall maintain a minimum setback of 50 feet from the river bank, regardless of land use plan designation or location of the floodway.

(LPLUS, § 10.3)

Sec. 106-114. - Animas Valley Land Use Plan Area.

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 such plan. 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 shall be amended prior to any application for development not in conformity therewith. The Animas Valley Land Use Plan also includes the neighborhood zoning districts as set forth in article IV of this chapter.

(LPLUS, § 1.9.4)

Sec. 106-115. - Personal marijuana cultivation; marijuana facilities.

- (a) Personal marijuana cultivation. Personal marijuana cultivation shall only be permitted as either accessory uses subject to the standards and permitting requirements established in section 82-5 or as Class II land uses subject to all applicable standards in subpart B of this Code including the general standards imposed by section 82-210.
- (b) Marijuana facilities. When proposed to be located in the Animas Valley Land Use Plan Area, marijuana facilities shall meet all applicable standards imposed by this article II as well as the general and additional standards imposed by sections 82-210 and 82-211. If the general and additional standards imposed by section 82-210 and 82-211 conflict with the applicable standards imposed by this article II and cannot be read harmoniously with such standards, the stricter standard shall control and apply.

(Res. No. 2014-24, § 1(Exh. A), 6-10-2014)

Editor's note— Res. No. 2014-24, § 1(Exh. A), adopted June 10, 2014, amended section 106-115 in its entirety to read as herein set out. Formerly, section 106-115 pertained to marijuana facilities, and derived from Res. No. 2014-12, § 1(Exh. A), adopted February 11, 2014.

Sec. 106-116. - Telecommunications facilities.

- (a) In the Animas Valley Planning District, telecommunications facilities as defined in chapter 82, division 5 may only be constructed in the neighborhood commercial, general commercial, and industrial land use plan districts, except for the co-location of antennae on existing towers in any district.
- (b) The construction of new telecommunication facilities or co-location of antennae as described above shall require approval of a special use permit. Application requirements shall be those listed for Class II approval in subsection 82-207(b).

(Res. No. 2014-06, § 1(Exh. A), 1-21-2014)

Secs. 106-117—106-130. - Reserved.

DIVISION 2. - RIVER CORRIDOR DISTRICT

Sec. 106-131. - Creation; rationale.

- (a) This document is written to further describe the reasons and rationale for the Animas Valley River Corridor District. The river corridor district is defined on the east side by the 100-year floodplain boundary, and on the west side by a 500-foot width from the river bank or the 100-year floodplain limit, whichever is closer to the river. Uses permitted within the river corridor district range from very low density residential and agricultural to offices and tourist-oriented recreational 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.

(LPLUS, § 10.0 (Addendum))

Sec. 106-132. - Purpose of 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 Division of Wildlife, Soil Conservation Service, and the Army Corps of Engineers elsewhere in the study area.

(LPLUS, § 10.5.1)

Sec. 106-133. - Uses permitted by right.

- (a) Uses permitted by right in the river corridor district include one dwelling unit per existing legal lot of record or per 35 acres, whichever is lesser, granny flats, commercial livestock and agriculture-related operations and accessory structures. No structure may locate within the floodway, and in no case within 50 feet of the river bank.
- (b) Existing, adjacent legal or legal nonconforming lots of record can be reconfigured through boundary adjustments with the following specifications:
 - (1) The resultant lots allow for no more dwelling units than originally allowed for on the two parcels.
 - (2) The resulting lots are no smaller than 12 acres.

- (3) All boundary adjustments involving existing legal nonconforming lots of record must be accomplished by a plat meeting all requirements of section 102-22 of this Code.
- (4) The plat shall designate minimum building setbacks of 50 feet from all property lines.
- (5) 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.

(LPLUS, § 10.5.1.a; Res. No. 1999-11, 3-15-99)

Sec. 106-134. - Uses permitted by special use permit.

- (a) Uses permitted by special use permit in the river corridor district include bed and breakfasts of no more than ten guestrooms, plant nurseries, greenhouses, public and quasipublic facilities, professional offices and low-intensity, tourist-oriented recreational uses. Such uses shall be designed so as to reflect the rural and scenic quality of the valley.
- (b) No property subdivided for a special use permit shall be smaller than 12 acres. No structures shall locate within the floodway, and in no case shall a structure locate within 50 feet of the 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 106-111 of this chapter.

(LPLUS, § 10.5.1.b)

Secs. 106-135—106-150. - Reserved.

DIVISION 3. - FIFTEEN-ACRE MINIMUM SINGLE-FAMILY RESIDENTIAL

Sec. 106-151. - Purpose of district.

The purpose of the 15-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.

(LPLUS, § 10.5.2)

Sec. 106-152. - Uses permitted by right.

Uses permitted by right in the 15-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-acre lot for each dwelling unit and a minimum of 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.

(LPLUS, § 10.5.2.a)

Sec. 106-153. - Uses permitted by special use permit.

Uses permitted by special use permit in the 15-acre minimum single-family residential district include bed and breakfasts of no more than ten guestrooms, plant nurseries and greenhouses, day care centers, and public and quasipublic facilities. A minimum lot size when subdividing for a special use permit shall be 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 106-111 of this chapter.

(LPLUS, § 10.5.2.b)

Secs. 106-154—106-170. - Reserved.

DIVISION 4. - TEN-ACRE MINIMUM SINGLE-FAMILY RESIDENTIAL

Sec. 106-171. - 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.

(LPLUS, § 10.5.3)

Sec. 106-172. - 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-acre lot for each dwelling unit and a minimum of 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.

(LPLUS, § 10.5.3.a)

Sec. 106-173. - Uses permitted by special use permit.

Uses permitted by special use permit in the ten-acre minimum single-family residential district include bed and breakfasts of no more than ten guestrooms, plant nurseries and greenhouses, day care centers, public and quasipublic facilities, and low-intensity, tourist-oriented recreational uses. A minimum lot size when subdividing for a special use permit shall be ten 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 106-111 of this chapter.

(LPLUS, § 10.5.3.b)

Secs. 106-174—106-190. - Reserved.

DIVISION 5. - FIVE-ACRE MINIMUM SINGLE-FAMILY RESIDENTIAL

Sec. 106-191. - 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 50 percent.

(LPLUS, § 10.5.4)

Sec. 106-192. - 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 30 percent open space. In no case shall any individual lot be smaller than three 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.

(LPLUS, § 10.5.4.a)

Sec. 106-193. - Uses permitted by special use permit.

Uses permitted by special use permit in the five-acre minimum single-family residential district include bed and breakfasts of no more than six guestrooms, plant nurseries and greenhouses, family day care centers, public and quasipublic facilities, professional offices, research and development facilities, and low-intensity, tourist-oriented recreational uses. A minimum lot size when subdividing for a special use permit shall be five 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 106-111 of this chapter.

(LPLUS, § 10.5.4.b)

Secs. 106-194—106-210. - Reserved.

DIVISION 6. - THREE-ACRE MINIMUM SINGLE-FAMILY RESIDENTIAL, RESTRICTED

Sec. 106-211. - 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 50 percent.

(LPLUS, § 10.5.5)

Sec. 106-212. - 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.

(LPLUS, § 10.5.5.a)

Sec. 106-213. - Uses permitted by special use permit.

Uses permitted by special use permit in the three-acre minimum single-family residential, restricted district include: none.

(LPLUS, § 10.5.5.b)

Secs. 106-214—106-230. - Reserved.

DIVISION 7. - THREE-ACRE MINIMUM SINGLE-FAMILY RESIDENTIAL

Sec. 106-231. - 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 50 percent.

(LPLUS, § 10.5.6)

Sec. 106-232. - 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-acre minimum lot size for each dwelling unit and at least 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.

(LPLUS, § 10.5.6.a)

Sec. 106-233. - Uses permitted by special use permit.

Uses permitted by special use permit in the three-acre minimum single-family residential district include bed and breakfasts of no more than three guestrooms, plant nurseries, greenhouses, public and quasipublic facilities, and day care homes. A minimum lot size when subdividing for a special use permit shall be three 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 106-111 of this chapter.

(LPLUS, § 10.5.6.b)

Secs. 106-234—106-250. - Reserved.

DIVISION 8. - TWO-ACRE MINIMUM SINGLE-FAMILY RESIDENTIAL

Sec. 106-251. - 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 50 percent.

(LPLUS, § 10.5.7)

Sec. 106-252. - 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-acre minimum lot size for each dwelling unit and at least 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.

(LPLUS, § 10.5.7.a)

Sec. 106-253. - Uses permitted by special use permit.

Uses permitted by special use permit in the two-acre minimum single-family residential district include bed and breakfasts of no more than three guestrooms, public and quasipublic facilities, and day care homes. A minimum lot size when subdividing for a special use permit shall be two 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 106-111 of this chapter.

(LPLUS, § 10.5.7.b)

Secs. 106-254—106-270. - Reserved.

DIVISION 9. - ONE-ACRE MINIMUM SINGLE-FAMILY RESIDENTIAL, RESTRICTED

Sec. 106-271. - 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 50 percent.

(LPLUS, § 10.5.8)

Sec. 106-272. - 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.

(LPLUS, § 10.5.8.a)

Sec. 106-273. - Uses permitted by special use permit.

Uses permitted by special use permit in the one-acre single-family residential, restricted district include bed and breakfasts of no more than three guestrooms, public and quasipublic facilities and day care homes. A minimum lot size when subdividing for a special use permit shall be one 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 106-111 of this chapter.

(LPLUS, § 10.5.8.b)

Secs. 106-274—106-290. - Reserved.

DIVISION 10. - ONE-ACRE MINIMUM SINGLE-FAMILY RESIDENTIAL

Sec. 106-291. - 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 50 percent.

(LPLUS, § 10.5.9)

Sec. 106-292. - 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 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 10,000 square feet, in no case shall the overall density be greater than one unit per acre.

(LPLUS, § 10.5.9.a; Res. No. 2013-11, § 1(Exh. A), 2-5-2013)

Sec. 106-293. - Uses permitted by special use permit.

Uses permitted by special use permit in the one-acre minimum single-family residential district include bed and breakfasts of no more than three guestrooms, public and quasipublic facilities, plant nurseries and day care homes. A minimum lot size when subdividing for a special use permit shall be one 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 106-111 of this chapter.

(LPLUS, § 10.5.9.b)

Secs. 106-294—106-310. - Reserved.

DIVISION 11. - HIGH-DENSITY, SINGLE-FAMILY RESIDENTIAL/PUD

Sec. 106-311. - 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 planned unit developments (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 60 percent.

(LPLUS, § 10.5.10)

Sec. 106-312. - 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 unit per 10,000 square feet, based on net area. Such a development shall dedicate 30 percent of the original site area as perpetual and landscaped open space.

(LPLUS, § 10.5.10.a; Res. No. 2001-10, 2-20-2001)

Sec. 106-313. - Uses permitted by special use permit.

Uses permitted by special 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 under section 106-111 of this chapter.

(LPLUS, § 10.5.10.b)

Secs. 106-314—106-330. - Reserved.

DIVISION 12. - MULTIFAMILY RESIDENTIAL

Sec. 106-331. - 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.

(LPLUS, § 10.5.11)

Sec. 106-332. - Uses permitted by right.

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

(LPLUS, § 10.5.11.a)

Sec. 106-333. - Uses permitted by special use permit.

Uses permitted by special use permit in the multifamily residential district include multifamily developments including apartments, condominiums, town homes and mobile home parks. Maximum density shall be six units per net acre, based on a 20 percent open space set aside. Existing multifamily developments may redevelop at 12 units per net acre with 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 106-111 of this chapter.

(LPLUS, § 10.5.11.b)

Secs. 106-334—106-350. - Reserved.

DIVISION 13. - NEIGHBORHOOD COMMERCIAL

Sec. 106-351. - 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.

(LPLUS, § 10.5.12)

Sec. 106-352. - Uses permitted by right.

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

(LPLUS, § 10.5.12.b)

Sec. 106-353. - Uses permitted by special use permit.

Uses permitted by special use permit in the neighborhood commercial district include neighborhood-oriented businesses, public and quasi-public facilities, single-family residential, multifamily residential (up to six units per net acre), general and professional offices not to exceed 2,500 square feet, mini-storage facilities, bed and breakfasts of no more than six guestrooms, 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 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 106-111 of this chapter. 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.

(LPLUS, § 10.5.12.b; Res. No. 2003-13, § 1(Exh. A), 3-17-2003; Res. No. 2014-06, § 1(Exh. A), 1-21-2014; Res. No. 2014-24, § 1(Exh. A), 6-10-2014)

Secs. 106-354—106-370. - Reserved.

DIVISION 14. - GENERAL COMMERCIAL

Sec. 106-371. - 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.

(LPLUS, § 10.5.13; Res. No. 2012-23, § 1(Exh. A), 6-12-2012)

Sec. 106-372. - Uses permitted by right.

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

(LPLUS, § 5.10.13.a)

Sec. 106-373. - Uses permitted by special use permit.

Uses permitted by special use permit in the general commercial district 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, and marijuana facilities as defined in section 62-1. In all cases, outdoor storage shall be screened, and lighting shall be minimal. Noise levels shall be maintained so as 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 106-111. 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.

(LPLUS, § 10.5.13.b; Res. No. 2012-23, § 1(Exh. A), 6-12-2012; Res. No. 2014-06, § 1(Exh. A), 1-21-2014; Res. No. 2014-24, § 1(Exh. A), 6-10-2014)

Secs. 106-374—106-390. - Reserved.

DIVISION 15. - INDUSTRIAL

Sec. 106-391. - 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.

(LPLUS, § 10.5.14; Res. No. 2012-23, § 1(Exh. A), 6-12-2012)

Sec. 106-392. - Uses permitted by right.

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

(LPLUS, § 10.5.14.a)

Sec. 106-393. - Uses permitted by special use permit.

Uses permitted by special use permit in the industrial district are sand and gravel operations, asphalt plants, public and quasi-public facilities, and marijuana facilities as defined in section 62-1. 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.

(LPLUS, § 10.5.14.b; Res. No. 2012-23, § 1(Exh. A), 6-12-2012; Res. No. 2014-06, § 1(Exh. A), 1-21-2014; Res. No. 2014-24, § 1(Exh. A), 6-10-2014)

Secs. 106-394—106-410. - Reserved.