

Clear Creek County Subdivision Regulations: Article 13

ARTICLE 13 DEVELOPMENT DENSITY BONUSES

1301 Applicability

Any division of land into five (5) or more parcels must comply with this Article. This Article is not applicable to Correction Plats, Replats, Lot Combinations, Exemptions by Resolution, Boundary Line Adjustments, Minor Subdivisions or Multi-Unit Small Subdivisions.

1302 Density Bonus Programs

Colorado Revised Statutes allow divisions of land which create parcels comprising of thirty-five (35) acres or more without County subdivision approval (C.R.S. 30-28-101(10)(b)(10)). Divisions of land which create parcels smaller than thirty-five (35) acres will be considered when one or more of the following alternatives are proposed by the applicant.

1302.01 Clustering

To provide flexibility for developers to construct residential structures in clusters while remaining within the constraints of overall average density restrictions. Under the clustering option, maximum densities are calculated not for individual lots, but for overall development areas. Rather than requiring uniform intervals between building sites, this option waives minimum lot size and dimension requirements to allow tight clusters of buildings in some areas, with other portions of the parcel set aside for open space or habitat uses.

1302.02 Conservation Easements

To preserve and protect critical and sensitive areas, conservation easements may be proposed. These areas include, but are not limited to, significant natural features, environmental hazard areas, wildlife habitat, flood plains, wetlands and transitional areas, and open water bodies.

1302.03 Transferable Development Rights (TDRs)

Density transfers involve the shifting of permissible development densities from unsuitable development areas to more appropriate sites. Its purpose is to conserve and protect from further degradation the remote areas of the County. Such unsuitable development areas contain one or more of the following: difficult emergency services response; little or no existing access from County maintained roads; natural hazard areas or areas which include steep slopes, avalanche, wildfire hazards or critical wildlife areas; locations within subalpine (areas dominated by Engleman spruce and fir) or alpine (areas above tree-line) ecosystems.

1302.04 Attainable Housing

If a minimum of twenty (20) percent of the proposed units will be for sale or rental to low or moderate income levels, a Development Agreement may be proposed by the applicant which would allow for flexibility in the design process. Low or moderate income levels shall be as published by the U.S. Department of Housing and Urban Development (HUD). "Low income household" and "moderate income household" both refer to a percentage of the median. "Median income" means the annual median household income, adjusted for household size as established, from time to time, by HUD.

1302.05 Open Space

When significant funding is earmarked for County open space acquisition and management, a Development Agreement may be proposed by the applicant.

1302.06 Unique Proposal

For unique and exceptional proposals, a Development Agreement may be submitted by the applicant.

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1303 No Guarantee of Density

The provisions of this Article shall not be interpreted as guarantees of achievable density. Developments using density bonus provisions shall be subject to all other applicable regulations of these Regulations. These other regulations or site-specific conditions may prevent density bonus levels from being achieved due to the character of the land or surrounding uses and may be subject to the simultaneous approval of a rezoning application.

1304 Review and Approval Procedure

Projects requesting bonuses under this Article for land that has not been platted, or for land that is being voluntarily replatted, shall be reviewed during the Subdivision process.