



Special Joint Study Session between the Town Board of Trustees and the Estes Park Planning Commission

August 7, 2025 from 9:00 a.m. – 11:00 p.m.

Town Hall Board Room, 170 MacGregor Ave, Estes Park

Accessibility Statement

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Meeting Participation

This meeting will be streamed live & available on the [Town YouTube page](#). Click on the following links for more information on [Digital Accessibility](#), [Meeting Translations](#).

Public comment

Public comments are not typically heard at Study Sessions, but may be allowed by the Mayor with agreement of a majority of the Board.

Agenda

- Rezoning Criteria
- Workforce, Affordable, and Attainable Housing Definitions
- Schedule Next Meeting
- Frequency of Future Joint Meetings

Informal discussion among Trustees and staff concerning agenda items or other Town matters may occur before this meeting at approximately 8:45 a.m.



Report

To: Honorable Mayor Hall, Board of Trustees & Planning Commissioners
Through: Town Administrator Machalek
From: Steve Careccia, Director
Department: Community Development
Date: August 7, 2025
Subject: Review Criteria for Rezonings

Purpose of Study Session Item:

The Town Board and Planning Commission will review and discuss various criteria for rezonings obtained from several governmental entities within the State.

Town Board & Planning Commission Direction Requested:

Provide staff with direction on desired review criteria for rezonings.

Present Situation:

Concern has been raised that the current review criteria for rezonings, as established within Estes Park Development Code § 3.3 (Code Amendments), are vague and do not provide adequate guidance for stakeholders and decision makers. Specifically, the reference to “changes in conditions” has been mentioned as lacking sufficient guidance.

Proposal:

If directed by the Town Board and Planning Commission, staff will prepare a code amendment clarifying the review criteria applicable to rezonings. To help the Board and Commission formulate a direction, staff has gathered the rezoning criteria from several governmental entities within the State, compiled the criteria within a matrix, and attached said information and criteria to this report.

From a review of the attached rezoning criteria, staff found that many entities prioritize consistency with their adopted Comprehensive Plans, provision of a community benefit, and compatibility with the surrounding area when they evaluate a rezoning. This is

consistent with Colorado Revised Statutes, § 31-23-303 (Legislative Declaration) that states zoning regulations should be in accordance with a comprehensive plan, promote health and general welfare, mitigate dangers, and facilitate adequate public services and requirements (amongst other criteria). Many entities also designate a change in conditions, circumstances, or character as a review criterion. However, unlike the Estes Park Development Code, these entities do not consider a change in conditions, by itself, as a mandatory stand-alone requirement but rather one of multiple criteria to be considered, or as something to consider only if the proposed rezoning is found to be inconsistent with their Comprehensive Plan. Further, a change in conditions has been established by some entities to also include a change in policy, public services, or a change to a physical, social, or economic factor. Another commonly used criterion is the correction of an identified technical error or mistake that occurred with a prior zoning action. If an error can be identified, then that would lend support for a rezoning that corrected the mistake by assigning the appropriate zoning to the property.

With regard to the geographic area subject to these zoning criteria, the surveyed entities do not specifically define “areas” within their review criteria. However, most use terms such as “immediate”, “surrounding”, or “community/town/city” to establish whether the criteria affects a smaller or larger area.

The information presented herein provides a wide range of criteria for consideration by the Town Board and Planning Commission. But, as noted above, past discussion has mostly revolved around the “changes in conditions” criterion. Therefore, in light of this discussion, staff also recommends the perspective of the Town Attorney be sought during this study session to further assist the Board and Commission with formulating their direction.

Advantages:

- Clarity for stakeholders and decision makers

Disadvantages:

- Amendments made outside the overall Development Code update may pose logistical challenges for staff and the consultant

Finance/Resource Impact:

A future code amendment is not anticipated to include a financial impact, but will include a significant resource impact (staff time).

Level of Public Interest:

Public interest in a future code amendment is anticipated to be high. Code amendments are adopted through the public hearing process. This will include hearings before the Planning Commission and Town Board, as well as a public notice component.

Attachments:

1. Rezoning Criteria Matrix
2. Town of Estes Park Code Amendments
3. Colorado Department of Local Affairs Rezoning Template (Model Code)
4. Larimer County Code Amendment Procedures
5. Town of Breckenridge Amendments to Land Use Guidelines
6. Town of Crested Butte Standards for Zoning and Rezoning
7. City of Fort Collins Text and Map Amendment Review Procedures
8. City of Glenwood Springs Code Amendment Approval Criteria
9. City of Grand Junction Rezoning
10. City of Longmont Rezoning and Concept Plan Amendments
11. City of Loveland Standards for Rezoning
12. City of Steamboat Springs Zone Map Amendment

REZONING CRITERIA MATRIX

	Consistency with Comprehensive Plan	Environmental Preservation	Provides Community Benefit	Adequate Public Facilities Exist	Corrects Technical Error	Change of Conditions/ Circumstances/ Character	Compatibility with Surrounding Area/Uses	Other Rezoning Criteria	Change of Condition Required for Approval
Estes Park	Yes			Yes		Yes	Yes		Yes
DOLA Model Code	Yes		Yes	Yes	Yes	Yes		<ul style="list-style-type: none">• Implements the Comprehensive Plan• Mitigation of Adverse Impacts	No
Larimer County		Yes	Yes	Yes		Yes	Yes		Subject to Legislative Discretion
Breckenridge	Yes		Yes		Yes	Yes			No
Crested Butte	Yes				Yes	Yes	Yes	<ul style="list-style-type: none">• Promotes Health, Safety, and Welfare• Promotes Purpose of Code• If Redevelopment, then Proposal is an Improvement to Neighborhood and Town	No
Fort Collins	Yes	Yes				Yes	Yes	<ul style="list-style-type: none">• Promotes Logical/Orderly Development	No
Glenwood Springs	Yes		Yes			Yes		<ul style="list-style-type: none">• Does not conflict with Municipal Code• Is Consistent with Intent of Code	No
Grand Junction	Yes		Yes					<ul style="list-style-type: none">• Promotes Logical/Orderly development	No
Longmont			Yes		Yes	Yes			No
Loveland	Yes	Yes	Yes	Yes	Yes	Yes		<ul style="list-style-type: none">• Implements City Plans• Identified Need for Proposed Zoning• Required buffers for Industrial	No
Steamboat Springs	Yes		Yes		Yes	Yes	Yes	<ul style="list-style-type: none">• Consistent with Purpose and Standards of Proposed Zone District• Mitigation of Adverse Impacts on Environment	No

EXAMPLES OF EXISTING CRITERIA

Criteria	Existing Criteria for Reference	Source
Consistency with Comprehensive Plan	Is consistent with the Comprehensive Plan and other City policies.	Glenwood Springs
Environmental Preservation	Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.	Fort Collins
Provides Community Benefit	Rezoning to the proposed zone will provide a benefit to the community or immediate area that cannot be provided under the existing zone, and the balance between the anticipated benefit, if any, and the anticipated burden on the community or immediate area, if any, is either neutral or favors the rezoning.	Loveland
Adequate Public Facilities Exist	The property subject to the proposed change in zoning is, or may be served by adequate roads, water, sewer, and other public use facilities.	Larimer County
Corrects Technical Error	The rezoning corrects an error of a technical nature; for example, in order to achieve zoning district conformance with existing lot lines.	Longmont
Changes of Conditions/Circumstances/Character	There has been a substantial and material change in the character of the neighborhood or in the Town generally such that the proposed rezoning would be in the public interest and would be consistent with the change in character.	Crested Butte
Compatibility with Surrounding Area/Uses	The type, height, massing, appearance, and intensity of development that would be permitted in the proposed zone district will be compatible with surrounding zone districts, land uses, and neighborhood character and will result in a logical and orderly development pattern within the community.	Steamboat Springs
Mitigation of Adverse Impacts	Any impacts on the surrounding area associated with the environment, wildlife, access, traffic, emergency services, utilities, parking, refuse areas, noise, glare, odor, and other material adverse impacts have been or will be addressed or mitigated to the maximum extent practicable through compliance of future development with the provisions of this Code or through a development agreement with the applicant.	DOLA Model Code
Promotes Logical/Orderly Development	The proposed zoning will result in logical and orderly development pattern(s).	Grand Junction

§ 3.3 Code Amendments

- A. **Initiation.** Applications for text or Official Zoning Map amendments may be initiated by the following:
1. By motion of the Estes Valley Planning Commission;
 2. By request of either Board; or
 3. By application for a rezoning by the owner(s) of the property for which the amendment is requested.
- B. **Private-Party-Initiated Applications for Code Amendments (Rezoning).** All applications for text or Official Zoning Map amendments initiated pursuant to §3.3.A.3 above shall comply with the following requirements:
1. **Development Plan Required.** All applications seeking to amend this Code to allow a change from one (1) zone district to a different zone district or seeking to amend this Code by changing the permitted uses in any zone district shall be accompanied by a development plan. This requirement may be waived by Staff if it finds that the projected size, complexity, anticipated impacts or other factors associated with the proposed development or subdivision clearly justify such waiver.
 2. **Contents of Development Plan.** See Appendix B to this Code for submittal requirements.
 3. Within one (1) year from the effective date of this Code, any property owner may apply for rezoning on the basis that an error in the original zoning was made. Staff may waive the development plan requirements based upon the nature of the proposed request. Applicant must submit a statement of request setting forth information, data and reasons why the error exists.
- C. **Procedures for Approval.** All applications for text or Official Zoning Map amendments shall follow the standard development approval process set forth in §3.2 of this Chapter.
- D. **Standards for Review.** All applications for text or Official Zoning Map amendments shall be reviewed by the EVPC and Board(s) for compliance with the relevant standards and criteria set forth below and with other applicable provisions of this Code.
1. The amendment is necessary to address changes in conditions in the areas affected;
 2. The development plan, which the proposed amendment to this Code would allow, is compatible and consistent with the policies and intent of the Comprehensive Plan and with existing growth and development patterns in the Estes Valley; and
 3. The Town, County or other relevant service providers shall have the ability to provide adequate services and facilities that might be required if the application were approved.
- E. **Effect of Approvals and Lapse.** When a development plan is required by this Section, if an Applicant fails to either apply for a building permit or commence operation with regard to the rezoning approval consistent with such development plan within three (3) years from the effective date of the amendment, such development plan shall automatically lapse and become null and void. In the event a development plan has lapsed, the Board, at its discretion, may institute rezoning proceedings pursuant to the procedures and standards set forth in this Section to rezone the affected land areas.
- (Ord. 07-14 §1)
- F. **Applications for Building Permits During Consideration of Application for Amendment to this Code.**
1. Whenever an ordinance or resolution has been introduced before the Boards that involves a change in zoning from a less restricted district to a more restricted district, or to set forth prohibited uses in any existing zone district, no building permit shall be issued for a period not to exceed one hundred twenty (120) days from the date of the introduction of such zoning amendment when such building permit

would authorize the construction of a building or the establishment of a use that would become nonconforming under the contemplated zoning amendment.

2. If such ordinance or resolution is not adopted within one hundred twenty (120) days, the appropriate public entity is authorized to accept applications and issue building permits regardless of the pendency of such amendment.

(Ord. 07-14 §1, 2/25/14)

Article 6 Procedures and Administration
Division 3 Specific Procedures for Zoning and Site Development
Section 6-303 Decision by Town/City Council

- b. Any material negative impacts on the future use or development of land or water rights within [1,500] feet of the subject property have been mitigated to the maximum extent practicable.

G. Rezoning (Amendment to Official Zoning Map)

1. Applicability

This subsection applies to all applications to change the zoning district classification of a lot or parcel to a different zoning district classification, including applications to create or repeal a Planned Unit Development zoning district, or to create, modify, or repeal an overlay zoning district.

2. Specific Procedure

- a. All applicable provisions of Section 6-103, Common Review Procedures for a decision by the town/city council shall apply unless specifically modified by the provisions below:
- b. If the application is to create or modify a Planned Unit Development zoning district, the application shall comply with all requirements of Article 5, Planned Unit Development. In the event of a conflict between the requirements of Article 5 and this Section 6-303.G, the provisions of Article 5 shall apply.
- c. Except as stated in subsection b, an application for rezoning may be initiated by the owner of the property that is the subject of the application, the [director], the planning commission, or the town/city council.
- d. An application for the creation of an HP-O district containing a designated property, structure, or district may be initiated by:
 - (1) By the owner(s) of the property or properties to be designated;
 - (2) By a member or members of the historic preservation commission;
 - (3) By a member or members of [town/city] council; and/or
 - (4) By non-owner(s) of the property or properties to be designated, in which case the applicant must be a resident or owner of property in the town/city, or have a place of business in the town/city.
- e. [OPTION] A neighborhood meeting shall be held pursuant to Section 6-103.B, [OPTION] Neighborhood Meeting.
- f. The public hearing by the planning commission shall be held within [45] calendar days after a complete application has been received.
- g. The public hearing by the town/city council shall be held within [45] calendar days of the date of the planning commission's recommendation.
- h. If a notice to military installations is required pursuant to Section 6-103.E.2.e, and the military installation provides comments on the proposed change within the required 14-day period, the town/city will consider such comments in its determination as to whether the criteria in subsection 3 below have been met.
- i. If the owners of at least 20 percent of the land included in a rezoning or the land located within 100 feet of a parcel of land proposed for rezoning file a protest, then the affirmative vote of at least two-thirds of the municipal council will be necessary to adopt the rezoning.

3. Criteria for Approval

In making their recommendation or decision, the planning commission and the town/city council, respectively, shall approve the application, or approve it with conditions, if it complies with the criteria in Section 6-103.F.1.e(2), Recommendation by Planning Commission and Decision by and the following criteria:

- a. The proposed rezoning addresses technical errors in the current zoning district map; or
- b. The rezoning is required because of changed conditions or circumstances in the area of the town/city surrounding the property, or is needed to implement the comprehensive plan; and
 - (1) The proposed rezoning is consistent with the comprehensive plan and with other policies and plans adopted by the town/city;
 - (2) Any impacts on the surrounding area associated with the environment, wildlife, access, traffic, emergency services, utilities, parking, refuse areas, noise, glare, odor, and other material adverse impacts have been or will be addressed or mitigated to the maximum extent practicable through compliance of future development with the provisions of this Code or through a development agreement with the applicant;
 - (3) The proposed rezoning provides for equitable treatment of and opportunities for all portions of the town/city population;
 - (4) The town/city or other service providers have the capacity to serve the development enabled by the rezoning with adequate roads, water, sewer, and other public services and facilities; and
 - (5) If the application is to create or modify an overlay zoning district, the application will effectively and efficiently promote the purpose of the overlay zoning district.
 - (6) If the rezoning is to a create or modify a PUD zoning district:
 - i. A general development plan has been submitted with the application, and the general development plan complies with all applicable standards and requirements of Section 2-214, Planned Unit Development (PUD); and
 - ii. The application complies with the criteria for approval in Article 5, Planned Unit Development. In the event of a conflict between the criteria for approval in Article 5 and those in this Section 6-303.E, the criteria for approval in Article 5 shall apply.

[OPTION] If the proposed rezoning is for property in an area of the town/city where household income is below 100 percent of the area median income (AMI) published by the U.S. Department of Housing and Urban Development, the proposed rezoning will not result in the dislocation of households unless adequate provision has been made for rehousing or compensation of households likely to be dislocated.

Section 6-304. Modification of Previous Approval

A. Applicability

- 1. This section applies to application to modify a previous approval under Article 6, Division 3, Specific Procedures for Zoning and Site Development, except for the following:
 - a. An annexation of land into the town/city pursuant to Section 6-303.A;
 - b. The adoption or amendment of the comprehensive plan pursuant to Section 6-302.B;
 - c. An amendment to the text of the Code pursuant to Section 6-303.D; and
 - d. An amendment to the zoning map pursuant to Section 6-303.G.

Article 6.0: Review Procedures

6.6 Code Amendment Procedures | 6.6.1 Amending the Official Zoning Map (Rezoning)

1. Minor Land Division

After the County Commissioners approve a minor land division, the applicant shall submit a final plat pursuant to §6.5.6: *Final Plat*.

D. Review Criteria

In reviewing a proposed plat modification, the County Commissioners shall consider the general approval criteria in §6.3.8.D, *General Review Criteria* and the following:

1. Minor Land Division

- a. The property is not part of an approved or recorded subdivision plat;
- b. The property is not part of an exemption or minor residential development approved under the previous subdivision resolution or a minor land division;
- c. The newly created parcels will meet the minimum lot size required by the applicable zoning district;
- d. The newly created parcels meet minimum access standards required by the County Engineer or the Colorado Department of Transportation as applicable; and
- e. Approval of the minor land division will not result in impacts greater than those of existing uses. However, impacts from increased traffic to a public use may be offset by the public benefit derived from such use.

6.6. Code Amendment Procedures

6.6.1. Amending the Official Zoning Map (Rezoning)

A. Purpose

The purpose of this section is to provide the method for changing boundaries of zoning districts or overlay zoning districts and for changing the zone designation of a parcel as shown on the official zoning map.

B. Applicability

1. A zoning map amendment may be approved by the County Commissioners following review and recommendation by the Planning Commission. Official zoning maps amended under this subsection shall be signed by the County Commissioners and recorded with the County Clerk and Recorder.

2. Rezoning to a Planned Development District

The application and review process for zoning changes to the Planned Development district is in §6.6.1.E, *Rezoning to Planned Development (PD)*.

3. Drafting Errors on the Official Zoning Map

The Director is authorized to change the official zoning map when the public record clearly indicates the official zoning map does not accurately depict zoning district and overlay zoning district boundaries or zoning designations and subsequent amendments to those boundaries or zone designations approved by the County Commissioners.

C. Application Submittal and Review Procedure

Figure 6-13 identifies the applicable steps from §6.3, *Common Review Procedures*, that apply to the review of zoning map amendment applications. Additions or modifications to the common review procedures are noted below.

Figure 6-13: Summary of Official Zoning Map Amendment (Rezoning) Procedure

1	Pre-Application Conference	<i>Required</i>	
2	Sketch Plan	<i>Required</i>	
3	Neighborhood Meeting	<i>Director may waive meeting requirement based on response to neighbor referral</i>	Neighborhood Notice and Application Processing
4	Application Submittal and Processing (additional pre-application conference required)	<ul style="list-style-type: none"> – Submit to Director – Neighbor referral required 	
5	Staff Review	<i>Review by Director</i>	
6	Scheduling and Notice of Public Hearings	<ul style="list-style-type: none"> – Planning Commission hearing – County Commissioners hearing 	Hearing and Decision-making
7	Review and Decision	<ul style="list-style-type: none"> – Planning Commission review and recommendation – County Commissioners review and decision 	
8	Post-Decision Actions	<i>See text below</i>	

1. Pre-Application Conference

A pre-application conference shall be held in accordance with §6.3.2: *Pre-Application Conference*.

2. Sketch Plan

Sketch plan review pursuant to §6.3.3, *Sketch Plan Review*, shall be required prior to submission of the application.

3. Neighborhood Meeting

A neighborhood meeting shall be held in accordance with §6.3.4, *Neighborhood Meeting*. The Director may waive the meeting requirement based on responses received to the neighbor referral.

4. Application Submittal and Processing

The application shall be submitted, accepted, and revised, and may be withdrawn, and the neighbor referral completed, in accordance with §6.3.5, *Application Submittal and Processing*, with the following modifications:

a. Application Content

In addition to the application content requirements in the Administrative Manual, the following additional materials are required:

- i. A statement of how the proposed zone change complies with the approval criteria in §6.6.1.D.
- ii. Statements from public water and sewer utilities that indicate that they can provide service for the site. If public utilities are not to be used, the applicant shall submit information that documents the availability of water and suitability of the site for the sewage disposal system chosen by the applicant. The evidence shall document the adequacy of the proposed utility service for the uses permitted in the proposed zoning district.
- iii. If road, intersection, or highway facilities that provide access to the property are not adequate to meet the requirements of the proposed zoning district, the applicant shall supply information that demonstrates willingness and financial capability to upgrade the road or highway facilities in conformance with the County's road standards. In addition, the applicant shall provide information that demonstrates that no significant impact will occur to other roads, intersections, or highway facilities as a result of the proposed change, with consideration given to all potential changes in the vicinity or how the applicant intends to mitigate the impact.
- iv. If the proposed zoning change is located within an overlay district, the applicant shall submit information that represents how the applicable overlay districts standards have been satisfied, or how the applicant intends to meet the requirements of the County regulations concerning overlay districts.

5. Staff Review

The staff shall review the application and prepare a staff report and recommendation in accordance with §6.3.6: *Staff Review*.

6. Scheduling and Notice of Public Hearing

The application shall be scheduled for public hearings before the Planning Commission and the County Commissioners and noticed in accordance with §6.3.7: *Scheduling and Notice of Hearings*, with the following modifications.

a. Legislative Amendments to the Official Zoning Map

Legislative amendments to the official zoning map must meet notice requirements of C.R.S. §§ 30-28-112 and 30-28-116, as amended.

b. Quasi-Judicial Amendments to the Official Zoning Map

Quasi-judicial amendments to the official zoning map must meet all notice requirements of §6.3.7: *Scheduling and Notice of Hearings*.

7. Review and Decision

The zoning map amendment shall be reviewed and decided upon in accordance with §6.3.8: *Review and Decision*, with the following modifications:

a. Planning Commission Review and Recommendation

- i. After receipt of the staff report, the Planning Commission shall conduct a public hearing on the application.
- ii. After the close of the public hearing, the Planning Commission, by a majority vote of the quorum present, shall recommend to the County Commissioners

either to approve, approve with conditions, or deny the application for a zoning map amendment based on the approval criteria in §6.6.1.D.

b. County Commissioners Review and Decision

- i. After receipt of the recommendation from the Planning Commission, the County Commissioners shall conduct a public hearing on the application.
- ii. After the close of the public hearing, the County Commissioners, by a majority vote of the quorum present, shall either approve, approve with conditions, or deny the application based on the approval criteria in §6.6.1.D.
- iii. The Zoning Map Amendment shall be adopted by a Resolution of the County Commissioners.

8. Post-Decision Actions and Limitations

- a. All common procedures in §6.3.9: *Post-Decision Actions and Limitations*, shall apply. Following approval of a rezoning, the Director shall prepare an appropriate revision to the Official Zoning Map.
- b. The County Commissioners shall include a resolution adopting the rezoning within 90 days of the County Commissioner's vote to approve, approve with conditions, or deny the rezoning.

D. Review Criteria

Amending the zoning map is a matter committed to the legislative discretion of the County Commissioners. In deciding the application, the Planning Commission and the County Commissioners shall consider the general approval criteria in §6.3.8.D, *General Review Criteria* and whether and the extent to which the proposed amendment meets the following.

1. Compatible with Surrounding Uses

The proposed change in zoning is compatible with the type, intensity, character, and scale of existing and permissible land uses surrounding the subject property. Dimensional limitations of the proposed zoning district, when applied, should result in development that will be consistent with the physical character of existing or permissible uses surrounding the subject property. The proposed change shall result in a logical and orderly development pattern in the neighborhood.

2. Community Need or Public Benefit

The proposed change in zoning addresses a demonstrated community need or otherwise results in one or more particular public benefits that offset the impacts of the proposed uses requested, including but not limited to: affordable and senior housing; childcare facilities; medical facilities; transportation efficiencies; public recreational opportunities; infrastructure improvements; and preservation of lands of high conservation value.

3. Change of Circumstances

The proposal change in zoning addresses or responds to a beneficial material change that has occurred to the immediate neighborhood or to the greater Larimer County community.

4. Adequate Infrastructure

The property subject to the proposed change in zoning is, or may be served by adequate roads, water, sewer, and other public use facilities.

5. Natural Environment

The proposed change does not result in significant adverse impacts on the natural environment.

6. Additional Review Criteria in Growth Management Area (GMA) Districts

- a. To establish or enlarge a GMA district, the County Commissioners must also find that the criteria in §4.2.1.B.3 have been met; and
- b. The County Commissioners may exclude or remove an area from an established GMA district boundary if they find one or more of the review criteria in §4.2.1.B.3 can no longer be met.

E. Rezoning to Planned Development (PD) or Rural Planned Development (RPD)

1. Purpose

The rezoning procedure may be used to amend the Official Zoning Map to reclassify land to the PD or RPD zoning districts established in Article 2.0, in accordance with C.R.S. §24-67-101, the Planned Unit Development Act of 1972. The PD and RPD rezoning is intended to achieve greater flexibility than otherwise allowed by the strict application of this Code while providing greater benefit of the County.

2. Applicability

- a. A property may only be rezoned to a PD zoning district if the property is within a designated growth management area or within the LaPorte Plan area or other adopted subarea.
- b. Properties within a GMA may only be rezoned to a PD zoning district and are not eligible for rezoning to another base zoning district.
- c. The PD or RPD rezoning procedure shall not be used when a special review, variance, minor modification, or rezoning to a base or overlay zoning district could achieve a similar result.

3. Procedure for Rezoning to PD or RPD

The general rezoning procedure set forth above applies to any rezoning to the PD or RPD district, with the following additions and modifications:

a. Application Submittal and Processing

The PD or RPD rezoning application submittal requirements are identified in the Administrative Manual.

i. Sketch Plan Requirements

At a minimum, the sketch plan application shall indicate the following:

- 1) Analysis as to why other flexibility and relief procedures in this Code are not sufficient to accommodate the proposed development.
- 2) For proposed development, the following characteristics, as applicable:

9-1-15-1: AMENDMENTS TO LAND USE GUIDELINES:

A. Authority: From time to time the town council may by ordinance amend the number, shape, boundaries, or area of any land use district, or any regulation of or within such land use district, or any other provision of the land use guidelines.

B. Legislative Amendment: In connection with any amendment to the land use guidelines that is determined by the town council to be legislative or quasi-legislative in nature, the procedures set forth in section [5.10](#) of the Breckenridge town charter for the adoption of town ordinances shall be followed; provided, however, that no ordinance involving a legislative or quasi-legislative amendment to the land use guidelines shall be adopted as an emergency ordinance. In addition to any other notice of public hearing that may be required by the Breckenridge town charter, notice of a public hearing to consider the proposed adoption of a legislative or quasi-legislative amendment to the land use guidelines shall be published twice in a newspaper of general circulation in the town, the first publication occurring at least twelve (12) days prior to the hearing and the second publication occurring at least four (4) days prior to the hearing. Such newspaper notice shall contain the date and time of the public hearing on the proposed amendment; the location of the hearing on the proposed amendment; and a brief description of nature of the proposed amendment to the land use guidelines. Such newspaper notice is reasonably calculated to afford affected persons the realistic opportunity to protect their interests.

C. Quasi-Judicial Amendment: In connection with any amendment to the land use guidelines that is determined by the town council to be quasi-judicial in nature, the procedures set forth in section [5.10](#) of the Breckenridge town charter for the adoption of town ordinances shall be followed; provided, however, that no ordinance involving a quasi-judicial amendment to the land use guidelines shall be adopted as an emergency ordinance. In addition to any other notice of public hearing that may be required by the Breckenridge town charter, notice of a public hearing to consider the proposed adoption of a quasi-judicial amendment to the land use guidelines shall be published twice in a newspaper of general circulation in the town, the first publication occurring at least twelve (12) days prior to the hearing and the second publication occurring at least four (4) days prior to the hearing. Such newspaper notice shall contain the date and time of the public hearing on the proposed amendment; the location of the hearing on the proposed amendment; and a brief description of nature of the proposed amendment to the land use guidelines. Such newspaper notice is reasonably calculated to afford affected persons the realistic opportunity to protect their interests. In addition to the newspaper notice, not less than twelve (12) days prior to the date of the public hearing the director shall mail a copy of the text of the newspaper notice by first class mail to all owners of real property located within the land use district(s) that would be affected by the proposed land use guidelines amendment as shown by the records of the Summit County clerk and recorder; provided, however, that the failure of the director to mail such notice, or the failure of a person to receive such mailed notice, shall not impair the validity of the public hearing or any amendment made by the town council to the land use guidelines following such hearing.

D. Public Hearing: The public hearing required to be held in connection with the adoption of an ordinance amending the land use district guidelines shall be the same public hearing as is required by section [5.10](#) of the Breckenridge town charter in connection with the second reading of a town ordinance.

E. Application Of Land Use Guidelines To Specific Lot, Tract Or Parcel: Any change in the manner in which the land use guidelines are to be applied to a specific lot, tract or parcel of land, including, without limitation, the recommended density for such lot, tract or parcel, shall be accomplished either by written agreement with the owner(s) of the subject lot, tract or parcel (such as an annexation agreement), a master plan or by ordinance adopted by the town council using the procedures for a quasi-judicial amendment to the land use guidelines as set forth in subsection C of this section. Following the introduction of an ordinance as described in the preceding sentence, the director shall not accept an application to develop or subdivide the real property that is the subject of the ordinance until such time as the ordinance has either been finally approved or rejected by the town council, and any applicable referendum period has expired.

F. **Legal Standards For Land Use Guideline Amendments:** In considering a proposed amendment to the land use guidelines, the town council shall apply the following standards:

1. If the proposed change is found by the town council to be consistent with or in compliance with the town's comprehensive plan, and all parts thereof, the proposed change need only bear a reasonable relationship to the welfare of the community.
2. If the proposed change is found by the town council to be in conflict with or inconsistent with the town master plan, or any part thereof, the applicant seeking the change must show either: a) that a manifest error was made in establishing the current land use guidelines or its application to a specific lot, tract or parcel, or b) that the proposed change bears a reasonable relationship to the welfare of the community and there has been a change in the conditions of the neighborhood that supports the requested change. (Ord. 8, Series 2011)

The Breckenridge Town Code is current through Ord. 7, Series 2025, passed May 13, 2025.

Disclaimer: The town clerk's office has the official version of the Breckenridge Town Code. Users should contact the town clerk's office for ordinances passed subsequent to the ordinance cited above.

[Town Website: www.townofbreckenridge.com](http://www.townofbreckenridge.com)

[Hosted by General Code.](#)

TOWN OF CRESTED BUTTE

CHAPTER 16 – ZONING

ARTICLE 23 - AMENDMENTS

Sec. 16-23-90. Standards for zoning and rezoning.

- (a) No application for initial zoning or rezoning shall be approved unless it is demonstrated to the Town Council that:
 - (1) The proposed zoning classification promotes the health, safety and welfare of the inhabitants of the Town and promotes the purposes of this Code.
 - (2) At least one (1) of the following factors exists:
 - a. The proposed zoning classification is consistent with the goals and policies of the Town's Land Use Plan;
 - b. There has been a substantial and material change in the character of the neighborhood or in the Town generally such that the proposed rezoning would be in the public interest and would be consistent with the change in character; or
 - c. The property to be rezoned was previously zoned in error.
 - (3) Each of the following criteria is satisfied:
 - a. The proposed use of the rezoned or zoned property is compatible with the surrounding uses; or
 - b. In the case of proposed redevelopment of property, the proposal for the use of the rezoned or zoned property is an improvement to the neighborhood and to the Town.
- (b) The requirements of Subparagraph (a)(2)b. above shall not apply to any initial zoning of property that is either within or annexed to the Town.
- (c) The Town Council may impose reasonable conditions upon the future use of the rezoned or zoned property to ensure conformance with the standards of this Article.

(Prior code 15-2-27; Ord. 39 §3, 1995; Ord. 4 §1, 2009)

6.25.3 INITIATION

- (A) **Amendment To Zoning Map.** An amendment to the Zoning Map may be proposed by the Council, the Planning and Zoning Commission, the Director or the owners of the property to be rezoned.
- (B) **Text Amendment.** An amendment to the text of this Code may be proposed by the Planning and Zoning Commission or the Director.

6.25.4 TEXT AND MAP AMENDMENT REVIEW PROCEDURES

An amendment to the text of this Code or an amendment to the Zoning Map may be approved by the City Council by ordinance after receiving a recommendation from the Planning and Zoning Commission. Any such proposed amendment shall be processed through a public hearing before the Planning and Zoning Commission, which hearing shall be held either prior to City Council consideration of the proposed amendment or between first and second readings of the ordinance approving the amendment which will provide a recommendation to the City Council. (See Steps 1 through 12 below). The City Clerk shall cause the hearing by the City Council to be placed on the agenda for a future City Council meeting; and the public hearing before the City Council shall be held after at least fifteen (15) days' notice of the time, date and place of such hearing and the subject matter of the hearing and the nature of the proposed zoning change has been given by publication in a newspaper of general circulation within the City. On a proposal for a text amendment, the Planning and Zoning Commission shall hold a hearing, which hearing shall be held either prior to City Council consideration of the proposed amendment or between first and second readings of the ordinance approving the amendment. Notice shall be given as required for ordinances pursuant to the City Charter. The City Council shall then approve, approve with conditions or deny the amendment based on its consideration of the Staff Report, the Planning and Zoning Commission recommendation and findings and the evidence from the public hearings, and based on the amendment's compliance with the standards and conditions established in this Section. In the event that a protest is filed under the provisions of Section 31-23-305, C.R.S., any protested zoning change shall not become effective except by the favorable vote of a simple majority of the Councilmembers present and voting as provided in Article II, Section 11 of the City Charter. (See Steps 8 and 9 below).

The Planning and Zoning Commission processing of the proposed amendment shall be according to, in compliance with and subject to the provisions contained in Steps 1 through 12 of the Common Development Review Procedures (Sections 6.3.1 through 6.3.12, inclusive) as follows:

- (A) **Step 1** (Conceptual Review): Not applicable.
- (B) **Step 2** (Neighborhood Meeting): Not applicable, except that, with respect to a quasi-judicial map amendments only, the Director may convene a neighborhood meeting to present and discuss a proposal of known controversy and/or significant neighborhood impacts.
- (C) **Step 3** (Development Application Submittal): All items or documents required for amendments to the text of this Code and/or the Zoning Map as described in the development application submittal Comprehensive list shall be submitted. The Director may waive or modify the foregoing submittal requirements if, given the facts and circumstances of the specific application, a particular requirement would either be irrelevant, immaterial, redundant or otherwise unnecessary for the full and complete review of the application.
- (D) **Step 4** (Review of Applications): Applicable.
- (E) **Step 5** (Staff Report): Applicable.
- (F) **Step 6** (Notice):
 - (1) *Text Amendments.* Not applicable, and in substitution therefor, notice of the Planning and Zoning Commission hearing shall be given in accordance with Section 2-74 of the City Code. (However, for text amendments proposed pursuant to Division 6.9, subsection 6.3.6(C) shall apply, and in addition the notice shall name the specific proposed new use [or uses] to be added to the zone district list of permitted uses.)
 - (2) *Zonings or Rezoning of No More Than Six Hundred Forty (640) Acres (Quasi-judicial).* Subsection 6.3.6(A) shall apply and such notices shall identify the proposed new zone district(s), as well as the uses permitted

therein, shall indicate whether a neighborhood meeting will be held with regard to the proposed zoning or rezoning, and shall inform the recipient of the notice of the name, address and telephone number of the Director to whom questions may be referred with regard to such zoning change. Subsections 6.3.6(B), (C) and (D) shall apply, and the published notice given pursuant to subsection 6.3.6(C) shall provide the time, date and place of the hearing, the subject matter of the hearing and the nature of the proposed zoning change.

- (3) *Zonings or Rezoning of More Than Six Hundred Forty (640) Acres (Legislative)*. Subsection 6.3.6(C) shall apply. Subsections 6.3.6(A), (B) and (D) shall not apply.

(G) **Step 7(A)** (Decision Maker): Planning and Zoning Commission Review applies.

Step 7(B) (Conduct of Public Hearing): Applicable.

Step 7(C) (Order of Proceedings at Public Hearing): Applicable.

Step 7(D) (Decision and Findings): Applicable, except that the Planning and Zoning Commission's decision shall be in the form of a recommendation, not a decision, to Council. In making its recommendation, the Planning and Zoning Commission shall consider whether the application or proposal complies with the standards contained in Step 8 of this Section.

Step 7(E) (Notification to Applicant): Not applicable.

Step 7(F) (Record of Proceedings): Applicable.

Step 7(G) (Recording of Decisions and Plats): Not applicable.

(H) **Step 8** (Standards): Applicable, as follows:

- (1) *Text Amendments and Legislative Zonings or Rezoning*. Amendments to the text of this Code, and amendments to the Zoning Map involving the zoning or rezoning of more than six hundred forty (640) acres of land (legislative rezoning), are matters committed to the legislative discretion of the City Council, and decisions regarding the same are not controlled by any one (1) factor.

- (2) *Mandatory Requirements for Quasi-judicial Zonings or Rezoning*. Any amendment to the Zoning Map involving the zoning or rezoning of six hundred forty (640) acres of land or less (a quasi-judicial rezoning) shall be recommended for approval by the Planning and Zoning Commission or approved by the City Council only if the proposed amendment is:

- (a) consistent with the City's Comprehensive Plan; and/or
- (b) warranted by changed conditions within the neighborhood surrounding and including the subject property.

- (3) *Additional Considerations for Quasi-Judicial Zonings or Rezoning*. In determining whether to recommend approval of any such proposed amendment, the Planning and Zoning Commission and City Council may consider the following additional factors:

- (a) whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zone district for the land;
- (b) whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment;
- (c) whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

(I) **Step 9** (Conditions of Approval): Applicable.

(J) **Step 10** (Amendments): Not applicable.

(K) **Step 11** (Lapse): Not applicable.

(L) **Step 12** (Appeals): Not applicable.

070.060.040 Ordinance Amendments.

(a) *Rezoning.*

(1) *Purpose.*

- a. The purpose of the rezoning procedure is to make amendments to the Official Zoning Map of the City of Glenwood Springs to reflect changes in public policy, changed conditions, or to advance the welfare of the City. The zoning classification of any parcel in the City may be amended using this procedure. The purpose is neither to relieve particular hardships nor to confer special privileges or rights on any person. Rezonings should not be used when a special use permit, variance, or administrative adjustment could be used to achieve a similar result.
- b. Changes to the characteristics of zoning districts (such as setback requirements) and development standards (such as parking requirements) shall be processed as Code amendments according to Subsection 070.060.040(c).

- (2) *Applicability.* A rezoning may be approved by the City Council following review and recommendation by the Planning Commission. A rezoning to a Planned Unit Development is a distinct type of amendment to the Official Zoning Map and shall follow the procedures in Subsection 070.060.040(b).

- (3) *Rezoning Procedure.* Figure 060-2 identifies the applicable steps from the common review procedures in Subsection 070.060.030 that apply to the review of rezonings. Additions or modifications to the common review procedures are noted below.

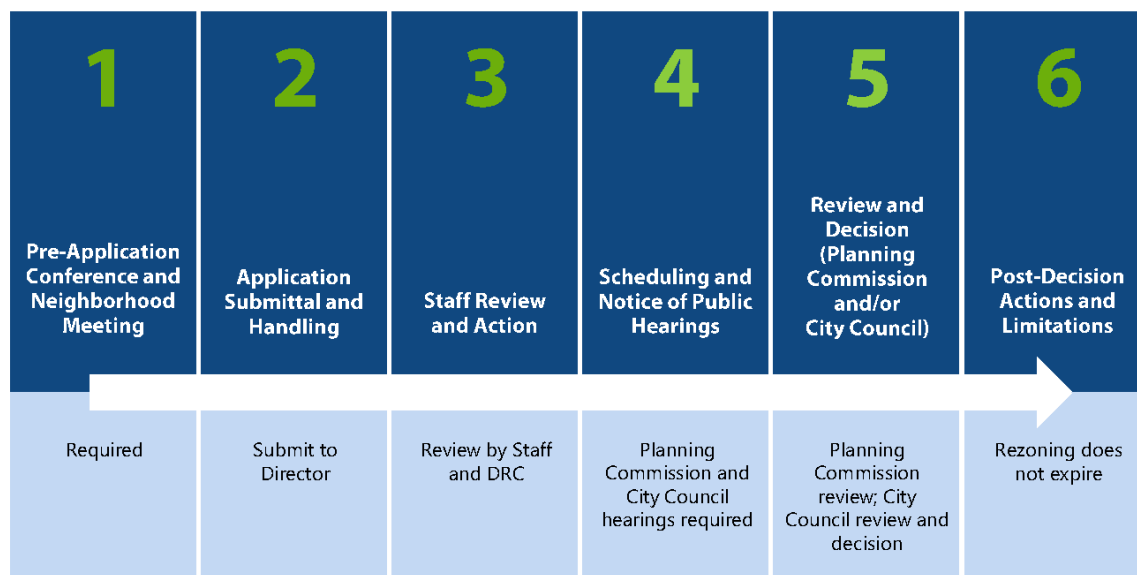


Figure 060-2: Summary of Rezoning Procedure

- a. *Pre-Application Conference.* A pre-application conference shall be held in accordance with Subsection 070.060.030(b).
- b. *Pre-Application Neighborhood Meeting.* A pre-application neighborhood meeting shall be held in accordance with Subsection 070.060.030(c).
- c. *Application Submittal and Handling.*

-
1. The rezoning application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Subsection 070.060.030(d). The application shall include all required information as indicated in the Administrative Manual and any additional information requested during the pre-application conference.
 2. In addition to the persons authorized to submit an application listed in Subsection 070.060.030(d)(1), the Planning Commission may initiate a rezoning application following discussion at any Planning Commission meeting.
 3. When multiple parcels are proposed for rezoning, a separate application for each property shall be submitted unless the Director approves a consolidated application during the pre-application conference.
- d. *Staff Review and Action.* The Director and DRC shall review the application and prepare a staff report and recommendation in accordance with Subsection 070.060.030(e).
- e. *Scheduling and Notice of Public Hearings.*
1. The rezoning application shall be scheduled for public hearings before the Planning Commission and City Council and noticed in accordance with Subsection 070.060.030(f).
 2. For City-initiated rezonings, affected property owners shall be notified by first class mail of the intended zoning change and public hearing(s) at least fifteen (15) days prior to the public hearing date.
- f. *Review and Decision (Planning Commission and/or City Council).*
1. *Planning Commission Review and Recommendation.* The Planning Commission shall review the rezoning application and recommend approval or denial in accordance with Subsection 070.060.030(g) and the criteria in Subsection 3., below. The Planning Commission may also continue the hearing to a regular Planning Commission meeting or a special hearing with a date certain with the requirement that the applicant submit changes or additional information necessary to determine compliance with the approval criteria. Additional continuances may only be granted in extraordinary situations.
 2. *City Council Review and Decision.* The City Council shall review the rezoning application and act to approve or deny the rezoning in accordance with Subsection 070.060.030(g) and the criteria in Paragraph 3. below. The City Council may also continue the hearing to a regular City Council meeting or special hearing scheduled for a date certain with the requirement that the applicant submit changes or additional information necessary to determine compliance with the approval criteria. Additional continuances may only be granted in extraordinary situations.

3. *Rezoning Approval Criteria.*

- i. In reviewing a proposed rezoning, the Planning Commission and City Council shall consider whether:
 - a. The rezoning is consistent with the City's comprehensive plan and the purpose of this Code;
 - b. The rezoning is consistent with the proposed purpose statement of the proposed zoning district;
 - c. Substantial changes in the subject area warrant a zoning change; and/or

-
- d. The intensity of development in the new zoning district is not expected to create significantly adverse impacts to surrounding properties or the neighborhood.
 - ii. The approval criteria above shall not apply to legislative rezonings by the City Council.
 - 4. *Protest Procedure.*
 - i. Any owner of property affected by a proposed rezoning may protest the rezoning pursuant to the statutory requirements of C.R.S. § 31-23-305.
 - ii. A protest against a rezoning shall be filed with the municipal clerk at least twenty-four (24) hours in advance of the City Council decision on the rezoning decision.
 - iii. A protest against a rezoning shall be signed by the owners of twenty (20) percent or more of the area included in such proposed rezoning, or of the area of those lots within two hundred (200) feet of the property proposed for rezoning.
 - iv. In the case of a protest against a rezoning, approval shall require three-fourths ($\frac{3}{4}$) vote of the City Council for a rezoning to become effective.
 - 5. *Concurrent Review.* An applicant may request a development permit or subdivision approval concurrent with a rezoning.
 - g. *Post-Decision Actions and Limitations.* Post-decision actions and limitations in Subsection 070.060.030(i) shall apply with the following modifications:
 - 1. Following approval of a rezoning by City Council, the Director shall prepare a revision to the Official Zoning Map.
 - 2. Following approval of a rezoning, the Director shall record the amendment map and ordinance with the Garfield County Clerk and Recorder as soon as practicable.

(m) Rezoning.**(1) Purpose.**

The purpose of this section is to establish the procedure and

Common Procedures for Major Development Applications	
1	General Meeting or Pre-Application Meeting § 21.02.030(b)
2	Application Submittal & Review §§ 21.02.030(d) and 21.02.030(e)
3	Complete Applications with Changed Status § 21.02.030(f)
4	Public Notice § 21.02.030(g)
5	Planning Commission Recommendation or Decision § 21.02.030(h)
6	City Council Decision § 21.02.030(h)
7	Post-Decision Actions § 21.02.030(i)

requirements for requested amendments to the Zoning Map.

(2) Authority to Initiate.

Amendments to the Zoning Map may be proposed by property owners, the City, the Planning Commission, or City Council in order to add, modify or expand zone districts.

(3) Review Procedures.

Applications for Rezoning shall meet the common review procedures for major development applications in GJMC § 21.02.050(b), with the following modifications:

(i) Public Notice and Hearing Requirements.

- (A) The application for Rezoning shall be scheduled for public hearings before the Planning Commission and City Council and shall be noticed pursuant to GJMC § 21.02.030(g).
- (B) The Planning Commission or City Council may add additional property to be considered for a Rezoning if such additional property is identified in the notice.

(ii) Review Criteria.

An applicant for Rezoning has the burden of producing evidence that proves each of the following criteria:

(A) Consistency.

The proposed zoning is generally consistent with applicable provisions of the Comprehensive Plan.

(B) **Development Patterns.**

The proposed zoning will result in logical and orderly development pattern(s).

(C) **Benefits.**

The community or area, as decided by the reviewing body, derives an overall benefit(s) from the proposed zoning.

(4) **Lapsing and Extension of Approvals.**

Approved Rezoning(s) do not expire.

Sec. 15.02.060. Review standards and procedures for specific major development applications.**F. *Rezoning (amendments to the official zoning map) and concept plan amendments.***

1. *Rezoning initiation.* Applications for rezoning may be initiated by:
 - a. The city council; or
 - b. One or more of the owners, holders of options to purchase, or lessees of the applicable property.
2. *Concept plan.* A concept plan is required for a rezoning and amendments to existing rezoning concept plans. The concept plan shall be referenced in the rezoning or concept plan amendment ordinance. A concept plan shall comply with the approval criteria in section 15.02.055.
 - a. *Contents of concept plan.* Submittal requirements for a concept plan shall be included in the administrative manual.
 - b. *Exceptions.* A concept plan is not required for a rezoning initiated by the city or the following types of rezoning requests that are intended to correct technical mistakes in a specific zoning application:
 - i. When a lot of record is classified as falling into two or more different zoning districts as of the effective date of the ordinance from which this development code is derived, an application to rezone a portion or portions of that parcel so that the zoning district classification is the same for the entire parcel.
 - ii. Rezoning to correct the city's clerical error or mistake in classifying a parcel within a specific zoning district.
 - iii. Rezoning to allow for minor zoning district boundary adjustments to make a zoning designation consistent with approved platted subdivisions.
3. *Development applications pending consideration of a rezoning ordinance.*
 - a. When a proposed ordinance that involves a change in zoning from a less restricted zoning district to a more restricted zoning district, or that changes permitted uses in any existing zone district is introduced to city council, or when the city council directs staff or the P/Z to draft or consider such an ordinance, no development applications that would result in nonconforming uses or structures if the proposed ordinance is approved will be accepted by the city for a period of 120 days from the date of introduction of the ordinance or city council direction.
 - b. The city council may extend the 120-day period by resolution.
 - c. If the proposed ordinance is not adopted within the 120 days, or any extensions thereof, the city shall accept applications and issue plan or plat approval regardless of the status of such proposed ordinance.
4. *Review procedure.* All applications shall follow the core review procedures for major development applications, stated in section 15.02.050.B, except that legislative rezonings, as described in section 15.02.030.A.2, are exempt from steps 2 through 5 of the core review

procedure for major development applications provided in section 15.02.050.B (step 2: neighborhood meetings; step 3: submission of application/completeness determination; step 4: DRC review and report; step 5: submission of revised application).

5. *Additional review criteria.* Rezoning shall also meet at least one of the following justifications:

- a. The rezoning is consistent with events, trends, or facts occurring after adoption of the original zoning that have changed, or are changing, the physical, social, or economic character or condition of the area or neighborhood;
 - b. The rezoning corrects an error of a technical nature; for example, in order to achieve zoning district conformance with existing lot lines; or
 - c. The rezoning presents the city with a unique opportunity or an appropriate site, at an appropriate location, for the particular type of land use or development proposed and will help the city achieve a balance of land use, tax base, or housing types consistent with the city's overall planning and economic development goals.
6. *Conditions for rezoning.* The city council may impose reasonable conditions on the rezoning, including, but not limited to:
- a. Reduction in the number and type of permitted uses.
 - b. Reduction or other limits on permitted density or intensity of development.
 - c. Required review at the end of a specified period of time to determine if the construction of the allowed uses has commenced, and if not, then whether the rezoning should remain in place.
 - d. Consistency with any concept plans, architectural plans, landscape plans and site plans submitted by the applicant as part of the rezoning application.

Division 18.17.09 Zoning and Rezoning**18.17.09.01 Standards for Rezoning**

A. Generally. The City Council may approve an application for rezoning if it finds that:

1. The criteria of subsections B. and C., below, are met; and
2. One or more of the alternatives set out in subsection D., below, are met;
3. The subject property is a legal lot of record (or group of contiguous legal lots of record); and
4. No legal lot of record will contain multiple zones within its boundaries as a result of the rezoning.

B. Resource Protection Policy.

1. It is the policy of the City not to rezone property in a manner that would create or facilitate the creation of development rights or entitlements that would either:
 - a. Reduce the level of protection for significant natural resources that exist on the subject property; or
 - b. Expose additional people or personal property to unmitigated natural hazards that are present on the subject property (e.g., fire, flood, or geological hazards).
2. This policy may be waived upon a finding by the City Council that:
 - a. Alternative means have been implemented to achieve a comparable or better level of resource protection (e.g., conservation easements, development agreements, or other comparable mechanisms for resource protection); or
 - b. The policy is outweighed by a substantial community interest that is served by approval of the rezoning (see Subsection C.1., below).

C. Plan Consistency and Public Benefits. All applications for rezoning shall meet the following criteria:

1. The proposed zone, as applied to the subject property, is substantially consistent with the policies and goals of the Comprehensive Plan, any applicable adopted area plan or community plan of the City, or reflects stated conditions that have changed since the adoption of the Comprehensive Plan.
2. Rezoning to the proposed zone will provide a benefit to the community or immediate area that cannot be provided under the existing zone, and the balance between the anticipated benefit, if any, and the anticipated burden on the community or immediate area, if any, is either neutral or favors the rezoning;
3. The proposed zone would not cause an I zone to share a boundary with an ER, R1e, R1, R2, R3e, or R3 zone, unless there is sufficient land area on the subject property to provide a buffer, as set out in [Division 18.08.03, Standards for Bufferyards](#), and a development agreement is approved to mitigate use incompatibilities with fencing, walls, landscaping, noise and lighting restrictions, or other appropriate techniques; and
4. Adequate community facilities are available to serve development in the proposed zone in accordance with [Section 18.15.02.05, Determination Regarding Adequacy](#); or the proposed zone would limit demands upon community facilities more than the existing zone; or reasonable assurances are provided that adequate community facilities will be made available to serve new development by the time the new development places demands on the facilities.

D. Additional Findings. The City Council may approve an application for rezoning upon a determination that at least one of the following four criteria has been met. This finding is in addition to the findings regarding the criteria of subsections B. and C., above:

1. *Alternative #1: Plan Implementation.* The proposed zone is more appropriate than the existing zone to implement an adopted or approved current City plan that was developed with public input (e.g., the Comprehensive Plan, the Highway 287 Strategic Plan, etc.).
2. *Alternative #2: Change in Character of the Area.* The City Council finds that the proposed zone is more appropriate than the existing zone because:
 - a. There has been a change in character or capacity of public infrastructure in the area (e.g., installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.); and
 - b. The proposed zone allows for the reasonable development or redevelopment of the subject property in a manner that will be compatible with its existing or planned context.
3. *Alternative #3: Need for Zone in Land Inventory.* The City Council finds that the proposed zone is more appropriate than the existing zone because the proposed zone will promote a balance of land uses in the City that will improve economic opportunity, community mobility, or diversity in housing in alignment with the Comprehensive Plan.
4. *Alternative #4: Correction of an error.* The rezoning corrects an error of a technical nature, for example, to correct a discrepancy between zoning boundaries and existing lot lines or rights-of-way.

Ord. [6636](#) §53, 09/05/2023

Effective on: 9/19/2023

720 ZONE MAP AMENDMENT

720.A Applicability

This Section shall apply to all amendments to the Official Zone Map.

720.B Criteria for Approval

Zone Map Amendments may be approved upon a finding that the following criteria are met:

1. The Zone Map Amendment will be consistent with the purpose and standards of the proposed zone district.
2. The type, height, massing, appearance, and intensity of development that would be permitted in the proposed zone district will be compatible with surrounding zone districts, land uses, and neighborhood character and will result in a logical and orderly development pattern within the community.
3. The advantages of the proposed zone district substantially outweigh the disadvantages to the community or neighborhood.
4. The proposed amendment will minimize any adverse impacts on the natural environment, including water quality, air quality, wildlife habitat, vegetation, wetlands, and natural landforms.
5. One of the following conditions exists:
 - a. The proposed amendment substantially furthers the preferred direction and policies outlined in the Community Plan and other applicable adopted plans; or
 - b. The proposed amendment is necessary to respond to changed conditions since the adoption or last amendment of the Official Zone Map; or
 - c. The proposed amendment will correct an error on the Official Zone Map.

720.C Term and Effect of Approval

1. Zone Map Amendments shall become effective on the date specified in the ordinance adopted by City Council.
2. The Zone Map Amendment shall remain in effect for perpetuity or until amended.

721 PLANNED UNIT DEVELOPMENT

721.A Applicability

This Section shall apply to all proposed Planned Unit Developments.

721.B Procedures

The Permitted Use Matrix, zone district dimensional standards, development and design standards, that are applicable to the property that is the subject of the PUD application shall be used as a starting basis and a guide when determining the appropriate type of standards to be applied to a proposed Planned Unit Development.

721.C Criteria for Approval

A Planned Unit Development (PUD) shall be approved upon a finding that the following criteria are met:

1. The proposed development cannot be accommodated with the current zoning of the property or any other City zone district.
2. The Planned Unit Development shall meet at least one of the following:
 - a. The PUD addresses a community need as described in the Community Plan; or
 - b. The development site has special physical characteristics including but not limited to an irregular or oddly-shaped lot, or a lot with significant topographical barriers to standard development construction practices; or



Report

To: Honorable Mayor Hall & Board of Trustees

Through: Town Administrator Machalek

From: Scott Moulton, Director

Department: Estes Park Housing Authority

Date: August 7, 2025

Subject: Workforce, Affordable, and Attainable Housing Definitions

Attachment 1 -Presentation

Affordable Housing Unlocked: Definitions, Markets, and Pathways to More Homes

Presented By Scott Moulton
Executive Director

Estes Park Housing Authority

From Definitions to
Action: Creating
Housing for Everyone

HOW DO WE DEFINE ALL THE TERMS USED IN HOUSING?

Local Definitions vs. Industry Norms

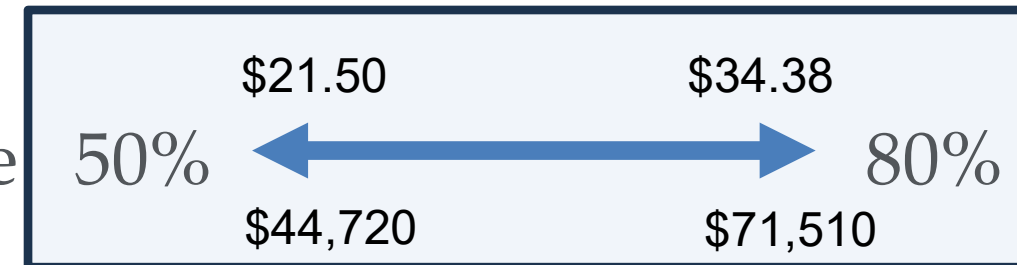
Housing Terms Defined:

AFFORDABLE HOUSING:

- Standard definition: Households pay no more than 30% of their gross income on housing costs

Area Median Income (AMI) buckets | Local Wage

- <80% AMI = Low-income



- <50% AMI = Very low-income



- <30% AMI = Extremely low-income



Housing Terms & Definitions Continued

Attainable Housing:

- Available housing that matches a community's standard or predominant income levels and is generally attainable for members of the community – this can be and often is a wide range
- **Estes Park Code Definition:** Housing units that are attainable to households earning 150% of the Larimer County AMI or below, adjusted for household size. (11.4.C)
- This applies to renter and owner-occupied homes

Workforce Housing:

- Generally, housing that is restricted to members of the local working community.
- **Estes Park Code Definition:** At least one resident in each unit...is employed within the Estes Park School District R-3 Boundary map. (11.4.4)

Housing Inventory

Housing Stock	
Town of Estes Park	4,380
Larimer County	5,130
Total	9,510

Income Restricted Units			
Type	Development	# of Units	AMI Level
Ownership	Vista Ridge	29	<80%
Ownership	The Neighborhood	13	<120%
EPHA - Rental	Cleave Street	10	<60%
EPHA - Rental	The Pines	24	<60%
EPHA - Rental	Talons Pointe	44	<60%
EPHA - Rental	Lone Tree Village	57	<60%
EPHA - Rental	Falcon Ridge	48	<60%
Private - Rental	Trail Ridge	24	<60%
Private - Rental	Park Ridge	32	<60%
Private - Rental	South Saint Vrain	12	<60%
H4H - Ownership	Various Locations	5	<80%
	Total	298	
	Rental	251	
	Ownership	47	

** About 75% of Income-Restricted Occupied by Households Meeting the Local Definition of Workforce

Workforce Restricted Units		
Property	Units	Bonus Density
Homeowners	44	Yes
Prospector	94	Yes
Peak View	26	Yes
Grand Estates	16	Yes
Beaver Brook	19	
Fall River	89	Yes**
420 Steamer	39	
262 Stanley	4	Yes
444 Stanley	8	Yes
R-1 Zone	5	
Total	339	
**No bonus used, as built 65 units at 16 d/u		

Units Brought to Market with density Bonuses:

2013 (150%) = 0
2017 (200%) = 188

Restricted

Rent Level Comparison

2025 Data

	Income Qualified			Workforce Restricted				
	30%	50%	60%	WF	WF-Targeted @60%	WF-Targeted @70%	WF-Targeted @80%	WF-Prospector
0-Bedroom		\$ 679						
1-Bedroom	\$512	\$ 929	\$1,138	\$1,404	\$ 1,248			\$ 1,645
2-Bedroom	\$620	\$1,120	\$1,370	\$1,836	\$ 1,499	\$ 1,766	\$ 2,034	\$ 1,795
3-bedroom		\$1,299	\$1,588	\$2,164			\$ 2,350	\$ 2,099
4-Bedroom							\$ 2,636	
	Actual AMI as Charged							
0-Bedroom		32%						
1-Bedroom	21%	40%	49%	61%	54%			72%
2-Bedroom	22%	41%	50%	67%	54%	64%	74%	65%
3-bedroom		41%	50%	68%			74%	66%
4-Bedroom							74%	

*What does
our local
workforce
look like
through the
AMI Lens?*

Workforce Qualification Income Demographics

		Income		AMI	
Development		Average	Median	Average	Median
General Workforce (Private)		\$ 54,000	\$ 39,520	60%	44%
Workforce Rental Assistance		\$ 54,468	\$ 54,636	61%	61%
Prospector - Attainable		\$ 74,272	\$ 93,600	83%	105%
Prospector - Workforce		\$ 82,519	\$ 70,000	92%	78%
Fall River Village		\$ 77,881	\$ 67,676	87%	76%

What does
our local
workforce
look like?
through the
AMI Lens?

Snapshot of Local Job Openings – August 2025

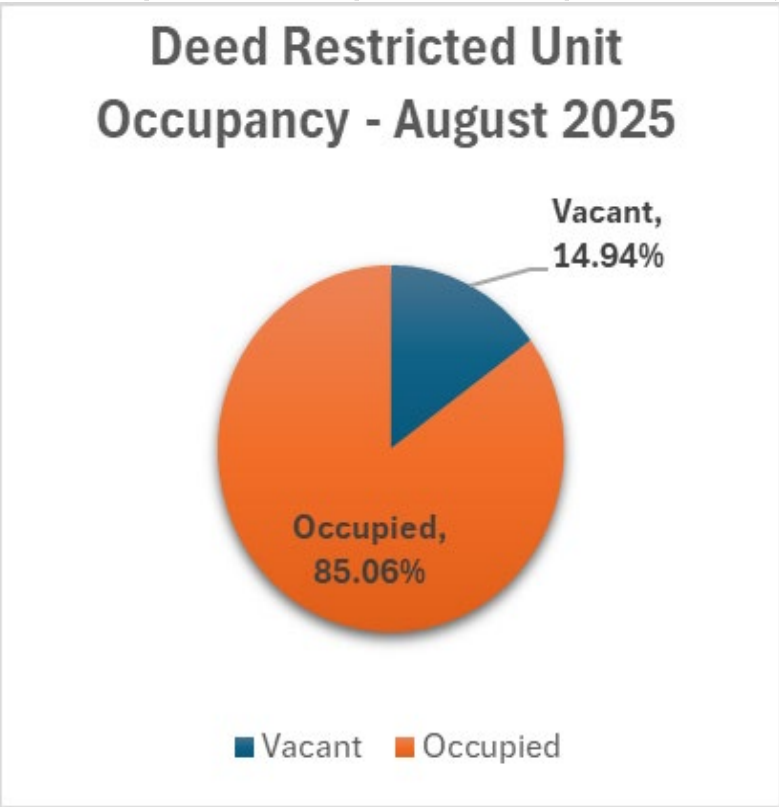
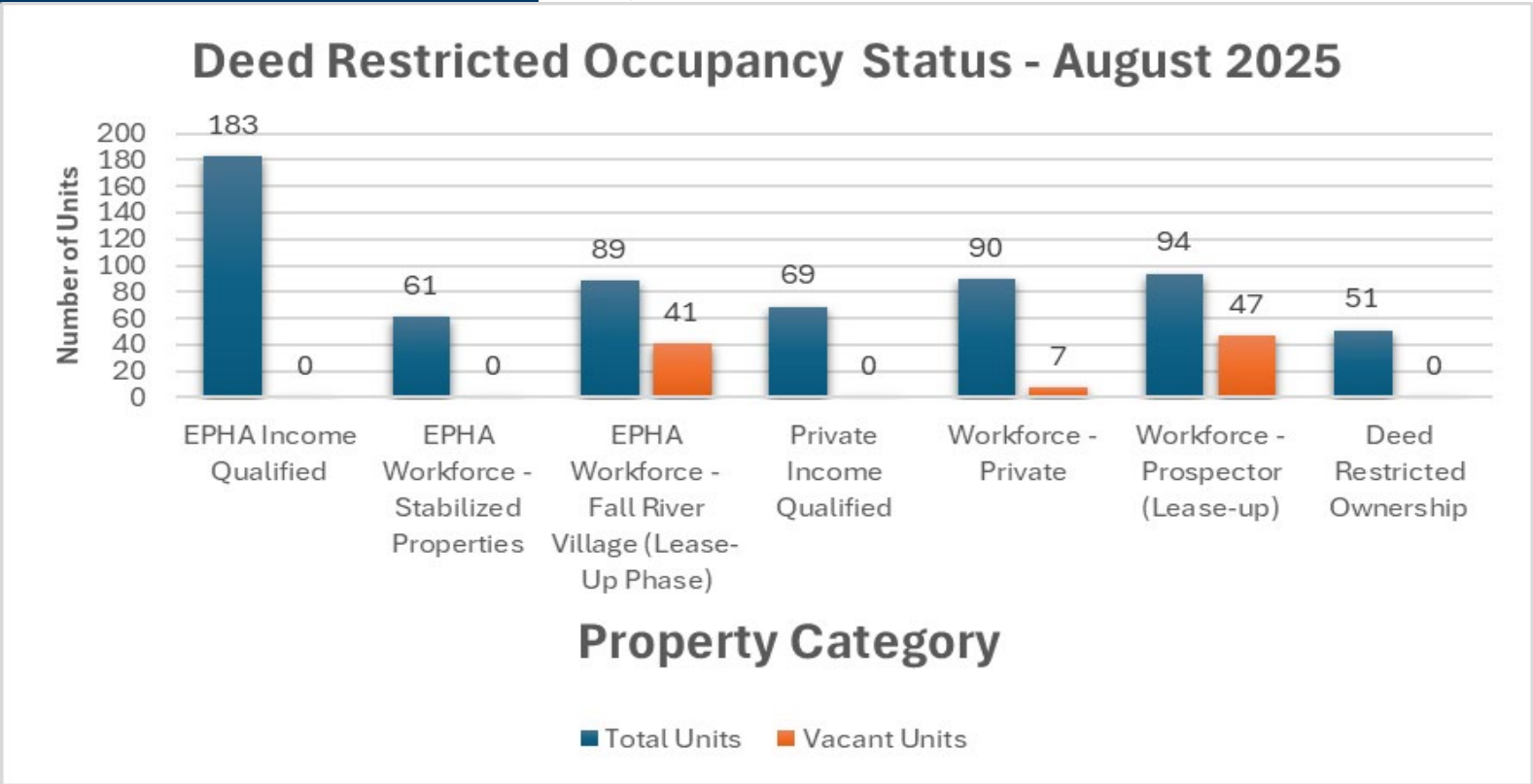
Employer	Position	Yearly High Range (@1560 hrs)	Yearly High Range (@2080 hrs)	2025 AMI @ 1560 h	2025 AMI @ 2080 h	2-Equal Wage Earners AMI @1560 Hrs	2-Equal Wage Earners AMI @2080 Hrs2	2025 AMI @ 1560 hrs2	2025 AMI @ 2080 hrs3
YMCA Rockies	Housekeeping	\$ 23,103.60	\$ 30,804.80	26%	34%	\$ 46,207.20	\$ 61,609.60	52%	69%
Estes Valley Recreation and Outdoor World	Seasonal	\$ 23,103.60	\$ 37,440.00	26%	42%	\$ 46,207.20	\$ 74,880.00	52%	84%
Aspen Eye Care	Optical Host	\$ 32,760.00	\$ 43,680.00	37%	49%	\$ 65,520.00	\$ 87,360.00	73%	98%
Estes Park Shuttle	Local Ride Driver	\$ 31,200.00	\$ 45,760.00	35%	51%	\$ 62,400.00	\$ 91,520.00	70%	102%
YMCA Rockies	Housekeeping Crew Leader	\$ 30,622.80	\$ 46,196.80	34%	52%	\$ 61,245.60	\$ 92,393.60	69%	103%
YMCA Rockies	Houskeeping Manager	\$ 31,980.00	\$ 47,840.00	36%	54%	\$ 63,960.00	\$ 95,680.00	72%	107%
Estes Park Shuttle	Shuttle Driver	\$ 31,200.00	\$ 49,920.00	35%	56%	\$ 62,400.00	\$ 99,840.00	70%	112%
Estes Park Shuttle	Tour Guide	\$ 31,200.00	\$ 49,920.00	35%	56%	\$ 62,400.00	\$ 99,840.00	70%	112%
Safeway	Front Entry Level	\$ 26,910.00	\$ 50,148.80	30%	56%	\$ 53,820.00	\$ 100,297.60	60%	112%
Safeway	Pharmacy Tech	\$ 29,250.00	\$ 51,688.00	33%	58%	\$ 58,500.00	\$ 103,376.00	65%	116%
Safeway	Produce Head	\$ 39,951.60	\$ 53,268.80	45%	60%	\$ 79,903.20	\$ 106,537.60	89%	119%
Safeway	Head Baker	\$ 39,951.60	\$ 53,268.80	45%	60%	\$ 79,903.20	\$ 106,537.60	89%	119%
Safeway	Scan Coordinator	\$ 39,951.60	\$ 53,268.80	45%	60%	\$ 79,903.20	\$ 106,537.60	89%	119%
Safeway	Bakery Manager	\$ 43,071.60	\$ 57,428.80	48%	64%	\$ 86,143.20	\$ 114,857.60	96%	128%
Safeway	Produce Manager	\$ 43,071.60	\$ 57,428.80	48%	64%	\$ 86,143.20	\$ 114,857.60	96%	128%
Estes Valley Library	Patron Experience Librarian -	\$ 34,476.00	\$ 64,355.20	39%	72%	\$ 68,952.00	\$ 128,710.40	77%	144%
Estes Park Trolley	CDL Driver	\$ 49,920.00	\$ 66,560.00	56%	74%	\$ 99,840.00	\$ 133,120.00	112%	149%
Estes Valley Recreation and	Part Time	\$ 24,180.00	\$ 72,800.00	27%	81%	\$ 48,360.00	\$ 145,600.00	54%	163%
Town of Estes Park	Street Equipment Specialist	\$ 34,669.50	\$ 78,308.00	39%	88%	\$ 69,339.00	\$ 156,616.00	78%	175%
Estes Park School	Certified	\$ 36,000.00	\$ 88,000.00	40%	98%	\$ 72,000.00	\$ 176,000.00	81%	197%
Estes Park School	Classified Hourly	\$ 27,409.20	\$ 89,918.40	31%	101%	\$ 54,818.40	\$ 179,836.80	61%	201%
Town of Estes Park	Police Officer III	\$ 56,145.00	\$ 110,575.00	63%	124%	\$ 112,290.00	\$ 221,150.00	126%	247%
Estes Park School	Admin	\$ 62,250.00	\$ 133,650.00	70%	149%	\$ 124,500.00	\$ 267,300.00	139%	299%

Deed Restricted Housing Occupancy

Estes Park Housing Authority Deed Restricted Housing Occupancy - Estes Valley

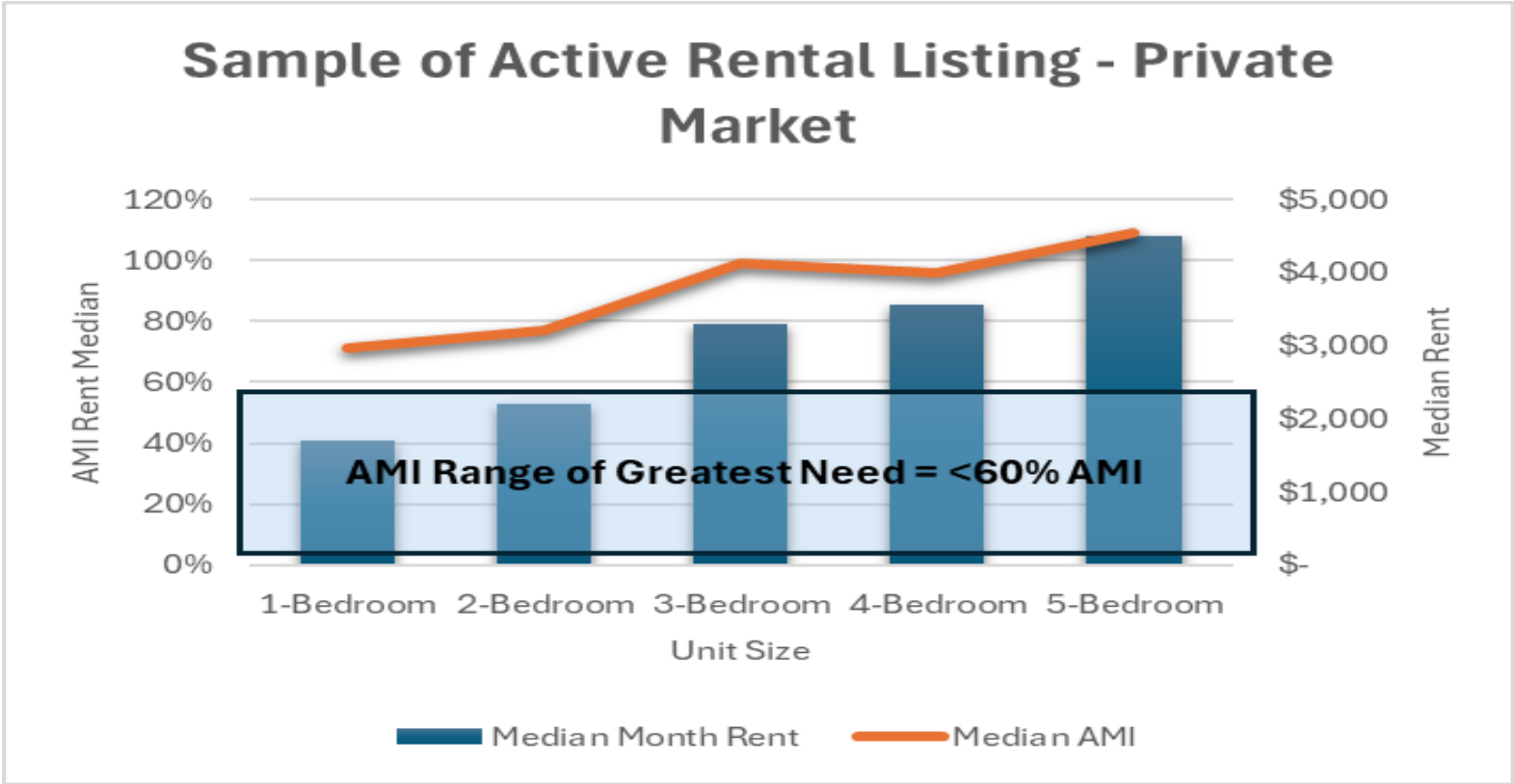
Property Category	Total Units	Vacant Units	Aug-25
EPHA Income Qualified	183	0	100%
EPHA Workforce - Stabalized Properties	61	0	100%
EPHA Workforce - Fall River Village (Lease-Up Phase)	89	41	54%
Private Income Qualified	69	0	100%
Workforce - Private	90	7	92%
Workforce - Prospector (Lease-up)	94	47	50%
Deed Restricted Ownership	51	0	100%
Total	637	95	14.94%

**Data is primarily derived from qualification monitoring completed by EPHA and general orginazational knowledge based on communications with our community partners. Data should not be taken as exact, but should be considered highly accurate and reliable.



Private Rentals

Active Rental Listing - August 2025						
Unit Size	Ave Monthly Rent	Ave AMI	Median Month Rent	Median AMI	Median AMI w/Assistance	Reduction in AMI
1-Bedroom	\$ 1,599	67%	\$ 1,698	71%	54%	-17%
2-Bedroom	\$ 2,673	93%	\$ 2,213	77%	63%	-14%
3-Bedroom	\$ 3,381	102%	\$ 3,300	99%	87%	-12%
4-Bedroom	\$ 3,675	99%	\$ 3,550	96%	85%	-11%
5-Bedroom	\$ 4,498	109%	\$ 4,498	109%	99%	-10%



Snapshot of more than 30 active rental listing from Zillow, Craigslist, and private property management companies

Home Ownership

I want the American Dream of Homeownership – can I afford it?

**Median Sales YTD
2025 Estes Park:**

**Attached = \$530,500
Detached = \$ 767,500**

What does home ownership look like?

Estes Park Housing Authority

Home Ownership Affordability Matrix - Attainable Development Code Provision @ <150% AMI

Home Price	Mortgage (5% Down)	Salary Required @35% housing cost	Ave Hrly Wage 2-Earner	AMI%: 2-Person HSHLD	AMI%: 3-Person HSHLD	AMI%: 4-Person HSHLD	AMI%: 5-Person HSHLD
\$ 375,000	\$ 2,727	\$ 93,497	\$ 22	92%	81%	73%	68%
\$ 425,000	\$ 3,091	\$ 105,977	\$ 25	104%	92%	83%	77%
\$ 475,000	\$ 3,454	\$ 118,423	\$ 28	116%	103%	93%	86%
\$ 525,000	\$ 3,818	\$ 130,903	\$ 31	128%	114%	103%	95%
\$ 575,000	\$ 4,181	\$ 143,349	\$ 34	140%	125%	112%	104%
\$ 625,000	\$ 4,545	\$ 155,829	\$ 37	153%	136%	122%	113%
\$ 650,000	\$ 4,727	\$ 162,069	\$ 39	159%	141%	127%	118%
\$ 767,500	\$ 5,569	\$ 190,937	\$ 46	187%	166%	150%	138%

****last row \$767,500 = median YTD price of sold detached homes in 2025 through June**

Estes Park Housing Authority

Home Ownership Affordability Matrix - Attainable Development Code Provision @ <150% AMI

Home Price	Mortgage (20% Down)	Salary Required @35% housing cost	Ave Hrly Wage 2-Earner	AMI%: 2-Person HSHLD	AMI%: 3-Person HSHLD	AMI%: 4-Person HSHLD	AMI%: 5-Person HSHLD
\$ 375,000	\$ 2,188	\$ 93,771	\$ 23	92%	82%	73%	68%
\$ 425,000	\$ 2,479	\$ 106,243	\$ 26	104%	92%	83%	77%
\$ 475,000	\$ 2,771	\$ 118,757	\$ 29	116%	103%	93%	86%
\$ 525,000	\$ 3,063	\$ 131,271	\$ 32	129%	114%	103%	95%
\$ 575,000	\$ 3,354	\$ 143,743	\$ 35	141%	125%	113%	104%
\$ 625,000	\$ 3,646	\$ 156,257	\$ 38	153%	136%	122%	113%
\$ 650,000	\$ 3,792	\$ 162,514	\$ 39	159%	141%	127%	118%
\$ 767,500	\$ 4,465	\$ 191,357	\$ 46	187%	167%	150%	139%

****last row \$767,500 = median YTD price of sold detached homes in 2025 through June**

Home Ownership

I want the American Dream of Homeownership – can I afford it?

Will it fit my families needs?

What does the housing market look like in the Estes Valley now???

Active MLS Listings - Detached - August 2025				
Unit Size	Ave Price	# of	Ave Year	Ave Age
		Listings	Built	
1-Bedroom	\$ 419,000	1	1907	118
2-Bedroom	\$ 680,190	10	1978	47
3-Bedroom	\$ 976,564	67	1986	39
4-Bedroom	\$ 1,286,958	26	1980	45
5-Bedroom	\$ 1,605,800	5	1972	53
6-Bedroom	\$ 6,199,500	2	2014	11
7-Bedroom	\$ 2,350,000	1	1940	85
Blank	\$ 2,550,000	2	1933	92
Average	\$ 1,175,347	114	1982	43
Median	\$ 934,500		1986	39

Active MLS Listings - Attached - August 2025				
Unit Size	Ave Price	# of	Ave Year	Ave Age
		Listings	Built	
1-Bedroom	\$ 310,000	2	1979	46
2-Bedroom	\$ 471,202	22	1992	33
3-Bedroom	\$ 669,473	22	2008	17
4-Bedroom	\$ 799,800	1	2000	25
Average	\$ 564,141	47	1999	26
Median	\$ 554,000		1998	27

Healthy Markets:

Home Sales = 4 – 6 months of inventory | Estes end of July = 5.6 month

Rentals = 5-7% balanced | Estes as of August 1 = 14.94%

Home Ownership

*I want the
American
Dream of
Homeownership
– can I afford it?*

*Will it fit my
families needs?*

Where will the Trailhead Down Payment Assistance Program fit in – Current Market Perspective

Detached - Eligible		Attached - Eligible	
Listings	18	Listings	30
Ave Price	\$ 563,272	Ave Price	\$ 458,945
Ave Bedrooms	2.66	Ave Bedrooms	2.23
Ave Age	72	Ave Age	33
# Built After Year 1995	1	# Built After Year 1995	15

Thank you!

§ 11.4 - ATTAINABLE/WORKFORCE HOUSING DENSITY BONUS

- A. **Purpose.** This Section is intended to create an incentive to provide a variety of attainable and workforce housing for persons living and/or working in the Estes Valley.

(Ord. 2-02 §9; Ord. 28-16, § 1; Ord. 30-17, § 1(Exh.))

- B. **Eligibility.** All residential subdivisions and developments in the RM (Multi-Family Residential) zoning district are eligible for the attainable or workforce housing density bonus set forth in this Section. This Section's density bonus for attainable or workforce housing shall not be available and shall not be applied in any zoning district except the RM (Multi-Family Residential) zoning district.

(Ord. 2-02 §9; Ord. 28-16, § 1; Ord. 30-17, § 1(Exh.))

- C. **"Attainable" and "Workforce" Defined.** For purposes of this Code and Chapter, "attainable housing units" and "workforce housing units" shall mean the following:

1. **Renter-Occupied Attainable Housing Units.**

- a. Housing units that are attainable to households earning one hundred fifty percent (150%) of the Larimer County Area Median Income or below, adjusted for household size.
- b. To qualify as attainable units, housing costs (i.e., rent and utility expenses) must not exceed thirty percent (30%) of the maximum income for an imputed household size based on one hundred fifty percent (150%) of the Larimer County Area Median Income. The imputed household size is equal to one and one-half (1.5) times the number of bedrooms in the unit. For example, rent on a two-bedroom unit would be equal to thirty percent (30%) of the monthly income limit of a three-person family; for a three-bedroom unit the rent should not exceed thirty percent (30%) of the monthly income of a four-and-one-half-person family—the midpoint of the range of a four- and five-person family.
- c. If the property owner does not pay all utility expenses, then a utility allowance, computed by the Estes Park Housing Authority, must be subtracted from the housing cost to determine the maximum rent.

(Ord. 2-02 #9)

2. **Owner-Occupied Attainable Housing Units.**

- a. Housing units that are attainable to households earning one hundred fifty percent (150%) of the Larimer County Area Median Income or below, adjusted for household size.
- b. To qualify as attainable units, housing costs must not exceed forty percent (40%) of the one-hundred-fifty-percent Larimer County Area Median Income, adjusted for household size.

(Ord. 2-02 #9)

3. **Larimer County Area Median Income, Defined.** The Larimer County Area Median Income is the current applicable area median income for Larimer County published by the U.S. Department of Housing and Urban Development.

(Ord. 2-02 §9)

4. **Workforce Housing.** Housing units shall be eligible for the Maximum Permitted Density Bonus (Sec. 11.4.D) if at least one (1) resident in each housing unit annually submits an affidavit, including a copy of a W-2 form, to the Town certifying that the resident is employed within the Estes Park School District R-3 Boundary Map.

(Ord. 2-02 §9; Ord. 28-16, § 1; Ord. 30-17, § 1(Exh.))

- D. **Maximum Permitted Density Bonus.** Subject to the standards and review criteria set forth in this Section and Chapter, attainable or workforce housing units are eligible for a density bonus of up to two (2) times (two hundred percent [200%]) of the base Max. Net Density standard set forth in the Estes Valley Development Code.

(Ord. 28-16, § 1; Ord. 30-17, § 1(Exh.))

E. **Development and Design Standards.**

1. [Reserved.]
2. **Public Sewers and Water Required.** All developments containing attainable or workforce housing units approved under provisions of this Section shall be served by public central sewer service and public water service.
3. **Short-Term Rentals Prohibited.** Attainable or workforce housing units approved under provisions of this Section shall not be rented, leased or furnished for tenancies of less than thirty (30) days (see §5.1.B).

(Ord. 02-10 §1)

4. ***Deed Restriction or Restrictive Covenant and Agreement Required.*** Attainable or workforce housing units developed pursuant to this Section shall use one of the two mechanisms below to assure the availability of the units for sale or rent to persons meeting the income or workforce guidelines and definition set forth in §11.4.C above. The Community Development Director shall determine which one of the two mechanisms below is applicable:
 - a. **Deed Restriction.** Attainable or workforce housing units shall be deed restricted. The deed restriction shall be for a time period of no less than fifty (50) years. The deed restriction used to restrict the units shall be approved by the Town or County Attorney.
 - b. **Restrictive Covenant and Agreement.** A Restrictive Covenant and Agreement shall be entered into between the property owner and the Town or County. The Restrictive Covenant and Agreement shall be for a time period of no less than fifty (50) years, shall

run with the land, and shall be binding on the owner and all subsequent owners and successors. The Restrictive Covenant and Agreement shall be in a form acceptable to the Town or County Attorney. Upon approval by the Town or County Attorney, the Restrictive Covenant and Agreement shall be subject to review by the decision-making body with the associated preliminary subdivision, or, if no subdivision approval is required, with the associated development plan. The Restrictive Covenant and Agreement shall be properly executed and recorded.

(Ord. 28-16, § 1; Ord. 30-17, § 1(Exh.); Ord. 03-18, § 1(Exh.))

(Ord. 13-99 §D.4, 11/3/99; Ord. 2-02 #9, 2/12/02; Ord. 8-05 #1, 6/14/05; Ord. 2-10 #1, 1/26/10; Ord. 28-16, § 1(Exh. A), 12/13/16; Ord. 30-17, § 1(Exh.), 11/14/17; Ord. 03-18, § 1(Exh.), 3/13/18)

§ 11.5 - BUILDING HEIGHT IN THE CD ZONING DISTRICT

- A. **Purpose.** This Section is intended to provide clear and transparent design guidelines for projects seeking to build above thirty (30) feet in height in the CD Zoning District through construction of new buildings or additions to existing buildings. The section is also intended to encourage reinvestment in downtown buildings and encourage upper-story workforce housing in a walkable, mixed-use context.
- B. **Eligibility.** Proposed developments in the CD (Downtown Commercial) zoning district are eligible to build to a maximum height of forty-two (42) feet, if consistent with the guidelines of this Section. This Section's height allowance for downtown residential projects shall not be available and shall not be applied in any zoning district except the CD zoning district.
- C. **Development and Design Standards.**
 1. **Short-Term Rentals Prohibited.** Housing units approved under provisions of this Section shall not be rented, leased, or furnished for tenancies of less than thirty (30) days. (See §5.1.B.) This prohibition shall be memorialized in a note on the face of any development plan approved pursuant to this Section.
 2. The highest floor shall include a step-back of no less than eight (8) feet from the building façade on any portion of the building facade facing a street right of way, river corridor, trail corridor and any other public open area.
 3. Blank walls shall not exceed ten (10) feet in height by fifteen (15) feet in length without a window or doorway when visible from a public street, open space or pedestrian oriented space or pathway.
 4. Building projects shall demonstrate that they are meeting the design guidelines below:
 - a. To encourage horizontal articulation, and to modulate the apparent size and scale of a building, a portion(s) of the street facing façade should be stepped forward or backward from the predominant facade plane of the building.

- b. Storefronts and other buildings with non-residential uses on the ground level shall include a minimum of two (2) of the following articulation features for every thirty (30) feet or additional fraction thereof on continuous building frontage to create a human scaled façade pattern:
- (1) Windows.
 - (2) Entries.
 - (3) Use of weather protection features such as a canopy.
 - (4) Change in roofline of a least twelve (12) inches in depth.
 - (5) Change in building material or siding style.
 - (6) Articulation of a single building material through varying colors, textures, or incorporating joints or an integrated trim pattern.
 - (7) Vertical elements such as a trellis with plants, green wall, art element.

(Ord. 14-21, §1(Exh. A), 9/28/21)