

## **SEC. 65-3 ANIMAS VALLEY LAND USE PLAN DISTRICTS: USE, DENSITY AND LOT STANDARDS**

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### **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 minor land use permit. Special uses permitted by a minor land use permit in the fifteen-acre minimum single-family residential district include: bed and breakfasts of no more than ten (10) guestrooms, 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 minor land use permit. Special uses permitted by minor land use permit in the ten-acre minimum single-family residential district include: bed and breakfasts of no more than ten (10) guestrooms, 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 minor land use permit. Special uses permitted by a minor land use permit in the five-acre minimum single-family residential district include: bed and breakfasts of no more than six (6) guestrooms, 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 minor land use permit. Special uses permitted by a minor 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 minor land use permit. Special uses permitted by a minor land use permit in the three-acre minimum single-family residential district include: bed and breakfasts of no more than three (3) guestrooms, 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 minor land use permit. Special uses permitted by a minor land use permit in the two-acre minimum single-family residential district include: bed and breakfasts of no more than three (3) guestrooms, 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 minor land use permit. Special uses permitted by a minor land use permit in the one-acre single-family residential, restricted district include: bed and breakfasts of no more than three (3) guestrooms, 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 lot 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 minor land use permit. Special uses permitted by a minor land use permit in the one-acre minimum single-family residential district include: bed and breakfasts of no more than three (3) guestrooms, 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 minor land use permit. Special uses permitted by a minor 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 a minor land use permit. Special uses permitted by a minor land use permit in the multifamily residential district include multifamily developments including apartments, condominiums, town homes and manufactured home parks. 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.
- B. Uses permitted by right. There are no uses permitted by right in the neighborhood commercial district.
- C. Special uses permitted by a minor land use permit. Special uses permitted by a minor land use permit in the neighborhood commercial district include: neighborhood-oriented businesses, public and quasi-public facilities, single-family residential, multifamily residential (up to six (6) units per net acre), 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) 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 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 minor land 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, telecommunication facilities and marijuana facilities as defined in chapter 62. In all cases, outdoor storage shall be screened, and lighting shall be minimal. 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. 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 minor land use permit. Special uses permitted by a minor land use permit in the industrial district are 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.

(Res. No. 2020-30, § 65-3, 09/15/2020)

Effective on: 10/1/2020