

Vertical Zoning Survey

Jurisdiction	Name	email	Adopted vertical zoning?	Waivers?	Biggest challenges implementing?	Notable successes?	Other information?
Town of Breckenridge	Peter Grosshuesch	peterg@townofbreckenridge.com	In a limited form. It applies to the retail center of town, where we now prohibit residential on the ground floor in an overlay zone.	Yes	Nothing as of yet	Residential uses are not replacing retail uses on Main St	
Town of Crested Butte	Bob Gillie	bobg@crestedbutte-co.gov	Yes, we call it horizontal zoning.	No	The biggest challenge was from the property owners during the adoption process and determining what uses were affected by the ordinance. We also struggled with how to address split level commercial buildings.	The ordinance was adopted during the phase when real estate offices were forcing out retail use on the main street. The recent economic downturn has assisted in facilitating the transition back to retail uses. The percentage of retail uses has increased under the ordinance.	We limited the rules to affect the first 40 feet back from the street front property line of ground floor street frontage in the historic business district which seemed to address the issue without over regulating the district.
Town of Estes Park	Alison Chilcott	achilcotti@estes.org	No, with the exception that residential uses are permitted on Elkhorn Avenue downtown, but not on the first floor.	Depending on the circumstances, a property owner could apply for a variance.	N/A	Allows residential use downtown, while protecting first floor commercial space.	
Town of Fraser	Catherine Trotter	ctrotter@town.fraser.co.us	No	N/A	N/A	N/A	
Town of Grand Lake	Abbi Jo Wittman	ajplanning@townofgrandlake.com	The Town of Grand Lake has adopted Vertical Zoning. It indicates that in the Commercial and Commercial Transitional Zones, residential units may be permitted if: <i>(A) The first story area measured from the frontage to 50' into the lot shall be dedicated to commercial space. (B) If any portion of the area described in (A) is used for a hallway, elevator, stairwell access, or fire escape access, a minimum of 30% of the second story of the structure must be dedicated to commercial space. This area shall be located on the frontage side of the structure. (C) The commercial space aspect of any structure must be constructed prior to or in conjunction with the residential units. A Certificate of Occupancy must be issued to the commercial space prior to or in conjunction with the residential units.</i> The Town does not require Vertical Zoning as a requirement of new development.	No but, again, this is not a requirement but rather a development option.	The largest challenge to the Town's Vertical Zoning is for existing structures that would like to 'pop the top' to allow for residential living units upstairs (as this was previously not permitted). The issue stems from a property owner's ability to meet open space requirements for mixed use, parking standards – which are required to be onsite for residential units, etc. I suppose this is not an issue of Vertical Zoning as much as the other regulations in the Code that become applicable when a property owner would like to implement Vertical Zoning. The only other issue is that for existing lots that may have a non-conforming structure/use (such as a residence onsite) that would like to add another structure/unit where the non-conforming structure/use may be located within the first 50' of a lot.	The Town has seen very little Vertical Zoning activity proposed/permitted since the adoption of the Ordinance. While there have been things that were approved (subdivisions), those developments have since let their Vested Rights lapse or have been granted permission for extensions of approval (due to economic constraints).	When looking at the creation of an Ordinance or Code regulations, keep in mind how this might be applicable to existing parcels/developments and what constraints there may be with other Code regulations (parking, open space, etc). I believe that when the Town of Grand Lake adopted Vertical Zoning it was with the hope to promote mixed use in new developments, the Town will need to look at ways we can work with the existing Vertical Zoning regulations (or modify them) to allow for mixed use to be a viable option for single-story, existing commercial structures as well as non-conforming uses and structures in the Commercial and Commercial Transitional Districts.
Town of Minturn	Chris Cerimele	planner1@minturn.org	No	N/A	N/A	N/A	
Town of Mountain Village	Chris Hawkins	chawkins@mtnvillage.org	Yes in our Village Center area with a prohibition on offices on plaza levels, with the goal to increase activity and vitality	By PUD and by regular variance process where hardship and other criteria must be met.	Patience to build-out to get the number of bodies needed to support our commercial areas and high real estate sales values and lease value expectations.	More retail and restaurant areas in our plaza spaces in the Village Center.	
Town of Mt. Crested Butte	Joseph Fitzpatrick, Jr.	jfitzpatrick@mtcrestedbutte-co.gov	No	N/A	N/A	N/A	
Town of Silverthorne	Kevin Batchelder	kbatch@silverthorne.org	No	Waivers from code requirements are available with Town Council approval.	N/A	N/A	Silverthorne has a mixed use requirement in certain zone districts requiring the mixture of commercial and residential, but not vertical zoning. Silverthorne is currently discussing potential vertical zoning, within the town core, requiring commercial on the ground floor and residential above, but has not adopted any regulations.
Town of Telluride	Greg Clifton	GClifton@telluride-co.gov	The Town of Telluride has a 21% horizontal zoning requirement that restricts non-retail businesses on store front Main Street to 22%. The number itself is revisited from time to time ... last inventory showed a 15% occupancy by professional services so we are well below the threshold.	No, but the policy itself can be changed if necessary.	So far the biggest challenge has been administrative ... tabulating the businesses to ensure compliance.	The most notable success is the preservation of retail space on Main Street, ensuring a vibrant shopping area and with it, community revenue. Professional office spaces are limited to a specific maximum percentage of space and we have not exceeded that number.	Some would suggest that the real benefit of this restriction is fewer real estate offices in Town ... that is not the stated basis for the policy however!
Town of Vail	Dick Cleveland	DCleveland@vailgov.com	Vail has had vertical zoning in place for close to 20 years. It has been very successful. It is in place in our pedestrian villages (Vail Village and Lionshead) in certain zone districts. The purpose was to limit uses on ground floor and pedestrian ways to businesses that serve our guests and generate sales tax revenues. It has served to keep uses such as real estate offices from taking over commercial space more appropriate for the sale of merchandise and food, etc.	There is a variance procedure but it would be almost impossible for any non-conforming business to meet the criteria necessary for a variance. Some non-conforming uses are grandfathered until such time as they close or move from the space.	There was some protest at the time it was enacted, primarily from the real estate community, but their dire predictions were unfounded.	It has worked very well for Vail. During the real estate boom we did not see a proliferation of real estate office taking over our commercial areas like many other resort towns did.	If you want to protect your commercial viability and maintain a vibrant retail trade area, this is a good option.

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Town of Winter Park	James Shockey	jshockey@wpgov.com	We do have a business overlay district in our downtown that only allows commercial uses on the first floor for the first 75' of the lot. This overlay district only applies for property along US Hwy 40. You can find a copy of the regulations here - http://www.sterlingcodifiers.com/codebook/getBookData.php?id=&chapter_id=51907&keywords=	No	We haven't seen many challenges with this program because it is limited to properties just along HWY 40. The zoning has protected the downtown from just having multiple-family residences on the first floor.	The most notable successes is the lack of residential dwellings on the first floor in our downtown. While the housing boom was going on, there were developers interested in just building residential units and we would have ended up with some of those projects in our downtown without this zoning protection. We have successful projects in town that have constructed commercial space on the first floor and residential above.	
Park City, UT	Michael Kovacs	michael.kovacs@parkcity.org	Ordinance No. 07-55 that was adopted on August 30, 2007	Non-conforming uses can continue.	Tracking the non-conforming grandfathered businesses.	Minimized number of offices which has added vitality and activity. This was the goal.	