

**CHAPTER 5: DIMENSIONAL REQUIREMENTS**

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**5-10: DIMENSIONAL STANDARDS TABLES ..... 3**  
5-10-10: USE OF THE TABLES..... 3  
5-10-20: REDUCTION IN DENSITY FOR STEEP SLOPES ..... 13

**5-20: RULES OF MEASUREMENT ..... 13**  
5-20-10: MEASUREMENT OF LOT OR PARCEL AREA..... 13  
5-20-20: NO GUARANTEE OF MAXIMUM DENSITY OR FLOOR AREA ..... 14  
5-20-30: MEASUREMENT OF ROAD SETBACKS ..... 14  
5-20-40: MEASUREMENTS OF YARD SETBACKS..... 14  
5-20-50: MEASUREMENT OF STREAM SETBACKS..... 14  
5-20-60: MEASUREMENT OF BUILDING HEIGHT ..... 14  
5-20-70: MEASUREMENT OF FLOOR AREA ..... 15  
5-20-80: MEASUREMENT OF GROSS FLOOR AREA ..... 19  
5-20-90: MEASUREMENT OF USABLE OPEN SPACE ..... 19  
5-20-100: PERMITTED ENCROACHMENTS INTO SETBACKS FROM ROADS AND PROPERTY  
LINES ..... 19

**CHAPTER 5: DIMENSIONAL REQUIREMENTS**  
**5-10: Dimensional Standards Tables**  
**5-10-10: Use Of The Tables**

---

Accessory Use or Structure (see also Use, Accessory and Temporary).....	4, 7, 11	Rural Zone Districts (see also Zone Districts).....	3
Activity Envelope.....	6	Setback	
Balcony .....	16	<i>Front</i> .....	4, 7, 11
Below Grade Space .....	17	<i>Rear</i> .....	4, 7, 11
Board of County Commissioners (BOCC).....	8	<i>Road</i> .....	14
Building Permit.....	10	<i>Side</i> .....	4, 7, 11
Community Development Director .....	14	<i>Stream</i> .....	14
Crawl Space.....	16	<i>Yard</i> .....	14
Deck.....	6, 16	Single Family Dwelling.....	9, 10, 12
Development Application .....	14	Slope	
Dimensional Requirements		<i>Reduction in Density</i> .....	13
<i>Affordable Housing Zone Districts</i> .....	10	<i>Steep</i> .....	13
<i>Commercial Zone Districts</i> .....	12	Stairway .....	16
<i>Rural and Conservation Zone Districts</i> .....	6	Two-Step Review.....	6
<i>Urban/Suburban Residential Zone Districts</i> .....	7	Use	
Duplex .....	8, 9	<i>Principal</i> .....	7, 9, 11
Employee Housing Guidelines .....	10	Vested Rights .....	6
Encroachment.....	14, 15, 19	Zone Districts	
Grade, Existing.....	8, 12, 15, 16, 19	<i>Affordable Housing PUD (AH/PUD)</i> .....	9
Growth Management Quota System (GMQS)		<i>Low Impact Residential – 35 Acre (LIR-35)</i> .....	4, 6
<i>Allocation</i> .....	4, 7	<i>Medium Density Residential – 6,000 Sq. Ft. Lot (R-6)</i> .....	7, 9
Highways		<i>Mobile Home Park (MHP)</i> .....	7, 8
<i>Arterial</i> .....	4, 7, 9, 11	<i>Moderate Density Residential – 15,000 Sq. Ft. Lot (R-15A)</i> .....	7, 8
Hotel.....	6, 12	<i>Public (PUB)</i> .....	3
Lot Area, (Minimum).....	4, 7, 9, 11	<i>Public and Institutional (P-I)</i> .....	12
Lot Width, (Minimum).....	4, 7, 9, 11	<i>Resource – 30 Acre (RS-30)</i> .....	13
Measurement		<i>Rural</i> .....	3
<i>Building Height</i> .....	14	<i>Rural and Remote (RR)</i> .....	6, 15
<i>Floor Area</i> .....	15	<i>Rural Business (B-1)</i> .....	4, 6
<i>Lot or Parcel Area</i> .....	13	<i>Ski-Recreation (SKI-REC)</i> .....	4, 6
<i>Usable Open Space</i> .....	19	<i>Transitional Residential – 1 (TR-1)</i> .....	4, 6
Motel/Lodge .....	6, 12	<i>Transitional Residential – 2 (TR-2)</i> .....	4, 6
Open Space (Minimum Usable) .....	4, 7, 9, 11	<i>Village Commercial (VC)</i> .....	11, 15, 16, 18
Pitkin County Comprehensive Plan.....	10	<i>Village Residential – 6,000 Sq. Ft. Lot (VR)</i> .....	7, 15, 16, 18
Redstone Historic Preservation Commission (RHPC).....	19		

## **CHAPTER 5: DIMENSIONAL REQUIREMENTS**

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This Chapter 5 contains information related to dimensional requirements of development – including minimum lot sizes, maximum heights, minimum setbacks, open space requirements, building size restrictions, and similar dimensional standards. All primary and accessory structures are subject to the dimensional standards set forth in this Chapter. However, these general standards may be further limited or modified by other applicable sections of this Land Use Code. In particular, some uses are subject to use-specific standards in Chapter 4 that impose stricter requirements than set forth in these tables. In addition, all development is subject to the requirements of Chapter 7, which may impose stricter requirements in some cases.

### **5-10: DIMENSIONAL STANDARDS TABLES**

#### **5-10-10: USE OF THE TABLES**

**(a)** The general dimensional requirements for each zone district are set forth in Tables 5-10 A, B, C, and D below. Each table addresses a different set of zone districts:

Table A: Rural Zone Districts

Table B: Urban / Suburban Residential Zone Districts

Table C: Affordable Housing Zone Districts

Table D. Business and Special Purpose Zone Districts

**(b)** Throughout this Land Use Code, references to “Table 5-1” shall be a reference to all of the information contained in the four sub-tables 5-1.A, B, C, and D.

**(c)** Where two rows in these tables are separated by a dashed line, rather than a solid line, the two rows represent alternative measures of that dimension, the most restrictive of which shall apply.

**(d)** Each of the four sub-tables 5-1.A, B, C and D contain footnotes that immediately follow each sub-table and should be reviewed in conjunction with the sub-table.

**(e)** Dimensional requirements for the PUB, I, U and AC/REC-2 zone districts are set forth in Sec. 3-80.

**(f)** Dimensional requirements for the CD-PUD zone district are set forth in Section 3-70-40.

**CHAPTER 5: DIMENSIONAL REQUIREMENTS**

**5-10: Dimensional Standards Tables**

*5-10-10: Use Of The Tables*

<b>TABLE 5-1.A: DIMENSIONAL REQUIREMENTS RURAL ZONES</b>	<b>RS -G</b>	<b>RR NOTE 1</b>	<b>RS - 160</b>	<b>RS - 35</b>	<b>LIR- 35 NOTE 2</b>	<b>TR-1 NOTE 3</b>	<b>TR-2 NOTES 3, 4, 5</b>	<b>RS - 30</b>	<b>RS - 20</b>	<b>AR - 10</b>	<b>AR- 2</b>	<b>B-1</b>	<b>SKI- REC</b>
<b>LOTS</b>													
Minimum Lot Area (ac.)	N/A	35	160	35	35	35	35	30	20	10	2	MF = 15,000 OTH = 6,000 NOTE 6	M
Minimum Usable Open Space per Dwelling Unit (sq. ft.)												800	M
Minimum Lot Width (ft.)	N/A	400	400	400	N/A			400	400	400	200	50	M
<b>MINIMUM SETBACKS</b>													
<b>From Arterial Highways</b>													
Structures / Outside Uses (ft.)	100 ft. setback for buildings/ 100 ft. setback for outside uses NOTE 7												M
<b>From Major Roads</b>													
Structures / Outside Uses(ft.)	100 ft. setback for buildings/ 50 ft. setback for outside uses NOTE 7												M
<b>From Collector Streets</b>													
Structures/ Outside Uses(ft.)	50 ft. setback for buildings/ 25 ft. setback for outside uses NOTE 7												M
<b>From Property Lines</b>													
Front Setback (ft.)	SR	SR	(1) Lot Size ≤ 3 ac = 30 ft.; (2) Lot > 3 ac. and ≤ 10 acres = 50 ft.; (3) Lot > 10 acres = 100 ft.									30	M
Side Setback (ft.)	SR	SR	(1) Lot < 7,500 sq. ft. = 5 ft.; (2) Lot ≥ 7,500 & < 30,000 sq. ft. = 10 ft.; (3) Lot Size ≥ 30,000 & < 43,560 sq. ft. = 15 ft.; (4) Lot ≥ 43,560 & < 3 ac. = 20 ft.; (5) Lot ≥ 3 ac. & <20 ac. = 30 ft.; (6) Lot ≥ 20 ac. = 50 ft.									10	M
Rear Setback (ft.)	SR	SR	(1) Lot Size < 30,000 sq. ft. = 10 ft.; (2) Lot ≥ 30,000 sq. ft. & < 10 ac. = 30 ft.; (3) Lot ≥ 10 ac. = 50 ft.									10	M
From Streams (ft.)	100 NOTE 14, 15 and 16												M
<b>MAXIMUM HEIGHT</b>													
Maximum Height of Principal Structure (ft.)	20	20 NOTE 8	28	28	28	20	20	28	28	28	28	28	M
Maximum Height of Accessory Structure (ft.)	20	12 NOTE 9	20	20	20	15	15	20	20	20	20	20	M
<b>MAXIMUM FLOOR AREA</b>													
Gross Floor Area Exempt From GMQS (Without GMQS Allocation or TDR Purchase) (Base Max.) Floor Area	N/A	NOTE 10	5,750 NOTE 11	5,750 NOTE 11	5,750	1,000	2,500 NOTE 4	5,750 NOTE 11	5,750 NOTE 11	5,750 NOTE 11	5,750 NOTE 12	NOTE 11 NOTE 13	M
Gross Floor Area After GMQS Allocation and/or TDR Purchase (Final Max. Floor Area	N/A	NOTE 10	15,000	15,000 NOTE 11	15,000 NOTE 2	1,000	3,500	15,000 NOTE 11	15,000 NOTE 11	15,000 NOTE 11	15,000 NOTE 11	8,000 NOTE 11	M

**CHAPTER 5: DIMENSIONAL REQUIREMENTS**  
**5-10: Dimensional Standards Tables**  
**5-10-10: Use Of The Tables**

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*Code Revised (all sections) by Ord. 014-D-2006, 07-05-08; § 5-10-10 – Table 5-1.A (part) amended by Ord. 30-06, 10-11-06; Ord. 012-2008, 04-09-08; Ord. 023-07, 08-28-07; Ord. 024-08, 07-23-08, Ord. 019-09, 06-24-09)*

ABBREVIATIONS

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

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

**5-10: Dimensional Standards Tables Dimensional Standards Tables**

**5-10-10: Use Of The Tables**

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

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

**NOTE 4:** For lands rezoned to a TR-2 zone district effective on or before January 26, 2005 existing vested rights in prior development approvals are recognized, and property owners may continue to rely on those vested rights until their expiration. Residential development in place or approved prior to January 26, 2005, shall not be deemed non-conforming relative to the Pitkin County Land Use Code.

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

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

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

**NOTE 8:** In the RR zone district, height of principal and accessory structures shall be measured to the top of ridge or to the top of the parapet surface of a flat roof, as measured from existing or finished grade, whichever is lower. See Sec. 5-20-60(h)

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

**NOTE 10:** In the RR zone district, the maximum house size and maximum floor area ratio are replaced by the following provisions:

- (1) Maximum footprint per principal structure shall not exceed 1,000 square feet without special review approval. In measuring the footprint, all dimensions shall be taken from the outside face of framing or other primary wall members.
- (2) Maximum allowed square footage shall not exceed 1,000 square feet, except as may be allowed through special review to retain an existing structure when a new structure is proposed. Below-grade space and garage or carport space are included in the calculation of maximum allowed square footage. Up to 600 square feet of a legally created structure existing prior to January 2, 1996, that is retained pursuant to special review, shall be excluded from the maximum allowed square footage for a new, separate structure; square footage in excess of 600 square feet shall be included in the maximum allowed square footage. The entire square footage of an historic structure shall be excluded from the maximum allowed square footage.
- (3) Decks, porches, etc. shall not exceed a maximum of 500 square feet, as measured from the outside face of the material. Structures including, but not limited to, decks, porches, slabs, patios and terraces, shall be included in this calculation, and these structures shall be contiguous to the building footprint.
- (4) Platforms and tree houses shall not exceed 250 square feet, which is included in the maximum allowed square footage of 1,000 square feet.
- (5) Outhouse, storage and mechanical enclosures shall not exceed a total of 160 square feet, which is excluded from maximum allowed square footage of 1,000 square feet.

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

**NOTE 12:** (1) Lot size

0--25,000 sq. ft. = .13 up to a maximum of 3,250 sq. ft. of floor area; (2) Lot size 25,001--50,000 sq. ft. = 3,250 sq. ft. of floor area, plus 9 sq. ft. of floor area for each additional 100 sq. ft. in lot area up to a maximum of 5,500 sq. ft. of floor area; (3) Lot size 50,001--100,000 sq. ft. = 5,500 sq. ft. of floor area plus 5 sq. ft. of floor area for each additional 100 sq. ft. in lot area up to a maximum of 8,000 sq. ft. of floor area; (4) Lot size 100,000 and larger = 8,000 sq. ft. of floor area plus 1 sq. ft. of floor area for each additional 100 sq. ft. in lot area.

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

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

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

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

*Code Revised (all sections) by Ord. 014-D-2006, 07-05-08; § 5-10-10 – Table 5-1.A (part) amended by Ord. 30-06, 10-11-06; Ord. 012-2008, 04-09-08; Ord. 023-07, 08-28-07; Ord. 022-08, 7-09-08;; Ord. 024-08, 07-23-08, Ord. 019-09, 06-24-09)*

**CHAPTER 5: DIMENSIONAL REQUIREMENTS**  
**5-10: Dimensional Standards Tables**  
**5-10-10: Use Of The Tables**

	R - 30	R -15	R-15A	R-15B	R-6	VR	MHP
<b>TABLE 5-1.B: DIMENSIONAL REQUIREMENTS URBAN/SUBURBAN RESIDENTIAL ZONE DISTRICTS OTHER THAN AFFORDABLE HOUSING DISTRICTS</b>							
<b>LOTS</b>							
Minimum Lot Area (sq. ft.)	30,000	15,000	15,000	15,000 NOTE 11	6,000	5,000 NOTE 1	NOTE 2
Minimum Lot Area Per Principal Use or Dwelling Unit (sq. ft.)	30,000	15,000	15,000	15,000 NOTE 11	6,000	5,000	NOTE 2
Minimum Usable Open Space per Dwelling Unit (sq. ft.)	6,600	3,000	3,000	3,000	1,500	1,500	NOTE 2
Minimum Lot Width (sq. ft.)	100	75	75	75	60	50	
<b>MINIMUM SETBACKS</b>							
From Arterial Highways							
Structures / Outside Uses (ft.)	100 ft. setback for buildings / 100 ft. setback for outside uses NOTE 3					N/A	N/A
From Major Roads							
Structures / Outside Uses (ft.)	100 ft. setback for buildings / 50 ft. setback for outside uses NOTE 3					N/A	N/A
From Collector Streets							
Structures / Outside Uses (ft.)	50 ft. setback for buildings / 25 ft. setback for outside uses NOTE 3					N/A	N/A
From Property Lines							
Front Setback (ft.)	(1) Lot Size ≤ 3 ac = 30 ft.; (2) Lot > 3 ac. and ≤ 10 acres = 50 ft.; (3) Lot > 10 acres = 100 ft.					30	NOTE 2
Side Setback (ft.)	(1) Lot < 7,500 sq. ft. = 5 ft.; (2) Lot ≥ 7,500 & < 30,000 sq. ft. = 10 ft.; 3) Lot Size ≥ 30,000 & < 43,560 sq. ft. = 15 ft.; (4) Lot ≥ 43,560 & < 3 ac. = 20 ft.; (5) Lot ≥ 3 ac. & <20 ac. = 30 ft.; (6) Lot ≥ 20 ac. = 50 ft.						NOTE 2
Rear Setback (ft.)	(1) Lot Size < 30,000 sq. ft. = 10 ft.; (2) Lot ≥ 30,000 sq. ft. & < 10 ac. = 30 ft.; (3) Lot ≥ 10 ac. = 50 ft.					10	NOTE 2
From Streams (ft.)	100 NOTE 4, 12 and 13					20 NOTE 4	NOTE 2
<b>MAXIMUM HEIGHT</b>							
Maximum Height of Principal Structure (ft.)	28	28	28	28	28	NOTE 5	NOTE 2
Maximum Height of Accessory Structure (ft.)	20	20	20	20	20	NOTE 6	NOTE 2
Allowable floor area based on Floor Area Ratio (FAR)	.13	.16	NOTE 7	NOTE 10	.30	NOTE 8	NOTE 2
Gross Floor Area Exempt from Growth Management (without GMQS Allocation or TDR) (Base Maximum) (sq ft)	5,750 NOTE 9	5,750	5,750	5,750	5,750	NOTE 8	N/A
Gross Floor Area After GMQS Allocation and/or TDR Purchase (Final Max. Floor Area	15,000	15,000	10,250	5,750	15,000	NOTE 8	N/A

(Code Revised (all sections) by Ord. 014-D-2006, 07-05-06; § 5-10-10 Table-5-1.B (part) amended by Ord. 026-06, 09-13-06; Ord. 012-08, 04-09-08; Ord. 024-08, 07-23-08; Ord. 024-08, 07-23-08, Ord. 019-09, 06-24-09)

**CHAPTER 5: DIMENSIONAL REQUIREMENTS**  
**5-10: Dimensional Standards Tables**  
**5-10-10: Use Of The Tables**

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

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

NOTE 2: Lots in the Lazy Glen MHP Subdivision/PUD may be developed according to setbacks identified in the PUD approval.

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

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

NOTE 5: Maximum height principal structures: twenty-four (24) feet to the top of ridge; fourteen (14) feet to the top of eave (dormers excluded). Principal structure height is measured from finished floor grade or two (2) feet above existing grade, whichever is more restrictive.

NOTE 6: Maximum height accessory structures: twenty-one (21) feet to the top of ridge; twelve (12) feet to the top of eave (dormers excluded). Accessory structure height is measured from existing grade.

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

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

NOTE 9: Lots in the Meadowood Subdivision are exempt from Growth Management up to the total of their allowable floor area based on Floor Area Ratio PLUS the additional floor area allocated to each lot pursuant to BOCC Resolution No. 99-124 (which total may exceed 5,750 square feet).

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

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

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

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

*(Code Revised (all sections) by Ord. 014-D-2006, 07-05-08; § 5-10-10 Table-5-1.B (part) amended by Ord. 026-06, 09-13-06; Ord. 012-08, 04-09-08; Ord. 024-08, 07-23-08)*

**CHAPTER 5: DIMENSIONAL REQUIREMENTS**  
**5-10: Dimensional Standards Tables**  
**5-10-10: Use Of The Tables**

TABLE 5-1.C: DIMENSIONAL STANDARDS FOR AFFORDABLE HOUSING ZONE DISTRICTS	AH	AH-PUD Zone District			
	Zone District	For Lands Previously Zoned AH2/PUD	For Lands Previously Zoned AH3/PUD	For Lands Previously Zoned AHP/PUD	For Lands Zoned AH/PUD after July 5, 2006
<b>LOTS</b>					
Minimum Lot Area (sq. ft.)	6,000	3,000	6,000	Per Adopted PUD NOTE 1	Per Adopted PUD
Minimum Lot Area Per Principal Use or Dwelling Unit (sq. ft.):					
For Single Family Dwellings and Duplexes on all lots	SFD = 3,000 DUP = 3,000	SFD= 3000 DUP = 1,500	SFD = 6,000 DUP = 3,500	Per Adopted PUD	Per Adopted PUD NOTE 2
For MF dwellings (1) on a lot of < 27,000 sq. ft.; or (2) on a lot > 27,000 sq. ft. and < 1 ac. when approved by special review pursuant to Sec. 2-40-20.	MF/S = 1,000 MF/1= 1,250 MF/2 = 2,000 MF/3 = 3,000	MF/S = 300; MF/1 = 400 MF/2 = 800; MF/3 = 1,200 MF/U = 400 sq. ft. per BR	MF/S = 1,000 MF/1 = 1,250 MF/2 = 2,000		
For MF dwellings on a lot > 27,000 sq. ft. (unless varied by special review)	MF/U = 400 sq. ft. per BR	MF/S = 1,000; MF/1 = 1,250 MF/2 = 2,100; MF/3 = 3,630 MF/U 1,000 sq. ft. per BR	MF/3 = 3,000 MF/U = 400 sq. ft. per BR		
Minimum Usable Open Space per Dwelling Unit (sq. ft.)	1,200	Per Adopted PUD NOTE 1	1,200		
Minimum Lot Width (sq. ft.)	30	Per Adopted PUD	Per Adopted PUD NOTE 1		
<b>MINIMUM SETBACKS</b>					
From Arterial Highways		Per Adopted PUD			
Structures / Outside Uses (ft.)	200 / 100				
From Major Roads					
Structures / Outside Uses (ft.)	100 / 50				
From Collector Streets					
Structures / Outside Uses (ft.)	50 / 25				
From Property Lines	Same as R-6				
From Streams (ft.)	100 NOTE 3, 6, and 7				
<b>MAXIMUM HEIGHT</b>					
Maximum Height of Structures (ft.)	Principal = 28 Accessory = 20	Per Adopted PUD			
<b>MAXIMUM DWELLING UNIT SIZE</b>					
Maximum Floor Area per Dwelling Unit and/or Maximum House Size	Total of all units = .50 FAR	Per Adopted PUD NOTE 4		Per Adopted PUD NOTE 5	Per Adopted PUD up to a maximum of .50 FAR of fathering parcel

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**CHAPTER 5: DIMENSIONAL REQUIREMENTS**  
**5-10: Dimensional Standards Tables**  
**5-10-10: Use Of The Tables**

---

<b>NOTES TO TABLE 5-1.C: Dimensional Requirements for Affordable Housing Zone Districts</b>
<b>ABBREVIATIONS</b> DUP = Duplex; MF/S = Multi-Family Studio; MF/1 = Multi-family 1 Bedroom; MF/2 = Multi-family 2 Bedroom; MF/3 = Multi-family 3 Bedroom; MFU = Multi-family with more than 3 Bedrooms; SFD = Single Family Dwelling
NOTE 1: For lands previously zoned AH2/PUD, AH3/PUD, and AHP-PUD, review and approval of AHP-PUD applications shall be based upon the criteria in Sec. 3-50-80 including but not limited to neighborhood compatibility and adjacent zone district regulations. NOTE 2: As a general guideline, development density may be double that of the underlying zone district. Additional density may be approved in specific cases where it is consistent with the Pitkin County Comprehensive Plan and the development has been designed to avoid or mitigate adverse impacts on surrounding properties. NOTE 3: An additional setback may be required or a lesser setback may be allowed pursuant to Sec. 7-20-80. NOTE 4: The FARs shall be applied to the proposed fathering parcel. Floor area allocations on newly proposed subdivided lots shall be determined as part of the PUD review, but in no case shall they cumulatively exceed the provisions in this Table. Sites may be developed up to eighty-five percent (85%) of the allowed floor area. Up to one hundred percent (100%) of the floor area may be permitted by special review, pursuant to Sec. 2-40-20. NOTE 5: (1) Free market dwelling units = 5,000 square feet; (2) Resident Occupied dwelling units = Maximum allowed by the employee housing guidelines in effect at the time of building permit issuance; (3) Category dwelling units = Must comply with minimum net livable square footage required by housing guidelines -- maximum 250 square foot garage for MF/S and 1-BR units; maximum 500 square foot garage for Other MF units with 2 or more bedrooms; (4) Floor area for the development shall not exceed two times the maximum floor area allowed in the applicable zone district prior to the rezoning. NOTE 6: Development of a micro hydroelectric energy system may be allowed in a setback pursuant to Section 7-20-80(c) and 4-30-50(k). NOTE 7: Stream restoration projects may encroach into this setback pursuant to Sections 7-20-40 and 7-20-80.

*(Code Revised (all sections) Ord. 014-D-2006, 07-05-08; § 5-10-10 Table-5-1.c (part) amended by Ord. 012-08; 04-09-08; Ord. 024-08, 07-23-08)*

**CHAPTER 5: DIMENSIONAL REQUIREMENTS**  
**5-10: Dimensional Standards Tables**  
**5-10-10: Use Of The Tables**

<b>TABLE 5-1.D: DIMENSIONAL REQUIREMENTS COMMERCIAL AND SPECIAL PURPOSE ZONE DISTRICTS</b>	<b>VC</b>	<b>B - 2</b>	<b>P - I</b>	<b>T</b>
<b>LOTS</b>				
Minimum Lot Area (sq. ft. unless otherwise noted)	5,000 NOTE 1	MF = 15,000 OTH = 6,000	M	15,000
Minimum Lot Area Per Principal Use or Dwelling Unit (sq. ft.)	MF/UL = 5,500 MF/1L = 3,200 MF/ST = 2,500 HML = 2,200	MF/UL = 4,000 MF/1 = 3,200 MF/ST = 2,500	M	MF/UL = 4,400; MF/1L = 2,600; MF/ST = 2,100; HML = 1,750; DRM = 2,000; OTH = 15,000
Minimum Usable Open Space per Dwelling Unit (sq. ft.)	Greater of 1,200 or 25%	1,200	M	1,200
Minimum Lot Width (sq. ft.)	50	50	M	75
<b>MINIMUM SETBACKS</b>				
<b>From Arterial Highways</b>				
Structures / Outside Uses (ft.)	N/A	200 ft. setback for buildings / 100 ft. setback for outside uses NOTE 2		
<b>From Major Roads</b>				
Structures / Outside Uses (ft.)	N/A	100 ft. setback for buildings / 50 ft. setback for outside uses NOTE 2		
<b>From Collector Streets</b>				
Structures / Outside Uses (ft.)	N/A	50 ft. setback for buildings / 25 ft. setback for outside uses NOTE 2		
<b>From Property Lines</b>				
Front Setback (ft.)	30	30	M	30
Side Setback (ft.)	Min 7 per side and 20 total both sides	10	M	10
Rear Setback (ft.)	10	10	M	20
From Streams (ft.)	20 NOTE 3, 8 and 9	100 NOTE 3, 8 and 9	M	100 NOTE 3, 8 and 9
<b>MAXIMUM HEIGHT</b>				
Maximum Height of Principal Structure (ft.)	NOTE 4	28	M	28
Maximum Height of Accessory Structure (ft.)	NOTE 5	20	M	20
<b>MAXIMUM GROSS FLOOR AREA</b>				
Allowable Floor Area based on Floor Area Ratio (FAR)	NOTE 6	.36	.50	.53 NOTE 7

*Code revised (all sections) by Ord. 014-D-2006, 07-05-08; § 5-10-10 Table-5-1.D (part) amended by Ord. 024-08, 07-23-08)*

**CHAPTER 5: DIMENSIONAL REQUIREMENTS**

**5-10: Dimensional Standards Tables**

**5-10-10: Use Of The Tables**

**NOTES TO TABLE 5-1.D: Dimensional Requirements for Commercial Zone Districts**

**ABBREVIATIONS**

M = As approved in Master Plan for P-I zone district; DRM = Dormitory (6-8 persons); DUP = Duplex; HML = Hotel/Motel/Lodge; MF/1L= Multi-family 1 Bedroom Unlimited; MF/ST = Multi-family Studio; MF/1 = Multi-family 1 Bedroom; MF/3 = Multi-family 3 Bedroom; MF/UL = Multi-family with more than 3 bedrooms; OTH = Other; SFD = Single Family Dwelling

**NOTES**

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

NOTE 2: Off-street parking, signs, and lights shall meet the setback requirements for outside uses. Access roads, highway regulatory and directional signs, safety lighting, and safety features shall be allowed between the right-of-way and the setbacks listed. Off street parking and lights don't need to meet the setback required on collector streets.

NOTE 3: An additional setback may be required or a lesser setback may be allowed pursuant to Sec. 7-20-80.

NOTE 4: Maximum height principal structures: Twenty-four (24) feet. to the top of ridge; Sixteen (16) feet. to the top of eave. (dormers excluded). Principal structure height is measured from finished floor grade or two (2) feet above existing grade, whichever is more restrictive.

NOTE 5: Maximum height accessory structures: Twenty-one (21) feet. to the top of ridge; Twelve (12) feet to the top of eave. (dormers excluded). Accessory structure height is measured from existing grade.

NOTE 6: (1) Lot with 50-74 ft. frontage = 2,200 square feet; (2) Lot with 75-99 ft. frontage = 2,500 square feet; (3) Lot with 100 ft or larger frontage = 2,800 square feet; (4) A hotel/motel/ lodge/tourist accommodation may apply by special review for a floor area ratio of up to .53. See also Sec. 5-20-70(h).

NOTE 7: For properties located outside of an urban growth boundary, and zoned T prior to the 5th of July, 2006 future, non-residential structures constructed after the 5th of July, 2006 shall be limited to 15,000 square feet of floor area. Final maximum size/area for residential structures shall be limited to 5,750 sq.ft. of gross floor area.

NOTE 8: Development of a micro hydroelectric energy system may be allowed in a setback pursuant to Section 7-20-80(c) and 4-30-50(k).

NOTE 9: Stream restoration projects may encroach into this setback pursuant to Sections 7-20-40 and 7-20-80.

*(Code Revised (all sections) by Ord. 014-D-2006; § 5-10-10 Table-5-1.D (part) amended by Ord. 012-08, 04-09-08; Ord. 024-08, 07-23-08)*

**5-10-20: REDUCTION IN DENSITY FOR STEEP SLOPES**

The permitted density of development on lands with steep slopes shall be as follows:

**(a)** There shall be a reduction in density from that which is allowable in the zone district whenever more than thirty (30) percent of the total land area of a project is encumbered by slopes of forty-five (45) percent and greater. The gross allowable density of the project shall be reduced by one (1) percent for each one (1) percent exceeding thirty (30) percent of land area having slopes of forty-five (45) percent and greater.

**(b)** The calculation of the formula in subdivision A is as follows: Assuming a three thousand one hundred (3,100) acre parcel of land on which fifty (50) percent of the total land area has slopes greater than forty-five (45) percent, the gross allowable zoned density is three thousand one hundred (3,100) acres divided by thirty (30) (one unit per thirty (30) acres) = one hundred three (103) units allowed. The density reduction is calculated as follows:

**(1)** Fifty (50) percent (percentage of land area having slopes of forty-five (45) percent or greater) – Thirty (30) percent (no density reduction for up to thirty (30) percent coverage) = Twenty (20) percent (percent reduction of gross allowable density) x 103 units (gross allowable zoned density) = 20.6 or 21 unit reduction. 103 units - 21 units = 82 units (net density).

**(c)** An example of the application of the formula to a three thousand one hundred (3,100) acre parcel in RS-30 where the gross zoned density is one hundred three (103) units is given below, assuming different amounts of land with slopes greater than forty-five (45) percent.

<b>TABLE 5-2: DENSITY REDUCTIONS FOR STEEP SLOPES</b>			
<b>Land Area in Excess of 45%</b>	<b>Density Reduction</b>	<b>Units Subtracted</b>	<b>Net Units</b>
0-30%	0%	0	103
45	15	15	88
50	20	21	82
60	30	31	72
75	45	46	57
85	55	57	46
95	65	67	36

**(d)** In order to determine the amount of land area having slopes of forty-five (45) percent and greater, the applicant shall submit a slope analysis using ten (10) foot contoured topography obtained from the Pitkin County Geographic Information Systems (GIS) Department. In the event that ten (10) foot contours do not provide enough detail to adequately determine slope, a certified survey delineating two (2) foot contours may be required at the County Planner’s discretion.

*(Code Revised (all sections) by Ord. 014-D-2006, 07-05-06; § 5-10-20 (part) amended by Ord. 023-07, 08-28-07)*

**5-20: RULES OF MEASUREMENT**

This section sets forth the rules that Pitkin County will use to measure those dimensional standards set forth in this Chapter, as well as similar dimensional parameters referenced throughout this Land Use Code. Many of the terms used in this section are defined in Chapter 11.

**5-20-10: MEASUREMENT OF LOT OR PARCEL AREA**

In calculating lot or parcel area, all areas within public and private subsurface easements shall be included, but the following areas shall be excluded:

- (a)** Areas under streams, lakes, and other natural water courses up to the high water mark;
- (b)** Areas within any public or private access easement or right-of-way.

### **5-20-20: NO GUARANTEE OF MAXIMUM DENSITY OR FLOOR AREA**

Table 5-1 above sets forth maximum FAR or size of development in each zone district. A subdivision or other development application is not automatically entitled to the maximum density and/or floor area allowed in the zone district in which the land is located. Density and permitted floor area shall be established based upon compliance with adopted standards and consideration of adopted plans and policies.

### **5-20-30: MEASUREMENT OF ROAD SETBACKS**

Road setback is measured horizontally from edge of right-of-way.

### **5-20-40: MEASUREMENTS OF YARD SETBACKS**

**(a)** Front yard setbacks are measured as the least horizontal distance between any point on the front lot line and point of the structure or use (such distance being referred to as the "front yard setback"). If there is uncertainty as to which yard is the front yard for a parcel, then the front yard shall be designated as the one from which access is taken, or if access is taken from more than one adjacent road, then the Community Development Director shall determine which yard is the front yard for zoning purposes, based on which is the predominant access road and which designation will minimize adverse impacts on surrounding properties.

**(b)** Rear yard setbacks are measured as the least horizontal distance between any point on the rear lot line and point of the structure or use (such distance being referred to as the "rear yard setback"). In the event of a triangular lot, the owner shall designate one line as the side and one as the rear lot line.

**(c)** Side yard setbacks are measured as the least horizontal distance between any point of the structure or use (such distance being referred to as the "side yard setback"). In the event of a triangular lot, the owner shall designate one line as the side and the other as the rear lot line.

**(d)** Whenever, due to irregular or unique property outlines or other circumstances, more than one setback requirement could apply to one property frontage, the most restrictive of the multiple setbacks shall be used, so that the setback from the right-of-way is maximized.

### **5-20-50: MEASUREMENT OF STREAM SETBACKS**

#### **(a) General**

Setbacks from streams shall be measured horizontally from the mean identifiable high water mark on each side of any river, stream, or creek.

#### **(b) Permitted Encroachments into Stream Setbacks**

Paved or gravel trails, bridges, irrigation structures, flood control devices and underground utilities may be constructed and maintained in the setback area if approved by the Community Development Director according to the standards in Sec. 7-20-80 and the procedures in Sec. 2-30-20. Any approval shall require a finding that there is no practical alternative location outside of the setback area and that any disturbed areas will be revegetated.

### **5-20-60: MEASUREMENT OF BUILDING HEIGHT**

Maximum permitted building height shall be measured based on the following criteria:

#### **(a) On Pitched Roofs and Domes**

- (1)** There shall be no mid-point of a roof that exceeds the prescribed height above existing or finished grade, whichever is lower. The mid-point of the roof shall be defined as the point that is halfway between the top of the ridge, and the eave-point. The eave-point is that point in the roof plane that is directly above the outside of the wall below. In the case of a covered deck or patio, the eave-point shall be the point that is directly above the outside face of the structure, or three
- (3)** feet in from the edge of the roof, whichever is more restrictive.

**CHAPTER 5: DIMENSIONAL REQUIREMENTS**  
**5-20: Rules of Measurement**  
**5-20-70: Measurement of Floor Area**

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- (2) There shall be no point of any ridge or other roof peak that exceeds the prescribed height above the existing or finished grade, whichever is lower, by more than five (5) feet.
- (3) There shall be no eave-point that exceeds the prescribed height above existing or finished grade, whichever is lower. Exception to this is if the ridge lines that extend to the outside face of a building to form a gabled end will be permitted, to the extent that they conform to subsection (2) above.

**(b) On Flat, Shed and Barrel Roofs**

No roof point shall exceed the prescribed height above the existing or finished grade, whichever is lower.

**(c) Multiple Roofs**

Where a building has multiple roofs, all roofs shall comply with these standards.

**(d) Measurement Vertically**

- (1) Except as noted in Table 5-1 for the VC and VR zone districts, all measurements shall be made vertically; i.e., each point of a roof shall be measured to the point of grade that is directly below it--vertical and plumb. Exterior window wells and stairwells shall be considered finished grade for roof points located above the well. Roof points that are not at the exterior of the building will be measured against existing grade only.
- (2) Cupolas shall be allowed on agricultural structures to the extent that the eave point of the cupola does not exceed three (3) feet above the ridge of the underlying roof, and the peak or ridge of the cupola does not exceed five (5) feet above the ridge of the underlying roof.

**(e) Encroachments**

Antennae, chimneys, flues, vents, and similar structures shall not exceed the prescribed height limit by more than ten (10) feet. Water towers, mechanical equipment, solar equipment, and similar equipment shall not exceed the prescribed height limit by more than three (3) feet.

**(f) Maximum Height With Encroachments**

The maximum height of a building's tallest elevation shall not exceed forty (40) feet measured from natural or finished grade, whichever is more restrictive, to the highest part of the building.

**(g) Building Components**

Except in the VC and VR zone districts, for the purpose of measuring building height, any individual building component that is located within twenty (20) feet (as measured from any point from outside wall to outside wall) of the principal structure shall be considered a part of the principal structure. In the VC and VR zone districts, the above measurement shall be reduced to ten (10) feet.

**(h) RR Zone District**

In the RR zone district, all methods of calculation shall remain the same as in all other zone districts as described within this definition with the exception that subsections (a), (f) and (g) above do not apply.

**5-20-70: MEASUREMENT OF FLOOR AREA**

**(a) General**

In measuring floor area, all dimensions shall be taken from the outside face of framing or other primary wall members or from the center line of walls separating adjoining units of a building or portion thereof. For strawbale or log wall construction and for foundation walls, all dimensions shall be taken from the centerline of the wall. Veneer facades up to eight (8) inches in thickness shall be excluded from the calculation of floor area; that portion of a façade which exceeds eight (8) inches shall be included. Fireplaces, elevators, stairs and similar features are included in the floor area on each floor. Structures that do not exceed thirty (30) inches in height measured above or below

finished and natural grades, and that are not covered by a roof or horizontal projection from a building are exempt from floor area calculations.

A minimum of two percent (2%) of the total floor area as calculated under the latest adopted Building Codes, or fifty (50) sq. ft., whichever amount is greater, shall be a dedicated mechanical area of at least seven feet (7') in height, which area shall contain mechanical, electrical and plumbing equipment, but no laundry or other household uses or appliances. The mechanical area may be dispersed in more than one location.

Mechanical areas less than two percent (2%) of the total floor area may be permitted when the building permit application includes a complete mechanical plan showing placement of all proposed systems and compliance with the latest adopted Building Codes. Mechanical plans must be provided by a mechanical contractor or engineer, or other professional approved by the Building Official.

### **(b) Roof and Deck Overhangs**

The floor area of a building, or portion of a building, not provided with surrounding exterior walls shall include the area under the horizontal projection of roofs or floors, when the roof or floor exceeds eight (8) feet. These architectural projections are exempt for eight (8) feet of the perimeter of each story of the structure. This exemption cannot be used to transfer space between floors. In the VR and VC zone districts, an overhang of up to eight (8) feet on the street or back side of a structure shall be exempt from the calculation of floor area. Roof and deck overhangs greater than eight (8) feet may only be converted to enclosed interior areas when the resulting floor area does not exceed maximum floor area that would otherwise be applicable to the property under Table 5-1.

### **(c) Decks, Balconies, Stairways and Similar Features**

- (1) Structures that exceed thirty (30) inches above natural or finished grade, and that are not covered by a roof or architectural projection from a building, are exempt from floor area for up to fifteen (15) percent of the approved floor area for the subject parcel or lot. Any areas in excess of fifteen (15) percent shall be counted toward floor area. Decks, balconies, stairways, and similar features with a horizontal projection greater than eight (8) feet may only be converted to enclosed interior areas when the resulting floor area does not exceed maximum floor area that would otherwise be applicable to the property under Table 5-1.
- (2) Pergolas and open shade structures shall be considered part of the fifteen (15) percent of the approved floor area for decks, balconies, stairways, and similar features as specified above, so long as the following criteria are met: Overall height cannot exceed twelve (12) feet above finished or existing grade, whichever is most restrictive. At least seventy (70) percent of the area of such structures shall be open to the sky. There shall be no more than two (2) layers of structure above the column capitals. Principal beams shall be a minimum of ten (10) feet on center and have a maximum dimension of six (6) inches in width and twelve (12) inches in depth. Secondary beams shall be spaced at a minimum of twenty-four (24) inches on center and have a maximum dimension of four (4) inches in width and ten (10) inches in depth. There shall be no walls. The doubling of beams over the columns shall be permitted.

### **(d) Crawl Spaces**

(1) A Horizontal Crawl Space means an area below the first usable floor of a building or portion of a building, excluding decks, patios and terraces. Horizontal Crawl Spaces are exempt from floor area calculations when less than five (5) feet six (6) inches in height. Horizontal Crawl Spaces do not exceed the footprint of the exterior walls of the structure when used for exterior uses such as Jacuzzis, spas, hospitality bars, water features, sprinkler systems, and pool mechanical areas. Such Crawl Spaces shall be no larger than necessary to accommodate necessary mechanical equipment and may not be used for other uses.

(2) A Vertical Crawl Space means an enclosed, unfinished, and non-habitable area that may exceed five feet six inches (5'6") in height and is located between the exterior of a foundation wall and the surface of the finished grade of a vertical or nearly vertical slope, which slope is retained by an engineered system which requires a separation between the foundation wall and the surface of the finished grade of the slope.

**CHAPTER 5: DIMENSIONAL REQUIREMENTS**  
**5-20: Rules of Measurement**  
**5-20-70: Measurement of Floor Area**

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Vertical Crawl Spaces shall be exempt from floor area calculations, provided they comply with the following:

- a) That the design is supported by an engineering/geologic study approved by the Community Development Department, which requires a separation between an engineered system and the exterior wall; and
- b) The horizontal dimensions measured from the base of the exterior wall to the engineered system does not exceed six feet six inches (6'6"); and
- c) The area shall remain unfinished and contain no hard floors; and
- d) The area shall be limited to containing non-spark producing mechanical, plumbing, electrical, telephone, cable, audio, and water systems. Storage shall be prohibited; and
- e) Access to the area is limited to the dimensional requirements necessary for removal and repair or replacement of systems equipment; and
- f) The Vertical Crawl Space may be covered at the top with a waterproof structural lid that does not have any habitable enclosed space above; and
- g) The height of the Vertical Crawl Space shall not exceed twenty-five feet (25').

**(e) Attic**

Attic means an area between roof framing and the ceiling framing of the room(s) below. Attics are exempt from the calculation of floor area when less than five (5) feet six (6) inches in height.

**(f) Gas Station Canopies**

Up to one thousand (1,000) square feet of gas station canopy shall be exempt from the calculation of floor area for any approved gas station.

**(g) Additional Provisions for Lots and Parcels in the Urban Area Subject to FAR Limits**

**(1) EXEMPT BELOW GRADE SPACES FOR PRINCIPAL SINGLE-FAMILY AND DUPLEX RESIDENCES**

Spaces below grade shall be exempt from Floor Area calculations for up to a maximum of four thousand (4,000) square feet, provided such spaces comply with the following requirements:

- (a) Exempt below grade spaces are located below both the natural and finished grades. If any part of the below-grade space is exposed above natural or finished grade (such as walk-out basement, walls or courts) the entire below-grade area shall be included in the floor area calculations. Exempt Below-grade spaces are no greater than twenty (20) feet in depth and no more than a single story. For purposes of this definition, "story" shall mean that portion of a building included between the upper surface of a floor and the upper surface of the floor next above.
- (b) Exempt below grade spaces are accessed only by stairway or elevator from the story directly above, or through a door from a garage adjacent to the below-grade area.
- (c) Exempt below grade spaces are no greater than twenty (20) feet in depth and no more than a single story. For purposes of this definition, "story" shall mean that portion of a building included between the upper surface of a floor and the upper surface of the floor above.
- (d) Exempt below grade spaces do not contain doors to the exterior of the structure.
- (e) Exempt below-grade bedrooms are allowed no more than one (1) egress window per bedroom. Exempt below grade spaces that contain no bedrooms are allowed only one egress window. When below grade egress is achieved through one or more below grade bedrooms, no additional egress shall be provided. Egress window well size shall not

**CHAPTER 5: DIMENSIONAL REQUIREMENTS**  
**5-20: Rules of Measurement**  
**5-20-70: Measurement of Floor Area**

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exceed the minimum allowed by the International Building Code/International Residential Code.

- (f) Habitable exempt below-grade spaces may be provided with aggregate glazing area of not more than eight (8) percent of the habitable area of the room. For purposes of this exemption, "habitable" shall mean a space in a building for living, sleeping, eating or cooking. Unfinished basements shall be considered habitable spaces. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas shall not be considered habitable spaces. Window wells for natural light have a maximum dimension of three (3) feet from the exterior wall. The maximum window well width shall be no more than the width of the window. Skylights and bay window-like glazing are prohibited in below grade spaces.
- (g) Foundation walls for exempt below-grade spaces may be exposed above natural and finished grade to the minimum degree required by the IRC pertaining to foundation design.
- (h) Up to ten (10) percent of any particular below-grade wall surface may extend above natural grade so long as the finished grade covers the wall surface that would otherwise be exposed.
- (i) Garages up to seven hundred and fifty (750) square feet may be incorporated into below-grade space and shall not affect this exemption as long as the only sections of building so exposed are directly related to the garage structure.
- (j) Floor area below natural and finished grade which exceeds the four thousand (4,000) square foot exemption shall count toward the calculation of allowable floor area.

**(2) GARAGES AND CARPORTS**

For the purposes of calculating floor area ratio and allowable floor area for a lot where the principle use is single family residence, garage and carport floor area shall be exempted up to a maximum of seven hundred fifty (750) square feet. On a lot which contains a duplex, garage and carport floor area shall be exempted up to a maximum of one thousand (1000) square feet. All garage or carport space in excess of the exempted areas shall be included as part of the residential floor area calculation. When an existing legal single-family or duplex dwelling exceeds the allowed floor area, the exempt garage space shall be reduced by subtracting the excess floor area from the exempt garage space.

**(h) Additional Provisions for VC and VR Districts**

In the VC and VR zone districts only: Spaces below natural and finished grade are exempt from floor area calculations up to a maximum of nine hundred ninety-nine (999) square feet of floor area. Floor area below grade that exceeds the nine hundred ninety-nine (999) square foot exemption shall count in the calculation of floor area. To be exempt from floor area, below grade areas must meet the following conditions:

- (1) The structure must be principally residential or commercial, or accessory thereto; and
- (2) Below grade areas shall not exceed a maximum depth of ten (10) feet as measured from floor to ceiling and shall include no more than a single story; and
- (3) Below grade areas cannot exceed the building footprint of the ground floor; and
- (4) Below grade uses are limited to non-habitable uses such as baths, laundry, mechanical, halls, utility, storage, etc., and shall not include garages or any uses that require natural light or ventilation pursuant to the applicable adopted building code; and
- (5) No more than one (1) egress may be allowed and is to be provided by a window that does not exceed the minimum requirements of the applicable adopted building code. No new exterior staircases may be allowed to access below grade areas; and
- (6) No more than one (1) window well may be allowed, but not to exceed the minimum area allowed by the applicable adopted building code, and not to be located on the street facade; and

**CHAPTER 5: DIMENSIONAL REQUIREMENTS**  
**5-20: Rules of Measurement**  
**5-20-80: Measurement of Gross Floor Area**

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- (7) The foundation wall or footing may be exposed no more than two (2) feet above existing grade.; and
- (8) If any part of the below grade space is exposed above natural or finished grade (such as walk-out basements, walls or courts) the entire below grade area shall be included in the floor area calculation; and
- (9) All dirt and other material excavated to allow for the below grade area must be removed from the site; and
- (10) All below grade areas must be approved by the Redstone Historic Preservation Commission, to the extent guidelines are applicable.

*(Code Revised (all sections) by Ord. No. 14-D, 2006; § 5-20-70 (part) amended by Ord. 010-2008, 03-26-08)*

**5-20-80: MEASUREMENT OF GROSS FLOOR AREA**

Gross floor area is calculated by adding areas included in the measurement of floor area, pursuant to Sec. 5-20-70, and the following exemptions from floor area: below-grade space, garages and carports, pursuant to Sec. 5-20-70(g)(1 and 2). Gross floor area measurement excludes barns, and floor area types exempt from the calculation of floor area pursuant to Sec. 6-30-140 and Sec. 5-20-70(a-e), respectively.

*(Code revised (all sections) by Ord. 014D-2006; § 5-20-70 (part) amended by Ord. 010-08, 03-26-08)*

**5-20-90: MEASUREMENT OF USABLE OPEN SPACE**

Usable open space is measured as that portion of the lot or parcel not occupied by structures, but excluding rights-of-way, streets, parking areas, and slopes over thirty (30) percent.

**5-20-100: PERMITTED ENCROACHMENTS INTO SETBACKS FROM ROADS AND PROPERTY LINES**

In measuring a front, side, or rear yard setback, the horizontal distance between the lot line and the closest projection of the principal or accessory structures shall be used. Required front, rear, and side setback areas shall be unoccupied and unobstructed from the natural grade skyward, except as provided below:

- (a) Changing existing grade less than thirty (30) inches in height as measured above or below natural grade; uncovered porches, slabs, patios, terraces, walks, steps, decks, retaining walls and similar structures that do not exceed thirty (30) inches above or below natural grade – no restriction;
- (b) Driveways and associated retaining walls that do not exceed six (6) feet in height as measured above or below the natural grade.
- (c) Fences and walls used as fences as provided in the definition of "Development" within this section.
- (d) Berms that do not exceed four (4) feet in height as measured from the natural grade.
- (e) Fences, walls used as fences, berms, hedges, or similar obstructions erected or maintained within twenty (20) feet of any street corner shall not exceed forty-two (42) inches in height as measured from street grade.

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