City of Gunnison
Land Development Code
2013

DRAFT

City of Gunnison
P.O. Box 239
Gunnison, CO 81230

This *Land Development Code* establishes the standards for the review of all proposed development of land within the City of Gunnison.

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Section 1. Administration

§1.1 TITLE

This document shall be officially known and cited as the *City of Gunnison Land Development Code* and will be referenced herein as "*LDC*".

§1.2 AUTHORITY

It is the intention of the City Council in adopting this *LDC* to fully exercise all relevant powers conferred on it by the laws of the State of Colorado, including, but not limited to, the following:

A. Home Rule Municipality. All of the powers reserved to the City as a home rule municipality under Article XX of the *Colorado Constitution*.

B. State Enabling Legislation. All of the powers granted to the City by:

1. Title 29, Article 20, *Colorado Revised Statutes* (*C.R.S.*). The provisions of the Local Government Land Use Control Enabling Act of 1974 (Title 29, Article 20, C.R.S.);

2. Title 31, Article 12, *C.R.S.* The provisions of the Colorado Municipal Annexation Act of 1965 (Title 31, Article 12 *C.R.S.*);

3. Title 24, Articles 65, 67, and 68, *C.R.S.* which, respectively, provide for the review of areas and activities of state interest, authorize the Planned Development Overlay approach to land development and provide for the establishment of vested property rights; and

4. Title 31, Article 23, *C.R.S.*, which enables municipalities to adopt zoning regulations and subdivision requirements.

C. All Other Powers Authorized. All other powers authorized by statute or by common law for the regulation of land uses, land development and subdivision, including, but not limited to, the power to abate nuisances.

§1.3 PURPOSES

A. General Purposes. General purposes of this *LDC* include the following.

1. **Development Standards.** Establish the standards for the review of all proposed development of land within the City of Gunnison.

2. **Quality of Life.** Protect and enhance the quality of life in the city and its environs so as to promote the general health, safety and welfare of the present and future inhabitants of the city and to protect the environment.

3. **Review Processes.** Establish clear, consistent, predictable and efficient land development review processes.

4. **Orderly Development.** Provide for the efficient, well-ordered and safe development of the

City of Gunnison and to accommodate a variety of desirable residential, commercial, industrial and public land uses in an appropriate, efficient and attractive development pattern.

5. **Adequate Public Facilities.** Ensure that all utilities, public facilities, and services needed to support development are in place and adequately designed and constructed to protect the community's health, safety and welfare.

6. **Property Values.** Conserve the value of properties and to respect the rights of property owners and the interests of the citizens of the City.

B. Implement *City of Gunnison Master Plan*. To promote these general purposes, this *LDC* establishes regulations that implement the *City of Gunnison Master Plan*:

1. **Natural and Visual Resources**. Manage Gunnison's water, air, land, wildlife, and visual resources.

2. **Cultural and Social Resources.** Encourage the provision and proper location of cultural and social facilities commensurate with the needs of the city's multi-age population.

3. **Public Facilities and Services**. Ensure that adequate water supply, sewage disposal, storm drainage, solid waste disposal, electrical, road, park/recreation and trail and public safety facilities and services are provided to meet current needs, and that development provides for its fair share of the facilities and services demanded for growth.

4. **Economic Development**. Encourage continued growth and diversification of Gunnison's economy, while preserving and strengthening the existing economic base, including the Central Business District and Western State Colorado University.

5. **Safe and Efficient Transportation**. Provide a safe and efficient multi-modal transportation system which provides safe, easy access to parcels while controlling access onto the road network and which offers choices in the method and manner of travel.

7. **Adequate Housing Supply.** Ensure an adequate housing supply which provides diverse housing types of good quality construction in a wide range of prices to support a wide range of incomes, and implement community housing policies established by the City of Gunnison.

8. **Energy Resources**. Utilize energy resources in the most efficient manner by encouraging innovations in the form and design of development.

§1.4 APPLICABILITY

A. Conformance Provisions. No building, structure or land shall be used or occupied and no development shall be undertaken within the limits of the City of Gunnison, as now and hereafter established, unless it is in conformity with the provisions of this *LDC*, and other applicable laws and regulations. Structures and uses existing on the effective date of this *LDC* that do not conform to the *LDC* shall be permitted to continue, subject to the provisions of Section 11, Nonconformities. To the extent permitted by state and federal law, this *LDC* shall apply to all units and agencies of the federal, state, county and municipal government.

B. Exemption for Essential Services. Essential Services and their associated facilities, as defined

herein, shall be exempt from this *LDC* with the exception that this *LDC* shall apply to the development, operations, and maintenance facilities used to support related providers.

C. Approved Existing Development and Pending Applications. The provisions of this *LCD* shall not abrogate, annul or affect the validity of any approved preexisting development or pending application thereof, including building permit, certificate of occupancy, subdivision, and development approval including conditional use, variance, zoning amendment, or Planned Unit Development (PUD) that was initiated and/or approved prior to the effective date of this *LDC*, notwithstanding specific PUD provisions that may require compliance to future amendments to the *LDC*. Pending permit applications, subdivision applications, or development applications are subject to the provisions of the *LDC* in effect at the time of application. Any applicant of a pending application may request to have the said application reviewed pursuant to the procedures and standards of this *LDC*.

§1.5 REPEAL AND RE-ENACTMENT

Upon the adoption of this *Land Development Code*, the following are hereby repealed in their entirety: *Land Development Code*, Chapter 15 of the *Municipal Code* of the City of Gunnison originally effective on February 27, 1997, which is 30 days following the date of its adoption by the City Council with Ordinance #1, Series 1997; together with all amendments thereto; and any other ordinance, resolution or regulation inconsistent with this *LDC*.

§1.6 WORD USAGE AND CONSTRUCTION OF LANGUAGE

A. Headings, Illustrations and Text. In case of any difference of meaning or implication between the text of this *LDC* and any heading, drawing, table, figure, or illustration, the text shall control.

B. Lists and Examples. Unless otherwise specifically indicated, lists of items or examples that use terms such as "including," "such as," or similar language are intended to provide examples; not to be exhaustive lists of all possibilities.

C. Computation of Time. Unless the terms of a specific provision of this *LDC* state otherwise (e.g. some provisions specify working days), the time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday, or a legal holiday observed by the City of Gunnison, that day shall be excluded.

D. References to Other Regulations, Publications and Documents. Whenever reference is made to a resolution, code, statute, regulation, or document, that reference shall be construed as referring to the most recent edition of such resolution, code, statute, regulation, or document or to the relevant successor document, unless otherwise expressly stated.

E. Delegation of Authority. Whenever a provision appears requiring the head of a department or another officer or employee of the City to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority.

F. Technical and Nontechnical Terms. Words and phrases shall be construed meaning according to the common and approved usage of the language. However, technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

G. Public Officials and Agencies. All public officials, bodies, and agencies to which references are made are those of the City of Gunnison, unless otherwise expressly provided.

H. Word Usage. For the purpose of this *LDC* certain words shall be interpreted as follows:

1. The word "Commission" means the City of Gunnison Planning and Zoning Commission.

2. The word "person" includes a firm, association, corporation, trust, and company as well as an individual.

3. The word "structure" shall include the word "building."

4. The word "lot" shall include the words "plot," "parcel" or "tract."

5. The words "may" and "should" are advisory and the words "shall" and "will" are always mandatory.

6. Words not specifically defined in the *LDC* shall take their common dictionary meaning, except as modified by use as terms of art in planning or engineering.

I. Conjunctions. Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

1. "and" indicates that all connected items apply, conditions apply, provisions apply, or events apply.

2. "or" indicates that one or more of the connected items, conditions, provisions, or events may apply.

J. Tenses and Plurals. Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.

§1.7 MEASUREMENTS AND EXCEPTIONS

A. Lot Reduction. Upon the effective date of this *LDC*, no lot, even though it may consist of one or more adjacent lots of record in single ownership, shall be reduced in size so that the lot area per dwelling unit, lot width, yard and lot coverage requirements, and other requirements of this *LDC* are not maintained. This prohibition shall not be construed to prevent the purchase or condemnation of narrow strips of land for public utilities or street right-of-way purposes.

B. Building Coverage. Building coverage shall be the maximum portion of the lot that is covered by buildings, including both principal structures and accessory buildings. Building coverage does not include paved areas such as driveways, uncovered porches or patios, decks, swimming pools or pool cages, or roof overhangs of less than three feet. Building coverage is expressed as a percentage of total lot area.

C. Impervious Surface. Impervious surface shall be the maximum portion of the lot that is covered by buildings, including both principal structures and accessory buildings, paved areas such as driveways, or other features that inhibit the percolation of water into the soil. Impervious surface

is expressed as a percentage of total lot area.

D. Building Width. Building width shall be measured by the distance along the front wall-plane of any building (as determined by the location of an entrance fronting on a street).

E. Building Separation. Building separation shall be the required separation between any two buildings located on the same lot or parcel of land. When building separation is regulated as a function of building height, the height measure shall be calculated as the average height (mean) of the two adjoining buildings in question.

F. Floor Area. Floor area of a building shall be a gross calculation measured from the exterior wall plane or the centerline of the common wall (party wall) separating two units in a building, but shall not include mechanical rooms, closet or storage areas less than 20 square feet, and mechanical chases. All attic space meeting *International Building Code* (*IBC* or *IRC*) ceiling height requirements and used for active residential or nonresidential space shall be calculated as floor area.

G. Height. Height shall be the vertical distances between the average grade of a structure and the highest point of the structure or to the coping of a flat roof, to the deck line of a mansard roof, or to the highest ridge of a sloping roof. In the case of a building, the measure shall be established by using the four principle elevation views of the building plans.

H. Lot Area. Lot area refers to the total gross amount of horizontal land areas within lot lines and shall be measured in units of square feet or acres. Public and private right-of-way and streets shall not be included in the calculating lot area.

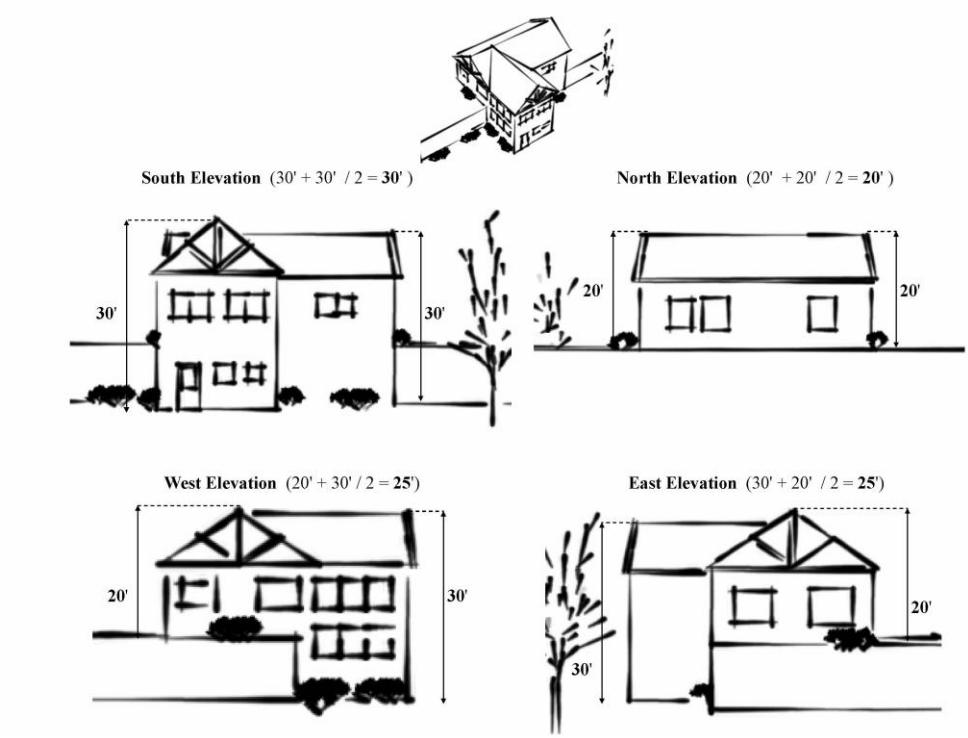


FIGURE 1 MAXIMUM BUILDING HEIGHT

I. Lot Width. Lot width is the horizontal distance between the side lot lines as measured along a straight line parallel to the street right-of-way boundary. For any lot with a curved front lot line, the width is measured at the rear edges of the street yard (front building line), except for lots abutting cul-de-sacs, which shall be measured as the arc length of the street yard at the right-of-way boundary.

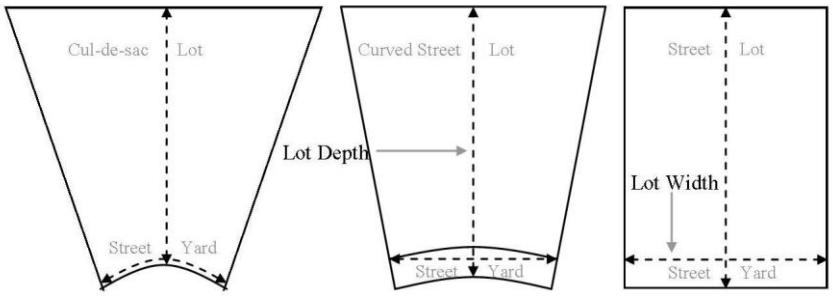


FIGURE 2 LOT DEPTH AND WIDTH

J. Lot Depth. Lot depth shall be the distance of a straight line drawn between the mid-points of the street yard and rear yard.

K. Density

1. **Net Land Area.** Net land area shall be determined by subtracting from the gross land area, the following (as applicable).

   a. Eighty percent of lands located in the 100-year floodplain;

   b. All lands within private streets or dedicated public rights-of-way;

   c. All dedicated open space or public easements dedicated on the plat of record unless exempted;

   d. All lands subject to a ground lease that, because of the lease terms, would not be available for development of the proposed land use(s) on the subject property;

   e. Fifty percent of the land located in any resource conservation area, other than steep slopes and floodplains; and

   f. Net land area on steep slopes shall be determined by the following table;

TABLE 1-1 DENSITY

AVERAGE SLOPE (PERCENT)	ALLOWABLE DENSITY (PERCENT)
0 to 10	100
>10	80
>15	60
>20	40
>25	20
>30	10

2. **Net Density.** Net density shall be calculated by dividing the net land area by the minimum lot area or land area required for each unit.

3. When applying a density standard to the net land area of a parcel, all resulting fractions shall be rounded down to the lower whole number.

4. The density reduction requirements of this Section do not apply to the development of single-family dwellings on lots created as a plat of record prior to the adoption of this *LDC*.

5. The number of dwelling or accommodation units allowed on a site is based on the presumption that all other applicable standards shall be met. The maximum density established for a zoning district is not a guarantee that such densities may be obtained, nor a valid justification for varying other dimensional or development standards.

L. Yard and Building Setbacks

1. Measurement. Setbacks shall be measured as the distance between the nearest lot line and the furthermost projection of the building wall-plane along a line at right angles to setback lines. Yard setbacks shall be unobstructed from the ground to the sky except as otherwise specifically allowed in this Section.

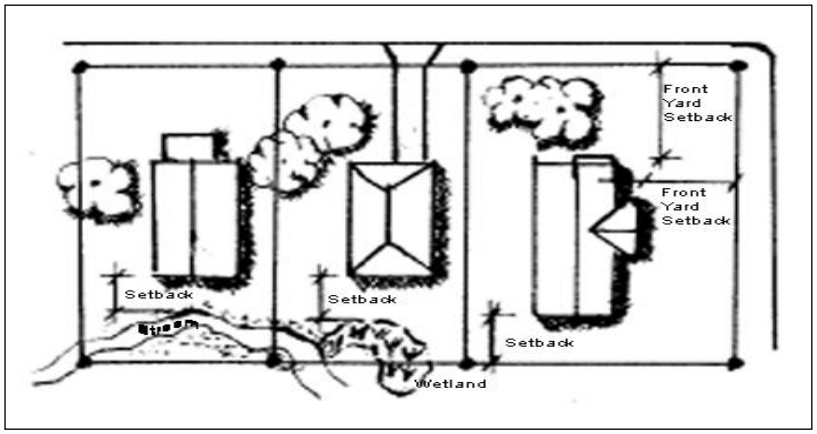


FIGURE 3 YARD AND BUILDING SETBACKS

2. Front Setbacks on Corner Lots. All street sides of a corner lot shall maintain a front yard setback.

3. Features Allowed within Building and Yard Setbacks.

a. Cornices, canopies, eaves or other similar architectural features may project 18 inches into a side or rear yard or setback. These same architectural features may project up to three feet into any setback that is at least 15 feet in dimension.

b. Signs may extend into required yards in conformance with standards found in §4.8.

c. Uncovered porches, slabs, patios, decks, walks and steps which do not exceed 30 inches above or below grade may project into a yard. Projections may exceed 30 inches below grade if required by the Building Official for window or other building egress.

d. Assemblies constituting covered porches which include, landings, steps and handrails that are greater than 30 inches in height may project the furthest extended component five feet into a street yard setback that is at least 15 feet in dimension.

e. Bay windows, entrances, balconies, and similar features that are less than 10 feet wide

may extend up to 18 inches into any required yard, but shall remain at least five feet from the property line.

f. Driveways may extend into any required yard, provided that the edge of the driveway shall be setback at least three feet from an adjacent property line.

g. Planters, retaining walls, hedges, and other landscaping structures may encroach into any required yard and may be no closer than one foot from the property line subject to visibility restrictions.

h. Fences may be located in the yards, but are subject to site visibility distance standards found in §4.2 and §4.3.

i. Utility lines located underground and minor structures accessory to utility lines (such as hydrants, manholes, and transformers and other cabinet structures) may encroach into any required yard.

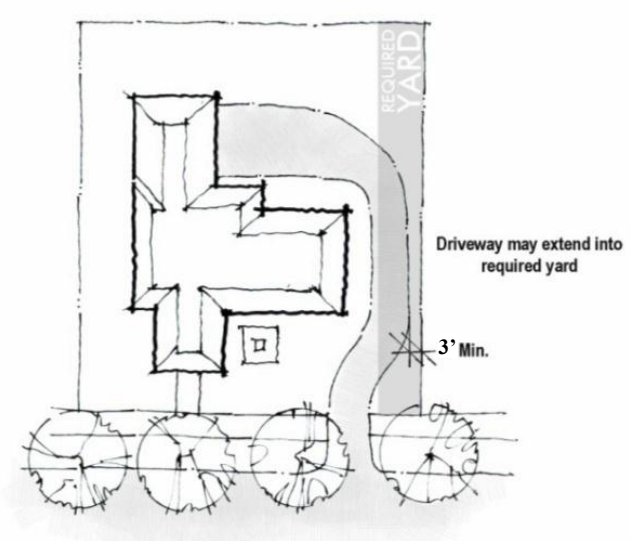


FIGURE 4 DRIVEWAY EXTENDING INTO YARD

§1.8 OFFICIAL ZONING MAP

A. Zone District Boundaries. The boundaries of the zone districts are shown on the *Official Zoning Map of the City of Gunnison, Colorado*. The Official Zoning Map is a part of this *LDC* as fully as if it were set out in this *LDC* in detail. The Official Zoning Map is maintained in the office of the City Clerk and available for inspection during normal business hours. Where uncertainty exists as to the boundaries of zone districts as shown on the Official Zoning Map, the Community Development Director shall apply the following rules for determination.

1. Omitted Land. It is the intent of this *LDC* that every part of the incorporated City of Gunnison be included in one of the zone districts established by this *LDC*. Any land located now or in the future in the city not shown to be included in a zoning district shall be deemed to be classified in the R-1 Zone District, pending approval of a rezoning pursuant to the requirements of Section 9 (Development Standard Waivers).

2. Multiple Zone Districts. Whenever a lot of record is divided by a boundary, development of the lot shall conform to the standards of the zoning in place on that specific portion of the lot.

3. Zone District Boundaries. Unless otherwise specified, zone district boundaries are lot lines, street centerlines, or the center of river channels. The following rules govern interpretations regarding the location of zoning district boundaries.

a. Municipal Boundaries. Zone district boundaries shown as following or approximately

following the limits of the municipal boundary shall be construed as following those limits.

b. Streets and Highways. Zone district boundaries shown as following or approximately following streets and/or highways shall be construed to follow the centerlines of those streets and/or highways.

c. Property Lines. Zone district boundary lines shown as following or approximately following property lines shall be construed as following those lines.

d. Section Lines. Zone district boundaries approximately following section lines, one-half section, or one-quarter-section shall be construed as following those lines.

e. Watercourses. Zone district boundaries approximately following the centerlines of streams, rivers, or other continuously flowing watercourses shall be construed as following the channel centerline of those watercourses taken at mean low water. In the event of a natural change in the location of those streams, rivers, or other watercourses, the zone district boundary shall be construed as moving with the channel centerline.

B. Interpretation. The Director shall be authorized to determine the precise location of any zone district boundaries shown on the Official Zoning Map. The Director shall follow the rules of this Section in determining the location of zone district boundaries.

C. Amendment. Map Amendments approved by the City Council shall be entered on the map by the Director promptly following adoption.

D. Adoption of New Map. City Council may, by ordinance, adopt a new Official Zoning Map. The new Official Zoning Map shall contain the signatures of the Chairman of the Planning and Zoning Commission and Mayor and be attested by the City Clerk.

§1.9 CONFLICTING REGULATIONS

A. Conflict with State or Federal Regulations. If the provisions of this *LDC* are inconsistent with those of the state or federal government, the *LDC* shall control, unless preempted.

B. Conflict with Other City Regulations. If the provisions of this *LDC* are inconsistent with one another, or if they conflict with provisions found in other adopted codes or regulations of the City, the more restrictive provision will control.

C. Conflict with Private Easements, Agreements, Covenants or Restrictions. This *LDC* is not intended to abrogate, annul, or otherwise interfere with any private easement, agreement, covenant, restriction, or other private legal relationship. However, private covenants are considered subordinate to this *LDC*. The City is responsible for enforcing this *LDC*; it does not enforce private agreements, easements, covenants, or restrictions except those specifically required for the administration and enforcement of this *LDC*.

§1.10 VIOLATIONS CONTINUE

Any violation of the previous zoning, subdivision or other regulations of the City shall continue to be a violation under this *LDC* and shall be subject to penalties and enforcement under Section 15 (Violations, Penalties and Enforcement), unless the use, development, construction or other activity is consistent with the

express terms of this *LDC*.

§1.11 PRESUMPTION OF VALIDITY

All provisions of this *LDC* are presumed to be valid and enforceable. In any challenge to the validity of any provision, the burden of proof shall rest with the person bringing the challenge.

§1.12 SEVERABILITY

If any Court of competent jurisdiction rules any provision of this *LDC* invalid, that ruling shall not affect any *LDC* provision not specifically included in the judgment. If any Court of competent jurisdiction rules invalid the application of any provision of this *LDC* to a particular property, building, or other structure, or use, that ruling shall not affect the application of the *LDC* provisions to any property, building, other structure, or use not specifically included in the judgment. Furthermore, if any requirement(s) of this *LDC* is challenged in a Court of competent jurisdiction, any associated land use approval(s) shall be wholly repealed.

Section 2. Zoning Districts

§2.1 ZONE DISTRICTS ESTABLISHED

In order to implement the *City of Gunnison Master Plan* and promote the purposes of this *Land Development Code*, the following zone districts are established.

TABLE 2-1 BASE ZONE DISTRICTS	
SYMBOL	**ZONE DISTRICT NAME**
RESIDENTIAL ZONE DISTRICTS	
R-1	Single-Family Residential
R-1M	Single-Family Residential Modified
R-2	Duplex Residential
RMU	Residential Mixed Use
R-3	Multi-Family Residential
NONRESIDENTIAL ZONE DISTRICTS	
B-1	Professional Business
CBD	Central Business
C	Commercial
I	Industrial
SPECIAL PURPOSE AND PLANNED ZONE DISTRICTS	
WSCU	Western State Colorado University
PUD - O	Planned Unit Development - Overlay
PUD - M	Planned Unit Development - Mixed Use

§2.2 ZONE DISTRICT PURPOSE STATEMENTS

A. Residential Zone District Purposes

1. **Single-Family Residential (R-1).** This zone district is established to provide for orderly suburban residential development and redevelopment, and it maintains residential areas at low densities characterized by detached single-family dwelling units.

2. **Single-Family Residential Modified (R-1M).** This zone district is established to provide for residential neighborhoods comprised of detached single-family dwellings on smaller lots than are permitted in the R-1 zone district, allowing for slightly greater overall densities. Areas designated Modified Single-Family Residential (R-1M) includes relatively low density development areas.

3. **Duplex Residential (R-2).** This zone district is established to provide for moderate density residential areas comprised of single-family dwellings and duplex dwellings, with no more than two units permitted in any structure. Two detached single-family dwellings are not allowed on an individual lot, unless one of the dwelling units is an Accessory Dwelling Unit.

4. **Residential Mixed Use (RMU).** This zone district is established to provide for relatively high density single-family, duplex and multi-family residential areas, including primarily triplex, townhouse, and multi-family dwelling uses.

5. **Multi-Family Residential (R-3).** This zone district is established to provide for high density multi-family residential areas and mobile home parks.

B. Nonresidential Zone District Purposes

1. **Professional Business Zone District (B-1).** This zone district is established to provide for a transitional area between the commercial and residential zone districts, by allowing for relatively lower intensity commercial uses that are compatible with residential uses and maintain the architectural and urban design character of the existing residential neighborhood. Current areas designated Professional Business (B-1) are transitional neighborhoods located adjacent to the Central Business District (CBD) and Commercial (C) zone district.

2. **Central Business Zone District (CBD).** This zone district is established to provide for the business and civic functions that make up the city core. The Central Business District (CBD) has a strong pedestrian character and provides for concentrated commercial activity, with buildings covering the entire street frontage. It contains a mix of business, commercial and residential uses, and serves the needs of the entire community and those of visitors to the community.

3. **Commercial Zone District (C).** This zone district is established to provide locations for offices, service uses, hotel accommodations and businesses retailing durable and convenience goods. Upper-floor residential dwellings are allowed. The Commercial zone district is located along the city's main entrance corridors and, therefore, businesses are accessible-to, and serve, the entire community. Site design and buffering mitigate traffic and operations impacts upon adjacent neighborhoods.

4. **Industrial Zone District (I).** This zone district is established to provide areas for a broad-range of manufacturing, production, product transport, and other industrial uses. These industries should be operated in a relatively clean and quiet manner, and should not be obnoxious to nearby residential or business districts, warehousing and wholesaling activities, and research facilities.

C. Special Zone District Purposes

Western State Colorado University (WSCU). The Western State Colorado University (WSCU) zone district contains the geographic extent of the university real property and campus, with facilities, activity areas, and open space that support related higher education functions. The City and university work together to ensure that the planning and development of the campus is compatible with adjacent municipal uses, that utility service needs are adequately addressed, and that pedestrian and vehicular traffic circulation are designed to efficiently serve the university and community needs.

D. Planned Unit Development

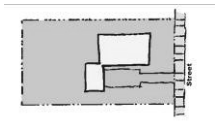
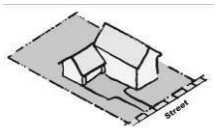
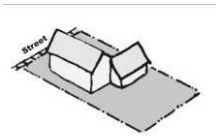
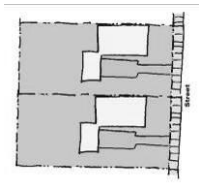
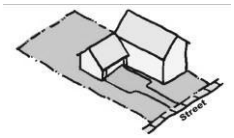
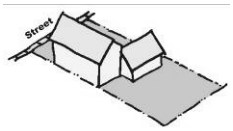
1. A Planned Unit Development (PUD) is a land area such that varying land uses and innovative design and layout of the development provide significant benefits to both the developer and the City over those land use patterns developed and regulated under conventional zoning districts and development standards. Such benefits include the provision of open space for the benefit of the residents and other users, the conservation of natural landscape features, provision of affordable housing, employment opportunities, variety in land use patterns and more efficient provision of services and utilities.

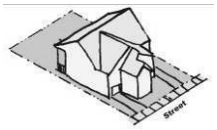
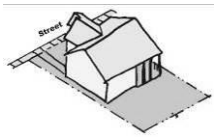
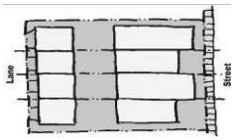
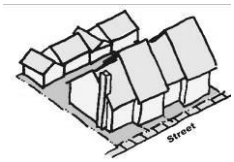
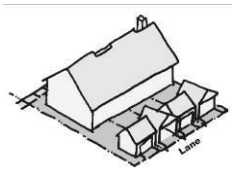
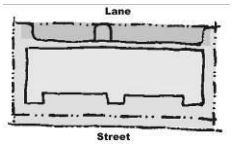
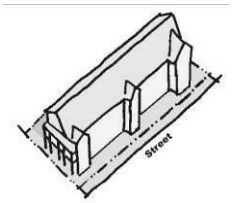
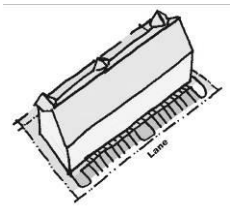
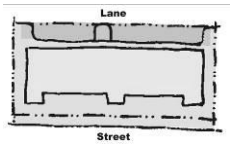
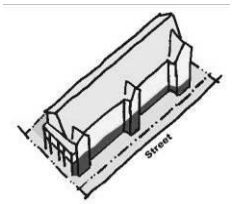
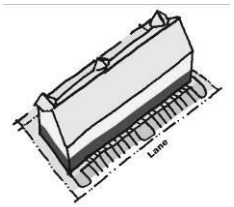
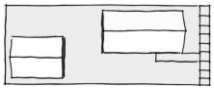
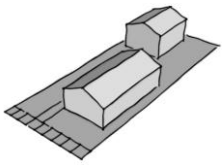
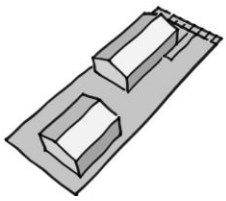
2. In a PUD, the various land use elements are designed so that they interrelate cohesively with each other; therefore, strict application of standard zone district regulations becomes unnecessary instead, other specific development and design requirements are included in the PUD. The boundary between the PUD and adjacent zone districts requires particular attention to ensure that land use patterns are compatible. To enable a more thorough analysis of a PUD, more information is required about the proposal than would be required if development were being pursued within conventional zoning districts.

3. The approval of a PUD constitutes a Zoning Amendment as described in Section 10 of the *LDC* and is established by rezoning an area in an existing zone district to a PUD zone or by initial zoning of newly annexed territory to PUD zoning.

§2.3 DESIGNATED HOUSING TYPES

A. Definitions. The following housing types are established to provide a common terminology used in this *LDC*. All drawings are for illustrative purposes only.

TABLE 2-2 DESIGNATED HOUSING TYPES			
Single-Family Detached or Manufactured Home A detached dwelling unit located on a single lot with private yards on all four sides.			
Zero Lot Line Dwelling A detached dwelling unit located on a single lot with private yards on three sides. The unit has a single side yard on one side comprising the equivalent of two side yards of a single-family detached house. A zero lot line development shall be carried out for an entire block, as a row of units, or as a cluster in order to achieve an overall compatibility of design and so zero lot line dwellings are not situated immediately adjacent to traditionally sited dwellings.			

Two-family Dwelling Two attached dwelling units in a single structure on a single lot (often called a duplex). The two units can be located on separate floors or side-by-side.			
Townhouse Two or more attached dwelling units located on separately owned lots or on a single lot. The units are lined up in a row and share side walls. Dwelling units cannot be mixed vertically.			
Multi-Family Three or more attached dwelling units in a single structure on a single lot. A multi-family dwelling can vary in height from two to three stories. Dwelling units can be mixed vertically.			
Upper-Story Residential A dwelling unit located on a floor above a nonresidential use.			
Accessory Dwelling Unit A dwelling unit with a floor area between 300 and 700 square feet and is located on the same site as, but have a separate entrance from, a single-family dwelling**.**			

B. Manufactured Housing. Manufactured homes are factory-built dwelling units, manufactured or constructed to comply with the standards of the *National Manufactured Housing Construction and Safety Standards Act of 1974*. Manufactured homes shall meet the standards of §3.3 (Residential Use Standards). Any manufactured home which does not meet any of the standards of §3.3 shall be considered a mobile home, and shall comply with all standards of this *LDC* applicable to such use.

C. Mobile Home. "Mobile home" means a dwelling which is eight feet or more in width and 40 feet or more in body length, is designed to be transported on its own permanent chassis after fabrication, and which is designed to be used as a dwelling, with or without permanent foundation, when the required plumbing, heating, and electrical facilities are connected. Mobile homes shall comply with one of the following circumstances.

1. **Comply with *HUD Code*.** New or used mobile homes installed after the effective date of this *LDC* shall comply with the standards of the *National Manufactured Housing Construction and Safety Standards Act of 1974* (hereinafter referred to as "the *HUD Code*").

2. **Pre-date *HUD Code*.** Mobile homes built prior to the *HUD Code* shall have a roof capable of bearing a minimum 30-pound snow load.

§2.4 PRINCIPAL USE TABLE

A. Permitted Uses. A "P" indicates that a use is allowed by right in the respective zoning district and may be reviewed and approved by the Director. Permitted uses are subject to all other applicable regulations of this *LDC*.

B. Conditional Uses. A "C" indicates that a use is allowed only if reviewed and approved as a Conditional Use, in accordance with the Conditional Use review procedures of Section 7 (Conditional Uses). Conditional Uses are subject to all applicable regulations of this *LDC*.

C. Uses Not Allowed. A blank cell indicates that a use is not allowed.

D. Specific Use Standards. The final column titled "Use Standards" contains a cross-reference to related standards established in Specific Use Regulations, of this *LDC*. Where no cross-reference is shown, no additional use standard shall apply.

E. Uses Not Listed. The Director shall use the criteria in §3.1 to determine how an unlisted use should be treated.

TABLE 2-3 PRINCIPAL USE TABLE

Use Categories	Specific Uses	RESIDENTIAL ZONING DISTRICTS					NON-RESIDENTIAL ZONING DISTRICTS				
		R-1	R-1M	R-2	RMU	R-3	B-1	CBD	C	I	Use Standards
Residential Use Categories (§3.2)											
Household Living	Accessory Dwelling[1]			P	P	P	P	P	P	P	§3.3H
	Duplex dwellings			P	P	P	C		C		§3.3C
	Manufactured homes	P	P	P	P	P	P	C	C		§3.3B
	Mobile home parks					C					§3.3I
	Multi-family dwellings				P	P	C		C		§3.3D
	Single-family dwellings	P	P	P	P	P	P	C	C		§3.3 C
	Townhouses				P	P					§3.3F
	Upper story residential[1]						P	P	P	P	§3.3G
	Zero lot line dwellings			P	P	P					§3.3E
Congregate Living	Assisted Living homes				C	C			C		§3.3J
	Nursing home			C	C	C			C		§3.3J
	Rooming and boarding houses, dormitories, fraternities or sororities				C	C					§3.3K
Home Occupation and Home Business	Home Occupation	P	P	P	P	P	P	P	P		§3.3L
	Home Business	C	C	C	C	C	P	P	P		§3.3L
Marijuana	Marijuana Cultivation Facility										
	Marijuana Establishment										
	Marijuana Product Manufacturing										
	Marijuana Testing Facility										
	Personal Use of Marijuana	P	P	P	P	P	P	P	P	P	§3.3M
	Retail Marijuana Store										
Marijuana, Medical	Medical marijuana centers										--
	Medical marijuana-infused products manufacture										--
	Optional premises cultivation operation										--
Public, Civic and Institutional Use Categories (§3.4)											
Community Service	Detention Center									P	--
	Mausoleum, columbarium	C	C	C	C	C	C	C	P		--
	Neighborhood or community centers	C	C	C	C	C	P		P		--
	Public garage or shop									P	--
Educational Facilities	School, public or private	C	C	C	C	C	C	C	C		§3.4A
	School, trade or business	C	C	C	C	C	C	C	C	C	§3.4A
Day Care	Daycare Center			C	C	C		C			§3.5A
	Daycare Home	C	C	P	P	P	P	P	P	C	§3.5A
	Daycare School			C	C	C	C	C	C	C	§3.5A

[1] See special allowances in the Use Standards.

TABLE 2-3 PRINCIPAL USE TABLE

Use Categories	Specific Uses	RESIDENTIAL ZONING DISTRICTS					NON-RESIDENTIAL ZONING DISTRICTS				
		R-1	R-1M	R-2	RMU	R-3	B-1	CBD	C	I	Use Standards
Marijuana-Related Business	Marijuana Club										--
Medical	Hospitals						C		P		--
Parks and Open Space	Parks and recreational facilities	P	P	P	P	P	P	P	P	P	--
Religious Institutions	Churches or places of worship	C	C	C	C	C	C	C	P		§3.5B
Utilities	Major utilities (private only)	C	C	C	C	C	C	C	C	P	--
	Minor utilities	P	P	P	P	P	P	P	P	P	--
Accommodation, Retail, Service - Commercial Use Categories (§3.6)											
Entertainment Event, Major	Auditoriums							C	P	P	--
	Fairgrounds									P	--
Office	Banks and financial institutions						C	P	P		--
	Government offices					C	P	P	P	P	--
	Medical clinic or dental office						P	P	P		--
	Professional offices						P	P	P	C	--
	Radio and television studios						P	P	P		--
Parking, Commercial	Commercial parking lots and garages							C	P	P	--
Retail Sales, Rental and Service, Sales-Oriented	Art Galleries						P	P	P		--
	Auto sales and rental								P	P	--
	Automotive Supplies								P	P	--
	Book stores						P	P	P	C	--
	Convenience Stores, without gas pumps							P	P	P	--
	Drive-in						C	C	C	C	§3.12B
	Furniture and Appliance Stores							P	P	P	--
	Greenhouse or nursery						C	C	P	P	--
	Lumber and building material sales								C	P	--
	Outside Sales or Display							C	P	P	§3.7 B.3.
	Recreational Vehicle Sales								P	P	--
	Retail Grocery Store						C	C	P	C	--
Retail Sales and Service, Personal Service-Oriented	Athletic or Health Clubs						P	P	P	P	--
	Barber and beauty shops						P	P	P		--
	Drive-in						C	C	C	C	§3.12.B.
	Dry cleaning drop-off/pick-up						P	P	P	P	--
	Funeral homes and mortuaries							C	P	P	--
	Kennels								C	P	--
	Laundromats					C			P	P	--
	Marijuana Club										
	Marijuana Establishment										
	Marijuana Retail Store										
	Medical Marijuana Centers										--
	Photography studios						P	P	P	P	--
	Veterinary clinic								P	P	--

TABLE 2-3 PRINCIPAL USE TABLE

Use Categories	Specific Uses	RESIDENTIAL ZONING DISTRICTS					NON-RESIDENTIAL ZONING DISTRICTS				
		R-1	R-1M	R-2	RMU	R-3	B-1	CBD	C	I	Use Standards
Accommodations	Bed and breakfasts				C	C	C	C			§3.7 A.1.
	Hostels				C	C	C	C	P		§3.7 A.2.
	Hotels and motels							C	P		§3.7 A.3.
	RV Parks					C			C	C	§3.7.A.4.
Retail Sales and Service, Eating and Drinking –Oriented	Bars and taverns							P	P	C	--
	Coffee shop/bakery						C	P	P	P	--
	Drive-in							C	C	C	§3.12 B.
	Restaurants						P	P	P	C	--
Retail Sales and Service, Entertainment-Oriented	Private lodges and clubs							P	P	C	--
	Recreation, indoor							P	P	C	--
	Theater							P	P	P	--
Retail Sales and Service, Repair-Oriented	Appliance repair							C	P	P	--
	Bicycle repair/rental						P	P	P	P	--
	Locksmith						C	P	P	P	--
Vehicle Services, Limited	Car washes								P	P	--
	Convenience stores, with gas pumps							C	P	P	§3.7 B.1.
	Service stations								P	P	--
Industrial Use Categories (§3.8)											
Industrial Sales and Service	Agricultural implement sales/service								P	P	--
	Building and heating contractors								P	P	--
	Chemicals or explosives manufacture									C	--
	Dry cleaning/dyeing plant							C	P	P	--
	Feed and grain sales								P	P	--
	Manufactured home sales/service								C	P	--
	Medical marijuana-infused products manufacture										--
	Marijuana testing facility										--
	Medical marijuana optional premises cultivation operation										--
	Repair and service of industrial vehicles								C	P	--
	Research laboratories								C	P	--
	Salvage or wrecking yards, or junkyards									C	--
	Sale, rental, leasing of heavy equipment								C	P	--
	Truck Stop								C	P	--

TABLE 2-3 PRINCIPAL USE TABLE

Use Categories	Specific Uses	RESIDENTIAL ZONING DISTRICTS					NON-RESIDENTIAL ZONING DISTRICTS				
		R-1	R-1M	R-2	RMU	R-3	B-1	CBD	C	I	Use Standards
Manufacturing and Production	Catering Services						C	P	P	P	--
	Concrete or redi-mix plant									P	--
	Greenhouse/nursery							C	P	P	--
	Industrial Hemp Production									P	--
	Manufacture or assembly of machinery, equipment, instruments								C	P	--
	Meat Processing									C	--
	Printing, publishing and lithography						C	P	P	P	--
	Woodworking and cabinet shops								C	P	--
Self-storage Warehouse	Mini-warehouses and mini-storage									P	--
Vehicle Repair	Auto body shops								C	P	§3.7.B.2
	Auto, truck and boat repair								C	P	§3.7.B.2
	Quick lube service								P	P	§3.7.B.2
Warehouse and Freight Movement	Air cargo terminal									P	--
	Outdoor storage, general								C	P	§3.9B.
	Post Office							P	P	P	--
	Recreational vehicle storage								C	P	§3.9B.
	Utility service yards or garages								C	P	§3.9B.
	Warehouses and truck terminals									P	§3.9B.
Waste-Related	Transfer stations									P	--
	Recycling centers									P	--
Wholesale Sales	Mail order houses						P		P	P	--
	Wholesalers of food, clothing, and parts								C	P	--
Other Uses Categories §3.10											
Adult entertainment	Sexually oriented businesses									C	§3.10 C.
Alternative Energy	Solar Voltaic and Wind Turbines	C	C	C	C	C	C	C	C	C	§3.11 D.
Aviation and Surface Transportation	Airports and related facilities, public									P	§3.11 A.
Mining	Processing of aggregate mineral or other subsurface resources									C	§3.11 E.
	Asphalt Batch Plant									C	§3.11 E.
Telecommunications Facilities	Telecommunications facilities and towers							C	C	P	§3.11 B.
Temporary Commercial Activity	General retail sales or other commercial use operated outside of a building on a seasonal basis.							C	C	C	§3.13

§2.5 BASE PRINCIPLE USE CATEGORIES

A. Authority. If an application is submitted for a use type not listed the Principal Use Table (§2.4), the Director shall be authorized to make a similar use interpretation, based on the following considerations:

1. the actual or projected characteristics of the activity in relation to the use category cited in the Principal Use Table (§2.4);

2. the relative amount of site area or floor space and equipment devoted to the activity;

3. relative amounts of transaction volume from each activity;

4. the customer type for each activity;

5. the number of employees in each activity;

6. hours of operation;

7. noise and odor generation;

8. architectural mass and form;

9. site design and arrangement;

10. parking demand;

11. vehicles used with the activity;

12. the relative number of vehicle trips generated by the use;

13. delivery volume;

14. signs;

15. how the use advertises itself;

16. whether the activity is likely to be found independent of the other activities on the site; and

17. effect of the proposed use on uses adjacent to the site.

B. Use Interpretation Standards

1. No use interpretation shall allow a use in a zone district when that use is a Permitted or Conditional Use in any other zone district.

2. No use interpretation shall permit any use in any zone district unless evidence is presented demonstrating that it will comply with all applicable requirements and standards of this *LDC*.

3. No use interpretation shall permit any use in a zone district unless said considerations cited above demonstrate that the use in question is roughly proportional to Permitted and Conditional Uses in the underlying zone district.

4. If the proposed use is more similar to a use allowed only as a Conditional Use in the zone district in which it is proposed to be located, then any similar use interpretation permitting that use shall require a Conditional Use Permit, as appropriate.

C. Use Interpretation Effect. No similar use interpretation finding a particular use to be permitted or conditionally permitted in a specific zone district shall authorize the establishment of such use

or the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits and approvals that may be required by this *LDC* and ordinances of the City of Gunnison. Permits and approvals include, but are not limited to: Conditional Use permits, development permits, building permits, and building certificates of occupancy.

§2.6 BASE ZONE DISTRICT DIMENSIONAL STANDARDS

A. Intent. The base zone district dimensional standards establish maximum density and intensity, lot sizes, height standards, and lot coverage criteria for all development applications. These standards allow for variety in housing types while maintaining the overall character of neighborhoods and commercial areas of the city. Separate standards are established to regulate development in each base zone district. This approach to zone district development standards promotes development intensities that match existing and proposed infrastructure investments.

B. Dimensional Standards - Residential Zone Districts

1. **Development Standards.** Development applications shall comply with all applicable development standards as set forth in this *LDC* and other applicable laws.

2. **Dimensional Standards.** Development applications shall comply with the following dimensional and all other provisions in this *LDC* and other applicable laws.

TABLE 2-4 RESIDENTIAL DIMENSIONAL STANDARDS

Dimensional Standard	R-1	R-1M	R-2	RMU	R-3
Maximum density (units/acre)[1]	3.5	6	14	16	30
Lot Size Single-Family (sq. ft.) [1]	8,000	6,250	6,250	6,250	6,250
Lot Size Duplex (per unit) (sq. ft.) [1]			3,125	3,125	3,125
Lot Size Townhouse (per unit) (sq. ft.)				3,125	3,125
Lot Size Multi-Family (per unit) (sq. ft.) [1]					
Single Story				3,000	3,000
Two Story				2,500	2,500
Three Story				2,000	2,000
Maximum lot coverage structures	40%	40%	40%	45%	45%
Maximum lot coverage parking/access	10%	10%	15%	20%	40%
Minimum lot coverage landscape area	50%	50%	45%	35%	15%
Minimum lot frontage[1]					
Single-Family	50'	50'	50'	50'	50'
Duplex (per unit)			25'	25'	25'
Townhouse (per unit)				25'	25'
Multi-Family				100'	100'
Zero-Lot Line	50'	50'	50'	50'	50'
Minimum setback front[2]	**15'**	**15'**	**15'**	**15'**	**15'**
Minimum setback side Provided that one additional foot of setback shall be required for each two and one-half feet (a 1:2.5 ratio) of building height over 22.5 feet	10'	5'	5'	5'	5'
Minimum setback rear lot line: principal building Provided that one additional foot of setback shall be required for each two and one-half feet (a 1:2.5 ratio) of building height over 22.5 feet	10'	5'	5'	5'	5'

TABLE 2-4 RESIDENTIAL DIMENSIONAL STANDARDS

Dimensional Standard	R-1	R-1M	R-2	RMU	R-3
Minimum setback rear lot line: accessory building	10'	5'	5'	5'	5'
Maximum building height	35'	35'	35'	35'	35'
Maximum building height for detached accessory structure	30'	30'	30'	30'	30'
Minimum building width	24'	24'	20'	20'	20'
Minimum floor area Principal Dwelling (sq. ft.)	480	480	480	300 efficiency	300 efficiency
				480 multi-family	480 multi-family
Floor Area Thresholds Accessory Dwelling (sq.ft.)			720		
Minimum storage area (sq.ft.)			32	32	32
Snow storage (% of parking and access coverage)	15%	15%	15%	15%	15%

[1] Density calculations for residential development may be subject to Slope Protection Standards (§5.2) and Section 13.
[2] Covered porches and the landings and steps of a covered porch may encroach into the front yard pursuant to §1.7.L.3.d

3. **Solar Access Standards.** In order to facilitate reasonable solar access for all residential properties, side and rear setback, and height standards in all residential districts are subject to certain limitations set forth herein.

   a. **Exception.** Development which includes 25 percent or more affordable dwelling units as established in §13.7. D. of this *LDC* shall be exempt from solar access height limitations.

   b. **One- and Two-Story Dwellings**. One- and two-story dwellings within any residential district shall be designed and constructed so as not to cast a shadow greater than a 22.5 foot-tall hypothetical wall located along the side and rear property lines, at noon MST on December 21st.

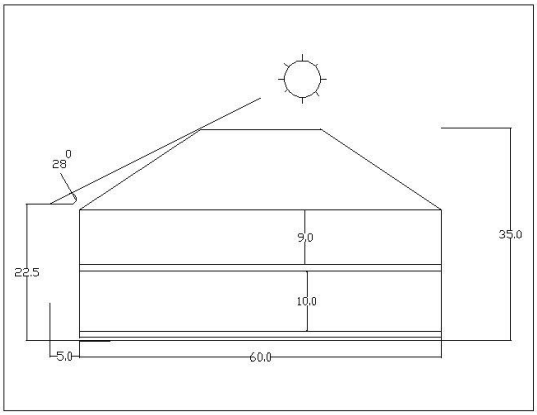


FIGURE 5 TWO-STORY HIP ROOF MEETING SOLAR ACCESS STANDARDS

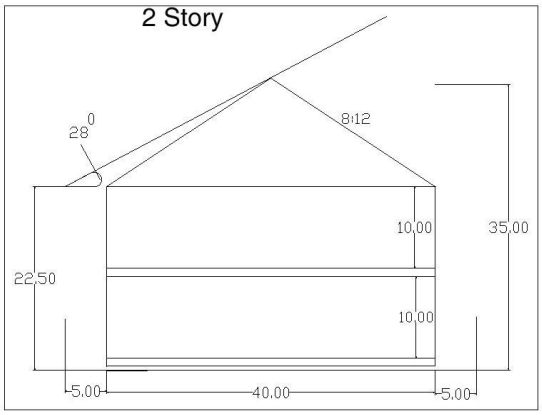


FIGURE 6 TWO-STORY GABLE-END ROOF MEETING SOLAR ACCESS STANDARDS

c. Three Story Dwellings. Three-story dwellings in any residential district shall be designed and constructed so as not to cast a shadow greater than a 22.5 foot-tall hypothetical wall located along the side and rear property lines, at noon MST on December 21st. Furthermore, any portion of such three story dwellings shall be setback from interior (side or rear lot line) north lot lines an additional 1 foot, beyond the minimum required, for each 2.5 feet or fraction thereof of exceeding 22.5 feet in height. For the purpose of application any side or rear lot line that has a bearing less than or equal to 30° from true east or west shall be considered a north boundary.

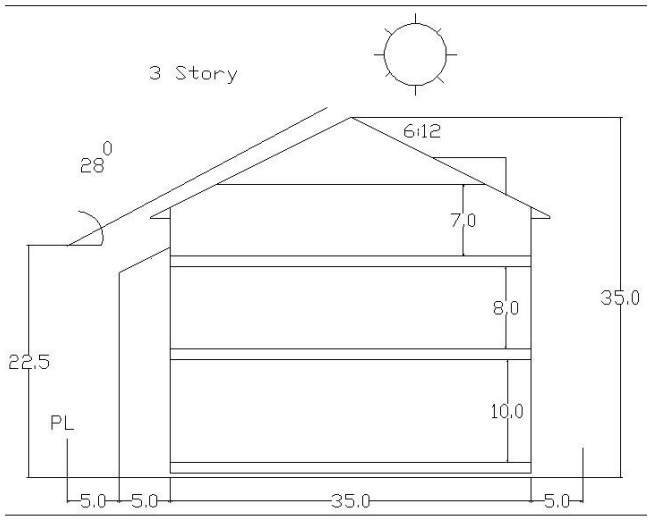


FIGURE 7 THREE-STORY MEETING SOLAR ACCESS STANDARDS

d. Alternative Compliance. Upon request by an applicant, the Community Development Director may approve an alternative site layout that may be substituted in whole or in part for a plan meeting the standards of this Section.

i. Procedure. Alternative compliance plans shall be prepared and submitted in accordance with submittal requirements for plans as set forth in this Section. The plan shall clearly identify and discuss the modifications and alternatives proposed and the ways in which the plan will better accomplish the purpose of this Section than a plan which complies with the standards of this Section.

ii. Review Criteria. In approving an alternative plan, the Community Development Director shall find that the proposed alternative plan accomplishes the purposes of this Section equally or better than a plan which complies with the standards of this Section, or that site conditions including but not limited to lot size, lot configuration, topography are such that reasonable use of the property is precluded by the application of these solar access standards.

C. Dimensional Standards - Nonresidential Zone Districts

1. **Development Standards.** Development applications shall meet all applicable development standards as set forth in this *LDC* and all other applicable laws.

2. **Nonresidential Dimensional Standards**. Permitted nonresidential uses shall meet the following dimensional standards. Development applications for non-residential uses shall comply with all other provisions of this *LDC* and all other applicable laws.

3. **Upper-Story Residential Dwellings.** Upper-story residential units are permitted on the upper floors of nonresidential buildings, but shall conform to all lot, yard and bulk requirements of the principal building.

TABLE 2-5 NONRESIDENTIAL ZONE DISTRICT DIMENSIONAL STANDARDS				
STANDARD	**B-1**	**C**	**CBD**	**I**
DENSITY				
Max. density (units/acre)	7	14	NA	7
LOT				
Minimum lot size (sq. ft.)	6,250	8,000	--	6,250
Minimum lot frontage (ft.)	50	50	--	50
Maximum lot coverage: (%) structures	40	50	100	60
Maximum lot coverage: (%) Impervious surface	15	40	N/A	30
Minimum landscape area (%)	45	10	--	10
BUILDING				
Maximum building height (ft.)	35	35	35	35
Minimum building width (ft.)	24	--	--	--
Minimum floor area: Multi-family (sq. ft.)	480	300 efficiency 480 multi-family	--	--
Minimum floor area: Second story residence (sq. ft.)	300	300	300	300 min 700 max
Minimum storage area (sq. ft.)[1]	32	32	32	--
BUILDING SETBACKS				
Minimum from side lot line (ft.)	5	5[2]	no. req.	5[1]
Minimum from rear lot line (ft.) principal building	5	5[2]	no req.	5[2]
Minimum from rear lot line (ft.) accessory building	5	5[2]	N/A	N/A
Minimum from front lot line (ft.)	15[3]	15[2]	no req.	0[2]
Other Standards				
Snow Storage Area (% of parking and access coverage)	15	15	N/A	15

[1]Storage is required for multi-family dwellings) (§3.3D)
[2] Uses adjacent to residential zone districts shall comply with Zone District Buffer Standards (§4.6 F. 3).
[3] Parking not allowed within front setback area in B-1 Zone District

§2.7 WESTERN STATE COLORADO UNIVERSITY STANDARDS

A. Applicability. Western State Colorado University (WSCU) zone district standards apply to related properties identified on the Official Zoning Map.

B. Allowed Uses. Uses allowed in the WSCU zone district are those pertinent to the operations of Western State Colorado University.

C. Zone District Standards. District standards applicable in the WSCU zone district shall be those established and regulated by the State of Colorado.

Section 3. Specific Use Regulations

§3.1 GENERAL

A. Section Structure. This Section is structured so that specific land use categories are described in general terms, and these descriptions are followed by specific regulations that apply to these land use categories.

B. General Land Use Categories. Use Categories shall be defined or otherwise interpreted in accordance with the following**.**

1. **Basis for Classifications.** Land use categories classify activities and uses based on common functions, product assembly and delivery, and/or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions. Use categories, as established by Table 2-3, provide a systematic basis for assigning present and future land uses into appropriate zoning districts.

2. **Principal Uses.** Principal uses are assigned to the category that most closely describes their physical nature and function. The "Characteristics" subsection of each use category describes the common characteristics of each principal use.

3. **Developments with Multiple Principal Uses.** Principal uses may fall into one use category or there will be instances when several principal use classifications are considered simultaneously.

   a. When all principal uses of a development fall within one use category, the entire development is assigned to that use category. A development that contains a department store, drug store and dry goods store, for example, is classified in the Retail Sales and Service category, Sales-Oriented because all of the development's principal uses are in that category.

   b. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category, and each use is subject to all applicable regulations for that category. A development including department store, drug store and coffee shop, for example, is classified as the Retail Sales and Service, Sales-oriented; however the coffee shop is classified as the Retail Sales and Service, Eating and Drinking-Oriented.

4. **Accessory Uses.** Accessory uses are allowed by right in conjunction with a principal use unless otherwise stated in the regulations. In addition, unless otherwise stated, accessory uses are subject to the same regulations as the principal use. Common accessory uses are listed as examples in the use category descriptions.

C. Use Regulations. This Section describes a series of regulations that apply directly to designated land use categories. These land use-specific regulations apply to both permitted and conditional uses. Additionally, these regulations do not abrogate these land uses from other standards set forth in this *LDC*.

§3.2 RESIDENTIAL USE CATEGORIES

A. Household Living Characteristics. Household Living is characterized by the residential occupancy of a dwelling unit by a single family. Tenancy is to be arranged on a month-to-month or longer basis. Shorter rental periods are considered to be a form of *transient lodging* rather than *residential* (see the Accommodations categories).

1. **Household Living Accessory Uses.** Accessory uses commonly associated with Household Living are recreational activities, hobbies, home occupations, swimming pools, garages, carports, greenhouses, and storage of household goods and equipment.

B. Congregate Living Characteristics. Congregate Living is characterized by the residential occupancy of a structure by a group of people who do not comply with the standards for Household Living. The size of the group may be larger than the average size of a household. Tenancy is arranged on a monthly or longer basis. Uses where tenancy may be arranged for a shorter period are considered to be transient lodging. Generally, Congregate Living structures have a common eating area for residents. The residents may receive care, training, or treatment, and the caregivers may also reside at the site.

1. **Congregate Living Accessory Uses**. Accessory uses commonly associated with Congregate Living are recreational facilities, dining facilities, offices, and maintenance facilities and parking of vehicles for occupants and staff.

2. **Examples**. Congregate Living includes boarding houses, dormitories; fraternities and sororities; homeless shelters; monasteries and convents; nursing and convalescent homes; homes for more than eight resident clients who are physically disabled, mentally disabled, or emotionally disturbed; and may include temporary housing for battered women or homeless families.

3. **Exceptions**

   a. Lodging where tenancy may be arranged for periods of less than 15 days is classified in the Accommodations category.

   b. Lodging where the residents comply with the definition of Household and where tenancy is arranged on a month-to-month basis or for a longer period is classified as Household Living.

   c. Care-giving facilities where individual units meet the definition of a dwelling unit, and pursuant to §3.2 are classified as Household Living.

§3.3 RESIDENTIAL USE STANDARDS

A. Applicability. The standards of this Section shall apply to all permitted, conditional uses, as set forth in the Principal Use Table found in §2.4 of this *LDC*. Residential development is also subject to all applicable General Development Standards (Section 4) and Natural Resource Protection Standards (Section 5).

B. Manufactured Housing. Manufactured housing shall meet the following specific standards.

1. **Automatic Fire Sprinkler Systems.** Depending on the designated housing type or occupancy, manufactured housing may be subject to the installation of automatic fire sprinkler systems pursuant to standards required by adopted fire and building codes.

2. **Foundation.** Manufactured housing shall be permanently affixed to a foundation in a manner which complies with the current *Building Code*. The manufactured structure shall not be equipped with a permanent hitch, axle or wheels following its installation.

3. **Manufactured Home Roof Pitch.** The roof pitch of a manufactured home shall have a minimum pitch of three feet in 12 feet.

4. **Overhang**. The roof shall have an overhang of not less than one foot, measured from the vertical wall-plane of the buildings.

5. **Climatic and Geographic Design Criteria.** Manufactured housing shall be constructed to meet the climatic and geographic design criteria established in the adopted building codes. These criteria define values for snow load, wind speed, seismic category and other related engineering design values.

6. **Energy Conservation Standards**. Manufactured housing shall be designed and constructed so as to comply with the minimum insulation standards in the adopted *Building Code*.

7. **Other Standards.** Manufactured housing shall comply with additional standards in §3.3.C. through §3.3.H, along with all other applicable provisions of the *LDC*.

C. Single-Family Residential and Duplex Features

1. **Foundation.** All homes at the time of construction shall be permanently affixed to a foundation in a manner which complies with the current *Building Code* for residential structures.

2. **Dimensions**

   a. **Width**. Each home shall comply with the following minimum width requirements on at least two non-opposing (not parallel) walls.

TABLE 3-1 MINIMUM BUILDING WIDTH

Zone District	R-1	R-1M	R-2	RMU	R-3	B-1
Minimum Building Width	24 ft.	24 ft.	20 ft.	20 ft.	20 ft.	24 ft.

   b. **Size.** The home shall comply with the minimum floor area standard of the zone district in which it is located, as specified in §2.6**.**

3. **Multiple Detached Single-Family Units.** No more than one single-family dwelling shall be permitted on any platted lot of record in the R-2 zone district unless one of the dwelling units is an Accessory Dwelling Unit. No more than one single-family dwelling shall be permitted on any platted lot of record in the RMU and R-3 zone districts unless the dwelling units are

part of a Common Interest Community and the development plan is found to be in compliance with the dimensional standards in §2.4 (Principal Use Table) of this *LDC*.

4. **Exterior Materials.** The side and roof covering materials shall be materials customarily used on conventional dwellings within the city. Reflective finishes shall not be permitted, but metals designed to oxidize quickly (patina) and create a non-metallic luster are permitted. Siding materials shall extend below the foundation mud-sill, or pursuant to *Building Code* requirements.

5. **Porches**. By relaxing setback criteria, residential dwellings are encouraged to have covered front porches and site-built steps, constructed with exterior materials matching the structure.

D. Multi-Family Dwellings

1. **Parking.** Parking spaces encroach on the rear yard only, but they shall not be located within three feet of the rear property line.

2. **Site Access**. Access for multi-family developments with 25 or more dwelling units is governed by the provisions of §4.3 and the *International Fire Code*.

3. **Interior Accessways.** Pedestrian access shall be constructed to link residential buildings with other on-site destinations such as parking, adjoining public sidewalks and streets, mailboxes, and trash dumpsters (see §4.5).

4. **Building Separation.** The minimum building separation in a complex shall be 10 feet, provided that one additional foot of setback shall be required for every two and one-half feet of the average building height over 22.5 feet on the basis of the average height of the two buildings.

5. **Minimum Floor Area.** Minimum floor area shall be 300 square feet for efficiency units and 480 square feet for all other multi-family dwellings.

6. **Storage.** Each dwelling shall have a minimum of 32 square feet of functional, enclosed area for the storage of residents' personal belongings. The storage area may be contained within the principal building or an accessory building, but must be easily accessible from outdoors; the storage space shall have a minimum height of eight feet.

7. **Trash Receptacles**. Trash receptacles shall not be located in the front yard (see §4.6 I.).

E. Zero Lot Line Development

1. The site area designated for detached single-family zero-lot line development shall not be less than one acre or one-half block of traditional grid served by an alley[2]. Zero lot line development shall be carried out for an entire block, as a row of units or as a cluster in order to achieve an

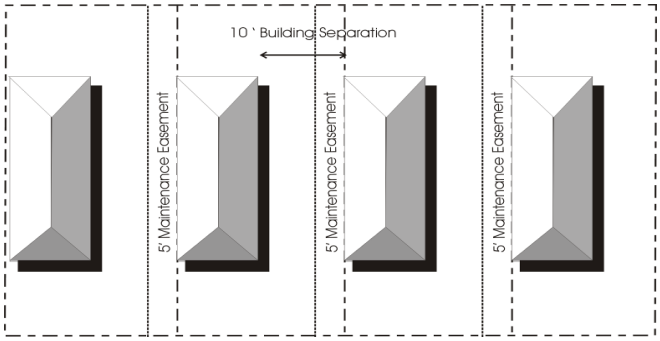


FIGURE 8 ZERO LOT LINE DEVELOPMENT

[2] One half-block (12 lots) = 37,440 sq. ft.

overall compatibility of design. Zero lot line dwellings shall not be situated immediately adjacent to traditionally sited dwellings.

2. A single side yard shall be provided comprising the equivalent of two side yards of a conventional detached house, or 10 feet, whichever is more. This reduction shall not be allowed on the street yard or to the side yard adjacent to lots that are not part of the zero lot line development.

3. An easement on the lot adjacent to the zero lot line shall be required to allow for maintenance or repair, when the roof overhang or side wall of the house are within four feet of the adjacent property line. The easement on the adjacent property must provide at least six feet of unobstructed space. The easement shall be recorded on the subdivision plat.

4. The eaves on the side of a house with a reduced setback may project a maximum of 18 inches over the adjacent property line. In this case, an easement for the eave projection must be recorded on the deed for the lot where the projection occurs.

5. If the side wall of the house is on the property line, or within three feet of the property line, windows or other openings that allow for visibility into the side yard of the adjacent lot shall not be allowed, unless required by the *Building Code* for emergency egress. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, shall be allowed.

6. The exterior wall plane of a dwelling unit in a zero-lot line development shall not extend beyond the property line.

7. Corner lot / unit configurations must have a front and side yard.

F. Townhouses

1. Yards. Side yards are not required for interior townhouses, but street and rear yards shall be provided to all dwelling units.

2. Building Separation. The minimum building separation shall be 20 feet, provided that one additional foot of setback shall be required for every two and one half feet of the average building height over 22.5 feet. The average building height equals the average building height of the buildings under consideration.

3. Garages and Parking. All townhouse garages and parking areas are encouraged to be located to the rear of the building or within an interior courtyard area of a complex. Garages located in the front yard shall be setback a minimum of 22 feet. No more than one exterior parking space per unit shall be permitted in the street yard.

4. Maximum Number of Units. The maximum number of units allowed in a single building is eight.

5. Minimum Setback. The minimum 10 foot setback shall be maintained between townhouse complex and adjacent lots not considered part of the complex, provided that one additional foot of setback shall be required for every two and one-half feet of building height over 22.5 feet.

G. Upper-Story Residential

1. Such uses shall adhere to all dimensional standards of the nonresidential zone district.

2. Minimum floor area shall be 300 square feet.

3. Dwelling units shall be built in a pattern and of materials, complementary to the principal structure.

4. One off-street parking space shall be provided pursuant to Table 4-7 Off-Street Parking Requirements.

5. Upper-story residential dwelling units shall not be condominiumized or sold separately and shall not be rented to guests for periods of less than 30 days.

H. Accessory Dwelling Units. Accessory dwelling units may be allowed in any zone district except the R-1 and the R-1M zone district. Accessory dwelling units are subject to compliance with the standards of this section.

1. An accessory dwelling unit may be allowed as an accessory use to an otherwise allowed single-family dwelling unit that is the principal use on a lot or parcel of at least 6,250 square feet.

2. Accessory dwelling units may be attached-to or detached-from the principal dwelling, provided:

a. if attached to the principal dwelling, no new entrance or other exterior modifications shall be visible from the street to suggest the presence of the accessory dwelling unit.

b. if detached from the principal dwelling, the accessory dwelling shall be located in the rear yard and comply with all setback requirements of the principal dwelling unit.

3. Detached accessory dwelling units not located over a garage shall be separated from the principal dwelling by up to 12 feet.

4. Minimum size shall be 300 square feet and maximum size shall be 720 square feet.

5. Maximum height of detached accessory dwellings shall be 30 feet.

6. Accessory dwellings shall be built in a pattern and of materials complementary to the principal structure.

7. One off-street parking space shall be provided in addition to other required parking.

8. Accessory dwelling units shall not be condominiumized or sold separately and shall not be rented to guests for periods of less than 30 days.

9. Accessory dwelling units will be allowed in the CBD and Commercial zone districts if not on the street frontage.

10. Must be an accessory use to commercial or industrial uses in the Commercial and Industrial

zone districts.

I. Mobile Home Parks. Mobile home parks shall comply with the standards of this section.

1. **Minimum Community Size.** Mobile home parks shall be developed and operated on a lot containing a minimum of one-half acre.

2. **Maximum Density**. The maximum net density in mobile home parks shall be 12 dwellings per acre.

3. **Minimum Space Size**

   a. **Single-Section Unit**. The minimum space size for a single-section or single-wide mobile home unit shall be 3,000 square feet.

   b. **Multi-Section Unit**. The minimum space size for a multi-section or double-wide mobile home unit shall be 4,000 square feet.

   c. **Maximum Lot Coverage**. The maximum lot coverage for mobile homes and accessory structures shall be 45 percent of the total gross lot size or lot space.

4. **Minimum Setbacks**

   a. **Perimeter**. See §3.3. I.7.b.

   b. **Internal Roads**. Each mobile home and accessory structure within manufactured home parks shall be set back a minimum of 10 feet from any interior roadway, with such measurement being taken between the edge of the roadway and the wall of the mobile home.

   c. **Side**. Each mobile home shall be setback a minimum of 15 feet from any other mobile home. Accessory attached or detached structures shall be setback a minimum of five feet from side lot lines.

   d. **Rear**. Each mobile home within a mobile home park shall be setback a minimum of seven and one-half feet from any rear unit space line. Accessory structures shall be setback a minimum of five feet from rear space lines.

5. **Building Height.** The maximum permitted height of structures, including principal or accessory buildings and uses, shall be that established by the underlying zoning district.

6. **Recreation Area**

   a. **Minimum Standard.** A usable area or areas amounting to not less than 10 percent of the gross area of the community shall be designated and improved by the developer for recreational use. The recreation area(s) shall not include any area designated as a roadway, unit space, or storage area, shall be conveniently located and free from all natural hazards. The recreation area shall count toward the minimum landscape area standard of the underlying zone district. The recreation area requirement may be waived by the Commission in the Conditional Use process if it is determined that sufficient public recreation facilities are available in the immediate vicinity of the community.

b. Assurances. As part of the application for the manufactured home park, the developer shall submit assurances acceptable to the City that the recreation area will be improved in a timely manner so as to be suitable for active recreation use in accord with the approved plan and adequately maintained for as long as the community is in existence.

7. Landscaping

a. General. Landscaping shall be required for an area amounting to not less than 15 percent of the gross area of the community. The landscape area may include the recreation area and common landscape areas. The required landscape area shall comply with §4.6, Landscaping, Buffering and Screening.

b. Project Boundary Buffer. A non-arterial street frontage buffer shall be provided along all project boundaries of a mobile home park (see §4.6 F.), unless the boundary is adjacent to an Arterial Street in which case the buffer shall comply with §4.6.F.4.e.

8. Utilities Installation and Connection

a. Connection Required. No mobile home shall be occupied within any mobile home park unless it is properly placed on an approved unit space and is connected to all utility services, including the city water system, a public sewage disposal system, and electrical lines. Utility connections shall be located on the lot served.

b. Code Compliance. Utility installations and connection taps shall be installed to comply with all state and local codes. Fire hydrants shall be installed to comply with City standards and *Fire Codes*.

c. Underground. All utilities, except major power transmission lines, shall be placed underground.

9. Lighting. Adequate lighting shall be provided in compliance with the standards of §4.9, Outdoor Lighting.

10. Site Conditions. Mobile home parks shall be drained, graded, and surfaced as necessary to facilitate drainage and prevent erosion and shall be free from depressions in which water collects and stagnates, other than approved on-site retention facilities.

11. Storm Drainage. Mobile home parks shall be provided with adequate storm drainage facilities pursuant to §4.7 and be connected to the City's storm drainage system if such system as required as part of the development application approval.

12. Snow Removal. All mobile home parks shall be designed so that all internal streets and sidewalks can be cleared and so that the cleared snow can be stored within the community off the roadways and walkways. Snow storage shall comply with §4.4.9.

13. Off-street Parking. There shall be a minimum of two off-street parking spaces provided for each mobile home space. A minimum of one of these parking spaces shall be provided on the mobile home space, while one may be located in a common parking area located no further than 300 feet from the mobile home space. Guest parking shall also be provided in a common parking area, with one guest space provided for every four mobile home spaces in the

community.

14. Roadways and Walkways

a. Private. Internal roadways and walkways within the mobile home park shall be privately owned, built and maintained.

b. Walkways. Concrete walkways of not less than three feet in width shall be provided from unit spaces to all service buildings and recreation areas and on at least one side of all roadways within the mobile home park.

c. Access Management. Private roads, access-ways, driveways and parking for mobile home parks shall be comply with the applicable provisions contained in Section 4. Private roads shall be designed as a sub-local street.

15. Location of Unit

a. Obstruction Prohibited. No mobile home shall be parked so that any part of such unit will obstruct any roadway or walkway.

b. Located on an Approved Space. No unit shall be occupied in a community unless the unit is located on an approved unit space.

16. Outdoor Storage

a. Individual Buildings Required. Individual outdoor storage buildings shall be provided on each unit space for the personal use of the occupants of said space. Such storage buildings shall have a minimum floor space of 48 square feet and shall be not less than six feet or greater than 18 feet in height. Space beneath the mobile homes shall not fulfill this requirement.

b. Outdoor Storage Prohibited. No outdoor storage, other than that accommodated in individual outdoor storage buildings, boats, trailers and vehicles when stored on separate and additional parking spaces, shall be allowed on mobile home spaces, except cut and stacked firewood.

17. Mobile Home Park Storage. Storage is allowed in mobile home parks, subject to the following standards:

a. Use. An enclosed area or building may be provided within a mobile home park to be used for the storage of materials incidental to maintenance and management of the mobile home park, including but not limited to goods, materials, equipment, and vehicles belonging to the owners, tenants and/or managers of the mobile home park.

b. Size. Mobile home park storage areas in aggregate shall not exceed 15 percent of the gross area of the mobile home park. This maximum limit of 15 percent shall pre-empt minimum and maximum dimensional standards set forth in §2.6. For purposes of this Section, mobile home park storage is considered a structure.

c. Materials. Materials to be stored must be incidental to the maintenance and management

of the mobile home park, and may not fall within the definition of hazardous materials as defined in the *International Building Code* or *International Fire Code* as adopted by the City.

d. Fencing. All storage areas not enclosed by a surrounding building shall be fenced according to the following standards:

i. Fencing shall be permanent and a minimum height of six feet, unless heavy equipment is stored within the manufactured home park storage area, in which case the minimum height of the fencing will be eight feet.

ii. Fencing must be opaque material to prevent visual impacts on the neighborhood.

iii. Fencing shall, at all times, be maintained in good condition.

iv. Fencing shall be subject to the standards set forth in §4.6. H, Fences and Walls.

18. Public Easements. No mobile home park storage shall be permitted on public easements or public rights-of-way.

19. Accessory Storage. Mobile home park storage is only permitted, and shall remain, as an accessory use to a mobile home park. If the principal use of a mobile home park is ended, the use of the property for mobile home community storage must also end.

20. Unit Space Numbering. Each space in the mobile home park shall have its space number displayed in a fashion to make it readily visible from the street during the day and night.

21. Carbon Monoxide and Smoke Detectors. Every mobile home shall be equipped at all times with carbon monoxide and smoke detectors in good working order of such type, size, and number and located within each mobile home as prescribed by the Fire Marshal.

J. Assisted Living Homes. Assisted Living Homes, which are classified as a Conditional Use in related zone districts, shall comply with the standards of this section.

1. Neighborhood Density. No Assisted Living Home shall be located closer than 750 feet to another Assisted Living Home.

2. Health and Safety Codes. Assisted Living Homes shall comply with all applicable local, state or federal health, safety, fire, and building codes.

K. Rooming and Boarding Houses, Dormitories, Fraternity or Sorority Houses. Rooming and boarding houses, and fraternity or sorority houses shall comply with all applicable county and state health codes and sanitation requirements. These houses are classified as a Conditional Use in related zone districts.

L. Home Occupations and Home Businesses. Home occupations shall be permitted as an accessory use to otherwise allowed dwelling units in all zone districts and shall comply with the standards of this Section.

1. **Uses Subordinate**. The use of a dwelling for a home occupation or home business shall be clearly incidental and subordinate to its use for residential purposes and shall not change its basic residential character.

2. **Activity Conducted Indoors.** All activities associated with a home occupation or home business shall be conducted indoors. Materials and equipment used in the home occupation shall be stored in a building.

3. **Employment**. Home occupations shall be conducted only by persons residing on the premises. Home businesses shall be conducted by persons residing on the premises and no more than one employee residing off-premises.

4. **Patrons**. Home occupations shall not serve patrons on the premises, except in an incidental manner. A home business may serve patrons on the premises, provided all other standards of this Section are met.

5. **Parking**. One off-street parking space shall be required for each home business employee. This space shall be provided in addition to the parking required for the principal residential use of the property.

6. **Sales.** Incidental sale of supplies or products associated with the home occupation shall be permitted on the premises. A home occupation whose primary activity is retail sales shall be prohibited, except if the function of the home occupation is catalogue sales.

7. **Nuisance**. A home occupation or home business shall not produce noise, electrical or magnetic interference, vibrations, heat, glare, odors, fumes, smoke, dust, traffic, or parking demand, and shall not operate at such hours or in such as manner as to create a public nuisance, disturb neighbors or alter the residential character of the premises.

8. **Equipment, Materials or Vehicles.** There shall be no visible storage of equipment, materials or vehicles that have more than two axles.

9. **Codes**. Buildings used for home occupations shall comply with all applicable City building, fire, and safety codes for the particular business.

10. **Advertising**. No outdoor advertising of the home occupation shall be permitted, except as provided in §4.8.

M. Personal Use of Marijuana. Possessing, growing, or processing marijuana in any residential district and any structure with residential dwelling units shall be governed by the following standards:

1. **Applicability.** Any person or family member for the purposes of this Section and consistent with Article XVIII, Section 16(3)(b) of the *Colorado Constitution*, who is twenty-one years of age or older that is cultivating marijuana plants for their own use, may only do so within their primary residence or associated accessory structure.

2. Possession, growing and processing of such marijuana plants must not be perceptible from the exterior of the primary residence or accessory structure, including, but not limited to:

   a. Common visual observation, including any form of signage;

b. Unusual odors, smell, fragrances, or other olfactory stimulus; or

c. Light pollution, glare, or brightness that disturbs the repose of another.

3. Marijuana plants shall not be grown or processed in the common areas of a multi-family or attached residential development.

4. The use of compressed gases, including, but not limited to butane, propane, and hexane, in the cultivation, production, growing and possessing of marijuana plants shall be prohibited.

5. Cultivation, production, growing and possessing of marijuana plants shall be limited to the following space limitations:

a. Within a single-family dwelling unit, which is defined as Group R-3 in the *International Building Code*, the aggregate area used for the production and growing of marijuana plants shall be confined to a contiguous 25 square-foot secure area.

6. Notwithstanding the standards established herein, the possession, growing and processing of marijuana shall comply with all adopted City building and life-safety codes and regulations as the same may be amended from time-to-time.

7. The Community Development Director shall have the authority to inspect any primary residence or associate accessory structures used for the possession, growing and processing of marijuana plants, following the provisions of §15.1 of the *LDC*.

§3.4 PUBLIC, CIVIC AND INSTITUTIONAL USE CATEGORIES

A. Educational Facilities

1. Characteristics. This category includes public and private schools at the primary, elementary, middle, junior high, high school and post-secondary education level.

2. Accessory Uses. Accessory uses at schools include play areas, cafeterias, recreational and sport facilities, auditoriums and before- or after-school day care. Accessory uses at the post-secondary level include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, and support for commercial activity.

3. Examples. Examples include public and private daytime schools, boarding schools, military academies, universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to hospitals and seminaries.

4. Exceptions

a. Preschools are classified as Day Care uses

b. Business and trade schools are classified as Retail Sales and Service

c. Western State Colorado University

B. Community Service

1. **Characteristics**. Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. The use may provide special counseling, education, or training of a public, nonprofit, or charitable nature.

2. **Accessory Uses**. Accessory uses may include offices; meeting areas; food preparation areas; parking, health, and therapy areas; and athletic facilities.

3. **Examples**. Examples include libraries, museums, neighborhood or community centers, senior centers, penal or correctional facilities, community recreation centers, youth club facilities, garages, shops and storage yards.

4. **Exception**s

   a. Private lodges and clubs, and private or commercial athletic or health clubs are classified as Retail Sales and Service.

   b. Public parks and recreation are classified as Parks and Open Space.

C. Daycare Facilities

1. **Characteristics**. Daycare uses provide care, protection, and supervision for children or adults on a regular basis for less than 24 hours per day.

2. **Accessory Uses**. Accessory uses include offices, recreation areas, and parking.

3. **Examples**. Examples include adult daycare programs (for seven or more individuals), daycare centers, daycare homes, daycare schools, nursery schools, and preschools (§16.2).

4. **Exceptions.** Daycare facilities do not include public or private schools; facilities operated in connection with an employment use; shopping center or other principal use, where children are cared for while parents or guardians are occupied on the premises or in the immediate vicinity. Daycare for three or fewer individuals cared for in a residential dwelling at any one time is considered as an accessory home occupation.

D. Religious Institutions

1. **Characteristics**. Religious Institutions primarily provide meeting areas for religious activities.

2. **Accessory Uses**. Accessory uses include Sunday school facilities, parking, parsonage, and caretaker's housing.

3. **Examples**. Examples include places of worship, churches, temples, synagogues, and mosques.

4. **Exceptions**

   a. Preschools are classified as Daycare uses

b. Schools are classified as Schools

§3.5 PUBLIC, CIVIC AND INSTITUTIONAL USE STANDARDS

The standards of this Section shall apply to all permitted, conditional uses, as set forth in the Principal Use Table (§2.4).

A. Daycare Home, Daycare School and Daycare Center. Daycare Homes, Daycare Schools and Daycare Centers (facilities) shall comply with the standards of this Section.

1. **Parking.** Facilities shall include one off-street parking space per non-resident employee. This space shall be provided in addition to any parking required for the principal use of the property.

2. **Drop-off/Pick-up Area**. One designated on- or off-street drop-off/pick-up space shall be provided per four children. The space shall be available during operating hours for loading and unloading of children. If the space is located on-street, it shall be located on the same side of the street as the daycare facility and shall not be used by the owner or employees.

3. **Outside Play Areas**

   a. Daycare Home. A play area shall be provided on-site for a daycare home with a minimum size of 60 square feet per child.

   b. Daycare School and Daycare Center. A play area shall be provided on-site for a Daycare school or a Daycare center which meets State standards for facilities of this size, as specified by the Colorado State Board of Human Services.

   c. Fencing. All required play areas shall be fenced or screened to prevent children from exiting on their own. The required play area shall not be located in the property's front yard.

4. **Local and State Codes**. The day care facility shall comply with all applicable State and local health, safety, fire, and building codes.

B. Religious Assembly

1. **Caretaker Quarters**. A single-family dwelling unit, located on the same lot as the religious assembly use, and occupied by the facility's pastor, minister, rabbi or similar leader, may be permitted as an accessory use to the facility. See §3.3.H for additional regulations applicable to accessory caretaker quarters.

2. **Special Review Required**. Any religious assembly facility is subject to Conditional Use approval, except in the Commercial zone district.

3. **Organized Outdoor Activities**. Organized outdoor activities shall be limited to occur between 8:00 a.m. and 8:00 p.m. and if the religious assembly is located in a residential zone district, outdoor activity time constraints may be further limited.

§3.6 ACCOMMODATIONS, RETAIL, SERVICE - COMMERCIAL USE CATEGORIES

A. Accommodations

1. **Characteristics**. Units may be efficiency dwellings or sleeping accommodations arranged for short term stays for rent, lease, or interval occupancy. Recreational Vehicle Parks are characterized by short term or seasonal occupancy but are not intended for year-round occupancy. Recreational Vehicle Parks provide for a commercially-run recreational vehicle resort which offers for-sale and rental RV sites and cabins on individual sites, and other camping options, along with associated land uses in common areas that are both service-oriented (e.g.: laundromat, spa, clubhouse, lodge, etc.) as well as recreation-oriented (e.g.: pool, miniature golf, water park, etc.).

2. **Accessory Uses**. Accessory uses may include pools and other recreational facilities, limited storage, offices and check-in facilities. Ancillary uses in common areas that support the Recreational Vehicle Park include community buildings and uses; game room; indoor amusement and entertainment buildings; parks and recreation facilities; athletic club facilities; waste dump station; satellite or electronic reception devices; self-service laundromat.

3. **Examples.** Examples include bed and breakfast establishments, hotels, motels, inns, hostels, and interval occupancy facilities.

B. Retail and Service

1. **Characteristics**. Retail Sales and Service firms are involved in the sale, lease, or rent of new or used products to the public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods.

2. **Accessory Uses**. Accessory uses may include offices, storage of goods, manufacture, or repackaging of goods for on-site sale and parking.

3. **Examples**. Examples include uses from the five following groups:

   a. **Sales-Oriented.** Art supply stores, auto sales, appliance sales, art gallery, bakeries (retail), bicycle shops, book stores, electronic equipment stores, hardware stores, home improvement stores.

   b. **Personal Service-Oriented.** Animal grooming, branch bank, drive-in bank, barber shop, beauty shop, business school, martial arts school, trade school, dance or music classes, dry cleaning drop-off/pick-up, emergency medical care, health clubs, hair salon, laundry drop-off, laundromats, photocopy services, photography studios, tailors and clothing repair, travel agency.

   c. **Eating- and Drinking-Oriented.** Restaurants with or without drive-through service, bars and taverns, lounges, coffee shop/bakery and stands, fast food establishments, yogurt or ice cream shops.

   d. **Entertainment-Oriented.** Entertainment establishments include amusement arcades, billiard parlors, bowling alleys, commercial casinos, coin-operated arcades, dance halls,

indoor archery ranges, nightclubs, pool halls, private clubs and putt-putt golf. Entertainment-oriented does not include adult entertainment, which is addressed in §3.11.C.

e. Repair-Oriented. Appliance repair, bicycle repair, locksmith, shoe repair, television repair, upholsterer, furniture repair, furniture refinishing.

4. Exceptions

a. Convenience stores with gas sales are classified as Retail, Service and Commercial; Vehicles, Limited.

b. Lumberyards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.

c. Repair and service of consumer motor vehicles, motorcycles and light and medium trucks is classified as Vehicle Service/Repair. Repair and service of industrial vehicles and equipment and heavy trucks is classified as Industrial Sales and Service.

d. Sales, rental, or leasing of heavy trucks and equipment, and mobile and manufactured home sales are classified as Industrial Sales and Service.

e. Hotels, restaurants and other services that are part of a truck stop are considered accessory to the truck stop, which is classified as Industrial Sales and Service.

§3.7 ACCOMMODATIONS, RETAIL, SERVICE - COMMERCIAL USE STANDARDS

The standards of this Section shall apply to all permitted Conditional Uses, as set forth in the Principal Use Table (§2.4).

A. Accommodations

1. Bed and Breakfast. All bed and breakfast inn uses shall be subject to the following standards.

a. Structures shall not be altered in a way that changes the general residential appearance.

b. If four or more off-street parking spaces are provided, visual screening from adjacent residential uses shall be required.

c. Other than registered guests, no meals shall be served to the general public. No cooking or kitchen facilities shall be allowed in the guest rooms.

2. Hostels

a. If four or more off-street parking spaces are provided, visual screening from adjacent residential uses shall be required.

b. Other than registered guests, no meals shall be served to the general public. No cooking or kitchen facilities shall be allowed in the guest rooms.

3. **Hotels**. All hotel uses shall be subject to the following standards:

   a. Up to 15 percent of the gross floor area of a hotel may be in nonliving-quarters accessory uses, including management/employee offices, meeting rooms, banquet halls, retail services such as newsstands and gift shops, and similar accessory uses, provided that any incidental business is conducted primarily as a service to guests, and there is no entrance to such places of business except from inside the building.

   b. In addition to the accessory uses allowed in 3.a. above, up to an additional 25 percent of the gross floor area of a hotel may be devoted to eating/drinking establishments as an accessory use.

4. **Recreational Vehicle (RV) Parks**. All RV Park uses shall be subject to the following standards:

   a. General Provisions. RV Parks shall be developed and operated pursuant to following minimum standards, and any other provisions applied as a part of the Conditional Use approval. RV Parks are subject to the provisions found in the General Development Standards (Section 4) and Natural Resource Protection Standards (Section 5) of this *LDC*.

   b. Dimensional Standards. RV Parks shall be developed pursuant to the RV Park Dimensional Standards (Table 3-2).

TABLE 3-2 RV PARK DIMENSIONAL STANDARDS	
Camp Sites	
Minimum space dimensions	20 feet x 60 feet: Small Site 35 feet x 70 feet: Large Site
RV - Minimum setback	front: 10 feet side: seven feet; No less than 14 feet between adjacent units rear: 10 feet
RV - Minimum site size	(Small Site) 1,200 square feet: pop-up campers, truck campers, camper vans and tents (Large Site) 2,450 square feet: travel trailers, motor homes, motor coach, trailer, camper
Maximum Impervious Site Coverage	50 percent
Minimum Landscaping	50 percent
Maximum Height	35 feet
Maximum Outside Storage	five percent
(1) Additional width required for Low Impact Design (LID) bio-swales determined at Subdivision Review	

   c. General Operation Standards

      i. RV Parks shall be kept in a clean, orderly, litter free and sanitary condition at all times.

      ii. No more than one recreational vehicle and one tow vehicle will be allowed on any one site at any one time.

iii. Garbage and trash must be properly disposed of in the trash receptacles as required by these regulations and trash areas must be kept in a neat and sanitary condition at all times.

iv. All landscape areas must be maintained**.**

v. No operable or inoperable vehicles, recreational vehicles, boats, machinery, equipment or parts thereof are kept or stored in the RV Park.

vi. All private roads must be maintained for safe travel and provide adequate access for emergency vehicles. Seasonal closure of some portions of the facility shall be permitted so long as necessary vehicular and emergency access is maintained.

vii. RV Parks shall provide adequate fire protection as required by the *City of Gunnison Municipal Code*.

d. Camp Site Standards

i. All recreational vehicle sites shall be provided paved surface parking pads of bituminous mix or concrete. Small Sites shall be provided a minimum 12 foot x 24 foot paved surface parking pads. Large Sites shall be provided a minimum 12 foot x 50 foot paved parking pads plus one automobile parking space.

ii. **Service Building**. RV Parks shall be provided a centrally located service building and recreational area containing the following: management office, storage areas, sanitary facilities, laundry facilities (two washer/dryer combinations per 50 sites), and recreation facilities.

iii. **Refuse Areas**. RV Parks shall provide an adequate number of animal proof covered trash receptacles located within centralized trash areas. Trash areas shall be screened from public view by a minimum six foot high enclosure and shall be dispersed throughout the park for ease of accessibility.

iv. All motor vehicles parked on camp sites shall be operable and have current license plates. Removal of wheels from motor vehicles is prohibited.

e. Sanitary Facilities Standards/Service Building(s). One or more service buildings shall be installed in the RV Park. The number and type of facilities required to be contained in the building shall be as shown in Table 3-3, Sanitary Service Building Facility Requirements. The service building(s) shall also meet the following standards:

i. **Sanitary Facilities.** Sanitary facilities shall be provided within one or more service buildings and shall be located at a distance not greater than 400 feet from any space**.**

ii. **Private Compartments**. Each water closet, bath or shower shall be in a private compartment and shall meet the requirements of the local plumbing code.

iii. **Sound-Retardant Wall**. A sound-retardant wall shall separate the toilet facilities for each gender when provided in a single building.

iv. Utility Sink. A minimum of one utility sink shall also be provided for disposal of liquid wastes and for cleanup and maintenance of the service building**.**

v. Construction. The service building shall be of permanent construction and be provided with adequate light, heat, and positive ventilation in shower and bathing areas. Interior construction of the service building shall use cleanable, moisture-resistant materials on walls, ceilings, and floors, and use slip-resistant materials on floors.

vi. Openings Screened. All windows, doors, or other openings shall be screened to keep out insects.

vii. Plumbing. All plumbing shall conform to the most recently adopted version of the *International Plumbing Code* and the local plumbing code. Hot and cold running water shall be provided in the service building(s).

TABLE 3-3 SANITARY SERVICE BUILDING FACILITY REQUIREMENTS

Number of RV Sites	Toilets		Urinals		Lavatories		Showers	
	Ind.	Dep.	Ind.	Dep.	Ind.	Dep.	Ind.	Dep.
15	1	1		2	1	2		2
	1	2			1	2		2
16-30	1	2		3	1	3		2
	1	3			1	3		2
31-45	1	3		3	1	4		3
	1	4			1	4		4
46-60	1	4		4	1	5		4
	1	5			1	5		5
61-80	1	4		4	1	5		5
	1	6			1	5		6
81-100*	1	5		5	1	6		6
	1	6			1	6		6

WOMEN

MEN

** For development of sites beyond one hundred, use the figures for a 100-site resort, and add the number of fixtures for the appropriate additional increment as shown above.*

f. Landscaping. Landscaping shall be required for an area amounting to not less than 40 percent of the gross area of the park. The landscape area may include the recreation area and common landscape areas and shall include a landscape area provided within the required perimeter setback to effectively screen or buffer the park from surrounding properties. The required landscape area shall comply with §4.6, Landscaping, Screening and Buffering.

g. Access Management. Private roads, access-ways and driveways for recreational vehicle parks shall comply with the applicable provisions contained in Section 4, General Development Standards.

i. Privacy Gates. Gated access shall be permitted for RV parks, provided that local fire prevention, police, and any other emergency services agency approve the design to ensure appropriate emergency access.

ii. Emergency Vehicle Access. Access easements shall be granted to the City for the purposes of emergency vehicle access and for the installation, maintenance and repair of public and private utilities.

iii. Private Maintenance. A private road shall be maintained by the owner(s) of the development in which the road is located.

h. Speed Limits. All private roads shall be posted with speed limit signs with appropriate speeds, in compliance with the *Manual on Uniform Traffic Control Devices* (*MUTCD*).

B. Retail Sales Establishment. Goods may be produced on a small scale within a retail sales establishment and be sold in the local area; provided that: a) production shall be limited to no more than 50 percent of the area of the retail establishment, and b) production shall not pose any safety or environmental hazards to the public in the retail production area.

1. Convenience Stores

a. If fuel is sold as part of the convenience store operation, the conditions for service stations related to fuel pump location and bulk fuel storage shall apply.

b. Parking areas for retail sales and fuel service shall be separated from each other, and circulation within the property to each parking area shall be separate and clearly marked.

2. Vehicle Services and Repair

a. Incidental sale of vehicles will be allowed.

b. A zone district boundary buffer (§4.6.F.3.c.ii.) shall be established along any side of the property adjacent to a residential use.

c. Service bay doors shall not be oriented toward the road or any residential use, unless such bays are screened from view from the road and residential uses.

d. All repair or service operations, excluding washing, shall be conducted entirely within a fully-enclosed building. The term “fully-enclosed building” shall not be construed to limit open bay doors during hours of operation.

e. Operable vehicles may be parked on-site during business hours. All vehicle parking shall be accomplished on the site, and in no case shall a parked vehicle encroach into the right-of-way.

f. The outdoor overnight storage of vehicles may be allowed subject to Commission approval (§3.9 B.).

g. There shall be no dismantling of vehicles for salvage.

h. The storage of impounded vehicles shall not be permitted.

i. Fuel pump location shall comply with the following requirements:

i. Fuel pumps shall be located at least 30 feet from the edge of the street curb of a public street or alley.

ii. Subject to the setback in paragraph i.i. above, except on corner lots, fuel pumps shall be located in no more than one yard. For example, if fuel pumps are located in the front yard of the lot, they may not be also located in the side or rear yard.

iii. On corner lots, fuel pumps may be located in either or both of the yards adjacent to a street lot line provide that safe vehicular access to the pumps is available, and they comply with setback requirements in paragraph i.i., above.

j. Bulk Storage tanks containing fuel, oil, waste oils and greases or similar substances shall be placed at least 25 feet from any property line and constructed and vented in accordance with Colorado State Department of Public Health and Environment requirements.

k. A canopy over the fuel pumps may be erected, provided the following conditions are met.

i. The canopy structure shall comply with all minimum building setback standards applicable to the principal structure.

ii. The canopy shall be constructed to meet the Climatic and Geographic Design Criteria established in the adopted *International Residential Code* (Table R301.2 (1). These criteria define values for snow load, wind speed, seismic category and other related engineering design values.

3. **Outdoor Retail Displays.** Display of merchandise shall comply with the requirements of §4.7, Outdoor Display and Storage.

§3.8 INDUSTRIAL USE CATEGORIES

A. Industrial Sales and Service

1. **Characteristics**. Industrial Sales and Service firms are engaged in the sale, repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

2. **Accessory Uses.** Accessory activities may include offices, parking, and storage.

3. **Examples.** Examples include agricultural implement sales and service; building contractors; bulk and wholesale fuel sales; heating contractors; plumbing contractors; electrical contractors; electric motor repair; exterminators; feed and grain sales; fuel oil sales; furnace and water heater sales; gas, butane and heavy machinery sales; building materials sales; janitorial and building maintenance services; landscape contractor's storage yard; machine

shops; manufactured and mobile home sales; repair and service of industrial vehicles and equipment tool repair; towing service and vehicle storage; truck stops; heavy truck sales, repair, or rental; welding shops, and well drilling services.

4. Exceptions

a. Contractors and others who perform services off-site are included in the Office category if major equipment and materials are not stored at the site and fabrication, or similar work is not carried on at the site.

b. Hotels, restaurants and other services that are part of a truck stop are considered accessory to the truck stop.

B. Manufacturing and Production Category

1. Characteristics. Manufacturing and production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on-site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.

2. Accessory Uses. Accessory activities may include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, and caretaker's quarters.

3. Examples. Examples include asphalt, concrete or redi-mix plant; bakery; custom building; catering service; food and related products processing; food processing and packing; manufacture or production of chemical, rubber, leather, clay, bone, plastic, stone, wood or glass materials or products; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items and other electrical items; manufacture, production or fabrication of metals or metal products including enameling and galvanizing; manufactured housing unit production and fabrication; monument works; ornamental iron work; printing, publishing and lithography; sawmills and other wood products manufacturing; sign making; and production of textiles or apparel.

4. Exceptions

a. Manufacturing of goods to be sold primarily on-site and to the general public is classified as Retail Sales and Service.

b. Manufacture and production of goods from composting organic material (e.g., fertilizer) is classified as Waste-Related Uses.

C. Warehouse and Freight Categories

1. Characteristics. Warehouse and Freight Movement firms are involved in the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.

2. **Accessory Uses**

   a. Accessory uses may include offices, truck fleet parking, and maintenance areas.

   b. Examples include machinery storage yard; recreational vehicle storage; utility service yard or garage; bulk materials storage; bus barns; cold storage plants, including frozen food lockers; freight terminals: truck, air, motor or rail terminals; grain elevators; moving companies and general freight storage; outdoor storage yards; parcel services; post offices; warehouse; warehouses (separate from retail business) used by retail stores such as furniture and appliance stores; and wholesale distribution centers.

3. **Exceptions**

   a. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.

   b. Mini-warehouses are classified as Self-Service Storage uses.

D. Wholesale Sales

1. **Characteristics.** Wholesale sales firms are involved in the sale, lease, or rental of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer.

2. **Accessory Uses**. Accessory uses may include offices, product repair, warehouses, parking, minor fabrication services, and repackaging of goods.

3. **Examples.** Examples include auction houses; mail order houses; and wholesalers of food, clothing, auto parts, and building hardware.

4. **Exceptions**

   a. Firms that engage primarily in sales to the general public or on a membership basis are classified as Retail Sales and Service.

   b. Firms that are primarily storing goods with little on-site business activity are classified as Warehouse and Freight Movement.

§3.9 INDUSTRIAL USE STANDARDS

A. Prohibited Uses. The standards of this Section shall apply to all permitted, conditional uses, as set forth in the Principal Use Table (§2.4). Additionally, the following uses are specifically prohibited in all zoning districts.

1. **Feed Lots**

2. **Petroleum and Coal Products Manufacturing**. All establishments falling within the North American Industry Classification System (NAICS) Subsector 324, Petroleum and Coal Products

Manufacturing, as identified in the *North American Industry Classification System—United States Manual* (OMB 1997).

3. **Primary Metal Manufacturing.** All establishments falling within the North American Industry Classification System (NAICS) Subsector 331, Primary Metal Manufacturing, as identified in the *North American Industry Classification System—United States Manual* (OMB 1997).

B. Outdoor Storage. Outdoor storage yards shall comply with the requirements of §4.7, Outdoor Storage and Display.

§3.10 OTHER USE CATEGORIES

The standards of this Section shall apply to all permitted Conditional Uses, as set forth in the Principal Use Table (§2.4).

A. Aviation and Surface Transportation Facilities

1. **Characteristics.** Aviation and Surface Transportation Facilities include facilities for the landing and takeoff of aircraft, and public transit facilities including loading and unloading areas. Aviation facilities may be improved or unimproved. Aviation and Surface Transportation Facilities also include passenger terminals for aircraft and regional bus service.

2. **Accessory Uses.** Accessory uses include freight handling areas, concessions, offices, parking and maintenance and fueling facilities.

3. **Examples.** Examples include airports, bus terminal, and helicopter landing facilities.

4. **Exceptions**. Bus stops supporting the Gunnison Regional Transportation Authority operations or City public transit functions which, are classified as Minor Utilities.

B. Telecommunications Facilities

1. **Characteristics.** Telecommunications Facilities are signal distribution systems used or operated by a telecommunications carrier under a license from the FCC consisting of a combination of improvements and equipment including (i) one or more antennas, (ii) a supporting structure and the hardware by which antennas are attached; (iii) equipment housing; and (iv) ancillary equipment such as signal transmission cables and miscellaneous hardware.

2. **Accessory Uses.** Accessory uses may include transmitter facility buildings.

3. **Examples**. Examples include broadcast towers, telecommunications facilities; telecommunications support towers and point-to-point microwave towers.

4. **Exceptions**

   a. Amateur radio facilities and antennas that are owned and operated by a federally licensed amateur radio station operator are considered an accessory use to other permitted uses.

b. Radio and television studios are classified in the Office category.

C. Adult Entertainment

1. **Characteristics**. Entertainment that is distinguished or characterized by an emphasis on material depicting, describing, or relating to specified sexual activities or specified anatomical areas.

2. **Accessory Uses.** There are no accessory uses contemplated by Adult Entertainment uses.

3. **Examples.** Examples include adult bookstores, adult photo studios, adult cabaret, adult theaters, and massage parlors.

4. **Exceptions.** "Massage parlor" means an establishment providing massage, but it does not include training rooms of public and private schools accredited by the State Board of Education or approved by the division charged with the responsibility of approving private occupational schools, training rooms of recognized professional or amateur athletic teams, and licensed health care facilities. A facility that is operated for the purpose of massage therapy performed by a massage therapist is not a massage parlor. "Massage therapist" has the meaning set forth in §12-35.5-103 *C.R.S.* A massage therapy school may include an equivalency program approved by the state educational board or division charged with the responsibility of approving private occupational schools.

D. Renewable Energy Systems

1. **Characteristics.** Renewable Energy Systems include photovoltaic arrays (solar electric panels) small wind energy conversion systems, and geothermal heating and cooling systems. Photovoltaic arrays convert sunlight into electricity. Wind energy conversion systems are turbines that convert wind energy into electricity. Small wind energy conversion systems are rated for not more than 20kW of generation capacity.

2. **Accessory Uses.** Accessory uses include towers, fences, and/or buried pipes.

3. **Examples**. Examples include solar panels, wind turbines, geothermal heating and cooling systems.

4. **Exceptions.** Renewable Energy Systems do not include the manufacture of renewable combustible fuels.

E. Mining. Mining includes the extraction of aggregate and other subsurface resources to include the processing of aggregate on-site for new subdivision or development applications.

1. **Location**. Gravel and other mineral extraction, washing, crushing, cement batch plants, asphalt plants, and processing activities should be located and conducted in sufficiently sized parcels where extraction and rehabilitation can be undertaken while still protecting the health, safety, and welfare of the area and the city. In cases where the location of the proposed mining use abuts other zoning or land uses, or structures, mineral excavation, extraction, processing and rehabilitation may be restricted in order to be compatible with and protect the adjoining uses.

2. **Water Quality**. Extraction of aggregate and other subsurface resources shall be subject to water quality best management practices as defined by *City of Gunnison Stormwater*

Management Manual and is subject to state permitting policies.

3. **Procedure for Extraction and Rehabilitation Requests**. The extraction of commercial mineral deposits with necessary accessory uses shall be considered only in the Industrial zone district as a Conditional Use, or in a new subdivision under development, upon Conditional Use approval by the Commission and in conformance with an approved excavation and rehabilitation plan. A plan shall contain, in addition to those relevant requirements outlined for a Conditional Use application, the requirements cited in §3.11 E. Any change in the approved excavation and rehabilitation plan shall be prohibited unless amended by approval of the Commission.

§3.11 OTHER USE STANDARDS

A. Aviation and Surface Transportation. The *Gunnison Crested Butte Regional Airport Master Plan* provides general provisions for the existing and future operations, services and development functions of this land use.

B. Telecommunications Facilities

1. **Height Standards.** The placement of such towers and facilities shall comply with all height standards of the underlying zone district.

2. **Setback Standards.** Towers and guy wires shall be located behind the principal buildings (either in the rear yard or in the building envelope) and setback one foot for each one foot of tower height from the building envelopes of abutting properties and all overhead utilities.

3. **Danger**. The installation of such towers and facilities shall not cause any increased danger to neighboring property in the event of collapse or failure of the structure. Cables or wires necessary for its operation shall be placed underground.

4. **Visibility.** The visibility of such towers and facilities from the public right-of-way and from neighboring properties shall be minimized to the maximum degree practical, such as by location, fencing, landscaping, use of neutral colors or materials or other means.

C. Adult Entertainment

1. No such use shall be located within 300 feet (measured in a straight line) of a place of worship, a public, private or charter elementary or secondary school, public park or playground, library or any land zoned or used for residential purposes.

2. There shall be no more than one such use on the same property or in the same building or structure.

3. Except for permanent signage as permitted in §4.8, there shall be no advertisement, promotional materials, displays, or temporary signs visible to the public from public rights-of-way.

4. All sexually-oriented businesses must comply with all applicable requirements of Colorado state law.

D. Alternative Energy Sources

1. **Photovoltaic Arrays**. The following standards apply to photovoltaic arrays:

   a. **Roof-Mounts.** Photovoltaic arrays may be roof-mounted on principal and accessory buildings in all zone districts, as long as the building is conforming to height and setback standards.

   b. **Ground-Mounts.** Ground or structure-mounted photovoltaic arrays (not mounted on buildings) shall be setback as if they were detached accessory buildings if the highest point on the panels is more than six feet above grade.

   c. **Carports and Covered Walkways**. Carports and walkways in multi-family developments may be covered with photovoltaic arrays regardless of their location on the parcel proposed for development.

2. **Small Wind Energy Conversion Systems Applicability.** These standards apply to wind energy conversion systems which consist of a turbine or similar kinetic system designed to produce electricity by turning a generator. Turbine systems considered under these standards are mounted on either a tower or building structure.

3. **Tower-Mounted Turbine Setbacks**

   a. Towers shall be located behind the principal buildings in the rear yard area. All towers shall be setback one foot for each one foot of tower height from the building envelopes of abutting properties and all overhead utilities. Guy wires shall not be located within 20 feet of any overhead utility. Anchor points shall not encroach into the designated setback. Tower structures and guy wires shall not encroach into any designated easements.

   b. Towers may be located in private common open space areas if it is demonstrated if they meet the minimum setback of one foot per one foot of height and towers are:

      i. setback at least 100 feet from rights-of-way, all residential buildings property lines, and all overhead utilities; or

      ii. screened from view outside the development by buildings, topography, and/or landscaping.

      In Figure 9, the tower is setback from the building envelopes of abutting lots. The tower is located in the rear yard of the parcel proposed for development (the applicant's property) and does not have to be setback from its building envelope.

FIGURE 9 SMALL WIND TURBINE CLEARANCES

4. **Roof-Mounted Turbine Setbacks.** Roof-mounted systems may be located on a principal or accessory building. Systems shall be located in the back one-half of the building footprint, unless the applicant demonstrates that system function is enhanced by an alternative roof area. However, in all cases roof-mounted systems shall be located in a manner that complies with Turbine Blade Clearance standards established in §3.11 D.5.

5. **Turbine Blade Clearance.** Turbine blade clearance shall be applied to lot setbacks, trees and overhead utilities, structures on adjacent lots or any other potential physical feature or obstruction. Turbine blades shall maintain a 15 foot setback from all related features or obstructions. Tower-mounted horizontal axis turbines shall be not less than 15 feet when the blades are at their lowest point.

6. **Tower System Access.** Climbing access shall be limited by either:

   a. a six-foot tall fence around the base of the tower with a locking gate; or

   b. a design that does not allow for tower climbing at heights lower than 12 feet.

7. **Noise.** Documentation provided by the manufacturer shall demonstrate that noise will not exceed 50 dBa at any property line at peak generation, based on the proposed location of the turbine.

8. **Reflections and Shadows.** Turbine blades shall be coated to minimize reflection. Turbines

shall be installed in locations that will prevent flickering shadows from being cast into the windows of buildings on nearby properties.

9. **System Height and Screening.** The maximum height of tower- and roof-mounted systems and the required screening for towers is set forth in Table 3-4. Height shall be measured as follows:

   a. For horizontal axis systems, to the highest point on the rotor blade at its highest point of rotation.

   b. For vertical axis systems, to the highest point of the tower or turbine, whichever is higher.

TABLE 3-4 MAXIMUM HEIGHT OF SMALL WIND ENERGY CONVERSION SYSTEMS

LOT AREA AND ZONING DISTRICT	MAXIMUM HEIGHT	REQUIRED SCREENING
Lot area greater than 2 acres	120 ft[1]	Continuous evergreen hedge around sides of base that face lot lines. Existing vegetation, fencing or garden walls that provide comparable screening may be substituted for this requirement.
All lots within the Meadow Village subdivision	Subject to Avigation Easement	
Lot area less than two acres but equal to or greater than 20,000 sq. ft.	75 ft[1]	
Lots less than 20,000 sq. ft.	40 ft[1]	None

[1] No tower shall be constructed or altered in a manner resulting in any permanent encroachment within 50 feet of the FAA-established approach paths (See Figure F2, *Gunnison-Crested Butte Regional Airport Master Plan Update*, June 2006). Maximum tower height is subject to setback standards defined §3.11.D

10. **Durability Requirements.** Small wind energy conversion systems that become inoperable shall be repaired or removed within 45 days.

11. **Geothermal Heating and Cooling Systems.** Geothermal heating and cooling systems are systems that use buried pipes to exchange heat with the ground, cooling buildings in the summer and warming them in the winter. Closed loop systems (horizontal loop systems and vertical loop systems) are permitted, provided that the loops are contained entirely within the lot and are setback five feet from property lines. Lake loop systems are permitted if the water body is entirely within the property lines of the parcel proposed for development. Open loop systems are not permitted.

E. Mineral Extraction and Mining Operations. Mining and necessary accessory uses shall be subject to the following conditions and to the approved excavation and rehabilitation plan:

1. **Additional Application Contents.** In addition to the application contents for a Conditional Use, the following application contents shall be required for mineral extraction and mining operations:

   a. A detailed description of the method of operation of extraction, processing and rehabilitation to be employed, including any necessary accessory uses such as, but not limited to, crushers, washers, batch plants and asphalt plants.

b. An extraction plan showing the areas to be mined, location of stockpile areas, location of structures, and general location of processing equipment, with accompanying time schedules, fencing if applicable, depth of deposit, estimated quantity of the deposit, and other pertinent factors.

c. A reclamation rehabilitation plan showing proposed rehabilitation with time schedule, finish contours, grading, sloping, types, placement and amount of vegetation, soil stabilization techniques and any other proposed factors. The reclamation plan shall meet the application requirement for a reclamation plan as required by the Colorado Department of Natural Resources, Division of Reclamation, Mining and Safety.

d. Topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of the land covered in the application.

e. Type, character, and amount of proposed vegetation.

f. The operator's estimated cost at each of the following segments of the rehabilitation process, including where applicable, backfilling, grading, reestablishing top soil, planting, re-vegetation management, and protection prior to vegetation establishment and administrative costs.

g. An erosion and sediment control plan developed in accordance with stormwater discharge mitigations standards established by the Colorado Department of Public Health and Environment (CDPHE), Water Quality Control Division.

h. A drainage report and drainage basin plan prepared by a registered engineer in the State of Colorado with consideration of natural drainage, drainage during excavation including erosion and sedimentation controls, drainage after rehabilitation, such that proposed excavation will have no adverse effects in excess of natural conditions—where applicable the report shall include a flood plain permit.

i. A traffic impact analysis which reviews road and safety conditions in the pit area and in the vicinity of the pit area. This shall include ingress/egress, parking and loading areas, on-site circulation, estimate of the number of trucks per day and the average and maximum number of trucks per day (ranges are acceptable). The analysis shall include the times and location of school bus stops in the vicinity of the haul route and mitigation measures, such as staggering hours of operation, to avoid conflicts between hauling and school children on the haul route.

j. The operator shall submit a haul route plan to the Director of Community Development and the Director of Public Works and receive permission to use public rights-of-way not designated for such haulage by reason of load limit, dust, right-of-way or pavement width or other relevant factors. Haul routes are prohibited through residential development. The Director of Public Works may place reasonable restrictions on such right-of-way use. Alternative haul routes shall be developed where hauling impacts the health, safety, and welfare of the local area.

k. Additional information as may be required by the Community Development Department.

2. **Mineral Extraction and Mining Operation Standards.** All mineral extraction and mining operations shall comply with the following standards.

   a. A permit to extract minerals issued by the Colorado Division of Minerals and Geology (DMG) in conformance with the Open Mining Land Recovery Act and other applicable State laws.

   b. A Conditional Use application approval by the Commission.

   c. No excavation involving the use of rock crushers, washers, asphalt plant, cement batch plant and other similar equipment shall take place within 300 feet of a residence, public rights of way or designated trail alignment.

   d. At a minimum, a 100 foot setback will be provided from wetlands and streams, irrigation ditches, and ponds.

   e. Haulage roads within the premises shall be maintained in a reasonably dust free condition. Dust retardant measures may include the use of watering, application of magnesium chloride, oiling, or paving.

   f. Unless otherwise approved, the hours of operation shall be 7:00 a.m. to 6:00 p.m. normally; shorter hours of operation may be imposed in urbanized areas as part of the conditional use permit.

   g. In no event shall a slope of less than 2:1 be left for dry pits, or the slope of 3:1 for pits deeper than ten feet. In a wet pit, in no event shall a slope be less than 2:1 except as provided herein.

   h. The floor of excavation pits, whether wet or dry, shall be left in a suitable condition.

   i. The operator shall not store, overburden, or excavate materials or construct dikes or levies in such a manner as to increase any drainage or flooding on property not owned by the operator, or damage public facilities.

   j. Prior to starting excavation, where the operation is adjacent to subdivided and/or developed commercial, residential, or industrial property, fencing may be required to prevent the visibility of the mining operation, and buffering and screening may be required if deemed necessary by the Commission as part of the Conditional Use permit. The operator may be required to fence and/or buffer and screen the entire parcel or fence only areas of excavation as it proceeds. None of these fences shall be removed until rehabilitation has been completed.

   k. Where the operation is adjacent to subdivided property, and/or developed commercial or residential property, once mining has been completed, the site shall not be used as an area to stockpile mineral and/or gravel resources, unless otherwise permitted by the Conditional Use permit. The mining operator shall reclaim mined areas as rapidly as possible.

   l. Operations shall comply with noise, vibration, and other standards of the City of Gunnison and the noise standards contained in Sections 25-12-101, *C.R.S.*, as amended.

m. All air emissions shall comply with standards established by the Colorado Department of Public Health and Environment. An air emissions permit shall be obtained prior to commencing the mining operation.

n. All water uses and discharges shall conform to standards established by the State Water Quality Control Commission and the water laws of the State of Colorado.

o. Erosion and sedimentation controls will be practiced throughout the life of the pit including the maintenance of vegetative buffers, use of straw bales in drainage ways and mulching and re-seeding exposed areas adjacent to the active mining area. Existing trees and ground cover along public street frontage and drainage ways shall be preserved, maintained and supplemented, if necessary, for the depth of the setback to protect against and reduce noise, dust and erosion.

p. All slopes shall be stabilized and revegetated pursuant to standards of the CDPHE, Water Quality Control Division. Land shall be reformed to most closely resemble the natural contours of the land before mining commenced. Lakes created as the result of mining in the river bottom shall have undulating surfaces, shallow and deep areas, established wetlands, and natural riparian vegetation. Other areas shall be revegetated with plant material indigenous to the area.

q. After revegetation of the area, the area must be maintained for a period of three years, or until all vegetation is firmly established in the reclamation area.

r. A time limit for reclamation will be included in each Conditional Use permit. This time limit will be dependent upon the type of reclamation effort.

s. A development schedule shall be submitted describing the life span of the plan in months and years (ranges are acceptable) and, if applicable, the months and years per phase. Diligence in meeting this schedule is required. Extensions of time may be granted by the Commission with proper justification.

t. Extensions of time in the development schedule may be granted by the Commission if a written request is submitted outlining the factors and reasons for the extension. New or changed conditions, if any, will be considered.

i. If no material has been extracted within three years of obtaining the Conditional Use permit for mineral extraction and a request for extension has not been received and approved by the Commission, the Conditional Use permit will expire. A new application and extraction plan shall then be submitted and reviewed in the manner described in this Section.

ii. An extension request shall provide information concerning the factors and reasons for the request. The Commission will consider these factors and reasons as well as the extent conditions have changed in the area, if any, in granting extensions of the Conditional Use permit.

u. The applicant shall deposit with the City a performance and payment bond, an irrevocable letter of credit, line of credit, cash, and/or other acceptable means which is sufficient in the judgment of the Commission to assure the ongoing maintenance of sediment and erosion control mitigation and permanent reclamation of the affected area

of the mining operation. The financial guarantee amount shall be equal to 125 percent of the cost of supplying and installing improvements depicted on the approved Final Plat.

v. **Revocation of Conditional Use Permit.** The Commission shall have the power after hearing to revoke the Conditional Use permit for violation of this Section or conditions imposed by the Commission. Upon at least ten days' notice to the owner and the operator, the Commission may hold a hearing to determine the nature and extent of an alleged violation, and shall have the power, upon a showing of good cause, to revoke the Conditional Use permit and to require that immediate reclamation measures be commenced.

§3.12 NON-RESIDENTIAL ACCESSORY USES AND STRUCTURES

A. General. Principal uses allowed by §2.4 shall be deemed to include accessory uses and structures that are customarily associated with and appropriate, incidental and subordinate to otherwise allowed principal uses and structures. Accessory uses and structures shall be subject to the same regulations as principal use and structures unless otherwise stated.

B. Drive-In Facility. Drive-in facilities may be allowed by Conditional Use Permit approved pursuant to the requirements of Section 7 in the CBD and C zone districts as an accessory use to otherwise allowed uses, and shall comply with the standards of this section.

1. **Circulation**. Drive-through lanes shall be separated from circulation lanes required to enter or exit the property. Drive-through lanes shall be marked by striping, pavement markings, or barriers.

2. **Screening**. Drive-through lanes shall be screened in accordance with the requirements of §4.6.

C. Outside Sales and Display. Outdoor display of goods and merchandise shall comply with the standards of §4.7 Outdoor Display and Storage.

D. Manufacturing and Production, Small Scale. Goods may be produced on a small scale within a retail sales establishment and be sold in the local area, provided that:

1. **Area Limited**. Production shall be limited to no more than 50 percent of the area of the retail establishment.

2. **Safety and Environmental Hazards Prohibited**. Production shall not pose any safety or environmental hazards to the public in the retail or production area.

E. Satellite and Electronic Reception Devices and Support Structures. Satellite or electronic reception devices and support structures shall comply with the standards of this Section.

1. **Maximum Size**. Satellite reception devices shall not exceed a diameter of four feet.

2. **Dimensional Standards**. The placement of the device shall comply with all dimensional standards such as height, setback, etc. of the underlying zone district.

§3.13 TEMPORARY USES

A. Temporary Use Defined. A general retail sales or other commercial use operated outside of a building on a seasonal basis.

B. Use Permit Required. Conditional Use permits are required for all "temporary commercial activities" excluding farm stands, farmers' markets, holiday tree sales, rafting and similar recreational operations, carnival, circus or temporary private events, construction field offices, and model homes units.

C. Compliance Criteria and Standards. All temporary uses, except temporary commercial activities which are established by a Conditional Use Permit, shall function under a Temporary Use Permit issued by the Community Development Director. All temporary uses shall meet the following minimum criteria and standards:

1. no lighting or electrical service shall be provided without an electrical permit;

2. temporary use structures shall be subject to the *International Building Code* and *International Fire Code* as deemed applicable by staff;

3. no temporary use structure shall block fire lanes or pedestrian or vehicular access;

4. the site of the temporary use shall be cleared of all debris at the end of the temporary use;

5. all temporary structures shall be cleared from the site within five days after the use is terminated;

6. written permission of the property owner for the temporary use shall be provided;

7. adequate parking shall be provided for the use, as determined by the Community Development Director;

8. required parking for other uses shall remain available;

9. adequate traffic control measures shall be provided;

10. adequate provisions for trash disposal and sanitary facilities shall be provided; and

11. when appropriate, adequate provisions for crowd control shall be provided.

D. Additional Conditions. The Community Development Director shall impose such other conditions as are deemed necessary to accomplish the purposes of this section, this *LDC* and the *City of Gunnison Master Plan*.

E. Revocation of a Temporary Use Permit. A Temporary Use Permit shall be revoked if the Director finds that the terms of the permit have been violated or that there is a hazard to the public health, safety and welfare.

F. Carnival, Circus or Temporary Private Events. Temporary carnivals and circuses shall comply with the standards of this Section.

1. **Minimum setback** (all sides): 15 feet from all lot lines. The minimum setback shall apply to all equipment, displays, tables and other items associated with the business, from any adjacent lot with a residential use.

2. **Length of Permit.** The maximum length of the permit shall be 10 days.

3. **Parking.** The applicant must provide adequate parking.

4. **Security**. The applicant must provide for protection, security guards and crowd control.

5. **Cleanup.** The applicant must guarantee cleanup of the premises.

6. **Bond.** The applicant may be required to post a bond in a reasonable amount as determined by the Community Development Director to ensure compliance with the requirements of this section.

7. **Health and Safety Codes.** The use must comply with all applicable health and safety codes and a permit for the use shall be obtained from the Building Official.

8. **Location.** The use shall be situated such that it does not block any required access or egress from the site and is not located on any required parking.

G. Construction Field Offices, Temporary. Temporary construction field offices shall comply with the requirements of this Section.

1. A temporary building for use as a construction field office is permitted on a 12-month basis. One construction field temporary building shall be allowed for each builder in a subdivision in which that builder has the authority to construct structures.

2. If the operation of the temporary building used as a construction field office violates any City ordinances, the certificate of occupancy shall be revoked, unless satisfactory compliance is achieved.

H. Sales Offices and Model Homes, Temporary. A temporary sales office and model home may be located within any zoning district provided such use shall comply with the standards of this Section.

1. Temporary residential sales offices and model homes may be located within a residential zone district as part of an on-going residential development.

2. Any temporary residential sales office or model home shall be removed or converted to a use permitted within the zone district when Certificates of Occupancy have been issued to 80 percent of the associated residential units or when use as a sales office or model home has ceased.

3. Model homes for new subdivisions shall only be occupied for residential habitation after all business activities have ceased and upon sale of the home and shall comply with the applicable residential parking standards at that time.

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Section 4. General Development Standards

§4.1 ADEQUATE PUBLIC FACILITIES

A. Purpose. The purpose of these adequate public facilities regulations is to ensure that all utilities and other facilities and services needed to support development are available concurrently with the impacts of such development. No building permit shall be issued unless such public facilities and services are in place or the commitments described in this Section have been made, and facilities exist to ensure the community's health, safety and general welfare.

B. Applicability. Adequate public facilities requirements apply to all new development and subdivisions subject to this *LDC*, except development on lots created and supported by public facilities that have been accepted by the City.

C. General Requirements

1. **Approval Conditioned Upon Adequate Public Facilities.** The approval of all development shall be conditioned upon the provision of adequate public facilities and services necessary to serve the new development.

2. **Level of Service Standards**

   a. This Section establishes level of service standards for the following public facilities: sewage disposal, water, drainage, transportation, fire protection, electricity, and irrigation.

   b. No development plan or building permit shall be approved or issued in a manner that will result in a reduction in the levels of service below the adopted level of service standard for the affected facility.

D. Sewage Disposal

1. **Level of Service**. All development shall provide adequate and functional sewage service to each lot pursuant to this subsection. Public central sewer service is required pursuant to Chapter 12.10 (Sewer System) of the *City of Gunnison Municipal Code*, as it may be amended.

2. **Criteria for New Development**. Developments shall be served by the City of Gunnison; however, the formation of Special Districts may be permitted under the provisions of the *City of Gunnison Municipal Code*, Title 10, as it may be amended.

3. **Minimum Approval Requirements.** Adequate sewage disposal facilities and services to support the proposed development shall be available concurrently with the impacts of such development. In this regard, the City shall require that, at the time of issuance of any building permit, all necessary sewage disposal facilities and services, as required by Chapter 12.10 (Sewer System) of the *City of Gunnison Municipal Code*, are in place and available to serve the new development in accordance with the approved utility plan for the development.

E. Water

1. **Level of Service.** All development shall provide adequate and functional domestic water service to each lot pursuant to this subsection. Public water service is required pursuant to Chapter 12.20 (Water Works System) of the *City of Gunnison Municipal Code*, as it may be amended.

2. **Minimum Approval Requirements.** Adequate domestic water facilities and services to support the proposed development shall be available concurrently with the impacts of such development. In this regard, the City shall require that, at the time of issuance of any building permit, all necessary water facilities and services are in place and available to serve the new development in accordance with the approved utility plan for the development.

F. Drainage/Water Quality Management

1. **Level of Service.** All development shall provide adequate surface, subsurface, and road storm drainage facilities and appurtenances as required by the *City of Gunnison Stormwater Management Plan*, as it may be amended. Either open or closed drainage systems may be required, depending upon terrain, development density and other considerations.

2. **Minimum Approval Requirements.** Adequate stormwater drainage facilities and services to support the proposed development shall be available concurrently with the impacts of such development. At the time of issuing a building certificate of occupancy, the City shall require that all necessary drainage facilities and services are in place and available to serve the new development in accordance with the approved drainage and erosion control report and plan for the development.

G. Fire Protection

1. **Level of Service.** All development shall provide sufficient fire suppression facilities and adequate accessibility to emergency fire protection services.

2. **Criteria for New Development.** New development shall provide adequate fire flows and hydrant distribution as required by Chapter 12.20 of the *City of Gunnison Municipal Code* and/or by the adopted *International Fire Code*, as they may be amended.

3. **Minimum Approval Requirements.** Adequate fire protection facilities and services to support the proposed development shall be available concurrently with the impacts of such development. In this regard, the City shall require that, at the time of issuance any building permit, all such facilities and services as described in §4.1 G.2. above, are in place and available to serve the new development.

H. Transportation

1. **Levels of Service (LOS)**

   a. **General Standard.** All developments shall be required to demonstrate that there will be no significant adverse impact on existing transportation levels of service, access and vehicular movement on any arterial or collector street or intersection within one-quarter mile of the site or that any such adverse impact has been mitigated to the maximum extent feasible.

b. Waiver. The City may waive these requirements upon a showing by the Applicant that the impact of the proposed development on adjacent roads and intersections will be minimal and insignificant.

c. Access to Development in All Zone Districts. All development shall have safe and adequate access to the nearest paved road. "Safe and adequate access" shall mean that a paved access road is available to provide access to the nearest paved road on the City's street system prior to the issuance of the first building permit for the development. Access to county roads from development located in the City is subject to issuance of a Gunnison County Access Permit.

2. Thresholds for Traffic Impact Analysis. Traffic Impact Analysis (TIA) may be required to be submitted with applications for development review and approval of:

a. any subdivision or multi-family residential development with twenty (20) or more dwelling units;

b. any nonresidential development that exceeds fifty peak hour trips based on traffic generation estimates of the latest edition of the *Institute of Transportation Engineers' Trip Generation Manual*;

c. any application for a Zoning Map Amendment (rezoning) that may increase trip generation by more than 200 trips per day;

d. any Major Subdivision with frontage along a state or federal highway or numbered county road; or

e. proposed new access proposed on Highway 50 and Highway 135.

3. Traffic Impact Analysis Contents. The TIA shall contain the following information:

a. Traffic Impact Area. Identification of the precise boundaries of the Traffic Impact Area, which shall be approved in advance by staff.

b. Current Level of Service. The current projected average daily traffic volumes (level of service) on the segments and intersections of the road system in the Traffic Impact Area based upon existing conditions and factoring in already approved developments.

For purposes of these transportation facility standards, "approved development" shall mean developments that have received preliminary or final approvals from the City and that have not been completed.

c. LOS Including the Proposed Development. The projected average daily traffic volumes (levels of service) of the segments and intersections on the road system in the Traffic Impact Area based upon existing conditions, the demands from approved development, and the proposed development.

d. Study Findings. A summary outlining the study findings on the traffic impacts of the proposed development, including a detailed description of proposed improvements and mitigation measures necessary to maintain the adopted level of service standard.

e. Other Information. Other information as may reasonably be required by the City to determine compliance with the applicable level of service standards.

4. **Minimum Approval Requirements**. At a minimum, the City shall require that at the time of Final Plat or development plan approval, all necessary transportation facilities and services to meet the applicable level of service are:

   a. currently in place and available to serve the new development; or

   b. guaranteed by an enforceable development or improvement agreement that ensures that the public facilities will be in place at the time that the impacts of the proposed development will occur.

5. **Pedestrian Circulation**

   a. Level of Service. All development shall provide adequate and functional circulation facilities for non-motorized transportation.

   b. Criteria for New Development or Redevelopment. Any development or redevelopment within the City shall meet current standards defined in §4.5 of this *LDC*.

   c. Minimum Approval Requirements. Adequate walkways, accessways, and multi-use trails shall be available concurrently with the impact of development. In this regard, the City shall require that development improvement agreements include the capital cost of developing pedestrian circulation facilities.

I. Electricity

1. **Level of Service.** All development shall provide adequate and functional electric service to each lot pursuant to this subsection.

2. **Criteria for New Development**. The development shall be served by the City and shall meet current standards defined in Chapter 12.30 (Electrical System) of the *City of Gunnison Municipal Code*, as it may be amended.

3. **Minimum Approval Requirements**. Adequate electric services to support the proposed development shall be available concurrently with the impacts of such development. In this regard, the City shall require that, prior to issuance of the first building permit, all necessary electric services are in place and available to serve the new development or subdivision in accordance with the approved utility plan for the development, i.e., all electric service shall be installed up to and including mains and distribution boxes such as transformers and secondary pedestals.

J. Irrigation System

1. **Level of Service.** All development shall provide adequate and functional irrigation water either from a domestic water source or the City's irrigation ditch system, which is the preferred service method.

2. **Criteria for New Development**. Improvements in all new subdivisions shall include an irrigation ditch system serving all proposed lots. Proposed developments will include the

installation of an irrigation ditch system unless it is waived by staff. A waiver from the installation of an irrigation ditch system may only be granted in the event that the extension of the irrigation ditch system is impractical due to terrain or other constraints; a waiver may not be granted if irrigation ditch water is not physically available at the time of development but an irrigation system is contemplated in the future.

3. **Minimum Approval Requirements.** The irrigation system shall be designed to be compatible with adjacent irrigation systems and development if possible, and shall comply with the *City of Gunnison Construction Standards*. The developer shall provide sufficient capacity in existing ditches or additional right-of-way as required by the City in order to provide irrigation water to the development and to other properties.

§4.2 ROAD CONSTRUCTION STANDARDS

A. General Road Construction Standards

1. **Applicability.** These standards shall apply to all subdivisions and development in the City of Gunnison. The *City of Gunnison Construction Standards*, as amended, is also incorporated herein by reference.

2. **Submittal Requirements.** Engineering plan submittals for proposed site-specific development shall conform to the submittal requirements found in Section 6, (Development Review Procedures) and/or as required by Section 12, (Subdivision).

3. **Construction Details and Quality Control.** Refer to the *City of Gunnison Construction Standards* for as-built, material testing and professional engineer certification requirements.

4. **Other Standards of Construction.** All required improvements shall be constructed in accordance with the *City of Gunnison Construction Standards* (*Construction Standards*), Title 14, *Municipal Code* (Technical Codes), the *City of Gunnison Stormwater Management Plan*, and the *Americans with Disabilities Act* (ADA). Where such standards do not specifically address a design or construction issue, the Community Development Director shall have the authority to enforce other nationally recognized standards. Where a roadway is maintained by CDOT, the roadway and any intersections with such roadway shall be constructed in conformance with the *Construction Standards* or CDOT standards and specifications, whichever is more stringent.

5. **Construction Approval.** All subdivisions shall be designed and improvements made by the developer consistent with the requirements in this *LDC*. Construction plans for subdivisions shall be approved in conjunction with Final Plat approval.

6. **Typical Cross-Sections.** Design and construction shall conform to the typical cross sections as portrayed in Figure 10 and Figure 11 on the pages that follow.

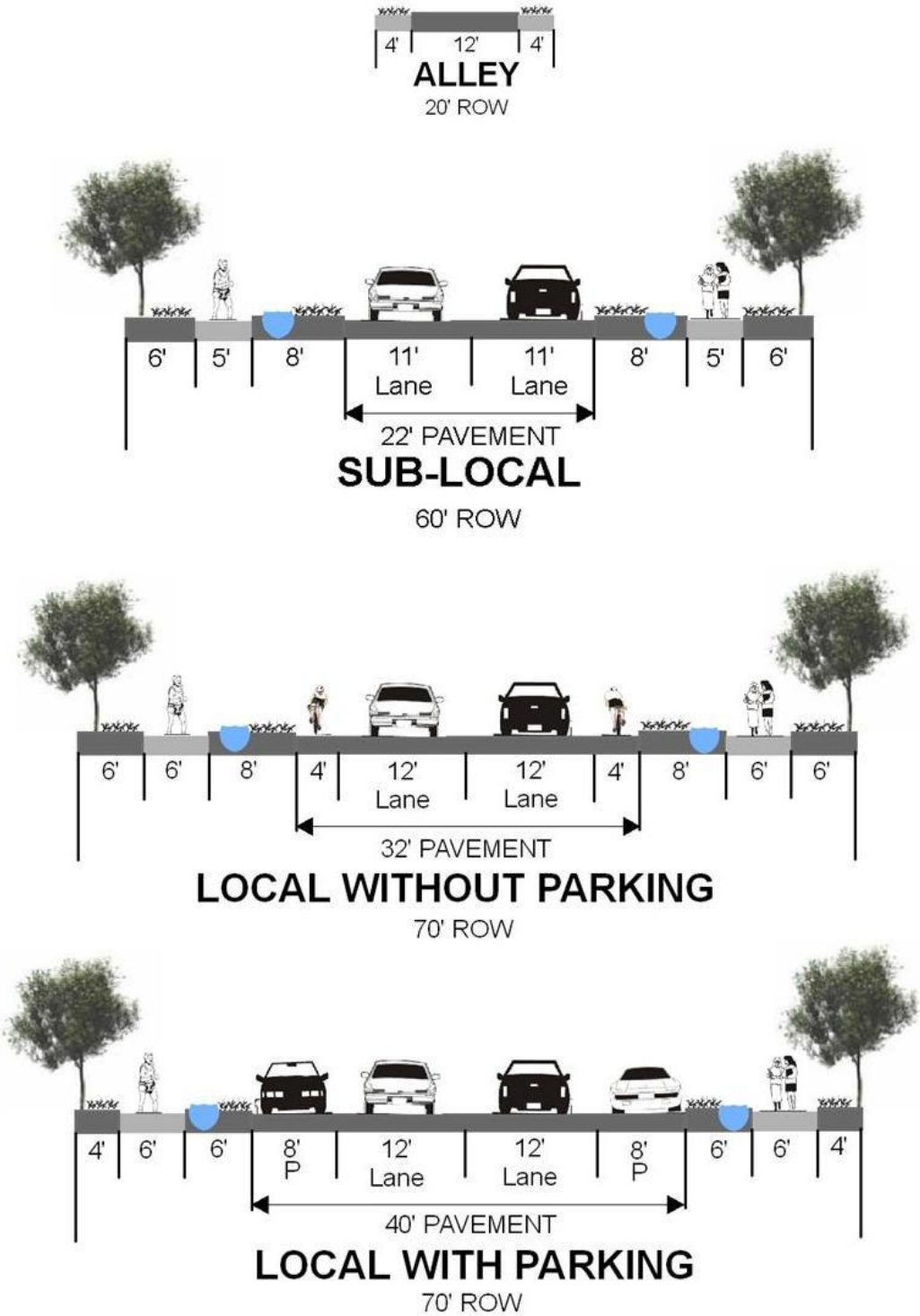
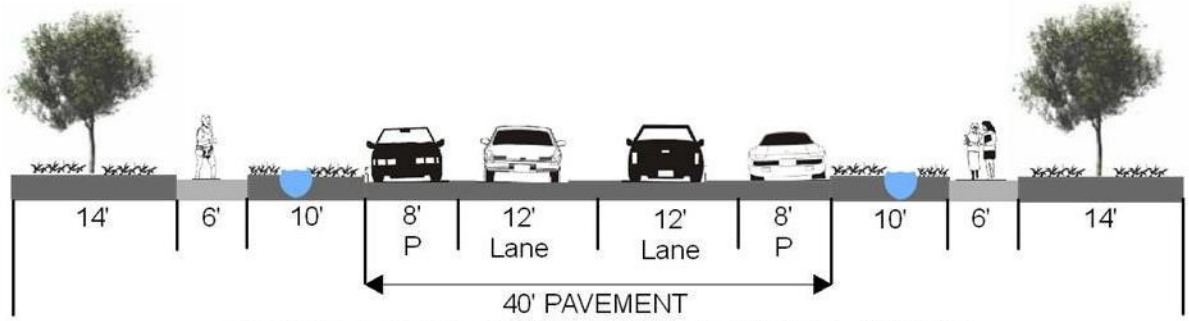
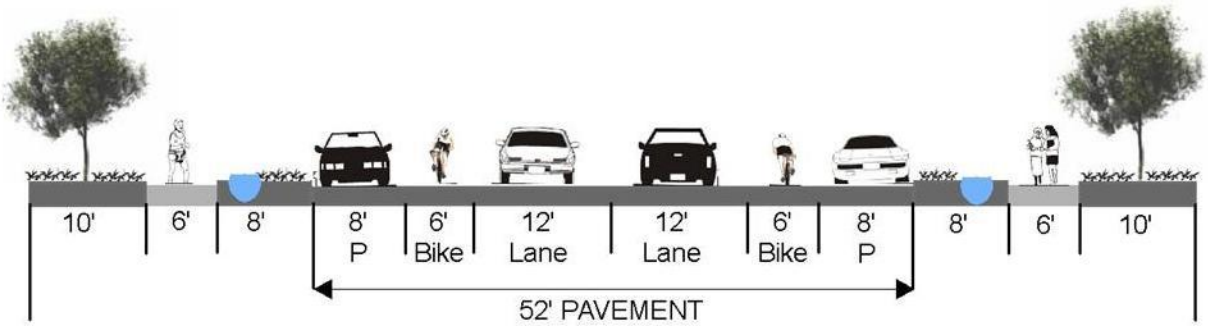


FIGURE 10 ROAD CONSTRUCTION STANDARDS



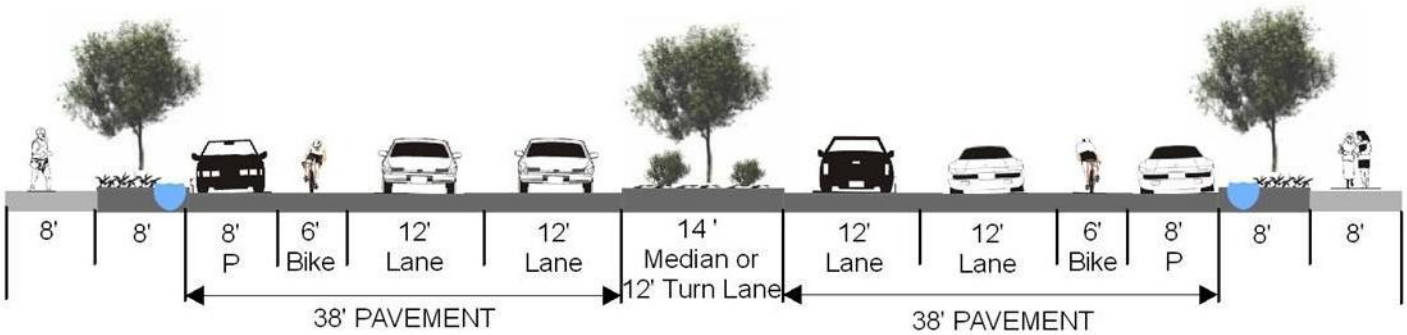
COLLECTOR WITHOUT BIKE LANES

100' ROW



COLLECTOR WITH BIKE LANES

100' ROW



ARTERIAL - ROW WILL ACCOMMODATE A 3 OR 5 LANE SECTION

122' ROW

FIGURE 11 ROAD CONSTRUCTION STANDARDS (CONTINUED)

7. **Terrain Classification.** Terrain shall be classified "mountainous" when the average natural existing grade being developed exceeds eight percent.

8. **Street Designations**. (Local, Collector, et al.) shall be in accordance with the *City of Gunnison Master Plan* as it may be amended, except in the cases of new streets or existing streets facing significantly increased traffic volumes as a result of map amendments, new subdivisions or other land use changes. In those cases the Commission shall recommend street designations through the review process to the City Council.

9. **Repairs and Restoration**. Developers of all sites and subdivisions shall be required to repair or restore any off-site damage that occurred during development, including, but not limited to, street repair, revegetation of disturbed areas and final grading.

B. Streets

1. **Street Construction and Design Specifications**. All new development or subdivisions shall comply with the street construction and design specifications contained herein. Additional design details related to material specifications, design and construction are found in the *City of Gunnison Construction Standards*, as amended.

2. **Sub-local Streets.** Sub-local streets are subject to development review by the Commission and City Council approval and shall be designated as such following the provisions of §4.2 A.8., above, and may only be approved for streets with projected trip generation less than 500 trips per day, and in conjunction with site-specific development plans that integrate off-street parking accessed by shared driveways and/or alleys into the site design.

3. **Street Sections and Rights-of-Way Width**

TABLE 4-1 RIGHT-OF-WAY AND SURFACING WIDTH

Classification	Right-of-Way Width		Surfaced Width		Shoulder Width
	With Curbs	Other	Mountainous	Other	Each road side without curb and gutter
Arterial Street	Meet Colorado Department of Transportation Standard				
Major Collector Street	100 ft.	84 ft.	40 ft.	52 ft.	4 ft.
Minor Collector Street	100 ft.	84 ft.	32 ft.*	32 ft.*	4 ft.
Local Street	60 ft.	70 ft.	24 ft.*	32 ft.	2 ft.
Local Street	70 ft.	70 ft.	24 ft.*	32 ft.	2 ft.
Sub local Street	60 ft.	70 ft.	22 ft.*	22 ft.	2 ft.
* On-street parking is prohibited					

4. **Shoulders**. Shoulders on streets without curb and gutter shall have a minimum of three inches of compacted road base that matches finished grade and crown of the street or conform to storm drainage design and the application of structural stormwater best management facilities.

5. **Bike Lanes.** Arterial and collector streets shall require bike lanes in each travel direction, which shall be a minimum of six feet in width, unless this requirement is waived by the City.

6. **Street Sub-Grade and Asphalt Standards.** All streets, whether public or private, shall be constructed in accordance with the geometric design standards herein and standards cited in the *City of Gunnison Construction Standards* as amended at the time. When warranted by existing soil conditions or proposed traffic loadings the Public Works Director, or designee, may require thickness of the street sub-grade materials and/or asphalt to be designed based on a report prepared by a professional engineer registered in the State of Colorado.

7. **Lane Separations**. In order to reduce cut and fill on steep slopes, travel lanes may be separated. The lane width, shoulder widths and curb and gutter requirements must be met.

8. **Private Streets.** Where private streets are used, they shall meet all design and construction standards of this Article, including right-of-way widths, surface widths, and engineering material design and construction. The entire street width shall be deed restricted for right-of-way purposes. When private streets are used, the subdivider shall submit a recordable document specifically defining private maintenance responsibilities acceptable to the City that ensures the streets will be properly maintained in perpetuity. The recorded plat of any subdivision that includes a private street shall clearly state that each street is a private street. Private streets shall not be allowed where a public street connection to adjacent property may be required for existing or future access and traffic flow purposes.

C. Cul-de-Sacs and Dead-End Streets

1. **Where Allowed**. Cul-de-sacs and dead end streets shall only be allowed where the terrain, streams, wetlands or other natural features preclude the connection to a grid or modified grid street system layout. In the event that cul-de-sac or dead end streets are proposed, they shall only be approved if the Commission and City Council makes a finding that terrain, streams, wetlands or other natural site features preclude the inter-connective to a grid or modified grid street system layout.

2. **Length**. The maximum length of a cul-de-sac or dead-end street shall be 400 feet, measured from the center of the nearest intersection to the center of the cul-de-sac turnaround.

3. **Number of Vehicle Trips per Day**. A cul-de-sac or dead-end street may provide access for uses not generating more than 250 vehicle trips per day.

D. Street Intersections. Whenever possible, streets shall intersect at right angles. Minimum centerline offset shall be 150 feet. Edge radii of asphalt at intersections shall be as follows.

1. **Curb Radii**. Edge Radii shall conform to the following intersection types and conform to obstruction standards as stated in §4.3.J.4. (Intersection Driveway Visibility) of this *LDC*.

TABLE 4-2 CURB RADII	
INTERSECTION TYPE	**EDGE RADIUS**
Sub-Local/local	20 feet
Sub-local/collector	25 feet
Sub-local/arterial	30 feet
Local/local	20 feet
Local/collector	25 feet
Local/arterial	30 feet
Collector/collector	25 feet
Collector/arterial	30 feet

2. **Sight Distance.** Intersection sight distance shall be as follows:

TABLE 4-3 SIGHT DISTANCES	
DESIGN SPEED	**SIGHT DISTANCE**
55+ mph	650 feet
50 mph	515 feet
45 mph	465 feet
40 mph	415 feet
35 mph	365 feet
30 mph	310 feet
25 mph	260 feet
20 mph	210 feet

3. **Intersection Grade Standards.** Streets shall be leveled to a grade of less than four percent for a distance of at least 50 feet approaching all intersections and, at the intersection, a grade of three percent shall be the maximum.

E. Vertical Alignment

1. **Vertical Street Alignment**. Vertical street alignments should relate to the natural topography insofar as is practical so as to minimize the need for cuts or fills while being consistent with safe geometric design.

2. **Street Grade.** Street grades shall be more than one percent but less than six percent for local and sub-local streets and less than seven percent for collector and arterial streets. Maximum grade limits may be exceeded by up to one percent in mountainous terrain or for stretches not exceeding 200 feet where necessitated by field conditions. Minimum grades may be less than one percent if predicated by drainage plan requirements, which must be approved by the City Engineer.

3. **Street Grade Changes.** All changes in street grade of greater than one-half of one percent for arterials and one percent for collectors, local, and sub-local shall be connected by curves of such length to provide for the following minimum stopping site distance.

Collector Streets	275 feet
Local Streets	200 feet
Sub-Local Street	175 feet

F. Horizontal Alignment

1. **Street Horizontal Alignment**. Horizontal alignments shall be directed in large measure by the intended or existing land use of adjacent properties. Where possible, however, horizontal street alignments should relate to the natural contours of the site insofar as is practical while being consistent with safe geometric design.

2. **Minimum Radii of Curvature.** Minimum radii of curvature on the centerline shall be as follows:

TABLE 4-4 MINIMUM RADII OF CURVATURE ON CENTERLINE	
STREET TYPE	**HORIZONTAL CURVE RADII**
Arterial	400 feet
Collector	200 feet
Local and sub-local	100 feet
Alley	35 feet
Lesser radii may be used in mountainous terrain and in other cases in which sufficient evidence is presented to show that the above requirements are not practicable.	

3. **Clear Visibility Measure.** Clear visibility measure along the center line shall be provided for at least 200 feet on collector and at least 150 feet on local and sub-local streets.

4. **Reverse Curve Tangent**. Reverse curves shall be separated by tangent sections as follows:

Local and sub-local streets	50 feet
Arterial and collector streets	100 feet

G. Cross Slope. All street pavement sections shall have a normal crown with a typical cross slope of 2 percent. Pavement cross slope on street intersections or in special cases shall not exceed three-one-hundredths foot per foot.

H. Curb and Gutter. When curb and gutter is proposed it shall be required on both sides of the street, the entire length, for all subdivisions and developments requiring development plan review. Asphalt curb shall not be allowed. Permanent stormwater catch basins are required, pursuant to §5.1 for all on-street drainage facilities and the design shall be reviewed and approved by the City Engineer prior to construction. Refer to the *City of Gunnison Construction Standards* for curb and gutter construction details.

I. Street Dedication

1. **Dead End Streets.** All streets that dead-end at the developer's property line, but will not connect with a street dedicated to public use, shall be dedicated to public use to the property line.

2. **Street Construction and Right-of-Way Connections**. All subdivisions shall provide for street construction and right-of-way connections to adjoining properties.

3. **Rights-of-Way Abutting Unincorporated Property.** All rights-of-way dedications abutting real property in unincorporated Gunnison County for the purpose of streets shall be in

accordance with all City standards.

J. Acceptance of Public Dedicated Streets and Other Public Utilities

1. **Acceptance Timing and Season**. The City shall not accept street and utility improvements for maintenance between November 1st and May 1st since deficiencies noted on inspection cannot usually be determined or corrected during this period.

2. **Maintenance.** Until such time that the developer receives written final acceptance for full maintenance of the streets by the City, the developer shall be responsible for all maintenance, to include snowplowing, and repairs to the street improvements. Maintenance responsibilities are subject to financial guarantees under the Subdivision Improvements Agreement.

3. **Preliminary Inspection**. Upon completion of street and utility construction, the developer shall notify the City Engineer in writing and request inspection. Within fifteen working days, the City Engineer shall inspect all public improvements and notify the developer in writing of preliminary acceptance or non-acceptance. If non-acceptance is determined, then corrective measures shall be outlined in the letter of notification.

4. **Final Inspection**. Eleven months after preliminary acceptance and upon due notice from the developer, the City Engineer will conduct a final inspection of the public improvements and will furnish a written list of any deficiencies noted. The City Engineer will base any determination upon satisfactory completion of all construction in accordance with the approved plans, profiles, and specifications and receipt of reproducible as-built drawings and satisfactory test results. Thereafter, the City Engineer may authorize final acceptance or non-acceptance by a letter of notification.

K. Partial-Width Street. In case of a partial-width street, a minimum of 50 feet along and adjacent to a boundary of the subdivision shall be dedicated as public rights-of-way, except in cases in which a proper deed or instrument of dedication to the City is filed with the map or plat of the subdivision, granting sufficient land to make a street of the required full width. "Partial-Width Street" shall be lettered on the map or plat following the name of the street. Whenever a dedicated or platted partial-width street or alley exists adjacent to the tract to be subdivided, the other half (minimum 50 feet) shall be platted.

L. Additional Rights-of-Way. When required for the advancement of a public need, such as instances where geometric road design, utilities, trail alignments, irrigation ditches or other facilities that warrant more area, additional rights-of-way in connection with streets shall be provided.

M. Street Paving and Signs. The subdivider shall install and pave all streets in accordance with design and construction requirements established by the City, and subject to the approval and acceptance of the City. The developer shall provide and install all street signs, which shall comply with the *Manual of Uniform Traffic Control Devices* (*MUTCD*). Street name signs shall comply with City standards and are subject to City approval.

N. Roadside Delineators. On Designated Mountain Roads the subdivider shall provide and install roadside delineators (steel posts with white reflector), at all points of tangency and points of curvature, or as directed by the Public Works Director or designated representative.

O. Erosion Control. An erosion control plan sheet shall be required with the construction plan for subdivision or development. The plan shall be in accordance with the *Stormwater and Erosion Control Standards* as adopted (§5.3).

P. Clustered Mail Box. U.S. Postal Service policies require that cluster mail box service locations be provided as necessary to serve residential and nonresidential developments. The developer will coordinate with the Postal Service to ensure that clustered mailboxes shall be within street rights-of-way, where possible, or on private property. All locations required pursuant to requirements of this Section shall be in conformance with Postal Service specifications and shall be provided by the developer.

§4.3 GENERAL SITE ACCESS

A. Access to Public Roads. All new lots, however created, shall have access to a dedicated public road. If the approved plat provides for indirect access (i.e., over intervening private drives), access easements and driveway/drainage maintenance agreements benefiting all lots with indirect access, shall be provided and recorded at the same time the plat is recorded. Refer to §4.2 , Road Construction Standards.

B. Driveway Access - General Standards

1. Limits on Number of Driveway Curb Cuts

a. Minimize Curb Cuts. To the maximum extent feasible, the number of new curb cuts shall be minimized by consolidation, shared driveways or other means.

b. Access to State Highways. No driveway openings or curb cuts shall be allowed on State Highways except with an approved access permit from the Colorado Department of Transportation.

c. Access to Arterial Streets. Direct access onto arterial streets shall be permitted only when no other reasonable access is available. When direct access must be provided, arterial street frontages shall be limited to one driveway opening per lot.

d. Guidelines for Vehicular Access. Refer to Table 4-5 for guidelines for vehicular access.

TABLE 4-5 VEHICULAR ACCESS AND CIRCULATION GUIDELINES

	Zoning District "A" = Applicable "—" = Not Applicable				
	CBD	B-1	C	R-2M	R-3
Curb Cuts					
No new mid-block curb cuts should be permitted along Tomichi Avenue between Adams Street and 10th Street	A	—	A	—	—
To the maximum extent feasible, the number of curb cuts should be minimized by consolidation, shared driveway or other means	A	A	A	A	A
Direct access from alleys	A	A	A	A	A
Lot widths of 200 feet or less should be limited to no more than 1 driveway curb cut per lot.	A	A	A	A	A

TABLE 4-5 VEHICULAR ACCESS AND CIRCULATION GUIDELINES					
	Zoning District "A" = Applicable "—" = Not Applicable				
	CBD	B-1	C	R-2M	R-3
Curb Cuts					
Lot widths of more than 200 feet shall be limited to no more than 2 driveway curb cuts per lot.	A	A	—	A	A
Driveway Spacing					
Arterial Streets: All driveways accessed from an arterial street should be spaced at least 250 feet from the pavement edge or any other driveway or public street intersection.	A	A	A	A	A
Collector Streets (Major and Minor): All driveways accessed from a Collector Street should be spaced 200 feet from the pavement edge of any other driveway or public street intersection.	A	A	A	A	A
Local and Sub-Local Streets: All driveways accessed from a Local or Sub-local Street should be spaced 200 feet from the pavement edge of any other driveway or public intersection.	A	A	A	A	A
Requirement for the Location of Service and Loading Docks					
Loading and service docks shall be developed in accordance with §4.4	A	A	A	A	A
Non-Residential Uses-Driveways and Interconnected Access for Shared Parking					
Parking lots may be interconnected with nonresidential parking lots on adjacent properties to the maximum extent practicable. Cross-access easements or other acceptable agreements for adjacent lots with interconnected parking lots shall be submitted in language acceptable to the Community Development Director to ensure availability of interconnected parking to users.					

C. Backing Prohibited. All multi-family and nonresidential off-street parking spaces shall be accessible without backing into or otherwise reentering a public right-of-way. Parking areas with greater than eight spaces shall be not designed for backing into alley rights-of-way adjacent to the property. Vehicles exiting from a parking space for a single-family or duplex dwelling unit may back onto a road designated by the City as a Local Street and alley rights-of-way.

D. Shared Driveways

1. **Shared Driveways Encouraged**. Shared driveways are strongly encouraged.

2. **Property Line.** Shared driveways may be used on adjoining properties and be on or directly adjacent to a property line.

3. **Maintenance.** Shared driveways require submittal of a maintenance agreement for recordation.

4. **Single-Family Driveways**. Single-family driveways may be shared by up to four single-family residential units.

5. **Multi-Family Access.** Driveways may be shared by two or more principal nonresidential uses.

E. Corner Lots. A driveway or curb cut on a corner lot shall be setback a minimum of 15 feet from the property line at the corner or shall be a minimum of 30 feet from the cross-street curb line, whichever is greater.

F. Property Lines. Driveways and sidewalks shall be setback at least three feet from an adjacent property line.

G. Driveway Alignments. To the maximum extent feasible, new driveways shall align directly across from existing driveways.

H. Driveway Opening Requirements. Driveways shall have the following minimum and maximum widths at the gutter line, plus a minimum of one foot additional clearance on each side of a vertical obstruction that exceeds two feet in height. If there is a conflict between the specified driveway opening standards identified herein and the *International Fire Code*, provisions of the *International Fire Code* shall prevail.

I. Driveway Spacing. Unless otherwise limited or allowed by the applicable zoning district regulations, the following driveway spacing requirements shall apply.

1. **Arterial Streets**

   a. **Spacing from Other Driveways.** To the maximum extent feasible, all driveways shall be spaced at least 250 feet from any other driveway on either side of the street.

   b. **Spacing from Intersections.** To the maximum extent feasible, all driveways shall be spaced at least 250 feet from the pavement edge of arterial street intersections.

2. **Collector Streets**

   a. **Spacing from Other Driveways**. To the maximum extent feasible, all driveways shall be spaced at least 150 feet from the pavement edge of any other driveway.

   b. **Spacing from Intersections.** To the maximum extent feasible, all driveways shall be spaced at least 20 feet from the pavement edge of a non-arterial street intersection.

3. **Local and Sub-Local Streets**

TABLE 4-6 DRIVEWAY DIMENSIONAL STANDARDS

USE SERVED	NUMBER OF SPACES	WIDTH (FEET)
Residential	4 or less	10
	Greater than 4 to 19	12 if one-way 20 if two-way
Non-residential	Greater than 19	15 if one-way 24 if two-way

a. **Spacing of Driveways**. Residential driveways shall be spaced at least 20 feet from adjacent driveways.

b. **Setback from Lot Line**. Driveways shall be setback a minimum of four feet from any lot line except where residential dwelling units share a common access located on the property line.

J. Driveway Design Standards

1. Surface Material Standards

a. **Driveway Construction for 5+ Parking Spaces.** All driveways serving five or more parking spaces shall be paved and constructed with a minimum edge radius of five feet on both sides, and shall be surfaced with at least two inches of bituminous paving material or four inches of concrete. Porous pavement material designed specifically for stormwater infiltration may be allowed at the discretion of the City Engineer.

b. **Driveway Construction for 20+ Parking Spaces.** All driveways serving 20 or more parking spaces shall be paved, designed and constructed meeting the standards applicable to a public street.

c. **Apron Length.** Where garages are used to satisfy parking requirements, the driveway apron shall be at least 20 feet in length unless it is demonstrated the design will not interfere with adjoining traffic movements or pedestrian circulation on adjacent public sidewalks.

2. Geometric Design Standards

a. **Maximum Grade for Residential Driveways.** Residential driveways shall have a maximum grade of eight percent, except that the Community Development Director may allow a greater maximum grade, provided that health and safety concerns and the need for adequate access for service providers are adequately addressed.

b. **Maximum Grade for Nonresidential Driveways.** Driveways serving nonresidential uses shall have a maximum grade of six percent.

c. **Grades for Driveways within Twenty Feet on Intersection**. Driveway grades within 20 feet of any intersection with streets and roads shall not exceed six percent for single-family residential driveways and four percent for multi-family residential and nonresidential driveways.

d. **Contour**. Driveways shall, to the maximum extent feasible, follow natural contour lines.

e. **Stacking Space**. Non-residential driveways shall have unobstructed stacking space to accommodate four vehicles at 23 feet per vehicle. The amount of unobstructed stacking space may be reduced by the Community Development Director if the applicant can demonstrate by a study established by a traffic engineer that the stacking space is not warranted.

3. Other Driveway Construction Standards

a. Alignment with Property Line. Any portion of a driveway that is not on the subject property shall be contained within the area between the street and the subject property. See Figure 12.

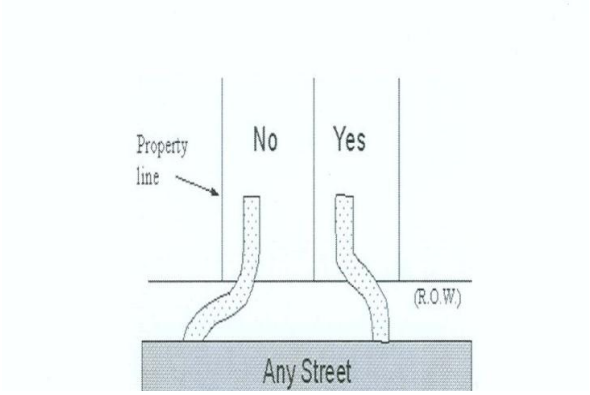


FIGURE 12 OTHER DRIVEWAY CONSTRUCTION STANDARDS

b. Angle at Intersection. Whenever possible driveways shall intersect streets at right angles.

c. Grading. Driveway openings shall be graded and drainage facilities provided where necessary to prevent stormwater from ponding or running across any sidewalk or other pedestrian way.

d. Drainage. All driveways shall be constructed in a manner that shall not cause water to enter onto the street and shall not interfere with the drainage system within the right-of-way.

e. Pavement. Where curbs exist or are required, driveways shall be paved for their full width from curb to property lines.

f. Concrete Pan. Where curb and gutter exists, a concrete pan shall be provided to carry the flow line.

g. Sidewalk Depth for Single-Family Driveway. Where a single-family driveway crosses a sidewalk, the sidewalk shall be a minimum depth of four inches of concrete.

h. Sidewalk Depth for Commercial or Multi-Family Driveways. Where a multi-family or commercial driveway crosses a sidewalk, the sidewalk shall be a minimum of four inches of concrete.

i. Access Standards. Driveways serving parking areas with eight or more stalls are subject to these driveway access standards; such parking facilities shall not be designed to back onto any street or alley rights-of-way.

j. Culverts. Driveways crossing a drainage ditch require a culvert installed by the property owner at a diameter size according to the ditch capacity based on the *City of Gunnison Stormwater Management Manual*, but in no case less than 15 inches. The minimum length of any culvert shall be five feet greater than the driveway width or 16 feet, whichever is greater.

k. Replacement Standards for Sidewalks. Where sidewalks are removed for the construction of a driveway or entrance, they shall be replaced with a concrete apron from

the edge of the street to the back of the remaining sidewalk. Said concrete apron shall be constructed in conformance with applicable driveway approach details set forth in the *City of Gunnison Construction Standards*.

l. Replacement Standards for Curb and Gutter. Where curbs are removed for the construction of a driveway or entrance, they shall be replaced with a concrete apron to be constructed in conformance with curb and gutter detail set forth in the *City of Gunnison Construction Standards*.

m. Standards for New Construction Abutting Existing Sidewalks and Asphalt. Where new driveway construction abuts existing sidewalks and asphalt, the work shall be accomplished so that no abrupt change in grade between the old and new work results. All edges of the old sidewalk or asphalt shall be saw cut. No irregular angles or jagged edges shall be left on the match line.

n. Standards for Gated Access. An access that has a gate across it shall be designed so that the longest vehicle using the access can completely clear the traveled way when the gate is closed.

4. Intersection and Driveway Visibility. Intersections and driveways shall maintain unobstructed safe visibility by conforming to the following standards:

a. Intersection. No fence, wall, hedge, landscaping, sign or other material or structure that will obstruct vision between a height of three feet and 11 feet shall be erected, placed or maintained within the sight visibility triangle formed by a straight line starting at the point of intersection of the curb line and extending 30 feet from their point of intersection, as shown in Figure 13. Visibility triangle requirements may be increased by the Community Development Director when deemed necessary for traffic safety.

b. Driveway Sight Visibility. No fence, wall, hedge, landscaping, sign or other material or structure that will obstruct vision between a height of three feet and eight feet shall be erected, placed or maintained within the sight visibility triangle, as shown in Figure 13.

The provisions of this Section may be waived by the Community Development Director if it can be shown that visibility will not be restricted either because of a turnaround driveway or a center median (tree lawn) greater than eight feet.

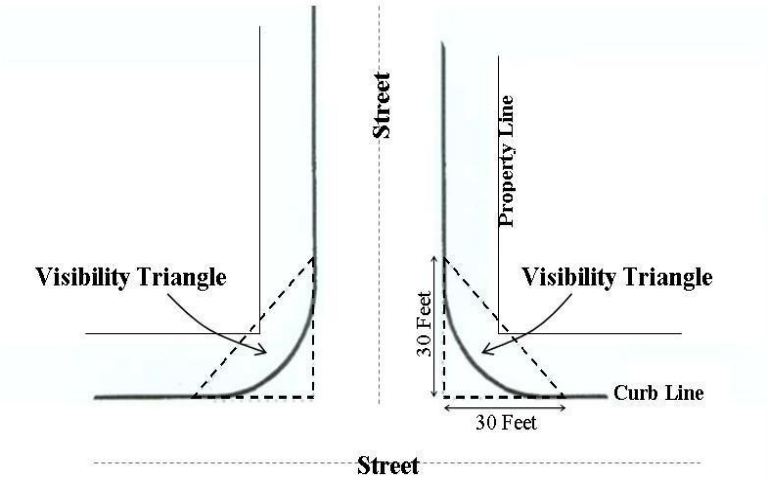


FIGURE 13 INTERSECTION AND DRIVEWAY VISIBILITY

c. Driveways serving 20 or more parking spaces shall have not less than 250 feet of visibility in each travel lane entering an arterial street and not less than 100 feet of visibility on other streets.

§4.4 OFF-STREET PARKING AND LOADING

A. Purpose. This Section establishes parking standards for land uses in the City. The standards are intended to lessen congestion on the streets and to ensure an adequate supply of parking spaces within a reasonable distance of uses.

B. Applicability

1. **Requirements for Certificate of Occupancy.** Unless specifically exempt, all existing and proposed development shall provide off-street parking and loading facilities in accordance with this Section. No certificate of occupancy shall be issued until these parking requirements and regulations have been met.

2. **Modifications Must Conform.** With the exception of a restriping of a parking area or other vehicular use area which does not result in a reconfiguration of the parking spaces, any modification to existing off-street parking and loading facilities shall conform to the requirements of this Section.

3. **Site Plan Required.** No land with more than four parking spaces shall be developed as a parking area or parking garage without an approved site plan issued.

4. **When Existing Off-Street Parking and Loading may be Grandfathered.** Buildings and uses lawfully existing as of the effective date of this *LDC* may be redeveloped, renovated or repaired without providing additional off-street parking and loading facilities, if there is no increase in gross floor area or change in use of existing floor area that would increase parking demand.

5. **When Additional Off-Street Parking and Loading is Required.** These Off-Street Parking and Loading Standards shall apply when an existing structure is enlarged or the change in use requires additional parking. Additional off-street parking spaces will be required only to serve the enlarged or expanded area, not the entire building or use, provided that in all cases the number of off-street parking spaces approved for the entire use (pre-existing plus expansion) must equal at least 75 percent of the minimum requirements established in this Section.

6. **Off-Street Parking and Loading in the CBD**. Uses in the CBD zone district are exempt from the parking space demand (minimum number of spaces) and loading requirements set forth in this Section of the *LDC* excluding upper story residential units and bed and breakfasts in an approved Conditional Use application developed in the CBD. However, any use in the CBD proposing off-street parking facilities are subject to all Standards of this Section, with the exception of minimum number of space requirements (§4.4 D.)

C. Parking Calculation Provisions

1. **For Developments Containing More than One Use.** Developments containing more than one use shall provide parking spaces in an amount equal to the total of the requirements for all uses.

2. **Floor Area Calculation.** The method of measuring floor area shall be as described in §1.7 F.

3. **Fractional Spaces.** Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.

4. **Uses Not Listed.** The parking space requirements for a use not specifically listed in the table below shall be the same as for the listed use deemed most similar to the proposed use by the Community Development Director. The Community Development Director shall use the criteria in §2.5 A, to determine how an unlisted use should be treated.

5. **Based on Occupancy.** For the purposes of computing parking requirements based on occupancy, calculations shall be based on the largest number of occupants working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable, and whichever results in the greater number of spaces.

6. **Garages**. Garages of adequate size serving residential uses shall be applied to parking requirements.

D. Minimum Off-Street Parking. The following minimum schedule establishes the minimum number of off-street parking spaces to be provided for the use categories described in this *LDC*.

TABLE 4-7 OFF-STREET PARKING REQUIREMENTS			
USE CLASSIFICATION	SPECIFIC USE		MINIMUM NUMBER OF SPACES REQUIRED
Residential Use Categories (§3.2)			
Household Living	Single-Family Dwellings, Townhouses, Two-family Dwellings, Manufactured Home and Mobile Home		2.0 per dwelling unit
	Multi-Family Dwellings, and Upper Floor Residential	1st Unit	2.0 per dwelling unit
		Each additional unit	1.75 per dwelling unit
	Accessory Dwelling Unit		1.0 per Accessory Dwelling Unit
Congregate Living	Rooming and boarding houses, dormitories, fraternities or sororities, hostels		1.0 per bed
	Nursing Homes		1.0 per employee, plus 1 visitor space per 2 beds
	Assisted Living		1.0 per employee, plus 1 visitor space per 4 beds
Accommodations	Hotels, Motels and Hostels		1.0 per guest room +1 space per 3 employees and 75% of parking required for other associated or accessory uses (restaurants, offices, meeting spaces)
	Bed and Breakfasts		1 space per guest room, plus 2 spaces for the owner/manager's unit
Public, Civic and Institutional Use Categories (§3.4)			
Community Service	Neighborhood or Community Centers		1.0 per 300 sq. ft. of improved area
Educational Facilities	Elementary and Middle Schools		1.0 per classroom + 1.0 per 300 sq.ft. of office area + 1.0 per 5 seats in any auditorium assembly
	All Other Schools		6.0 per classroom + 1.0 per 300 sq.ft. of office area + 1 per 5 seats in any auditorium or similar facility
Day Care	Day Care Homes, Schools and Centers		1.0 per non-resident employee
Medical	Hospital		1.0 per 2 beds + 1.0 per employee per day shift
Parks and Open Space	Cemeteries, Mausoleums		To be determined by Director (§4.4D 2.a)
	Parks and recreational facilities		To be determined by Director (§4.4D 2.a)
Religious Institutions	Churches or Places of Worship		1 space per every 4 seats in the main sanctuary, plus 1 space for the parish home
Utilities	Major utilities		To be determined by Director (§4.4D.2.a)
	Minor utilities		None

TABLE 4-7 (CONTINUED)		
USE CLASSIFICATION	**SPECIFIC USE**	**MINIMUM NUMBER OF SPACES REQUIRED**
Accommodation, Retail, Service - Commercial Use Categories (§3.6)		
Entertainment Event, Major	Auditoriums	1 space per every 4 seats
	Fairgrounds	To be determined by Director (§4.4 D.2.a)
Office	Banks and Financial Institutions	1.0 per 300 sq. ft. + vehicle stacking see §4.4 J
	Radio and Television Studios	1.0 per 300 sq. ft.
	Government Offices	1.0 per 300 sq. ft.
	Professional Offices	1.0 per 300 sq. ft.
	Medical Clinic or Dental Office	1.0 per 200 sq. ft.
Parking, Commercial	Commercial parking lots and garages	1 space per Attendant
Recreation and Entertainment, Outdoor	Golf driving range	1.0 per tee box
	Recreational vehicle parks	2 spaces per Site/RV Site (including RV), plus 1 parking space for each five sites for guests
Retail Sales and Service, Sales-Oriented	Art Galleries	1.0 per 1000 sq. ft.
	Auto sales and rental	1.0 per 300 sq. ft.
	Automotive Supplies	1.0 per 250 sq. ft.
	Book Stores	1.0 per 250 sq. ft.
	Convenience Stores, without gas pumps	1.0 per 200 sq. ft.
	Furniture and Appliance Stores	1.0 per 400 sq. ft.
	Greenhouse/Nursery, Retail	To be determined by Director (§4.4 D.2.a)
	Outside Sales or Display	1.0 per 200 sq. ft.
	Rental of equipment and supplies	1.0 per 300 sq. ft.
	Recreational Vehicle Sales	1.0 per 400 sq. ft.
	Lumber and building materials sales	To be determined by Director (§4.4 D.2.a)
	All other retail	1.0 per 250 sq. ft.
Retail Sales and Service, Personal Service-Oriented	Athletic or Health Clubs, Spas	1.0 per 200 sq. ft.
	Barber and Beauty Shops	2.0 per chair
	Dry Cleaning Drop-off and Pick-up	1.0 per 300 sq. ft.
	Laundromats	1.0 per 2 machines
	Funeral homes and Mortuaries	1.0 per 4 seats in assembly area
	Kennels	1.0 per 300 sq. ft.
	Veterinary clinic	1.0 per 300 sq. ft.
Retail Sales and Service, Eating and Drinking oriented	Restaurants	1.0 per 200 sq. ft.
	Eating and drinking with drive-thru	1 per 50 sq. ft. of customer service area + vehicle stacking spaces as required by §4.4J
	Bars and taverns	1.0 per 200 sq. ft.
	Coffee shop/bakery	1.0 per 200 sq. ft.
Retail Sales and Service, Entertainment-Oriented	Recreation, indoor	1.0 per 200 sq. ft.
	Private lodges and clubs	To be determined by Director (§4.4 D.2.a)
	Theaters	1.0 per 4 seats

TABLE 4-7 (CONTINUED)		
USE CLASSIFICATION	**SPECIFIC USE**	**MINIMUM NUMBER OF SPACES REQUIRED**
Industrial Use Categories (§3.8)		
Retail Sales and Service, Repair-Oriented	Appliance Repair	1.0 per 400 sq. ft.
	Bicycle Repair	1.0 per 400 sq. ft.
	Locksmith	1.0 per 400 sq. ft.
Self-storage Warehouse	Self-Storage or Mini-Warehouse	1.0 per 10 storage unit
Vehicle Repair	Auto Body Shops	2.0 per service bay + 1.0 per employee
	Vehicle Repair	2.0 per service bay + 1.0 per employee
Vehicle Services, Limited	Car Washes	None- See §4.4J
	Convenience Stores, with Gas Sales	1.0 per 300 sq. ft. + 1 per service bay or gas pump
	Service Stations	2.0 per service bay + 1.0 per employee
	Quick Lube Services	1.5 per service bay + 1.0 per employee
Industrial Sales and Service	Warehousing and Storage	1.0 per 1000 sq. ft.
Manufacturing and Production	All uses	1.0 per 500 sq. ft.
Wholesale and Freight Movement	Air cargo terminal	To be determined by Director (§4.4D2a)
	Outdoor storage, general	0.6 per employee
	Post Offices	1.0 per 250 sq. ft.
	Vehicle Storage Yard	1.0 per employee
	Utility Service Yard or Garage	1.0 per employee
	All other uses	1.0 per 2,000 sq. ft.
Waste-Related	Recycling Facility	To be determined by Director (§4.4D2a)
Wholesale Sales	Mail Order	0.6 per employee
	Wholesale and Distribution	1.0 per 300 sq. ft. office and administrative + 1.0 per 1,000 sq. ft. additional gross floor area
Other Use Categories (§3.10)		
Adult Entertainment	Adult Entertainment	1.0 per 200 sq. ft.
Agriculture	Animals (farm animal) breeding or raising	None
	Greenhouse/nursery, non-retail	0.6 per employee
Alternative Energy Sources		
Aviation and Surface Transportation	Airports and related facilities, public	Determined by Parking Study (see §4.4 D.3)
Mining		
Telecommunications Facilities	Wireless Communication Occupied Facilities Only	1.0 per 500 sq. ft.

1. Disabled Access Parking

a. Parking spaces for disabled persons shall be provided per the following schedule:

TABLE 4-8 DISABLED ACCESS PARKING			
TOTAL PARKING SPACES IN LOT	MINIMUM ACCESSIBLE SPACES	MINIMUM VAN-ACCESSIBLE SPACES	MINIMUM CAR-ACCESSIBLE SPACES
0 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1000	2% of Total	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces
Over 1000	20 plus 1 for each 100 over 1,000		

b. All spaces designated as being for the disabled shall have a raised standard identification sign. The identification sign shall be 12 inches by 18 inches, with a height not to exceed seven feet. The standard colors of the sign shall be white on blue.

2. Maximum Requirement and Shared Use Reduction

a. Maximum Parking. No use shall provide more than 110 percent of the required parking shown in Table 4-7 unless the greater amount is pre-existing from another use or the threshold is part of a structured public parking program.

b. Phased Development. Where a project is intended to be developed in phases, the Director may approve development of a parking area intended to serve current and future development.

3. Parking Studies

a. Parking for Uses Not Listed. In cases where parking demand is not specifically listed in Table 4-7, the Director may require the submittal of a parking demand study completed by the applicant according to the directives of §4.4.D.2.a., staff shall apply the off-street parking and loading standard specified for the listed use that is deemed most similar to the proposed use or shall establish minimum off-street parking requirements on the basis of a parking and loading study prepared by the Applicant.

b. Estimates of Parking Demand. The parking and loading study must include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by staff, and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity and location. The study must document the source of data used to develop the recommendations.

4. **Parking Stall and Aisle Dimensions.** Standard parking spaces shall conform to the dimensions shown on Table 4-9 (see Figure 14).

TABLE 4-9 PARKING STALL AND AISLE DIMENSIONS						
A	**B**	**C**	**D**	**E**	**F**	**G**
Angle of Parking	**Stall Width**	**Stall Length**	**Stall Depth**	**Curb Length per Stall**	**Aisle width for two-way traffic with two-sided loading**	**Aisle width for one-way traffic, with one-sided or two-sided loading**
0 degrees	9	23	N/A	23	20	12
30 degrees	9	20	17.4	17	20	15
45 degrees	9	20	20.2	12	20	15
60 degrees	9	19.5	21	10.4	24	20
90 degrees	9	19.5	19.5	9	24	22
[1]Designed fire lanes and emergency vehicle access mandated by the International Fire Code may require additional aisle width dimensions.						

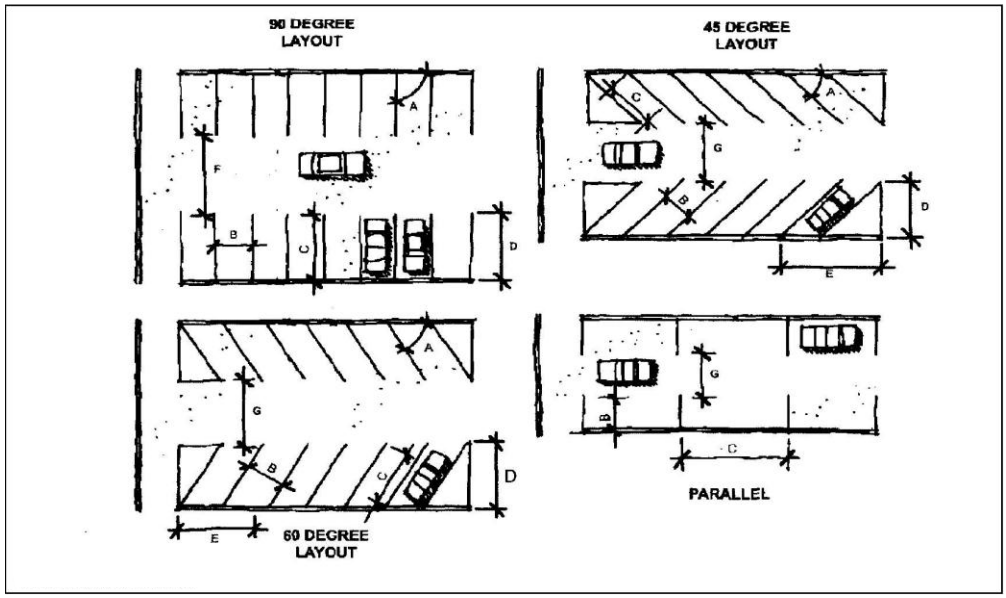


FIGURE 14 PARKING STALL DIMENSIONS

E. Location

1. **Principal Use.** Except as otherwise expressly provided in this Section, required off-street parking stalls and aisles shall be located on the same lot or parcel as the principal use.

2. **Setbacks in Non-Residential Zone Districts**. In all non-residential zone districts except the Industrial zone district, off-street parking shall not be located within the required yard setback area. Off-street parking in the CBD shall not be located between the lot line and the building line parallel to an arterial or collector street (see also §4.3, General Site Access).

3. **Setbacks for Multi-Family Development.** Off-street parking for multi-family developments may encroach on the rear yard only, but shall not be within three feet of the rear property line.

4. **Setbacks from Rivers, Streams and Wetlands**. See §5.4 E.1.b. for required parking area setbacks from delineated river/stream corridors and wetlands.

5. **Parking in Driveways.** Parking of single-family and two-family dwellings may be located in residential driveway areas that meet parking stall dimensions (excluding RVs and boats).

6. **Street Buffer.** Off-street parking areas shall be separated from the street edge by a street buffer area (see §4.6 3.4).

F. Off-Street Parking with Eight or More Stalls. Off-street parking areas with eight or more stalls subject to these driveway access standards; such parking facilities shall not be designed to back onto any street or alley right-of-way.

1. **Dimensions**

   a. **Grade.** The maximum grade permitted for any required parking shall not exceed six percent.

   b. **Nonconforming Standards.** Parking spaces using geometric standards other than those specified above may be approved if developed and sealed by a licensed engineer registered by the State of Colorado with expertise in parking facility design, subject to a determination by the Director, that the proposed facility will satisfy off-street parking aisle width requirements as adequately as would a facility using those specified above.

2. **Surfacing.** Where off-street facilities are provided for parking or any other vehicular use area, they shall be surfaced with asphalt bituminous, concrete or other dustless material (brick pavers, etc.) approved by the Director and shall be maintained in a smooth, well-graded condition; gravel or road base surfaces are prohibited. Single-family and duplex units are exempt from this requirement.

3. **Curbs and Wheel Stops**

   a. **Wheel Stops**. All landscaping in, or adjacent to, a vehicular use area shall be protected from vehicular damage by a raised concrete curb six inches in height or equivalent barrier, however, the barrier need not be continuous. Curbs and wheel stops shall be placed a minimum of two feet from any designated landscape area or buffer.

   b. **Landscape Height**. Landscaped areas adjacent to parking areas shall be landscaped so that no plant material greater than 12 inches in height will be located within two feet of the curb or other protective barrier.

4. **Separation from Walkways and Streets**. In the event any parking area abuts an accessway, sidewalk, or street, the parking area shall be separated by curbing or other protective device with a minimum distance of three and one-half feet between the protective device and the edge of the walkway.

5. **Landscaping and Buffers**. Parking lots are subject to Parking Lot Landscaping Standards (§4.6 G.).

6. **Drainage**. See §5.1.

7. **Backing Prohibited.** All multi-family and nonresidential off-street parking spaces shall be accessible without backing into or otherwise reentering a public right-of-way, unless it is an alley right-of-way adjacent to the property. Vehicles exiting from a parking space for a single-family or duplex dwelling unit may back onto a road designated by the City as a local street.

8. **Tandem Parking.** Tandem parking (one vehicle parking directly behind another) shall not be permitted and shall not be credited toward meeting any off-street parking requirement for this Article, except for single-family or duplex residential uses, provided the tandem spaces are assigned to the same dwelling unit.

9. **Snow Storage.** Snow is to be stored on-site according to the following standards:

   a. **Area.** A minimum area of 15 percent of the total required off-street parking or loading area, inclusive of access drives and aisles, shall be provided as the snow storage area.

   b. **Storage in Parking Spaces Prohibited.** Snow shall not be stored within required parking spaces, except on an emergency basis, for a period not to exceed 48 hours.

   c. **Storage in Yards and Open Space Permitted.** Snow may be stored in required yards and open space, including landscaped areas properly designed for snow storage. Stored snow shall not restrict access and circulation or create a visual obstruction for motorists.

   d. **Drainage.** Adequate drainage shall be provided for the snow storage area to accommodate snow melt. Snow melt shall not be permitted to drain on to adjacent property.

10. **Bicycle Racks.** For premises requiring twenty (20) or more vehicular parking spaces, bicycle racks facilitating locking shall be provided to accommodate one bicycle per twenty parking spaces or required fraction thereof.

G. Prohibited Uses of Required Spaces

1. Off-street parking spaces shall be available for the parking of operable automobiles of the residents, customers, and employees of the designated use. Prohibited use of required spaces shall be as follows:

   a. storage of materials and/or inoperable vehicles;

   b. the parking of delivery vehicles operated by the designated use;

   c. display of vehicles for sale in commercial or industrial parking areas, except for the casual display of vehicles by owners who are employees or customers using the premises; and,

d. repair work that renders a vehicle inoperable for periods greater than 24 hours in a parking area required for a commercial use.

2. Parking stalls may be designated for shopping cart drop-off areas so long as those stalls are in addition to the required number of parking spaces.

H. Space for Customer Drop-Off of Shopping Carts. Large scale retail establishments shall plan and develop shopping cart drop-off locations within the parking lots. At least one cart drop-off location (9' x 19.5') shall be included for every 70 parking spaces. Parking spaces can be dedicated to this purpose, but said spaces shall not be included in the count of required parking spaces.

I. Off-site and Shared Parking Standards

1. On-Street Parking. The Director may approve on-street parking spaces located immediately abutting the subject parcel, entirely within the extension of the lot lines into the roadway, and not within any required clear sight triangle. The Director may count these spaces toward meeting off-street parking requirements if parking congestion for the neighborhood and public safety issues will not result by such approval.

2. Off-Site Parking. The Director may approve the location of required off-street parking spaces on a separate lot from the lot on which the principal use is located if the off-site parking complies with all of the following standards.

a. Ineligible Activities. Off-site parking may not be used to satisfy the off-street parking requirements for residential uses (except for guest parking) or for convenience stores or other convenience-oriented uses. Required parking spaces reserved for persons with disabilities may not be located off-site.

b. Location. Off-site parking spaces shall be located within 250 feet from the primary entrance of the use served. Off-site parking may not be separated from the use that it serves by a street right-of-way with a width of more than 100 feet and may not be separated by an arterial or collector street.

c. Zoning Classification. Off-site parking areas serving uses located in nonresidential zone districts shall be located in nonresidential zone districts. Off-site parking areas serving uses located in residential zone districts may be located in residential or nonresidential zone districts.

d. Agreement

i. In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement between the owners of record shall be required. An attested copy of the agreement between the owners of record must be submitted to the Director of Community Development for recordation.

ii. The owner of the off-site parking area shall enter into a written agreement with the City, with enforcement running to the City, providing that the land comprising the parking area shall never be disposed of except in conjunction with the sale of the building which the parking area serves so long as the facilities are required; and that

the owner agrees to bear the expense of recording the agreement and such agreement shall bind his or her heirs, successors, and assigns.

iii. An off-site parking agreement may be rescinded only if all required off-street parking spaces will be provided in accordance with this section.

3. Shared Parking. The Director may allow a reduction of up to 25% of required parking for shared parking facilities if the design complies with all of following standards.

a. Ineligible Activities. Shared parking may not be used to satisfy the off-street parking standards for upper-story residential uses. Required parking spaces reserved for persons with disabilities may not be located off-site.

b. Location. Shared parking spaces shall be located within 500 feet of the primary entrance of all uses served, but shall not be separated by a private or public street.

c. Zone District Classification. Shared parking areas serving uses located in nonresidential zone districts shall be located in nonresidential zone districts. Shared parking areas serving uses located in residential zone districts may be located in residential or nonresidential zone districts. Shared parking areas shall require the same or a more intensive zoning classification than that required for the most intensive of the uses served by the shared parking area.

d. Shared Parking Study. Applicants wishing to use shared parking as a means of satisfying off-street parking requirements shall submit a shared parking analysis to the Director of Community Development that clearly demonstrates the feasibility of shared parking. The study shall be provided in a form established by the Director and made available to the public. It shall address, at minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

e. Agreement

i. A shared parking plan will be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record shall be submitted to the Director on forms made available by the Director.

ii. A shared parking agreement may be rescinded only if all required off-street parking spaces will be provided in accordance with this section.

4. Recording of Approved Plans. An attested copy of an approved Alternative Parking Plan shall be recorded in the deed records for Gunnison County on forms made available by the Director. An Alternative Parking Plan may be amended by following the same procedure required for the original approval. The applicant shall provide proof of recording prior to approval of the Certificate of Occupancy.

J. Vehicle Stacking Requirements. The vehicle stacking requirements of this subsection shall apply unless otherwise expressly approved by staff.

1. **Minimum Number of Spaces**. Off-street stacking spaces shall be provided as in Table 4-10.

TABLE 4-10 REQUIRED OFF-STREET STACKING SPACES

Activity Type	Minimum Queuing Spaces	Measured From:
Bank teller lane	3	Teller or Window
Automated teller machine	2	Teller
Restaurant drive-through	4	Order Box
Restaurant drive-through	3	Order Box to Pick-Up Window
Car wash stall, automatic	2	Entrance
Car wash stall, self-service	2	Entrance
Other	Determined by Traffic Engineer based on Traffic Study or by the Director	

2. **Design and Layout**. Required stacking spaces are subject to the following design and layout standards:

   a. **Size.** Stacking spaces must be a minimum of eight feet by twenty feet in size.

   b. **Location:** Stacking spaces may not impede on- or off-site traffic movements into or out of off-street parking spaces, or movement within parking lot aisles.

   c. **Design.** Stacking spaces shall be separated from other internal driveways by raised medians if deemed necessary by the Director for traffic movement and safety.

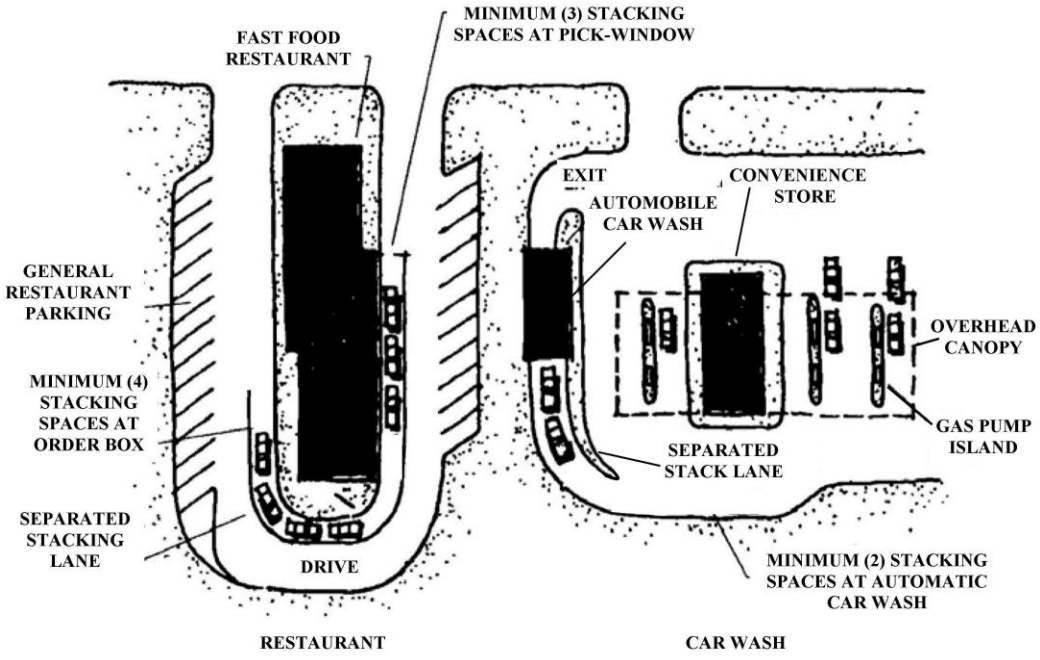


FIGURE 15 VEHICLE STACKING AREAS

K. Off-Street Loading Requirements

1. **Off-Street Loading Dock Dimensions.** Off-street loading docks may be approved with the following dimensions.

   a. **Type A.** 10 foot minimum width, 20-foot minimum length and 10 foot minimum vertical clearance.

   b. **Type B.** 12 foot minimum width, 35-foot minimum length and 14 foot minimum vertical clearance.

2. **Location and Layout**

   a. **Must be On-Site.** Off-street loading docks shall be on the site of the use served by the facility.

   b. **Required Setback.** A loading area shall not be located in required setback.

   c. **Encroachment on Parking or Access.** No loading bay may intrude into any portion of a required parking aisle or access dimension.

   d. **Screening Required.** Loading areas shall be screened in accordance with §4.6 I.3.

   e. **Backing Across Street Prohibited**. A loading dock shall be accessible without backing a truck across a street property line unless staff determines that provision of turn-around space infeasible and approves alternative access.

   f. **May Not Obstruct.** An occupied loading dock shall not prevent access to a required off-street parking space, or obstruct pedestrian movement on public sidewalks, public roads, or designated fire lanes.

§4.5 PEDESTRIAN CIRCULATION FACILITIES

A. Applicability

1. **For New Development.** All new development, including new subdivisions and new nonresidential construction on previously approved lots, shall provide pedestrian facilities and pedestrian access in accordance with the requirements of this Section.

2. **For Existing Development as of the Date of this LDC**. Buildings and structures lawfully existing as of the effective date of this section, may be redeveloped, renovated, repaired or expanded without providing pedestrian facilities in conformance with this section, provided there is no gross floor area increase in such building or structure or expansion of impervious area on the site.

B. Types of Pedestrian Circulation Facilities

1. **Sidewalks**. Sidewalks are strips or sections of concrete or stone a minimum of four feet in width, typically parallel to adjacent streets, intended for use as a public walkway for pedestrians. Sidewalks are located within dedicated road rights-of-way or public easements.

2. **Accessways**. Accessways are developed strips or sections which provide pedestrian access to private property. Accessways are sized for providing safe access, contemplating the type and intensity of use. For example, a single-family residence may be accommodated by a three foot-wide tread-width, while accessways to shopping malls would require a 10 foot tread width.

3. **Multi-Use Trails**. Multi-Use Trails are minimum 15 foot-wide rights-of-way or easements dedicated for public use and have a minimum 8 foot wide tread way surface centered on the easement center line.

C. Pedestrian Linkage Requirements

1. **Linkage Plan Required**. All Land Use Development Applications and Site Development Applications (see §6.2) shall, to the maximum extent feasible, include the design and developments of interconnections with existing or planned streets and pedestrian, sidewalks, accessways and multi-use trail systems on adjoining properties in accordance with the criteria 2 and 3 cited below, the *City of Gunnison Master Plan* and the *Non-motorized Transportation Plan*.

2. **Subdivision Pedestrian Facilities**. All subdivisions established after the adoption of this *LDC* shall provide pedestrian circulation improvements.

3. **Sidewalk Requirements on Arterial and Collector Streets.** If a lot abuts an Arterial street, sidewalks shall be provided for public access and connection to adjacent properties. Arterial and Collector street sidewalks shall be configured according to §4.5 D.3.

D. Pedestrian Circulation Amenities. All developments are subject to pedestrian circulation facilities.

1. **Durable Surface Materials.** All internal accessways should be designed to be visually attractive and distinguishable from driving surfaces through the use of durable surface materials such as pavers, brick or concrete to enhance pedestrian safety and comfort.

2. **Sidewalk Widths.** In R-1, R-1M, and R-2 residential zone districts sidewalks at least four feet wide shall be provided on both sides of any rights-of-way. Multi-family zone districts (RMU and R-3) are subject to the provisions of §4.5 D.3.

3. **Sidewalk Placement.** Unless otherwise specified, sidewalks are required according to one of the following placement alternatives:

   a. **Attached Facilities.** In the Commercial, CBD, and Multi-Family zone districts sidewalks placed against the back of curb or directly adjacent to the road shoulder shall have a minimum width of eight feet.

   b. **Detached Facilities.** Sidewalks with a minimum six foot maintained green space between the back of curb and the inside edge shall have a four foot minimum width on local streets and a minimum six foot width on collector and arterial streets.

E. Design and Construction Standards

1. **Within Rights-of-Way**. Sidewalks and multi-use trails shall be placed within the rights-of-way as determined by the Director and as specified below.

2. **Designed According to Construction Standards.** The slope, curve, vertical clearance, pedestrian crossing, under walk drains and other design elements shall be in accordance with the *City of Gunnison Construction Standards*.

3. **ADA Compliance.** All pedestrian facilities shall be designed in accordance with *the Americans with Disabilities Act* (*ADA*) regulations and the requirements of this *LDC*, whichever is safer for pedestrians.

4. **Detached Pedestrian Facilities.** The emphasis shall be to develop detached pedestrian facilities from the road shoulder or edge. The alignment will be determined on a case-by-case basis to account for unique natural features, buried utilities, irrigation ditches, stormwater facilities and similar features. In some instances, sidewalks and multi-use trails may be located outside of an existing right-of-way, and in such cases public easements shall be dedicated to the City of Gunnison.

5. **Curb Separation**. Sidewalks and accessways should be separated from the curb or street pavement edge, unless curb attached sidewalk are approved through site-specific development plan review or subdivision review.

6. **Landscaping Requirement**. Where separated sidewalks and accessways are required, the planting area, or that portion of the right-of-way between the curb and the sidewalk, shall be landscaped and maintained by the abutting property owners according to landscape requirements in §4.6.

7. **Transition Sections**. Where a combination or variation from the two placement methods described in §4.5.C.1 is necessary or desired, or that an obstruction is located within the paved area, the following criteria must be satisfied:

   a. all radii in the transition section must be a minimum of 10 feet; and,

   b. all transition sections must be approved by the Director.

8. **Minimum Clearance**. In order to provide safe and adequate access on city sidewalks, all sidewalks shall meet minimum clear width of at least two feet around all obstructions, natural or manmade.

9. **Concurrent Construction.** All sidewalks and accessways must be constructed concurrently with the street or, if the street is already constructed, prior to construction of any improvements adjacent to such street.

F. Multi-Use Trails Design and Construction Standards

1. **Required Dedication for New Subdivisions**. All new subdivisions and exempt subdivision plats shall be required to dedicate and install trail alignments as depicted in the *City of Gunnison Non-Motorized Transportation Plan.*

2. **On a Designated Trail Alignment.** In the case of new subdivisions and common interest community plats, dedication of a minimum 15 foot-wide easement to the City may be required if the development site is on a designated trail alignment defined by the *Non-Motorized Transportation Plan.*

3. **Design and Construction Specifications.** Design and construction of multi-use trails shall be in accordance with the specifications defined in the *Non-Motorized Transportation Plan*, as it may be amended.

§4.6 LANDSCAPING, BUFFERING AND SCREENING

A. Purpose and Intent. The intent of this Section is to establish standards to protect and enhance the city's appearance by the installation of appropriate landscaping and buffering materials; to encourage the preservation of native plant communities and ecosystems; to maintain and increase the value of land by providing for restoration of disturbed areas and by incorporating adequate landscaping into development; to restrict the spread of invasive plant species that disrupt and destroy native ecosystems; to encourage skilled installation and continued maintenance of all plant materials; and, to establish procedures and standards for the administration and enforcement of this Section.

B. Applicability. These landscape and buffer standards shall apply to subdivisions created after the adoption of this *LDC*, and to all development where development plan review is required by Section 6 (Development Review Procedures).

C. Approval of Landscaping and Buffering Plan

1. **Approved Landscape and Buffering Plan Required**. No development plan required under this *LDC* shall receive final approval unless a landscaping and buffering plan meeting the requirements of this Section has been submitted and approved. Landscaping plans may include provision for phasing. Refer to Appendix B - Landscape Submittal Requirements.

2. **Alternative Specifications**. Alternatives to the specifications concerning minimum plant sizes and quantities set forth in this Section may be authorized by the City, provided that the applicant submits a detailed landscaping plan and that the City determines that the proposed landscaping satisfies the purpose and intent of this Section.

3. **Final Inspection**. No certificate of occupancy shall be issued unless the following criteria are fully satisfied with regard to the approved landscaping and buffering plan:

   a. Such plan has been fully implemented on the site and inspected by staff.

   b. Such plan, which cannot or will not be implemented immediately because of seasonal conditions or phasing, has however, been guaranteed by an improvement agreement (or included in an approved development agreement) in a form agreeable to the City and secured by a letter of credit, cash escrow or other instrument acceptable to the City, in an amount equal to 115 percent of the cost of materials and labor for all elements of the landscape plan.

   c. A landscaping as-built plan, including sizes and quantities, details regarding revegetation,

and irrigation, shall be submitted to staff prior to inspection.

D. General Landscaping Design Standards and Guidelines. The following minimum standards shall apply to all landscaped areas developed under the requirements of this Section. See Subsections E through I below for additional specific landscaping requirements for multi-family, nonresidential and industrial developments.

1. Aesthetic Enhancement Guidelines. Landscaping should be utilized in the design to enhance the aesthetic quality of the property by adding color, texture and visual interest while obscuring views of parking and unsightly areas and uses. In locations where new development alters visually attractive and distinctive natural landscapes, the selection and arrangement of new plantings should be designed to complement and enhance the natural landscape character of the site.

2. Plant Materials

a. Use of Native or Adaptive Plant Materials. Refer to Appendix A for lists of plant materials considered native or appropriate. In order to further water conservation and to assure adequate growth and survival of new plantings, all landscape plans shall be comprised entirely of native or adapted plants that reflect the surrounding plant materials and environment. All proposed plant materials shall be chosen from Appendix A unless the Director approves an equivalent alternative.

b. Existing Plant Materials. Healthy existing trees, grasses and shrubs shall be incorporated into the landscape to the maximum extent feasible. These existing plants shall be shown on the landscape plan and labeled as "existing". Similarly, existing and retained trees shall be listed on the plan's plant list with their current size shown.

i. Landscaping Credit. Existing trees and shrubs shall be credited against landscaping requirements, provided that they meet applicable standards such as size and location requirements.

ii. Preservation of Existing Trees and Shrubs. If located between the edge of curb and gutter and the property line, no existing tree of four inches diameter at breast height (DBH) or greater, or dense stand of trees or shrubs of four or more feet in both depth and height shall be removed, unless dictated by plant health, access, safety or identification of the premises, all as determined by the Director.

iii. Root Zones. Design of the landscape shall take existing trees and shrubs into consideration with an adequate area provided around each tree that is free of impervious material to allow for infiltration of water and air. This pervious area shall be equal to the drip line of the tree. Root zones of existing trees and shrubs to be preserved shall be protected from unnecessary disturbance due to cut or fill grade changes. The location of underground utility lines shall be carefully planned to avoid unnecessary disturbance of root zones that would threaten the survival of existing trees and shrubs to be preserved. (See also Appendix B for protection of trees/vegetation during construction activities.)

c. Tree Canopy and Species Mix Guideline. Species variation is encouraged for all landscape plans because species uniformity can result in disease susceptibility and eventual demise of a large portion of a landscape at one time. Landscape plans shall

exhibit species variation, which shall increase based on the number of trees proposed in the landscaping plan.

d. Plant Sizes. At the time of installation, plants shall be no smaller than the following:

i. Deciduous trees: minimum of two-inch caliper

ii. Evergreen trees
a) Fifty percent (50 percent) of amount on site: six feet tall
b) Fifty percent (50 percent) of amount on site: four feet tall

iii. All shrubs: two-gallon

e. Plant Quantity. See Subsections E through 0 below for the quantity of landscaping required for each specific use category subject to this Section's requirements.

3. Location and Arrangement of Required Landscaping

a. The selection and arrangement of new plantings shall be planned to create visual appeal, to provide effective screening, to define site circulation and to enhance the use of the site.

b. All required landscaping elements shall be located on the property they serve. Landscaping located on adjacent properties shall not count toward the minimum landscaping area requirements established in Table 2-4 and Table 2-5.

c. All required landscaping shall be located outside of any adjacent right-of-way unless it is associated with a street buffer.

d. Trees shall be planted to allow for normal growth in height and shape without the need for excessive pruning.

e. Trees shall be planted no closer than seven feet from any structure and shall be installed with at least 55 square feet of non-paved area around the trunk.

f. No trees shall be planted within five feet on either side of water or sewer main lines.

g. Plantings with a mature height of more than 25 feet shall not be planted under utility lines.

h. Plantings that will exceed six inches in height shall not be planted within three feet of a fire hydrant.

i. No trees shall be located within 25 feet of street intersections or 10 feet from fire hydrants and utility poles.

4. Restoration and Revegetation of Disturbed Areas. All portions of the site where existing vegetative cover is damaged or removed, that are not otherwise covered with new improvements, shall be successfully revegetated with species identified in Appendix A or approved by the Director. The density of the reestablished vegetation after one growing season shall be adequate to prevent soil erosion and invasion of weeds.

5. **Irrigation**. All newly installed landscapes shall include a properly functioning watering system. A functional irrigation system is required for final approval of installed landscaping and release of associated collateral or assurances.

E. Landscaping Requirements for all Zone Districts

1. **Minimum Requirements.** The minimum number of trees and shrubs shall be provided per required landscaped area in zone districts according to Table 4-11.

TABLE 4-11MINIMUM TREE AND SHRUB PLANTINGS	
Zone District	Number of Trees and Shrubs per Required Landscape Area
Central Business District (CBD)	N/A
Commercial (C)	1 tree and 2 shrubs per 200 sq. ft.
Business Professional (B-1)	1 tree and 2 shrubs per 850 sq. ft.
Industrial (I)	N/A
Single-Family Residential (R-1)	1 tree and 2 shrubs per 2000 sq. ft.
Single-Family Residential Modified (R-1M)	1 tree and 2 shrubs per 2000 sq. ft.
Duplex Residential (R-2)	1 tree and 2 shrubs per 1200 sq. ft.
Residential Mixed Use (RMU)	1 tree and 2 shrubs per 600 sq. ft.
Multi-Family Residential (R-3)	1 tree and 2 shrubs per 500 sq. ft.
Note: The above required trees may be counted toward street tree requirements of §4.6.F.4.	

2. **Types of Materials except in CBD and Industrial Zone Districts.** The landscape area in all zone districts except the CBD and Industrial zone districts must contain living plant materials, mulch, washed rock or permeable surface used for stormwater drainage. Living materials shall comprise no less than 50 percent of the required landscape area.

3. **Types of Materials in Industrial Zone District**. The 10 percent landscaped area in the Industrial zone district, as required by Table 2-5 must be covered by a combination of xeriscape plants, mulch, permeable surface used for stormwater discharge control, planters, planting pots or other coverage approved by the Director.

F. Buffering and Screening

1. **Purpose.** Buffering is intended to help mitigate the physical, visual and environmental impacts created by development on adjacent properties. Buffering and screening creates a visual buffer between incompatible or differing land uses.

2. **Waivers**. A waiver from these buffer and screening standards may be granted by the Commission (§9.4 G). A waiver application shall include a site plan showing the building footprint, driveways, parking, landscaping and utility lines. The waiver application will be considered at a regular meeting and does not warrant a public hearing notice. Waivers shall only be granted if the applicant demonstrates that there are not adequate rights-of-way from the curb edge to the building front. The Commission may consider other site-specific circumstances not contemplated herein, and are not the result of previous development

constraints initiated by the applicant.

3. Zone District Boundaries

a. A landscaped buffer shall be planted on the boundary between the zoning districts set forth below, unless the abutting property is determined by staff to be unbuildable or visually separated by topographic features. Zone district buffers shall not be required for areas where street frontage buffer requirements are met.

b. The buffer shall be 20 feet wide and planted directly adjacent to the zone district boundary.

c. A minimum buffer consisting of eight evergreen trees and 10 shrubs per one hundred linear feet of zone district boundary shall be installed between the following zoning districts:

i. an Industrial zone district and any other zoning district;

ii. a Commercial zone district and any Residential zone district; or

iii. all Multi-family Residential zone districts (RMU/R-3) and any other Residential zone district.

4. Street Frontage Buffers

a. Purpose. Landscaping in areas located adjacent to streets is intended to create tree-lined streets, provide shade, improve air quality and enhance property values through improved views for the traveling public.

b. Exemption. The following shall be exempt from these street frontage buffer requirements:

i. Development in the CBD zone district; but parking lots developed in the CBD shall comply with Parking Lot Landscape Standards (§4.6 G).

ii. Development in the Industrial zone district fronting on a local street is exempt from buffer requirements; a collector street shall comply with non-arterial buffer standards.

c. Planting Requirements (see Figure 16)

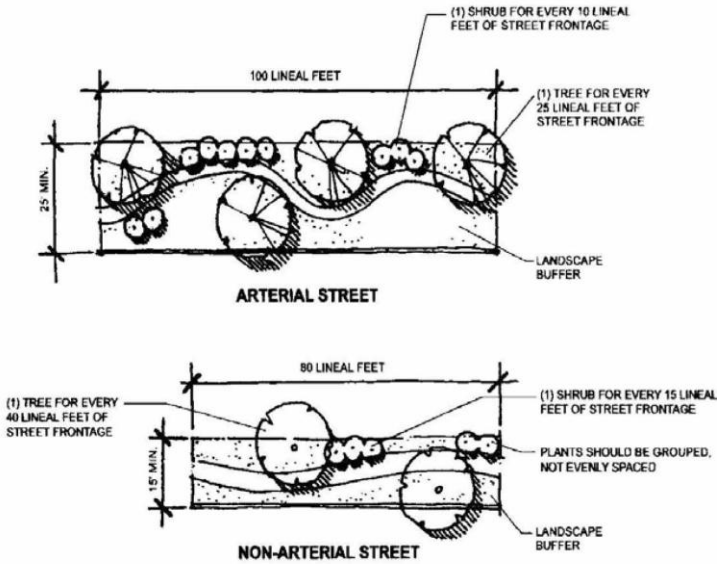


FIGURE 16 BUFFERING REQUIREMENTS

c. Buffer Width. The buffer width shall be measured from the back edge of the curb or road shoulder and shall meet minimum dimensional standards shown on Figure 17.

d. Arterial and Street Frontage Buffers

i. All development on property abutting an arterial and collector street shall provide a landscaped buffer with a minimum width of 25 feet along the entire arterial street frontage (see Figure 17).

ii. One tree shall be planted for each 25 lineal feet of street frontage and one shrub for each 20 lineal feet of street frontage, positioned to adequately buffer developed frontage as viewed from adjacent street or right-of-way as determined by the Community Development Director.

f. Local Street Frontages. One tree shall be planted for each 50 lineal feet of street frontage and one shrub for each 20 lineal feet of street frontage, positioned to adequately buffer developed frontage as viewed from adjacent street or right-of-way as determined by the Community Development Director.

g. No Development in Street Frontage Buffer Area. Within the street frontage buffer, there shall be no development or parking, except for driveway access to the portion of the site not in the buffer, which is approximately perpendicular to the right-of-way, underground utility installation, pedestrian and bicycle paths, allowable signs and necessary lighting.

5. Service Areas. See §4.6 I.2.

6. **Loading Areas**. See §4.6 I.3.

7. **Berms.** Berms may be utilized as part of street frontage landscaping, but shall vary in height over the length of the berm.

8. **Responsibility for Buffering**. Buffering shall be the responsibility of new development. Existing land uses may be required to provide buffering if the use is changed, expanded, enlarged or in any other way increases the impacts on adjacent properties or rights-of-way over what is present at the time this regulation is adopted. It shall be the responsibility of the expanded or changed land use to evidence what the uses and impacts were at the time of adoption of this regulation.

9. **Method of Calculation.** Figure 17 shall serve as a guide for the calculation of buffer requirements.

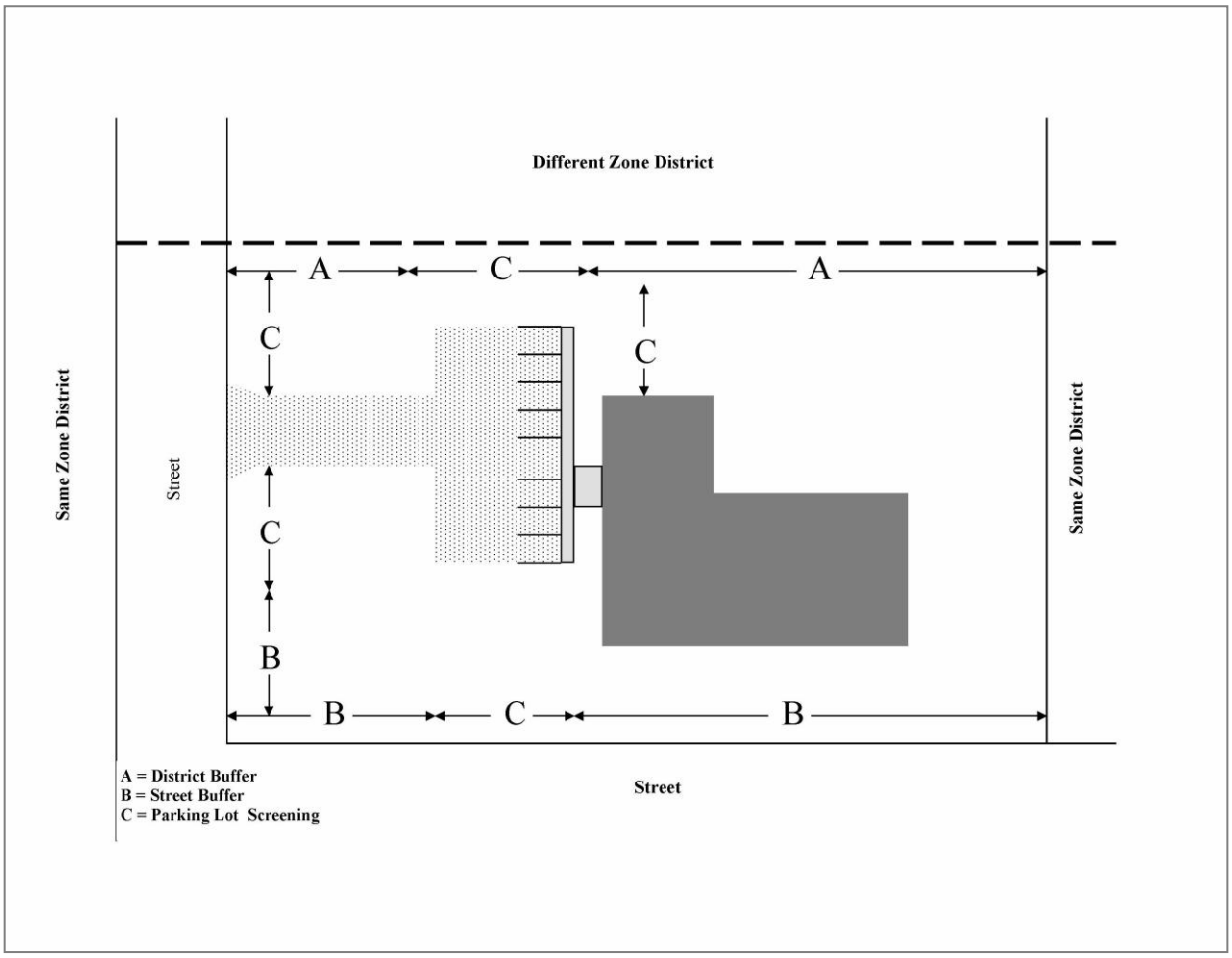


FIGURE 17 GUIDE FOR BUFFER CALCULATION

G. Parking Lot Landscaping

1. **Purpose.** Parking lot landscaping is intended to improve the views from adjacent properties and public use areas, alter the microclimate of parking areas by providing shade and reducing reflected heat, breaking up large areas of impermeable surface and allowing areas for water infiltration.

2. **Perimeter Landscaping**

   a. **Applicability.** All parking lots containing four or more spaces shall provide perimeter landscaping pursuant to the General Requirements below, except where abutting property is determined by the Director to be unbuildable or visually separated by topographic features. Parking lots in the Industrial, R-1, R-1M, and R-2 zone districts shall be exempt from these Perimeter Landscaping standards (see Figure 18).

   b. **General Requirements** (see Figure 18)

      i. All parking areas shall be separated from the back of the curb or outermost edge of the street shoulder by a planting area at least 25 feet wide on arterial streets and by a planting area at least 15 feet wide on other street property lines.

      ii. All parking areas shall be separated from side and rear property lines by a planting area at least eight feet wide.

      iii. All parking lots or areas shall be separated from the high water mark of all river banks by a minimum setback of 50 feet. The required perimeter landscaping shall be provided within this setback area through retention of existing vegetation, or through additional new tree and shrub plantings as needed to meet the required minimum quantities of perimeter plantings.

      iv. Perimeter landscaping shall provide a semi-opaque screen during the winter season.

   c. **Berms.** Berms may be utilized as part of perimeter landscaping, but shall vary in height over the length of the berm.

   d. **Walls/Fences.** Where walls or fences are used, a minimum of one evergreen tree or three shrubs is required for every 40 linear feet of wall or fence and shall be planted on the side of the fence or wall facing the surrounding streets, walks, parks, trails or other public use properties.

   e. **Perimeter Planting Requirements**

      i. A minimum of one tree per 20 lineal feet and one shrub per 10 lineal feet shall be planted along the perimeter of any parking lot area located adjacent to an Arterial or Collector street. A minimum of one tree per 30 lineal feet and one shrub per 10 lineal feet shall be planted along the perimeter of any parking lot area located adjacent to Local streets (see Figure 18).

      ii. Parking lot areas that are adjacent to a side or rear lot line shall have one tree per 30 lineal feet and one shrub per 10 lineal feet planted along the perimeter of any parking area located along the lot line.

iii. Plants should be grouped, not evenly spaced.

iv. Parking lots adjacent to a zone district boundary are subject to Zone District Buffer Standards (§4.6 F.3.).

3. Parking Lot Interiors

a. Applicability. All parking lots with 30 or more parking spaces shall comply with these interior parking lot landscaping requirements. Interior parking lot landscaping requirements shall be in addition to all other landscaping requirements; no other landscaping requirement may be used to fulfill interior parking lot landscaping requirements.

b. Minimum Requirement: A minimum of five percent of the total interior parking lot area shall be landscaped with planted islands. A minimum of one tree and two shrubs must be planted in interior islands for every 2,500 square feet of parking lot, exclusive of perimeter plantings (see Figure 18).

c. Landscaped Islands

i. Individual landscaped islands shall include a minimum of one tree, a reliable water source and raised concrete curbs or other design needed for stormwater system function.

ii. Landscaped islands shall be at least 100 square feet in size, with the smallest dimension being six feet to allow for adequate root aeration and expansion (see Figure 18).

iii. Islands shall be arranged to maximize shading of parking spaces.

iv. Plantings shall be arranged so as not to interfere with driver vision, vehicle circulation or pedestrian circulation.

v. To the maximum extent feasible, landscape islands shall be incorporated in the stormwater management plan and located to break up large areas of impermeable surface, allowing areas for water infiltration.

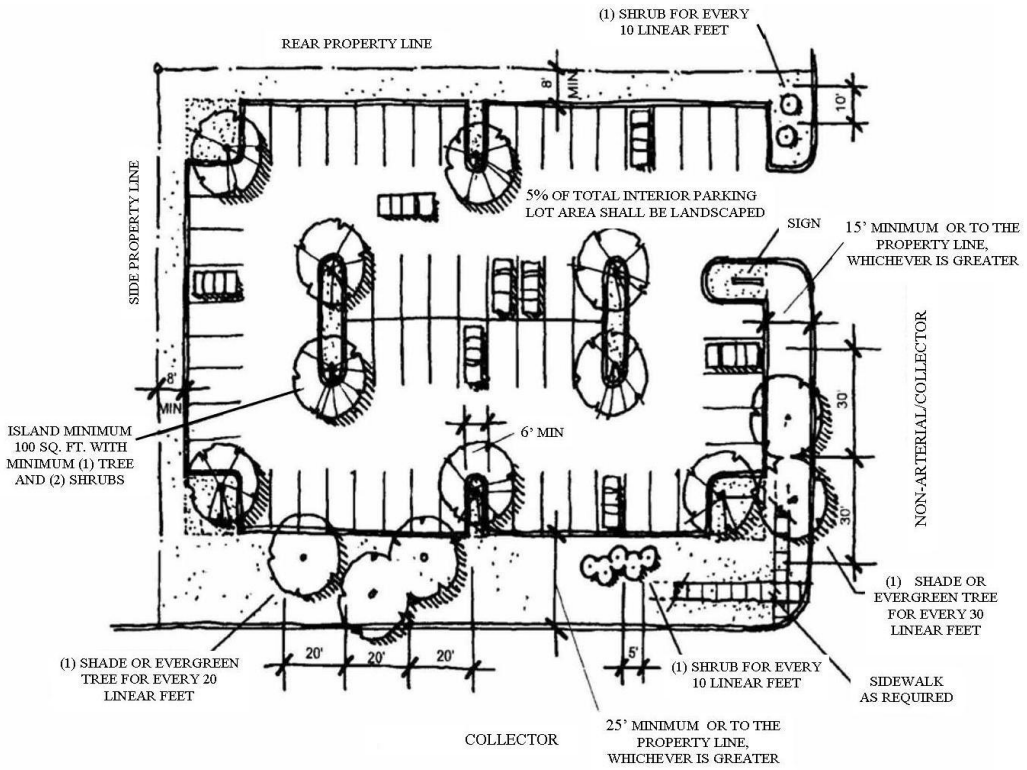


FIGURE 18 PARKING LOT LANDSCAPING

H. Fences and Walls. Fences and walls are permitted as elements of a landscape plan and, in some locations, may be used to conceal and/or screen storage or other unsightly or conflicting land uses. All fences or walls shall meet the following requirements:

1. **Materials**. Fences or walls shall be constructed of wood, stone, brick, decorative concrete block, wrought iron (or products created to resemble these materials), a combination of any of these materials, or other materials as approved by the Director.

2. **Finishing.** In all non-residential zone districts except the Industrial, all fencing shall be finished on all sides that are visible from off-site.

3. **Prohibited Applications**

   a. Plywood, particle board, sheet metal, concrete slabs, concrete barriers or similar materials shall not be used for fencing or walls intended to provide screening or buffering.

   b. Chain-link fencing shall not be used for screening or buffering purposes. Chain link fencing may be allowed for security purposes under the provisions of this Section.

   c. Barbed-wire and similar fence materials may only be used in conjunction with permitted agricultural and security uses.

4. Fence and Wall Standards

a. Height

i. A fence or wall in any residential zone district front yard shall not exceed four feet in height.

ii. Fences and walls over six feet in height require a building permit and must be constructed in conformance with the adopted *International Building Code*.

iii. Excluding lots in the Industrial and Commercial zone districts not abutting another zone district, all fences and walls greater than eight feet in height shall comply with the setback requirements for structures in the various zoning districts.

b. Adjacent to Streets. The construction and maintenance of fences and walls shall comply with §4.3 J.4, Intersection and Driveway Visibility.

c. Adjacent to Alleys. Permitted fences and walls adjacent to alleys shall contain an offset section or other provision deemed appropriate by the City for trash containers located on the property.

d. In City Right-of-Way. Fences or walls located on City rights-of-way are subject to a license agreement which is authorized by City Council.

e. Maximum Wall Length. Walls shall have a maximum continuous length and uninterrupted plane of 100 feet. Wall breaks shall be provided through the use of columns, landscaped areas, transparent section or change in material.

f. Plantings in Conjunction with Fences/Walls. Where opaque or solid fencing/walls continue for more than 40 feet along a buffer zone, the buffer requirements shall be located between the fence/wall and the area to be buffered. Where opaque or solid fencing/walls continue for more than 40 feet of street frontage, a minimum of one evergreen tree and three shrubs shall be planted on the outer or public side of the fence/wall for each 40 linear feet of fence.

I. Screening

1. Drive-Thru Facilities. Drive-thru windows and lanes shall be designed to adhere to the following standards:

a. Separation Distance Requirements. Drive-thru windows and lanes placed adjacent to the right-of-way and/or alley shall comply with parking lot separation distance requirements (see Figure 18).

b. Screening. No drive-thru window shall be permitted on the side of a building adjacent to any residential zone district without a six foot opaque fence or wall and shall comply with Zone District Boundary Buffers (§4.6 F.3.).

2. Service Areas

a. Location. In all non-residential and multi-family zone districts, trash collection, trash compaction, recycling collection and other similar service areas shall be located on the side or rear of the building and shall be effectively screened. Alternative locations may be within the established parking lot, subject to approval by the Director.

b. Approved Area. All service areas shall be limited to the area shown on an approved site plan.

3. Loading Areas. Loading areas shall be subject to the following screening requirements:

a. Screening of Type B Loading Areas. A minimum 100 percent year-round screen of all Type B loading areas visible from residential properties or public rights-of-way shall be provided.

b. Screening Material. This screen shall consist of berms, walls, fences, plant material or combination totaling eight feet in height at installation or completion of construction. Wall or fence materials shall be compatible with the primary structure.

c. Location of Loading Areas. All Type B loading docks not in the Industrial zone district shall be located at the side or rear of buildings a minimum of 50 feet away from any residentially-zoned property, unless the loading area is wholly within a closed building.

4. Mechanical Equipment

a. Screening. All roof-, ground- and wall-mounted mechanical equipment (e.g. air handling equipment, compressors, duct work, transformers and elevator equipment) shall be screened from view from residential properties or public rights-of-way at ground level of the property line.

b. Roof-Mounted Screening Material. Roof-mounted mechanical equipment shall be shielded from view on all sides, to the maximum extent feasible. Screening shall consist of materials consistent with the primary building materials, and may include metal screening or louvers which are painted to blend with the primary structure.

c. Wall or Ground-Mounted Screening Material. Wall- or ground-mounted equipment screening shall be constructed of:

i. planting screens;

ii. brick, stone, reinforced concrete, or other similar masonry materials; or

iii. redwood, cedar, preservative pressure treated wood, or other similar materials.

5. Utilities. Above-ground utilities and appurtenances to underground utilities which require above-ground installation shall be screened by a continuous planting of shrubs, with a minimum mature height equal to that of the utility structure. Required accessways to these utilities are exempt from the screening provisions.

6. **Trash Receptacles**. Screening shall be provided for all trash receptacles of two cubic yards in volume or greater, and shall consist of landscaping or a structural visual barrier, such as a fence, to block the view of the trash receptacle and to keep trash contained. One side of the screening shall be designed for easy access for trash removal. Any landscaping so provided shall count toward the landscaping standards of this Section.

J. Maintenance Requirements

1. **Maintenance Required**. Required landscaping shall be maintained in a healthy, growing condition at all times. The property owner is responsible for regular irrigating, pruning and weeding, mowing, fertilizing, replacement of plants in poor condition and other maintenance of all plantings as needed.

2. **Maintenance of Landscape Structures**. Where walls, fences or other structures are an integral part of the landscape plan, such structures shall be maintained in good repair. Fences that are leaning, broken, have missing pieces, peeling paint or are in any other way damaged shall be immediately repaired or replaced. Walls with missing bricks or blocks, crumbling mortar or other aesthetic or structural defects shall be immediately repaired.

3. **Replacement.** The following plant material conditions require plant removal and replacement:

   a. **Deciduous Trees.** Deciduous trees and shrubs that fail to produce leaves on more than fifty percent of the plant by July 1st of the calendar year.

   b. **Evergreen Trees.** Evergreen trees and shrubs with needle loss or browning over more than 50 percent of the tree.

   c. **Damaged Vegetation.** Damaged plant materials that have split trunks, loss of major branch structure, loss of leader shoot or other damage that a certified nurseryman confirms will ultimately cause the premature death of the plant.

   d. **Diseased Vegetation.** Diseased, insect-infested or parasite-infested plants that cannot be adequately treated to prevent premature death or to prevent contamination of other plant materials.

   e. **Timing.** Removal and replacement shall occur during the same growing season in which plant material exhibits at least one of the above conditions. Where seasonal or adverse weather conditions make replanting or replacement within such a time period impractical, staff may grant an extension and may require adequate fiscal assurance, if needed, from the Applicant or owner to assure replacement.

4. **Enforcement.** All plantings shall be subject to periodic inspections to ensure compliance with this regulation and the approved landscape plan. Failure to comply with the Maintenance Plan shall be a violation of this *LDC*, subject to the enforcement and penalties provisions set forth in Section 15.

§4.7 OUTDOOR DISPLAY AND STORAGE

A. Applicability. Any merchandise, material or equipment stored outside of a fully-enclosed building shall be subject to the requirements of this section.

1. **Exceptions**. Vehicles for sale, lease or rent as part of a properly permitted use (including boats and manufactured housing) shall not be considered merchandise, material or equipment.

2. **Zone District Requirements.** Outdoor Storage shall be a Conditional Use in the Commercial zone district and is permitted in the Industrial zone district, but is subject to the minimum standards contained in this section.

B. Outdoor Display

1. **Definition.** Outdoor Display shall be defined as the outdoor display of merchandise readily available for sale. Outdoor Display shall not include nonseasonal merchandise or material in crates or other kinds of shipping containers. Merchandise in crates or shipping containers shall be considered Outdoor Storage.

2. **Area.** The extent of outdoor display permitted adjacent to the building façade shall be depicted on the development plan submittal.

3. **Obstruction Prohibited**

   a. In order to protect the health, safety and welfare of citizens, Outdoor Display shall not impede ingress or egress from the building or access for fire and emergency personnel.

   b. Outdoor Display shall be located no closer than six feet from any public entrance.

   c. Outdoor Display shall not impair the ability of pedestrians to use the accessways or parking areas.

   d. The display area shall not encroach upon or interfere with on-site access, required parking, circulation, or required landscaping.

4. **Maintenance**. The display area shall, at all times, be kept neat, clean, and free of litter and debris.

C. Outdoor Storage

1. **Definition.** Outdoor Storage is more intensive than Outdoor Display. Materials stored in Outdoor Storage are not normally brought indoors overnight. Outdoor Storage shall be defined as the merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers; fleet vehicles; and other similar merchandise, material or equipment.

2. **Area**. The extent of outdoor storage shall be depicted on the development plan submittal and shall meet the standards cited in this Section.

3. **Screening**. Outdoor storage shall be fully screened from view from the public right-of-way, public parking areas, or adjacent residential zone districts by a 100 percent opaque visual barrier or screen.

4. Setbacks

a. Outdoor storage that exceeds 8 feet in height shall not be located within the front and side yard setback, or 15 feet from the edge of the curb, whichever is greater.

b. Outdoor storage shall comply with the Intersection and Driveway Visibility Standards found in §4.3 J.4.

c. Outdoor storage may be located in the rear yard setback.

d. Outdoor storage may be located to the side of a building, provided it is not located within the side yard setback.

§4.8 SIGNS

A. Purpose and Intent

The purpose of this Section is to provide information to the public; identify businesses, services and activities; and, establish uniform control of signs. It is the intent of the regulations set forth in this Section to:

1. recognize that signs are a necessary means of visual communication to attract attention to business;

2. recognize and ensure the right of those concerned to identify businesses, services and other activities by use of signs;

3. ensure that signs are compatible with adjacent land uses and with the total visual environment of the community; and,

4. protect the public from hazardous conditions that result from signs which are structurally unsafe, obscure the vision of motorists and/or compete or conflict with necessary traffic signals and warning signs.

B. Applicability. The provisions of this Section shall apply to the display, construction, erection, alteration, use, location and maintenance of all signs within the City, excluding traffic signage required by the Model Traffic Code. It is unlawful hereafter to display, construct, erect, alter, use or maintain any sign except in conformance with the provisions of this Section. Any sign in existence on the effective date of the adopted *Land Development Code* (Ordinance 1-1997) which was effective January 28, 1997, shall be allowed to remain and to be maintained, in conformance with §11.5 (Nonconforming signs) of the *Land Development Code*.

C. Definitions

1. *Area of sign* means the area of the smallest regular geometric symbol encompassing all the informative features of the sign, including copy, insignia, background and borders.

2. *Awning* means a movable shelter supported entirely from the exterior wall of a building and of a type which can be retracted, folded or collapsed against the face of the supporting building; or a covered space frame structure.

3. *Building Code* means the latest edition of the *Building Code*, as amended and adopted by the City.

4. *Building Official* means the officer or other person charged with the administration and enforcement of this Section, or his or her duly authorized deputy.

5. *Canopy* means a permanently roofed shelter covering a sidewalk, driveway or other similar area, which shelter may be wholly supported by a building or may be wholly or partially supported by columns, poles or braces extended from the ground.

6. *Dissolv*e means a mode of message transition on an Electronic Message Sign accomplished by varying the light intensity or pattern, in which the first message gradually appears to dissipate and lose legibility with the gradual appearance and legibility of the second message.

7. *Face or wall of building* means the general outer surface of any main exterior wall or foundation wall of the building, including windows and storefront.

8. *Flag* means the flag, pennant or insignia of any nation, organization of nations, state, county, city, religious, civic, charitable or fraternal organization, or educational institution.

9. *Foot Candle* is an English unit of measurement of the amount of light falling upon a surface (illuminance). One foot candle is equal to one lumen per square foot and can be measured by means of an illuminance meter.

10. *Frame* means a complete, static display screen on an Electronic Message Sign.

11. *Frame Effect* means a visual effect on an Electronic Message Sign applied to a single frame.

12. *Frontage, building* means the horizontal, linear dimension of that exterior side of a building which abuts a street, a parking area, a mall or other circulation area open to the general public; and has either a main window display of the enterprise or a public entrance to the building. Where more than one use occupies a building, each such use having an exterior public entrance or exterior main window display for its exclusive use shall be considered to have its own building frontage, which shall be the front width of the portion of the building occupied by that use.

13. *Frontage, street* means the linear frontage (or frontages) of a lot or parcel abutting on a private or public street which provides principal access to, or visibility of, the premises.

14. *Height* means the vertical distance measured from the elevation of the nearest sidewalk or, in the absence of a sidewalk within 25 feet, then from the lowest point of finished grade on the lot upon which the sign is located and within 25 feet of the sign, to the uppermost point on the sign or sign structure.

15. *Illuminance* is the amount of light falling upon a real or imaginary surface, commonly called "light level" or "illumination." Illumination is measured in foot candles (lumens/square foot) in the English system and lux (lumens/square meter) in the SI (metric) system.

16. *Kiosk* means a small structure, typically located within a pedestrian walkway or similar circulation area, and intended for use as display space for posters, notices, exhibits, etc.

17. *Liquid Crystal Display (LCD),* means a method of displaying readings continuously using a liquid crystal film sealed between glass plates, which changes its optical properties when a voltage is applied.

18. *Light Emitting Diode (LED)* means diodes that emit visible light when electricity is applied, much like a light bulb. When many LEDs are side-by-side, they can create pictures and images.

19. *Light source* means and includes any device, or method of producing light, including neon, fluorescent or similar tube lighting, incandescent bulb and any reflecting surface which, by reason of its construction and/or placement, becomes in effect the light source.

20. Lighting, backlighted means a concealed light source located behind the surface of the sign to highlight specific elements of the sign.

21. *Lighting, neon* means any method of lighting using neon tubes in a manner in which the neon tube can be seen.

22. *Lot* means a portion or parcel of land, whether part of a platted subdivision or otherwise, occupied or intended to be occupied by a building or use and its accessories, together with such yards as are required under the provisions of this *LDC*. A lot must be an integral unit of land held under unified ownership in fee or in co-tenancy.

23. *Luminance* is the light that is emitted by or reflected from a surface. Measured in units of luminous intensity (candelas) per unit area (square meters in SI measurement units or square feet in English measurement units.) Luminance is expressed in SI units as cd/m², and in English units as foot lamberts. Luminance is sometimes also expressed as "nits," a colloquial reference to SI units. Luminance can be measured by means of a luminance meter.

24. *Lux* is the SI (metric) unit for illuminance. One lux equals 0.093 foot candles.

25. *Maintenance* means the replacing, repairing or repainting of a portion of a sign structure; periodic changing of bulletin board panels; or renewing of copy which has been made unusable by ordinary wear and tear, weather or accident.

26. *Marquee* means a permanently roofed structure attached to and supported by a building, and projecting from the building.

27. "*Nit*" is a photometric unit of measurement referring to luminance. One nit is equal to one candela per square meter (cd/m^2).

28. *Obscene sign* means a sign having those characteristics defined as obscene in the *Colorado Revised Statutes*, as amended.

29. *Off-premise window display* means a display in the window of a vacant building advertising a business at another location.

30. *Permitted Sign Area* means the total allowed sign for any street frontage, as calculated according to §4.8 G.1.

31. *Roof* means the cover of any building, including the eaves and similar projections.

32. *Roof line* means the highest point on any building where an exterior wall encloses usable floor space, including floor area for housing mechanical equipment. Roof line also includes the highest point of any parapet wall, provided that the parapet wall extends around the entire perimeter of the building.

33. *Scroll* is a mode of message transition on an Electronic Message Sign in which the message appears to move vertically across the display surface.

34. *Sequencing* is the display of two or more successive screens on an Electronic Message Center to convey a message.

35. SI (International System of Units) is the modern metric system of measurement; abbreviated SI for the French term "Le Systeme International d'Unites."

36. *Sign* means any writing, pictorial representation, decoration (including any material used to differentiate sign copy from its background), form, emblem or trademark, flag or banner, or mural to attract business, or any other display of similar character which:

a. Is a structure or any part thereof (including the roof or wall of a building);

b. Is written, printed, projected, painted, constructed or otherwise placed or displayed upon or designed into a building, board, plate, canopy, awning, vehicle or upon any material object or device whatsoever; and

c. By reason of its form, color, wording, symbol, design, illumination, motion or other feature attracts or is designed to attract attention to the subject thereof or is used as a means of identification, advertisement or announcement.

37. *Sign face* means the surface of a sign upon, against or through which the message is displayed or illustrated.

38. *Sign Types*

a. *Abandoned sign* means a sign that no longer identifies or advertises an ongoing business, product, location, service, idea, or activity conducted on the premises on which the sign is located. Whether a sign has been abandoned or not shall be determined by the intent of the owner of the sign and shall be governed by applicable State Case Law and Statutory Law on abandoned structures.

b. *Animated sign* means a sign employing actual motion, the illusion of motion, or light and/or color changes achieved through mechanical, electrical, or electronic means. Animated signs, which are differentiated from changeable signs as defined and regulated by this Code, include the following types:

i) *Environmentally Activated sign* means animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.

ii) *Mechanically Activated sign* means animated signs characterized by repetitive motion

and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

iii) *Electrically Activated signs* are animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

a) *Flashing* means any sign that contains an intermittent or flashing light source, or includes the illusion of intermittent or flashing light by means of animated electronic function whose illumination is characterized by a repetitive cycle of illumination and non-illumination. For the purposes of this ordinance, flashing will not be defined as occurring if the frame static display period exceeds five seconds or more.

b) *Patterned Illusionary Movement* means animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion. For the purposes of this *Code,* signs with Patterned Illusionary Movement of less than 2.5 square feet are permitted.

c. *Awning sign* means a sign painted, printed or attached flat against the surface of an awning. For the purposes of determining the maximum permitted sign area, only the area encompassing the graphic representation of the message shall be counted.

d. *Brand-Name sign* means a word, name, or symbol, especially one legally registered as a trademark, used by a manufacturer or merchant to identify its products distinctively from others of the same type and usually prominently displayed.

e. *Bulletin Board sign* means a sign used for the purpose of notification to the public of an event or occurrence of public interest, such as a church service, political rally, civic meeting or other similar event.

f. *Canopy Signs*

i. *Canopy Fascia sign* means signs which are mounted to the front or side fascia of a canopy and contained completely within that fascia.

ii. *Above Canopy sign* means signs which are mounted partially or entirely above the front fascia of a canopy and oriented parallel to the building wall surface.

iii. *Under Canopy sign* means signs which are suspended under a canopy, perpendicular to the building façade. Such signs are also considered to be suspended signs.

g. *Changeable sign* means a sign with the capability of content change by means of manual or remote input includes the following types:

i. *Manually Activated* means a *Changeable sign* whose message copy or content can be changed manually on a display surface.

ii. *Electrically Activated* means a *Changeable sign* whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. For the purposes of this *Code*, Electrically Activated Changeable Signs shall be classified as *Electronic Message Centers*.

h. *Construction sign* means a temporary sign announcing subdivision, development, construction or other improvement of a property by a builder, contractor or other person furnishing services, materials or labor to the premises. For the purposes of this Section, a construction sign shall not be construed to be a real estate sign as defined in this Section.

i. *Double-face sign* means a sign where two sides are separated by not more than 18 inches and are parallel to each other. Such signs shall be considered as one sign.

j. *Electric sign* is any sign activated or illuminated by means of electrical energy.

k. *Electronic Message Center or Sign (EMC)* means an electrically activated changeable sign whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location. EMCs typically use light emitting diodes (LED) or liquid crystal display (LCD) as a lighting source. Electronic Message Centers provide a static image frame display for a minimum five second interval.

l. *Electronic Reader Board* means a sign which contains a traveling message or a message that appears to be traveling, usually in a horizontal manner. The characteristics incorporated into any message remains constant and does not change in hue or intensity or appear to change in hue or intensity as they appear to travel across or through the automatic changing copy area. Electronic reader boards are only mono colored. Electronic Reader Boards shall be classified as *Electronic Message Centers*

m. *Flashing sign* - see *Animated Sign, Electrically Activated* (b.ii), above).

n. *Freestanding sign* means a sign which is supported by one or more columns, uprights, poles or braces extended from the ground or from an object on the ground, or a sign which is erected on the ground, provided that no part of the sign is attached to any part of any building, structure or other sign. Freestanding sign includes pole signs, pedestal signs and ground signs.

o. *Government Directional sign* or *Safety sign* means a sign erected by the City or other governmental agency, or a sign erected by permission of the City, directing vehicular or pedestrian traffic.

p. *Historical sign* means a sign designated as such by City Council that has been in place for at least 20 years and contains historic and/or community significance. The sign may have relevance because of its unique mechanical features, it's relevance to a building's design, or possesses other traits that may be worthy for such designation. Historical signs must be maintained in both appearance and structure.

q. *Identification sign* means and includes any of the following:

i. A nameplate which establishes the identity of an occupant by listing his or her name and business or professional title;

ii. A sign which establishes the identity of a building or building complex by name or symbol only;

iii. A sign which indicates street address or combines nameplate and street address;

iv. A sign which identifies an area in the City which, by reason of development, natural features, historical occurrences or common references, has or will become a landmark in the City; or,

v. A commemorative sign, such as a cornerstone, memorial or plaque, when such is cut into a masonry surface or constructed of bronze or other incombustible material and is made an integral part of the structure.

r. *Illuminated sign* means a sign characterized by the use of artificial light, either projecting through its surface(s) (internally or trans-illuminated); or reflecting off its surface(s) (externally illuminated).

s. *Joint Identification sign* means a sign which serves as common or collective identification for two or more uses on the same lot.

t. *Marquee sign* means a sign depicted upon, attached to, or supported by, a marquee as defined in this Section.

u. *Multi-Tenant Freestanding sign* means a freestanding sign that provides identification for three or more tenants in a commercial development of more than 25,000 square feet of gross building area.

v. *Off-premises Advertising sign* means any off-premises sign, including a general outdoor advertising device, which advertises or directs attention to a business, commodity, service or activity conducted, sold or offered else-where than on the same lot or within the same building upon which such sign is located.

w. *Portable sign* means a sign which is not attached to the ground, a building or other structure, but does not include a *Vehicle-mounted sign* or *Sandwich Board sign* as defined in this Section.

x. *Projecting sign* means a sign attached to a building or extending in whole or in part greater than 12 inches or more horizontally beyond the surface of the building to which the sign is attached, but does not include a marquee sign as defined in this Section.

y. *Real Estate sign* means a sign indicating the availability for sale, rent or lease of the specific lot, building or portion of a building or lot upon which the sign is erected or displayed.

z. *Revolving, Rotating or Spinning sign* is a sign that has the capability to revolve three hundred and sixty degrees (360º) about an axis. See also: *Animated Sign, Mechanically*

Activated Sign.

aa. *Roof sign* means a sign painted on the roof of a building; supported by poles, uprights or braces extending from the roof of a building, but does not include a sign projecting from or attached to a wall as permitted by this Section (see *Wall sign*).

bb. *Sale sign* means a temporary sign advertising a special sale of merchandise.

cc. *Sandwich Board sign* means a sign not exceeding 32 inches in width to 42 inches in height located on a sidewalk/grass strip of a public right-of-way or on private property.

dd. *Suspended sign* means a sign suspended from the ceiling of an arcade, marquee or canopy.

ee. *Temporary sign* means a sign which is intended for a temporary period of display for the purpose of announcing a special event, advertising or directing persons to a subdivision or other land or building development, advertising personal property for sale, or promoting a political campaign or special election.

ff. *Time/Temperature/Community Announcement sign* means a sign which displays information of interest to the community such as the current time and temperature or community announcements and bearing no commercial statements.

gg. *Vehicle-mounted sign* means a sign displayed upon a trailer, van, truck, automobile, bus, railroad car, tractor, semi-trailer or other vehicle, whether or not such vehicle is in operating condition.

hh. *Vending Machine sign* means a sign that is incorporated into and designed as a part of a vending machine.

ii. *Wall sign* means a sign displayed upon or against the wall of an enclosed building or structure where the exposed face of the sign is in a plane parallel to the plane of the wall and extends not more than 12 inches horizontally from the face of the wall. A sign erected against the side of a roof (on the same plane) having a 6:12 pitch or less, is considered to be a wall sign, and shall be regulated as such.

jj. *Wind sign* means a sign consisting of one or more banners, pennants, ribbons, spinners, streamers or captive balloons, or other objects or materials fastened in such a manner as to move upon being subjected to pressure by wind or breeze, but does not include flags as defined in C.8.

kk. *Window sign* means a sign which is painted on, applied or attached to, or located within three feet of, the interior of a window, which can be seen through the window from the exterior of the structure. Merchandise included in a window display shall not be considered to be a sign.

39. *Sign structure* means any supports, uprights, braces or framework of a sign.

40. *Signs, number of*. For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements clearly

organized, related and composed to form a unit. Where sign elements are displayed in an unrelated or random manner, each element shall be considered to be a single sign.

41. *Transition* is a visual effect used on an Electronic Message Center to change from one message to another.

42. *Travel* is a mode of message transition on an Electronic Message Center in which the message appears to move horizontally across the display surface.

D. Exemptions. Except as specifically provided, the following may be erected without a sign permit. All signs shall meet all applicable setback, sign area, construction, illumination and safety standards excluding *Government Directional signs* and *Safety signs*.

1. Signs which are not visible beyond the boundaries of the lot or parcel upon which they are located and/or from any public thoroughfare or right-of-way.

2. Official governmental notices and notices posted by governmental officers in the performance of their duties, and governmental signs to control traffic or for other regulatory purposes, to identify streets or to warn of danger.

3. Flags, limited to three flags per lot. The maximum individual size of a permanently displayed flag shall be 40 square feet.

4. Temporary decorations or displays, when such are clearly incidental to and are customarily and commonly associated with any national, state, local or religious holiday, celebration or event.

5. Temporary or permanent signs erected by the City, public utility companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices.

6. Merchandise, pictures or models of projects or services which are incorporated as an integral part of a window display, where all such items displayed are located within the interior of the building where the business is located.

7. Signs displayed on trucks, buses, trailers or other vehicles which are being operated or stored in the normal course of a business, such as signs indicating the name of the owner or business which are located on moving vans, delivery trucks, rental trucks and trailers and the like, provided that the primary purpose of such vehicles is not for the display of signs, and provide that they are parked or stored in areas appropriate to their use as vehicles.

8. All “open,” “vacancy” and “no vacancy” signs and signs designated to indicate vacancy, such as “yes,” “no,” and “sorry,” whether they are nonilluminated, internally illuminated, indirectly illuminated or directly illuminated signs, provided that the area of the sign does not exceed two and one-half square feet per face.

9. Displays of string lights, provided that they are decorative displays, which only outline or highlight landscaping or architectural features of a building.

10. Signs displayed on motor vehicles providing public transportation, provided that they conform to the following requirements:

a. the signs are flat and do not project more than four inches from the surface of the motor vehicle; and

b. the signs shall not be prohibited signs as more specifically set forth in §4.8 E.

c. *Motor vehicle providing public transportation* is a motor vehicle operated pursuant to a certificate of public convenience and necessity to operate as a common carrier for hire for the transportation of passengers and their baggage, on schedule, issued by the Public Utilities Commission of the State. Vehicles which are exempt from regulation as public utilities pursuant to §40-15-101, *C.R.S.*, are not eligible for an exemption from the sign code pursuant to this Section.

11. Identification signs which do not exceed two square feet per face or four square feet in total surface area; limited to six feet in height and limited to one such sign per use or per building, whichever is the greater number.

12. Temporary nonilluminated real estate signs which do not exceed eight square feet in total area and six feet in height, limited to one such sign per street frontage. Such signs are restricted to the subject property and shall not remain in place more than seven days after the sale, lease or rental of the subject property.

13. Signs in the nature of cornerstones and commemorative tablets, which do not exceed four square feet per face in area and six feet in height, and which are nonilluminated or indirectly illuminated.

14. Private traffic directional signs guiding or directing vehicular or pedestrian traffic onto or off of a lot or within a lot when such do not exceed three square feet per sign per face in area and eight feet in height, and do not contain any advertising or trade name identification. Private traffic control signs which conform to the standards of the *Colorado Manual of Uniform Traffic Control Devices* may exceed three square feet per face in area, but shall not exceed seven square feet per face. Such signs shall not exceed eight feet in height.

15. Signs required or specifically authorized for a public purpose by any law, statute, ordinance or resolution.

16. Signs commonly associated with, and limited to information and directions related to the permitted use on the lot on which the sign is located, provided that each such sign does not exceed 150 square inches in total area. This category shall be interpreted to include such signs as “no smoking,” “restroom,” “no solicitors,” “self-service” and similar informational signs.

17. Signs which identify items such as credit cards, menus or prices; limited to one such sign for each use, not to exceed four square feet per face or eight square feet in total area. Such signs may be attached to the building, as projecting or wall signs, or included as an integral part of a freestanding sign.

18. Regulatory signs erected on private property, such as “no trespassing” signs, which do not exceed two square feet per face or four square feet in total surface area, limited to four such signs per use or per building.

19. A sign, or component area thereof, that is used exclusively to announce or describe public

holidays, special community events, or seasonal promotion of interest to the entire community and bearing no commercial statements are exempt. Signs used for such purposes shall not exceed 16 square feet per face or 32 square feet in total surface area, and are limited to one sign per lot.

20. Vending machine signs, provided that such signs are limited to the product being vended.

21. Kiosks or similar structures and the display thereon of signs, posters, notices, etc. when such structures are located in pedestrian-oriented circulation areas. Such structures shall only be permitted in the Commercial, CBD, or Industrial zone districts or in a PUD.

22. Signs for placement upon publicly owned athletic field fences, scoreboards, ice rink boards, and rodeo arenas which meet the following criteria:

a. Such signs shall be securely fastened, constructed and continuously maintained in such a manner as to prevent damage from the natural elements.

b. Such signs shall be located only upon fences or boards which encircle playing fields or rinks, and in such a manner so as to minimize visual impacts to areas located outside of the park facilities.

c. Such signs shall be permitted for the sole purpose of generating funds for government-sponsored programs and facilities. In all cases, the overall aesthetics of the surrounding area shall be significant considerations in the placement and design of the signs.

d. In the case of City facilities, an agreement between the City and the sign sponsor shall be executed specifying annual or one-time fees and a maintenance schedule. This agreement may be reviewed annually.

23. Signs designated by passage of a City Council resolution establishing a pre-existing sign as a historical sign.

24. Suspended signs, as long as they comply with the provisions of §4.8. I.

E. Prohibited Signs. The following signs shall not be permitted, erected or maintained in the City:

1. obscene signs**;**

2. any sign which is hand-held, installed or erected in or projects onto or over any public right-of-way, except in the case of a sign which meets the standards of this Section and is granted under a license agreement by the City;

3. inflatable signs and other permanent objects including, but not limited to, balloons. Party balloons less than two cubic feet are allowed. Balloons larger than two cubic feet may be permitted in temporary non-commercial situations; for instance: they are permitted for special occasions at a residence.

4. any sign or sign structure which:

a. is structurally unsafe, or

b. constitutes a hazard to safety or health by reason of inadequate maintenance or dilapidation, or

c. is capable of causing electrical shocks to persons likely to come in contact with it.

5. any sign or sign structure which:

a. may be confused with, or obstruct the view of, any authorized traffic sign or signal, obstructs the sight-distance triangle at any road intersection or extends into the public right-of-way;

b. creates an unsafe distraction for motor vehicle operators; or,

c. obstructs the view of motor vehicle operators entering a public roadway from any parking area, service drive, private driveway, alley or other thoroughfare.

6. any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way;

7. signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signage not otherwise allowed by the *Code*; or any sign displayed on a parked trailer or truck or other vehicle where the primary purpose of the vehicle is to advertise a product, service business, or other activity or if it meets the definition of an abandoned vehicle. This regulation shall permit the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation.

8. animated signs (§4.8 C.38.b.) except signs that have a static frame change rate of five seconds or longer are not subject to the prohibition noted herein;

9. patterned illusionary movement signs;

10. any sign which adversely affects safety including signs which prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part. No sign other than a safety sign shall be attached to a stand-pipe or fire escape.

11. revolving, rotating and spinning signs;

12. roof signs, except for those permitted in the Industrial zone district and under the definition of a wall sign**;**

13. any sign which emits smoke, visible vapors, particles, sound or odor;

14. open flames used to attract public attention to a place of business or to an advertising sign;

15. no mirror device shall be used as part of a sign; and,

16. abandoned signs.

F. Temporary Signs. Temporary signs in all zone districts shall be subject to the following specific requirements:

1. **Construction Signs**. Signs advertising subdivision, development, construction or other improvements of a property shall be permitted in any zone district and shall comply with the following:

   a. Such signs shall be limited to free-standing or wall signs and shall not exceed 36 square feet per face, and shall not exceed 12 feet in height. No riders or attachments to such signs shall be permitted. For residential developments consisting of five dwelling units or less, the maximum area permitted for a construction sign shall be three square feet per face for each dwelling unit being constructed.

   b. Construction signs shall be displayed only on the property to which the sign pertains. One such sign shall be permitted for each street upon which the property either has frontage or has an entrance from a major thoroughfare; provided that the minimum distance between signs on any single development shall be 1,000 feet.

   c. In the case of a subdivision, construction signs shall not be displayed prior to the date of official filing of the subdivision plat.

   d. In other cases, such signs may be displayed for the duration of the building permit.

2. **Election Signs.** Those signs concerning issues and candidates in forthcoming elections shall be removed by the person placing or erecting them or by the occupier of the premises on which they are located within 10 days following the election to which they pertain unless the sign conveys some other or further ideological message or has some other or further ideological significance. Election signs shall be restricted to a maximum size of four square feet in all residential zone districts and a maximum size of 60 square feet in all other zone districts**.**

3. **Real Estate Signs.** Real Estate signs are exempt under §4.8.3 D.12.

4. **Sale Signs**. A Sale sign shall be permitted no more than six times per year for two-week intervals each. A Sale sign shall not exceed 24 square feet in area.

G. Sign Area

1. **Total Permitted Sign Area.** The total Permitted Sign Area (PSA) for any street frontage shall be calculated by using the formula below; provided that the maximum permitted sign area, which is the sum of all signs, shall not exceed a total of 150 square feet per ownership parcel.

   Formula: (LF x 2) + 20 square feet = PSA
   Where: LF = Lineal feet of street frontage of the property and
   PSA = Permitted Sign Area in square feet.

2. **Signs or Uses with Multiple Frontage**. The total area of all signs on any face of a building shall not exceed one and one-half square feet per lineal foot of building frontage at ground level.

3. **Multiple Tenant Buildings**. In the case of building occupied multiple tenant spaces with individual entrances directly to a public street frontage, the sign area shall be calculated using the lineal distance of each business space fronting the street. In such circumstances the total sign area for the entire building may exceed the total maximum area of 150 square feet.

4. **Computation of Sign Area**. The area of a sign shall be measured with the following regulations:

   a. For signs whose shape is a regular geometric figure (square, rectangle, circle, oval, etc.), the area shall be calculated using standard formulas ($H \times W$; πr^2; etc.).

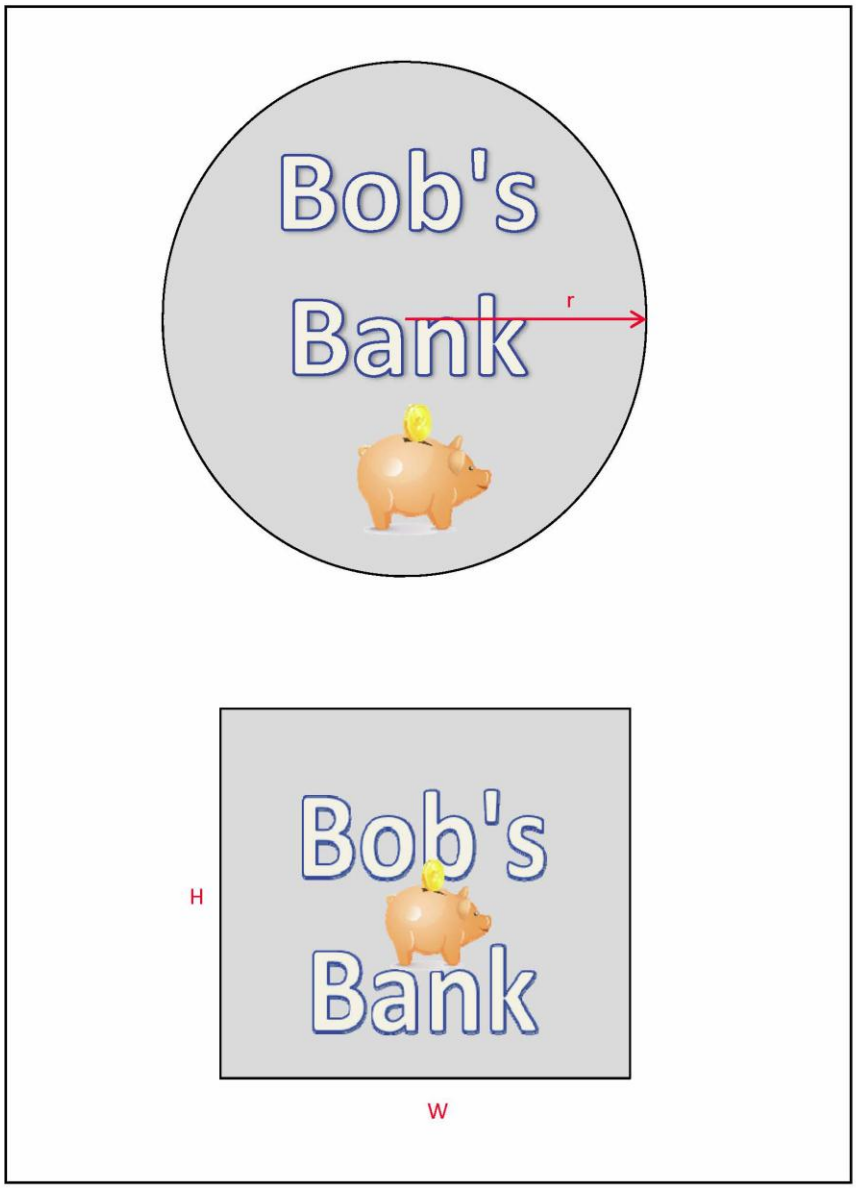


FIGURE 19 GEOMETRIC SIGNS

b. In the case of an irregularly shaped sign or a sign with letters and/or symbols directly affixed to or painted on the wall of a building, the area of the sign shall be the entire area within a single continuous perimeter of not more than eight straight or radial lines enclosing the extreme limits of writing, representation, emblem or any figure of similar character, together with any material or color forming an integral part or background of the display or used to differentiate such sign from the backdrop or structure against which it is placed.

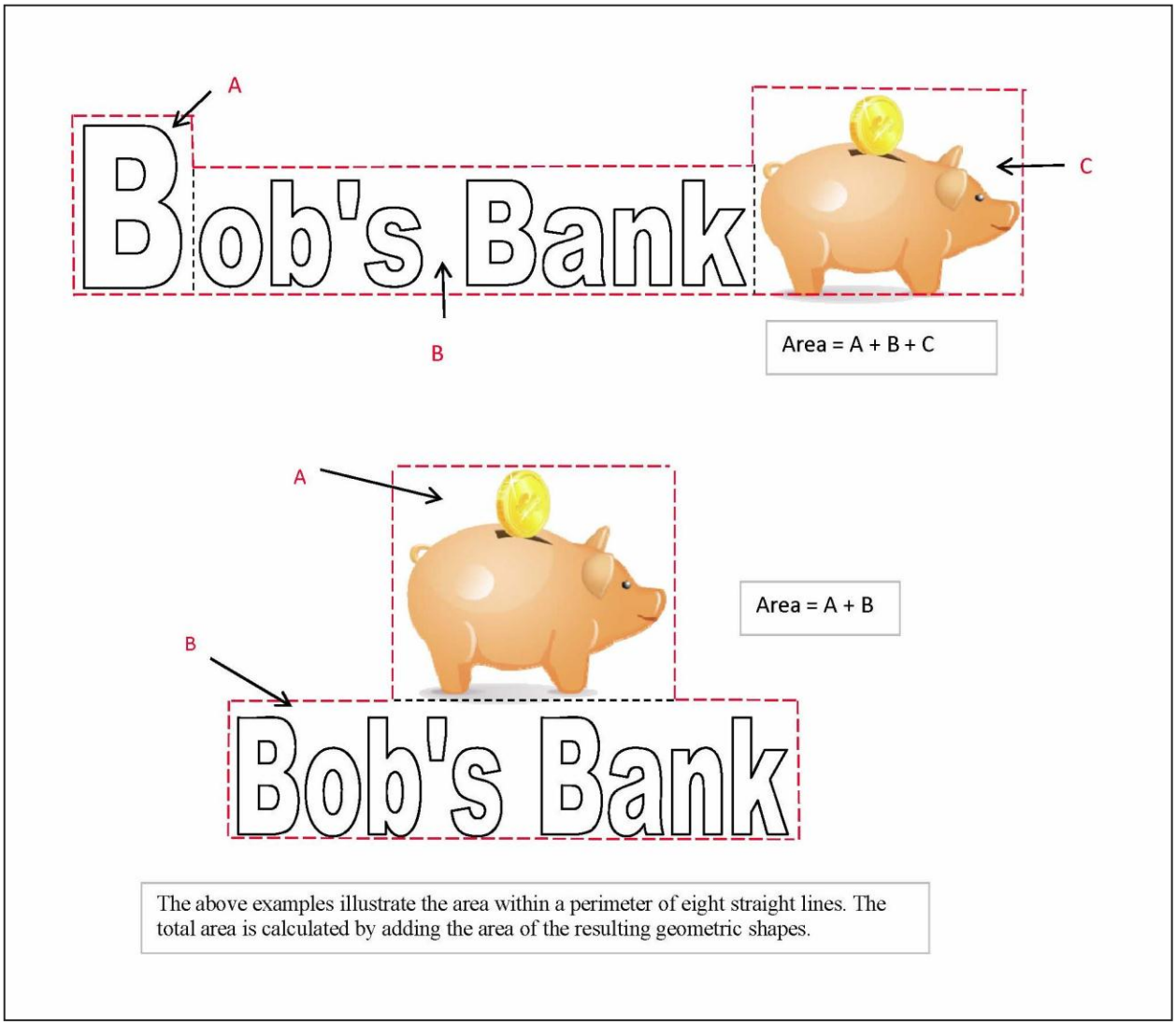


FIGURE 20 IRREGULARLY SHAPED SIGNS

c. Where a sign contains a frame, background, or other material used to differentiate the sign from the background on which it is placed, the sign area shall be measured to include the entire frame, background, or other material.

d. Where a sign has two or more display faces and is not a double-faced sign, the area of all faces shall be included in determining sign area.

e. The following standards shall be used to determine the area of signs containing multiple elements. Figure 21 illustrates these measurement methods.

i. Regardless of their spacing, the letters forming a word or name shall be considered a single sign.

ii. When two or more separate items in a sign (such as a word and a logo) are separated horizontally or vertically by less than twice the width or height of the largest item, the items shall be considered a single sign, and the area shall be determined by measuring the area enclosed by a perimeter enclosing all of the items.

iii. When two or more separate items (such as a word and a logo) are separated horizontally or vertically by more than twice the width or height of the largest item, the items shall be considered two signs, and the area of each item shall be determined individually.

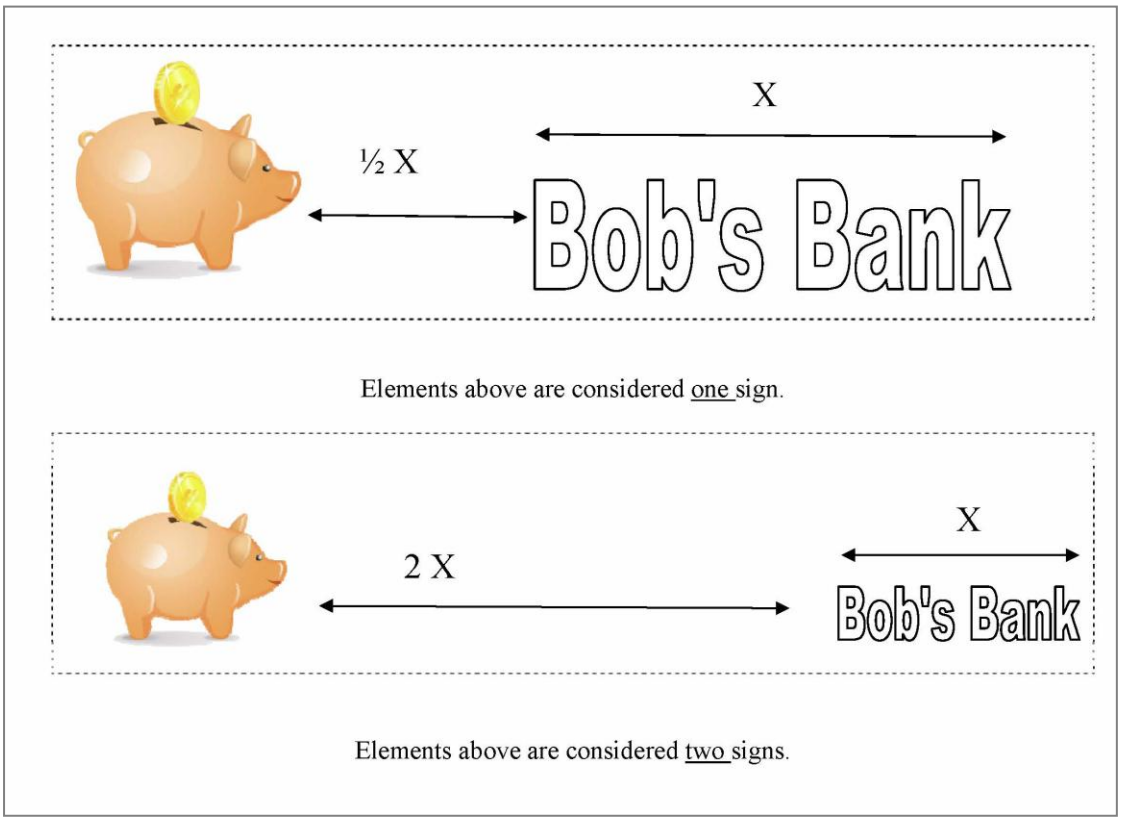


FIGURE 21 SIGNS WITH MULTIPLE ELEMENTS

f. Where three-dimensional figures are used as signs, the area shall be the total area, as projected on a vertical plane (elevation view), of each side of the figure which is visible by the public beyond the boundaries of the lot upon which the figure is located. For purposes of this regulation, a figure shall be considered to have not less than one or more than four sides.

g. Lot frontage used as the basis of determining permitted sign area for one use shall not be used again as the basis for determining the permitted sign area for a different use. Nothing in this Subsection shall be construed to prohibit the additional lot, building or use from erecting a sign which would otherwise be authorized by the provisions of this Section.

h. All riders or attachments to signs or sign structures (whether temporary or permanent) shall be included as part of the total sign area for the sign to which they are attached.

H. General Regulations

1. Signs at Street Intersections and Driveways. Other than a pole 12 square inches or less in cross-sectional area, signs that will obstruct vision between a height of three feet and 11 feet shall not be erected, placed or maintained within the sight visibility triangle formed by a straight line starting at the point of intersection of the curb line and extending 30 feet from their point of intersections.

2. Illumination. Illuminated signs shall be subject to the following conditions:

a. signs may be indirectly or internally illuminated;

b. any light used for the illumination of a sign shall be shielded so that the beams or rays of light will not shine directly beyond the lot upon which the sign is located;

c. neither the direct nor the reflected light from any light source shall create a traffic hazard or distraction to operators of motor vehicles on public thoroughfares;

d. no sign shall exceed 5,000 nits during the day and 500 nits during nighttime hours. Prior to issuance of a sign permit the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed 5,000 nits and that the intensity level is protected from end-user manipulation by password-protected software or other method determined appropriate by the Community Development Director.

e. all illuminated signs must comply with the maximum luminance level of 500 cd/m² or nits at least one-half hour before dusk. All illuminated signs must comply with this maximum luminance level throughout the night, if the sign is energized, until dawn, at which time the sign may resume luminance levels appropriate for daylight conditions, when required or appropriate.

f. signs that have external illumination, whether the lighting is mounted above or below the sign face or panel, shall have lighting fixtures or luminaires that are fully shielded;

g. on-premise signs do not constitute a form of outdoor lighting at night, and are exempt

from any other outdoor lighting regulations adopted by the City.

3. **Electronic Message Centers (EMCs).** The following standards apply:

   a. The minimum static frame display time interval is five seconds.

   b. The transition time between messages or message frames will be one second.

   c. Electronic Message Centers are not permitted in residential zone districts except for schools, churches or other community buildings that are located in a residential zone district.

4. **Signs on Fences and Freestanding Walls**. Signs on fences or freestanding walls shall be erected or mounted in a plane parallel to the fence or wall, and shall not extend above the top of the fence or wall nor project more than 12 inches from the face of the fence or wall. Such signs shall be subject to all regulations of this Section applicable to free-standing signs, including but not limited to maximum area per sign, maximum sign height, minimum setback from property lines and number of signs permitted per lot or per premises.

5. **Window Signs.** The area of all window signs less than 25 percent of the total window area or 12 square feet maximum, at ground floor level will not be included in the total permitted sign area.

6. **Subdivision Identification Signs.** Signs which identify lands which have been subdivided in accordance with this LDC shall be subject to the following regulations:

   a. The sign may be located within public street right-of-way where such sign is approved as an integral feature of the street construction plans at the time of Final Plat approval. Otherwise, the sign shall be located so as not to intrude into the right-of-way.

   b. Such signs shall conform to the sign requirements relating to the site distances at intersections under the provisions of §4.3 H.1.

   c. The maximum size for a subdivision identification sign shall be 36 square feet per face as long as they meet the definition of a *Double-faced sign* (§4.8 C.38.i).

   d. The signs shall only contain the name of the subdivision.

7. **Signs in the Public Right-of-Way.** Any sign or banner in the public right-of-way is subject to an administrative license agreement and shall be compliant with all sign standards. The staff may refer the application to City Council for any reason. The City Manager or their designee may issue an administrative license agreement to allow the sign in accordance with Chapter 9.40 of the *City of Gunnison Municipal Code* as long as:

   a. the City is carried as "additionally insured" on a current insurance policy; and,

   b. proof of coverage is provided to the City Clerk and remains in effect for the duration of the permit issued.

8. **Sandwich Board Signs**. One sign per property (parcel) not exceeding 32 inches in width and 42 inches in height may be permitted within the sidewalk/grass strip of a public right-of-way or on private property provided the following requirements are met:

   a. the building owner has obtained a license agreement pursuant to 7, above;

   b. the sign is located in front of, and within 12 feet of the main entrance to the establishment it advertises;

   c. placement of the sign allows a minimum of four feet of unobstructed sidewalk/accessway clearance between it and any building, adjacent parking space or other obstruction or comply with the Americans with Disabilities Act, whichever is more restrictive;

   d. the sign must be free-standing and shall not be permanently affixed, chained, anchored, or otherwise secured to the ground or to any pole, parking meter, tree, tree grate, fire hydrant, railing, or other structure;

   e. the sign must be internally weighted so that it is stable and windproof;

   f. the sign is placed within the public right-of-way only during the hours of the establishment's operation;

   g. no sign shall be placed in a public right-of-way for the duration of a declared snow emergency; and,

   h. *Sandwich Board* signs shall not count toward the permitted sign area of the premise.

9. **Off-Premise Signs**. Off-premise signs shall comply with all sign code standards. The calculated area of any off-premise sign shall be counted towards the total permitted sign area of the ownership parcel that displays the off-premise sign.

10. **Free Standing Sign Height**. The free standing sign height shall be based on the distance the sign is setback from the back of the curb or edge of pavement where no curb exists. Signs setback zero to 20 feet shall have a maximum height of 15 feet; signs setback greater than 20 feet may increase the sign height six inches for every one foot of additional setback, to a maximum of 25 feet.

11. **Multi-Tenant Signs**. The following standards apply:

   a. One multi-tenant sign shall be allowed for a street frontage on a commercial development with three or more tenants or lots and with greater than 25,000 square feet of aggregate gross floor area.

   b. Tenants allowed to display on the multi-tenant sign shall be a party to a recorded covenant or other legally binding document and the document terms shall address shared use and maintenance responsibility.

   c. Multi-tenant signs shall conform to the free standing sign height provisions of 10, above;

   d. The sign shall be subject to review in conjunction with Final Plat Subdivision review or

development applications submitted and reviewed by the Community Development Director.

e. The maximum sign area is 150 square feet.

f. Multi-tenant signs shall not count toward the permitted sign area of each business.

I. Zone District Sign Regulations

1. **Zoning Districts.** The zoning districts, as set forth in Section 2 and amendments thereto, shall apply to this Section. The boundaries of these zone districts shall be determined by reference to the zoning map of the City of Gunnison.

2. **Establishment of Zone District Regulations.** The type of signs permitted and the regulation of the number, placement, area and use of signs is established herein. No sign shall be erected except as provided in this Section and in the zone district in which it is permitted, nor shall any sign be used for any purpose or in any manner except as allowed by the regulations for the zone district in which such sign is proposed or maintained.

3. **Schedule of Requirements**. The following schedule of "class of sign permitted," "type of sign permitted," "maximum sign area permitted per lot," "maximum area per sign face," "maximum number of signs permitted" and "maximum height of freestanding signs" regulations for the various zoning districts is adopted.

4. **Maximum Sign Area** is calculated according to the provisions of §4.8 G.4.

TABLE 4-12 SCHEDULE OF REQUIREMENTS FOR NONRESIDENTIAL ZONE DISTRICTS (CBD, I, C)			
Prohibited Signs	Maximum Sign Area by Permitted Type	Maximum Number of Signs Permitted	Maximum Height of Signs or other Restrictions
See Section §4.8 E. Prohibited Signs	**Awning signs (**§4.8 C.38.c.**),** **Canopy signs (**§4.8 C.38.f), or **signs on Architectural Projections**: 30% of the width multiplied by the vertical height of the projection	1 per building face or per business storefront	
	Free Standing signs (§4.8 C.38.n.): calculated PSA up to a maximum of 60 square feet. **EMC (**§4.8 C.38.k.**):** 25% of the permitted free standing sign area (maximum 15 square feet) in Commercial; 12 square feet in CBD and Industrial	2 per parcel	25 feet; see §4.8 H.10. for additional standards associated with freestanding signs.
	Joint Identification signs (§4.8 C.38.s.): PSA depends on the type of sign	1 per building face or per business storefront	May be freestanding, projecting, or wall. Where a joint identification sign is used, there shall be no other freestanding signs permitted on the premises.
	Other Sign Types: **Marquees (**§4.8 C.38.t**),** **Roof signs (**§4.8 C.38.aa.**),** or **Wind signs (**§4.8 C.38.jj.) – calculated PSA up to a maximum of 60 square feet	1 per building face or per business storefront	Industrial zone district roof signs must meet the definition of a wall sign
	Multi-tenant signs (§4.8 C.u): Up to a maximum of 150 square feet; prohibited in CBD and Industrial.	1 per commercial development and located on either a designated collector or arterial street frontage	25 feet; see *GMC* 15.100.080 for additional standards associated with multi-tenant signs.
	Projecting signs (§4.8 C.38.x)**:** 12 square feet per sign face EMC **(**§4.8 C.38.k)**:** 25% of sign area.	1 per frontage or 2 allowed on corner parcels	4 feet from the property line in the CBD, 8 feet from property lines in all other zoning districts. Maximum height: 18 feet or to the eave line or top of parapet wall of the building to which it is affixed. Minimum clearance: 8 feet from the ground to the bottom edge of the sign Maximum projection: 5 feet
	Standard Brand-Name signs:	1 per building face or per business storefront	Not more than 20% of the total percent of the PSA for any permitted use shall be devoted to the advertising of any standard brand-name commodities or services which are not the principal commodity or service being sold or rendered on the premises, or area not a part of the name of the business concern involved.

TABLE 4-12 SCHEDULE OF REQUIREMENTS FOR NONRESIDENTIAL ZONE DISTRICTS (CBD, I, C) (CONTINUED)			
Prohibited Signs	Maximum Sign Area by Permitted Type	Maximum Number of Signs Permitted	Maximum Height of Signs or other Restrictions
	Suspended signs (§4.8 C.38.dd): 1.5 square feet per face (3' total). Does not count toward the total PSA.	1 per building face or per business storefront	8 feet from the ground to the bottom edge of the sign Minimum horizontal separation: 15 feet between suspended signs. Projection: shall not project beyond the outside limits of the arcade, canopy, or marquee to which they are attached.
	Temporary signs (§4.8 C.38.ee and §4.8 F): 36 square feet	1 per street frontage	12 feet
	Time/Temperature/Community Announcement signs: The display area of less than 16 square feet shall not be included in the allowable sign area; provided, however, any identification or advertising attached to or incorporated in such signs shall be included in the total allowable sign area.	1 per building face or per business storefront	
	Wall signs (§4.8 C.38.ii**):** calculated PSA. **EMC (**§4.8 C.38.k**):** 25% of sign area in Commercial; 12 square feet in CBD and Industrial	1 per building face or per business storefront	Maximum height: 25 feet above the ground. Maximum projection: 24" above the eave line or parapet. 12" from the face of the building. Any sign erected upon the plane of a roof having a 6:12 pitch or less from vertical shall be considered a wall sign, and shall be subject to the size and height limitations noted under this subsection.

TABLE 4-13 SCHEDULE OF REQUIREMENTS FOR THE B-1 DISTRICT (B-1)			
Prohibited Signs	Maximum Sign Area Permitted per Business	Maximum Number of Signs Permitted	Maximum Height of Signs or other Restrictions
In addition to §4.8 E., the following signs are prohibited: **Bulletin Board** signs (§4.8 C.38.e.) **Marquee** signs (§4.8 C.38.t.) **Portable** signs (§4.8 C.38.w.) **Roof** signs (§4.8 C.38.aa.) **Vending Machine** signs (§4.8 C.38.hh)	**Awning signs (**§4.8 C 38 c), **Canopy signs (**§4.8 C 38 f), or **signs on architectural projections**: 30% of the width multiplied by the vertical height of the projection	1 per building face or per business storefront	The face of any such sign shall not project above or below the face of the canopy, awning or architectural projection. Signs may project horizontally beyond the face of the canopy or architectural projection the distance necessary to accommodate the thickness of the letters, but no more than 12 inches. Signs displayed on architectural projections which extend 15 inches or less from the face of a building may be considered wall signs, and are subject to these provisions.
	Free Standing signs (§4.8 C.38.n.): calculated PSA or 12 square feet maximum. **EMC (**§4.8 C.38.k.): 15% of sign area	1 per general access point	6 feet
	Joint Identification signs (§4.8 C.38.s): PSA depends upon the sign type.	1 per building face or per business storefront	May be freestanding, projecting, or wall. Where a joint identification sign is used, there shall be no other freestanding signs permitted on the premises.
	Projecting signs (§4.8 C.38.x.)**:** 12 square feet per sign face **EMC (**§4.8 C.38.k.): 25% of sign area	1 per building face or per business storefront	18' or to the eave line or top of parapet wall of the building to which it is affixed. 8 feet from the property line. Minimum clearance: 8 feet from the ground to the bottom edge of the sign. Maximum projection: 5 feet
	Suspended signs (§4.8 C.38.dd)**:** 1.5 square feet per face (3 feet total). Does not count toward the total PSA. **EMC (**§4.8 C.38.k.): 25% of sign area.		8 feet from the ground to the bottom edge of the sign. Minimum horizontal separation: 15 feet between suspended signs. Projection: shall not project beyond the outside limits of the arcade, canopy, or marquee to which they are attached.

TABLE 4-13 SCHEDULE OF REQUIREMENTS FOR THE B-1 DISTRICT (B-1)			
Prohibited Signs	Maximum Sign Area Permitted per Business	Maximum Number of Signs Permitted	Maximum Height of Signs or other Restrictions
	Standard Brand-Name signs: Not more than 20% of the total percent of the PSA for any permitted use shall be devoted to the advertising of any standard brand-name commodities or services which are not the principal commodity or service being sold or rendered on the premises, or area not a part of the name of the business concern involved.	1 per building face or per business storefront.	
	Temporary signs (§4.8 C.38.ee. and §4.8 F): 36 square feet	1 per street frontage	12 feet
	Time/Temperature/Community Announcement signs: The display area of less than 16 square feet shall not be included in the allowable sign area; provided however, any identification or advertising attached to or incorporated in such signs shall be included in the total allowable sign area.	1 per building face or per business storefront	
	Wall signs (§4.8 C.38.ii): calculated PSA up to 75 square feet maximum. **EMC (**§4.8 C.38.k): 12 square feet of sign area.		

TABLE 4-14 SCHEDULE OF REQUIREMENTS FOR SINGLE-FAMILY AND DUPLEX ZONE DISTRICTS (R-1, R-1M, R-2)			
Prohibited Signs	Maximum Sign Area Permitted per Business	Maximum Number of Signs Permitted	Maximum Height of Signs or other Restrictions
In addition to §4.8 E., the following signs are prohibited: **Awning** signs (§4.8 C.38.c.) **Canopy** signs (§4.8 C.38.f.) **Changeable** signs (§4.8 C.38.g.) **Electronic Message Centers** (§4.8 C.38.k and §4.8 H.3.b.) **Joint Identification** signs (§4.8 C.38.s.) **Marquee** signs (§4.8 C.38.t.) **Portable** signs (§4.8 C.38.w.) **Roof** signs (§4.8 C.38.aa.) **Vending Machine** signs (§4.8 C.38.hh.) **Wind** signs (§4.8 C.38.jj.)	**Identification signs (**§4.8 C.38.q.): 4 square feet	1 per building	6 feet
	Temporary Signs (§4.8 C.38.ee. and §4.8 F): 36 square feet	1 per street frontage	12 feet
	EMC (§4.8 C 38 k**):** 12 square feet of sign area.		Allowed for churches, schools, and community buildings only.

TABLE 4-15 SCHEDULE OF REQUIREMENTS FOR RESIDENTIAL MULTI-FAMILY ZONE DISTRICTS (RMU AND R-3)			
Prohibited Signs	Maximum Sign Area Permitted per Business	Maximum Number of Signs Permitted	Maximum Height of Signs
In addition to §4.8 E., the following signs are prohibited: **Awning** signs(§4.8 C.38.c.) **Bulletin Board** signs (§4.8 C.38.e.) **Canopy** signs (§4.8 C.38.f.) **Electronic Message Centers** (§4.8 C.38.k. and §4.8 H.3.b.) **Marquee s**igns (§4.8 C.38.t.) **Portable** sign (§4.8 C.38.w.) **Roof s**igns (§4.8 C.38.aa.) **Vending Machine s**igns (§4.8 C.38.hh.) **Wind s**igns (§4.8 C.38.jj.)	**Free Standing signs (**§4.8 C.38.n): calculated PSA up to 60 square feet except for complexes with 25+ units, up to 75 square feet	1 per general access point.	15 feet
	Projecting signs (§4.8 C.38.w.): 15 square feet		18 feet or to the eave line or top of parapet wall of the building to which it is affixed
	Suspended signs (§4.8 C.38.dd.): 1.5 square feet per face (3' total)		
	Wall signs (§4.8 C.38.ii): calculated PSA up to 75 square feet maximum		
	Temporary signs (§4.8 C.38.ee. and §4.8 F): 36 square feet	1 per street frontage	12 feet
	EMC (§4.8 C.38.k. and §4.8 H.3.)**:** 12 square feet of sign area.		Allowed for churches, schools, and community buildings only.

J. Structural Requirements

1. Construction

a. The installation, repair or replacement of any sign is subject to possible required issuance of a building permit by the City of Gunnison Building Official.

b. The City of Gunnison Building Official may require that building plans for any sign be stamped by an engineer licensed in the State of Colorado.

c. Signs, sign structures, sign foundations and methods to attach and anchor signs must be designed and constructed in accordance with applicable provisions of the *International Building Code* as adopted by the City. All signs and their foundations and attachments must be designed for the appropriate dead load, wind load and snow load for the geographic area in question.

d. The supports and foundations used in construction for all signs and sign structures must be located outside of any public rights-of-way.

e. Welds of sign structures and sections of sign structures must be welded in accordance with the *International Building Code*.

2. **Electrical and Fire Code Requirement**

   a. *Electric signs* and *Electronic Message Centers* shall be manufactured and installed in compliance with National Fire Protection Association (NFPA) NFPA70e, or other code administered by the State of Colorado. Installation of any electronic sign is subject to obtaining an electrical permit.

   b. The listing label number for all signs shall be provided on the Sign Permit application, or, if the sign has not been manufactured yet, through Nationally Recognized Testing Laboratory (NRTL) validation: A NRTL file number from the sign manufacturer shall be provided for all electric signs on the Sign Permit application.

3. **Dangerous Sign Structures and Equipment.** Signs, sign structures or awnings that are dangerous must be taken down and removed or made safe as the Building Official deems necessary. Signs may be deemed dangerous for any specific reason including but not limited to:

   a. if a sign structure, it's foundation, attachments to a building, or a building to which a sign is attached is damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability is materially less than it was before the catastrophe;

   b. if any portion or member of a sign, sign structure or awning is likely to fail, or become detached or dislodged, or to collapse;

   c. if any portion or member of a sign, sign structure or awning is likely to partially or completely collapse as a result of any cause, including, dilapidation, deterioration, or decay; faulty construction or wiring; or removal, movement or instability of any portion of the ground or building necessary for supporting such structure;

   d. if a sign, sign structure or awning is structurally or electrically unsafe or otherwise hazardous to human life or safety by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment;

   All signs, sign structures and awnings determined after inspection by the Code Officer to be dangerous must be abated by repair, rehabilitation, demolition or removal.

4. **Clearance**. Signs shall not be located with less than six feet horizontal clearance or 10 feet vertical clearance from overhead primary lines.

5. **Freestanding Signs.** Where such signs are located in vehicular parking and circulation areas, a base or barrier of concrete, steel or other effective barrier not less than 30 inches high, shall be provided to protect the base of the sign from possible damage by vehicles. Where any freestanding sign has a clearance of less than nine feet from the ground, there shall be provided a barrier or other adequate protection to prevent hazard to pedestrians and motorists.

K. Permits

1. **Sign Permit Required**. Except as provided in §4.8 D., it is unlawful to display, erect, relocate or alter any sign without first filing with the Building Official an application in

writing and obtaining a sign permit. When a sign permit has been issued by the Building Official, it is unlawful to change, modify, alter or otherwise deviate from the terms or conditions of the permit without prior approval of the building official. A written record of such approval shall be entered upon the original permit application and maintained in the files of the building official.

2. **Application for Permit**. The application for a sign permit shall be made by the owner or tenant of the property on which the sign is to be located, or his or her authorized agent. Such applications shall be made in writing on forms furnished by the Building Official and shall be signed by the applicant. The Building Official shall, within seven working days of the date of the application, either approve or deny the application or refer the application back to the applicant in any instance where insufficient information has been furnished.

3. **Revocation of Permits**. If the Building Official finds that work under any permit issued is not in accordance with the information supplied in the permit application and/or is in violation of this Section or any other pertinent ordinance of the City, or should he or she find that there has been any misrepresentation in connection with the application for the permit, he or she shall notify the sign owner or erector of such findings and that the violations must be corrected without delay. If such correction is not made forthwith, the Building Official shall revoke the permit and serve written notice thereof upon the sign owner or erector. No person shall proceed with any part of such work after such notice is received.

4. **Revocation of Permits for Nonuse**

   a. If actual work whether on-site or off-site is not completed under any permit issued within 60 days from the date of such permit, and/or if substantial building operations under any permit issued under this Section are suspended for a period of 60 consecutive days, the permit shall automatically become null and void.

   b. The Building Official may grant an extension of time in which to start or resume operations. All requests for extension and approval thereof shall be in writing.

5. **Plans, specifications and other data required**. The application for a sign permit shall be accompanied by the following plans and other information:

   a. the name, address and telephone number of the owner or person entitled to possession of the sign and of the sign contractor or erector;

   b. the location, by street address or other location identification acceptable to the building official, of the proposed sign structure;

   c. complete information as required on an application form provided by the Building Official, including a site plan and elevation drawings of the proposed sign, caption of the proposed sign, type of proposed illumination and such other data as is pertinent to the application;

   d. plans indicating the scope and structural details of the work to be done, including details of all connections, guy lines, supports and footings and materials to be used; and,

   e. if an electrical permit is required, verification of final electrical inspection approval shall

be provided to the Building Official.

6. **Inspections**. All signs shall be subject to inspection by the Building Official. Footing inspections may be required for all freestanding signs. The permit holder or his or her agent shall notify the Building Official when signs are complete and ready for final inspection.

§4.9 OUTDOOR LIGHTING

A. Purpose. The purpose of this Section is to protect the health, safety and welfare of citizens; provide security for businesses, services and other activities; and for the protection of night skies.

B. Applicability. All new development shall comply with the standards of this Section.

1. Buildings and structures lawfully existing as of the effective date of this section, may be redeveloped, renovated or repaired without modifying outdoor lighting in conformance with this Section, provided there is no increase in gross floor area in such building or structure or impervious area on the site.

2. Where a building or structure existed as of the effective date of this Section, and such building is enlarged in gross floor area or impervious area on the site by 10 percent or 2,000 square feet, whichever is less, outdoor lighting as specified in this Section shall be provided.

C. Exemption. The following shall be exempt from the Outdoor Lighting requirements of this section:

1. fixtures utilizing luminaries (bulbs) with less than 1,000 initial lumen output**;**

2. public recreational playfield lighting;

3. lighting with more than 1000 initial lumen may be allowed with an active or activated motion sensor; and

4. Federal and State Government entities i.e.: Gunnison-Crested Butte Regional Airport and Western State Colorado University;

5. public street lighting (new street lighting shall comply with Outdoor Lighting as specified in this Section).

D. Prohibited Light Sources. The following light fixtures and sources shall not be used within the city where the direct light emitted is visible from adjacent areas:

1. cobra-head-type fixtures having dished or drop lenses or refractors which house other than incandescent sources; and

2. searchlights and other high-intensity narrow-beam fixtures.

E. Design Requirements. Outdoor Lighting shall primarily be used to provide safety while secondarily accenting key architectural elements and to emphasize landscape features. All lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements:

1. **Fixture (Luminaire).** The light source shall be concealed. In order to direct light downward and minimize the amount of light spillage into the night sky and onto adjacent properties, all lighting fixtures shall be full cutoff fixtures.

2. **Fixture Height**. Lighting fixtures shall be a maximum of 25 feet in height within parking areas and at driveway intersections.

3. **Mounting**. Fixtures shall be mounted in such a manner that the cone of light is contained on-site and does not cross any property line of the site.

4. **Limit Lighting to Periods of Activity**. The use of sensor technologies, timers or other means to activate lighting during times when it will be needed may be required by the Director to conserve energy, provide safety and promote compatibility between different land uses.

F. Specific Standards. Cut sheets for all lighting fixtures (luminaries) to be installed on-site or on adjacent streets shall be required as follows:

1. **Street Lighting**. A street light standard of 30 feet mounting height shall be installed at all street intersections, at the end of cul-de-sacs and at intermittent spacing necessary to produce a minimum of 0.6 maintained foot candles for Collector streets and 0.4 maintained foot candles for Local streets with uniformity ratio not exceeding 3:1. Luminaries shall have minimum 175 watt high intensity discharge lamps.

2. **Security Lighting**

   a. Building-mounted security light fixtures shall not project above the fascia or roof line of the building and shall be shielded.

   b. Security fixtures shall not face a residential property.

   c. Security fixtures shall not be substituted for parking area or walkway lighting and shall be restricted to loading, storage, service and similar locations.

3. **Accent Lighting**. Only lighting used to accent architectural features, landscaping or art may be directed upward.

4. **Canopy Area Lighting**. All development that incorporates a canopy area over fuel sales, automated teller machines or similar installations shall use a recessed lens cover flush with the bottom surface of the canopy that provides a cutoff or shielded light distribution.

5. **Entrances and Exits in Nonresidential and Multi-Family Development**

   a. All entrances and exits to buildings used for nonresidential purposes and open to the general public, along with all entrances and exits in multi-family residential buildings, shall be adequately lighted to ensure the safety of persons and the security of the building.

   b. Exterior light fixtures shall be mounted no higher than 20 feet above the doorway, deck, walkway, driveway, or other occupied areas, or the highest grade point immediately

adjacent to the light fixture.

6. Off-street Parking Area Lighting

a. Off-street parking areas shall be required to provide adequate lighting during nighttime hours of operation.

b. Parking and security lighting within 25 feet of the property boundary shall not be greater than 15 feet in height and may be subject to buffering mitigation measures.

G. Excessive Illumination

1. Lighting within any lot that unnecessarily illuminates and interferes with the use or enjoyment of any other lot is prohibited. Lighting unnecessarily illuminates another lot if it clearly exceeds the requirements of this section, or if the standard could reasonably be achieved in a manner that would not interfere with the use or enjoyment of neighboring properties.

2. The maximum light trespass originating from exterior lighting shall be 1000 lumens of light at a point 25 feet outside the property line or the parcel from which the light is emitted.

3. Lighting shall not be oriented so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers on such streets.

4. All lighting, including any exterior floodlights, shall be shielded so that substantially all emitted light falls within the property line of the property from which the light emanates.

5. Illumination using bare illuminated tubing or strings of lights that completely outline or define property lines, sales areas, roofs, doors, windows, signs or similar areas in a manner that is not primarily for safety purposes is prohibited, except for temporary holiday displays.

6. All lighting fixtures used to illuminate an off-street parking area shall be arranged so as to direct or shield the light away from any adjoining residential premises.

7. Lighting used to illuminate commercial sites and parking areas shall be arranged, located or screened to direct light away from any adjoining or abutting residential zone district or use or any street rights-of-way.

§4.10 LARGE SCALE RETAIL

A. Purpose. These standards are intended to ensure that large scale retail establishment development is compatible with its surrounding area and contributes to the unique community character of Gunnison.

B. Applicability. The standards of this Section shall apply to all retail uses in structures with more than 50,000 gross square feet, including single or multi-building developments with more than 50,000 square feet in any one structure. Large retail sales developments include;

1. single large retail sales buildings;

2. multiple large retail sales buildings; or

3. large retail sales building(s) with pad/liner sites comprising a complex that is planned, developed, owned, or managed as a single association.

C. Single Building Site Development Intent. The single building site design standards are intended to create an attractive building in an appealing and functional setting. The integration of structure, surfaces, and natural site features will:

1. respect the surrounding commercial and residential neighborhoods by appropriate buffering, screening, and lighting;

2. achieve defined edges with landscape, streetscape, and signage to frame a building that uses a variety of architectural features to reflect the character of the community;

3. establish a safe and coherent pedestrian and vehicular network within the site and between adjacent neighborhoods in accord with existing and projected traffic patterns;

4. provide for energy conservation and efficient use of utility services, minimizing adverse environmental impacts from such effects as storm-water runoff, light pollution, noise, odor, and waste; and

5. comply with the *City of Gunnison Master Plan***.**

D. Single Building Site Development Standards

1. **General**. Site development shall be designed and constructed in accordance with all of the provisions of Section 4, General Development Standards, as well as all other applicable standards of the *LDC*.

2. **Orientation**. Building wall planes shall be oriented parallel to primary street frontages and accessways.

3. **Front Parking**. No more than 50 percent of the required off-street spaces shall be located between the front lot line and a line segment parallel to the entire lot frontage and intersecting the closest point of the building front. All remaining off-street parking shall be located outside of the area delineated by this standard.

E. Multiple Building Site Development Intent. The Multiple Building Site Design Standards are intended to create attractive primary and secondary retail buildings in an appealing and functional setting. The integration of structures, surfaces, and natural site features will:

1. respect the surrounding commercial and residential neighborhoods by appropriate buffering, screening, and lighting;

2. achieve defined edges by the use of landscape, streetscape, signage, and siting of secondary buildings to frame the primary building. All buildings shall use a variety of architectural features in a common theme;

3. establish a safe and coherent pedestrian and vehicular network within the site and between

adjacent neighborhoods in accord with existing and projected traffic patterns;

4. provide for energy conservation and efficient use of utility services, minimizing adverse environmental impacts from such effects as stormwater runoff, light pollution, noise, odor, and waste;

5. comply with the *City of Gunnison Master Plan*; and

6. provide that primary commercial buildings serve as "anchors" for commercial and mixed-use zones. Anchor buildings may be flanked by a variety of supporting, pedestrian-oriented retail storefronts and secondary commercial uses located on pad sites provided that they meet the following design elements:

a. The siting and design of smaller retail stores (pad sites or liner buildings) creates an inviting appearance along arterial and highway corridors and within the neighborhood by reducing the apparent visual scale of the project and by expanding the range of activities and businesses found within the neighborhood.

b. The layout of pad site or liner buildings relate coherently to the public streets and surroundings (outward) as well as to the main center (inward), and specific siting decisions shall further the general intent of creating a sense of place, focal points, community amenities, and arrival into a commercial center.

c. The location, orientation of the entry, and architecture of pad site buildings frame the entry into the neighborhood and contribute to the aesthetic appeal of the development by placing storefront spaces closer to the street and creating a street scene.

d. Smaller retail stores are sited in a liner building configuration or on discrete pads or building pad groups that complement overall site layout and function; they shall not be randomly sited inconsistently with other site plan elements.

e. The architecture of pad site structures or liner buildings is compatible with the development's anchor buildings.

F. Multiple Building Site Development Standards. Where multiple buildings are proposed, the building footprints may be configured as individual pads, pads wrapping the anchor(s), or contiguous liner buildings wrapping edges of the development. Multiple building layouts shall be completed in accordance with the following requirements.

1. Location Standards. Pad sites shall be clustered together to define street edges and entry points or to enclose and create community amenities and visual interest between buildings. Pad site building wall planes shall be no more than 100 feet from primary street frontages, major collector streets, or entrance driveway. Isolated pad buildings will be reviewed on a case-by-case basis but shall be adjacent to roads or entrance driveways as required herein.

2. Orientation. Buildings shall be oriented parallel or perpendicular to primary street frontages or entrance driveways (Figure 22).

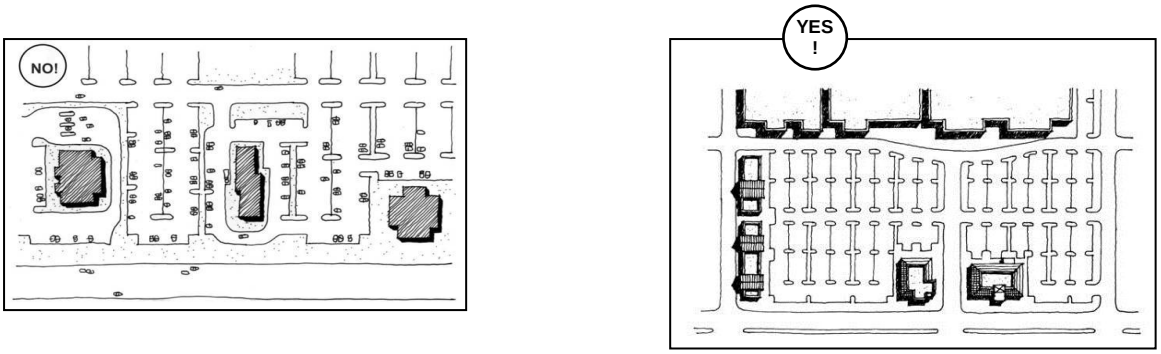


FIGURE 22 BUILDING ORIENTATION FOR MULTIPLE-BUILDING DEVELOPMENT

3. **Front Parking**. No more than 20 percent of the required off-street spaces of any pad site building shall be located between the front lot line and the front elevation of the building. All remaining off-street parking shall be located outside of the area delineated by this standard. Additionally, no more than 50 percent of the parking dedicated to the large scale retail establishment (anchor building) shall be located between the front lot line and the front elevation of that building.

4. **Phasing**. If a large retail sales development is built in phases, the phasing shall be established as part of the design review. Site improvements for each respective phase including, but not limited to landscaping, circulation, parking, and drainage, shall be guaranteed by a development improvement agreement secured by a corporate surety bond, irrevocable letter of credit, cash, and/or other means acceptable to the Director. The applicant shall submit to the Director estimates of the cost of completion of each required improvement, made by the applicant's engineer, along with the schedule of construction and completion thereof. The collateral amount shall equal 125 percent of the prescribed cost as determined to be satisfactory by the Director of Community Development**.**

G. Vehicular Circulation

1. **Transportation Impact Study Requirements**. A detailed Transportation Impact Analysis (TIA) shall be prepared in accordance with §4.1 H. of this *LDC*. Those guidelines include a description of all necessary procedures and analysis as well as steps to identify any transportation mitigation measures.

2. **Access to Collector Streets**. Access onto Collector streets that serve adjacent residential areas is prohibited unless it can be shown that the site traffic will not have a negative impact on adjacent residential areas and the access is approved by the City. Additionally, the City may require a license plate survey traffic study to determine the extent of cut-through traffic after the project completion if residential neighborhood traffic is perceived to have significantly increased. Negative impacts on adjacent residential areas are defined to include but not be limited to:

   a. any increase in delivery truck traffic in the adjacent residential area (10 or more delivery truck trips per day serving the development); and

   b. an increase in cut-through traffic in the adjacent residential area by those that do not live within the adjacent residential area that exceeds the greater of: (a) 20 percent of the existing residential traffic volume on a given roadway or (b) 200 cars per day.

c. Traffic impacts that exceed either of the thresholds in 1 and 2 above will require mitigation of the impact or the closure of the access in question. The costs of cut-through and/or truck monitoring study and any mitigating measures shall be the responsibility of the owner or owners of the large scale retail establishment.

3. Internal Drive Connectivity. Any building, lot, parcel, or other real property that is intended to serve the general public, and that is designed as part of the development plan for a large scale retail establishment, shall be provided with vehicular access from the internal circulation system.

4. Passenger Loading Zones

a. In addition to passenger loading zones required by the *International Building Code* as amended and adopted by the City, each large scale retail establishment shall provide at least one pull-up space directly adjacent to the large scale retail establishment main entrance. Specific location shall be coordinated with the Fire Marshal.

b. The loading zone shall be a minimum 50 feet in length and 10 feet in width. The loading zone shall be signed as a physically disabled loading zone.

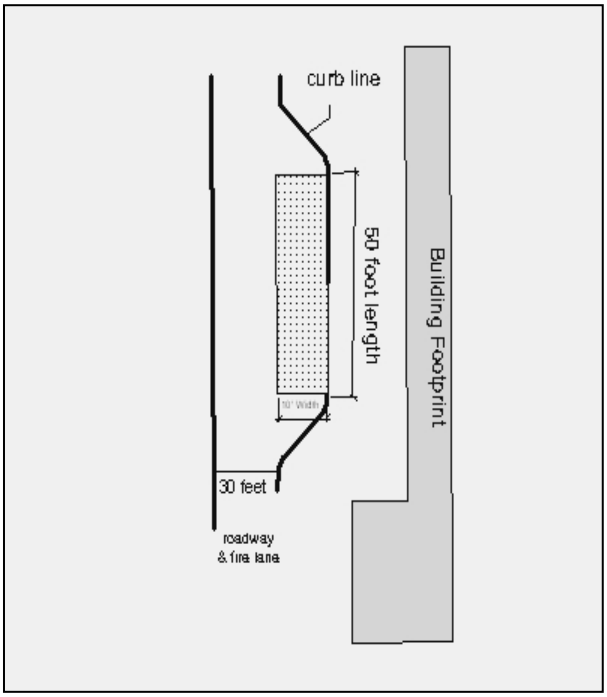


FIGURE 23 PASSENGER LOADING ZONES

5. Traffic Control. All accesses shall be designed and constructed with appropriate traffic control and signage conforming to the Federal Highway Administration *Manual on Uniform Traffic Control Devices*, latest edition.

6. Speed Change Lanes. Speed change lanes shall be required on Collector or Arterial roadways when the design hour traffic volume to or from the access will equal or exceed the standards in the *Colorado State Highway Access Code*, assuming the most appropriate access category. The design of any required speed change lanes shall also comply with the recommendations of the *Colorado State Highway Access Code*.

7. Restricted Turning Movements. Where a site driveway accesses an Arterial roadway, left turning movements into and/or out of the driveway may have to be restricted based on the findings of the approved traffic study. The preferred method for restricting left turns is the construction of a median that limits the driveway to a one-half or three-quarter access. Turn restriction islands in the throat of a driveway may only be considered if median construction is not possible (e.g., adequate right-of-way width is not available and cannot be acquired; adjacent mature trees would have to be removed). The decision to consider a turn restriction island instead of the construction of a median shall be made by the decision-making authority. If allowed, the design of a turn restriction island must be approved by a

representative of the City who is a licensed civil engineer with a specialty in traffic engineering.

H. Pedestrian Circulation Facilities. The provisions of Section §4.5 shall apply to all large scale retail developments.

I. Residential Protection. The provisions of this Section are specifically designed to mitigate impact of large scale retail establishments and related development on existing residential uses and all residential zone districts (R-1, R-1M, R-2, RMU, or R-3 zone district).

1. **Building Location.** No building shall be erected within 100 feet of the lot line of property that is in a residential zone district or that contains a single-family, attached single-family or duplex use; provided, however, that this provision shall not apply across the street from a residential zone district.

2. **Buffering and Landscaping**. Buffers shall provide sufficient landscaping to protect adjacent land uses. Buffers may include walls, fences, and berms. Landscaping and buffering shall comply with the standards of §4.6 and shall be provided across the street from, or adjacent to, any property located in a residential zone district or containing a single-family, attached single-family or duplex dwelling.

J. Building Design Standards

1. **Intent.** Building design shall be tailored specifically to the site, the neighborhood and the physical context of the general area. The use of building wall and roof articulation, materials, architectural elements, color, and texture features shall ensure visual interest and compatibility with the surrounding neighborhood and comply with Section 6, Development Review Procedures; §4.10 C, Single Building Site Development Intent; and, §4.10 E, Multiple Building Site Development Intent.

2. **Ground Floor Façades**

   a. Ground floor façades abutting public streets and/or parking lots shall have arcades, display windows, entry areas, awnings, or other such features. Animating features such as these must total no less than 60 percent of the horizontal length of the façade.

   b. Liner and pad site buildings shall have separate, exterior customer/resident entrances. Such entrances are preferred on both street and parking lot sides. The street level façade of liner or pad site buildings shall have transparent fenestration, entry areas, awnings or other features eight feet above the walkway grade for no less than 60 percent of the horizontal length of the building façade of such additional stores.

FIGURE 24 GROUND FLOOR FAÇADES

3. Articulation

a. Exterior Wall Plane. No single exterior wall plane shall constitute more than 60 percent of any primary façade of 100 feet or more in length. Variations of less than one foot in depth are not considered to break the plane.

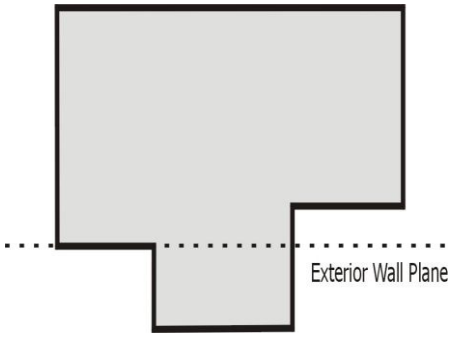


FIGURE 25 EXTERIOR WALL PLANE

b. Primary Façades. Any primary façade shall include projections or recesses (articulation) in accordance with this subsection. No uninterrupted horizontal length or uninterrupted curve of such façade shall exceed the lengths set forth below:

i. Buildings of less than 20,000 square feet in floor area shall require one articulation of not less than five feet in depth for every 50 feet in length. Such articulation shall extend at least five feet horizontally.

ii. Buildings 20,000 square feet or more in floor area shall require one articulation of not less than 10 feet in depth for every 100 feet in length. Such articulation shall extend at least 10 feet horizontally.

c. Secondary Façades. Any façade, other than a primary façade, shall include no less than three of the following elements:

i. an expression of architectural or structural bays through a change in plane of no less than 12 inches in width, such as an offset, reveal or projecting rib, as shown in Figure 26;

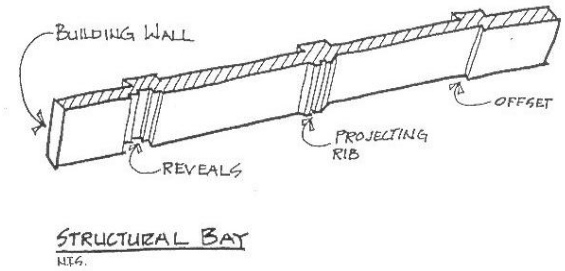


FIGURE 26 SECONDARY FAÇADE

ii. horizontal separation between projecting ribs, reveals and offsets may vary depending on the building wall manufacture specifications, but shall not be greater than 20 feet on center;

iii. material module change;

iv. color change; or

v. textural change.

K. Architectural Elements. Primary façades of large scale retail establishments shall have clearly defined architectural detail featuring no less than three of the following:

1. canopies or porticos;

2. overhangs;

3. recesses and projections;

4. arcades;

5. raised, corniced parapets over the door;

6. peaked roof forms;

7. arches;

8. outdoor patios;

9. display windows;

10. architectural details such as tile work, architectural banding, and moldings, which are integrated into the building structure and design;

11. integral planters or wing walls that incorporate landscaped areas and/or places for sitting; or

12. other elements proposed by the developer and accepted by the Community Development Director.

FIGURE 27 ARCHITECTURAL ELEMENTS

L. Building Entrances. The public access points of large scale retail establishments shall have clearly defined, highly visible entrances featuring at least three of the following elements:

1. canopies or porticos;

2. overhangs;

3. recesses and projections;

4. arcades;

5. raised, corniced, parapets over the door;

6. peaked roof forms;

7. arches;

8. outdoor patios;

9. display windows;

FIGURE 28 BUILDINGS ENTRANCES

10. architectural details such as tile work, architectural banding, and moldings, which are integrated into the building structure and design;

11. integral planters or wing walls that incorporate landscaped areas and/or places for sitting; or

12. other elements proposed by the developer and accepted by the Community Development Director.

M. Materials and Colors

1. Predominant exterior building materials on all sides shall be of high quality, including the following or other materials of similar appearance and characteristics: brick, sandstone, other native stone; tinted/textured concrete masonry units; brick, stone or native veneer; architectural concrete with form, line, texture, mass, and space (negative and positive) elements that establish aesthetic quality; metal for beams, lintels, trim elements and ornaments; wood and log; and glass.

2. Color shades shall be used to unify the development. Façade colors shall be low reflectance, subtle, neutral, earth tone colors. The use of high-intensity colors, metallic colors, black, or fluorescent colors shall be prohibited.

3. Building trim and accent areas may feature brighter colors, including primary colors.

4. Wall surface materials shall not include smooth-faced concrete block, smooth-faced concrete panels or other similar products, aluminum or vinyl siding, or prefabricated steel panels.

5. Metal may be utilized as a roofing material and/or as an accent to other siding materials, provided that all such metal materials used shall have a non-metallic luster.

6. Use of neon as an architectural building accent is prohibited.

7. other elements proposed by the developer and accepted by the Community Development Director.

8. **Roofs.** Roofs shall comply with the provisions of §4.6.I.4, and shall have no less than two of the following features:

a. parapets, the average height of which shall not exceed 15 percent of the height of the supporting wall, shall not at any point exceed one -third of the height of the supporting wall, and shall feature three-dimensional cornice treatment;

b. overhanging eaves, extending no less than three feet past the supporting walls;

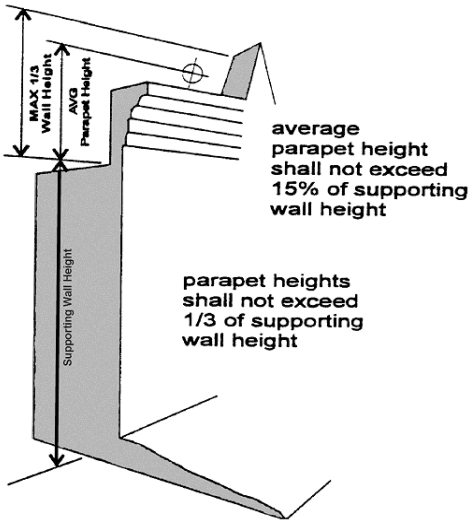


FIGURE 29 PARAPETS

c. sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one foot of vertical rise for every four feet of horizontal run and less than or equal to one foot of vertical rise for every one foot of horizontal run;

d. three or more roof slope planes;

e. other elements proposed by the developer and accepted by the Community Development Director.

N. Abandoned Buildings. No certificate of occupancy shall be issued for any new building or space that is subject to the provisions of this Section, without compliance with the following requirements. All properties developed for commercial purposes including those abandoned by the applicant in favor of new development regulated by this section, whether they are occupied or not, shall be regularly maintained so they are not allowed to fall into a state of disrepair or neglect. This maintenance requirement shall be established by a covenant or other document considered satisfactory to the City Attorney, memorializing this requirement. At a minimum the following maintenance functions shall occur:

1. glazing shall not be boarded and broken windows shall be replaced immediately;

2. vegetated landscaping shall be watered, trimmed and mowed during the growing season. In addition, dead vegetation shall be removed or replaced in accordance with §4.6. J. 3;

3. graffiti shall be immediately removed from the site;

4. painted or stained building surfaces shall be painted or stained at least every three years or when the surface starts to peel, crack, or fade;

5. emergency vehicle access shall be maintained.

§4.11 DEVELOPMENT STANDARDS WAIVER

In order to provide flexibility in the administration of this *LDC* by the City certain development standards contained in this Section 4 may be considered for a waiver pursuant to the directives established in Section 9 of this *Land Development Code*.

Section 5. Natural Resource Protection Standards

§5.1 STORMWATER MANAGEMENT

A. Purpose. The City recognizes the need and responsibility for adequate engineering standards to accommodate stormwater runoff. The need has become more apparent with the County goal to concentrate development adjacent to municipal boundaries and the *City of Gunnison Master Plan* goal to develop and concentrate urban land uses within its corporate boundary.

The *City of Gunnison Stormwater Management Manual* provides consistent and accurate engineering design management for all developments within the city boundary. The desire is to develop stormwater management and erosion control facilities by promoting Low Impact Design techniques that mimic natural fluvial dynamics found in the area.

The City has adopted stormwater design standards based on the Denver Urban Drainage and Flood Control District *Urban Storm Drainage Criteria Manuals* (*USDCM*), Volumes 1, 2 and 3, with appropriate revisions to address local conditions. These design standards for stormwater facilities are commonly used in the State of Colorado and provide consistency for engineer and design professionals.

B. Stormwater Design and Construction Standards

1. The *City of Gunnison Stormwater Management Manual* shall be incorporated herein by reference.

2. Design and Construction of all stormwater facilities shall be in accordance with the *City of Gunnison Stormwater Management Manual* as it may be amended.

3. The drainage system shall be designed and constructed so that only historic runoff rates, not including historic irrigation, shall be released from the site. Drainage flows in excess of this amount shall be retained, detained or handled in a storm sewer system. All costs associated with handling runoff generated by a development shall be paid by the developer.

4. The drainage system shall comply with applicable state and federal requirements.

C. Floodplain. Lands within the City limits and located within an adopted 100 year floodplain are subject to the City's Flood Damage Prevention Regulations found in Chapter 14.60 of the *City of Gunnison Municipal Code*.

§5.2 SLOPE PROTECTION STANDARDS

A. Density Calculation for Residential Development on Steep Slopes in Excess of Ten Percent

1. Applicability. These density calculation provisions shall apply to all new residential development and subdivisions in the City of Gunnison. All Map Amendments proposed after the adoption date of this *LDC* shall be subject to these Slope Protection Standards.

2. **Definition.** For the purposes of this Section "average slope" shall be measured as set forth in Figure 30.

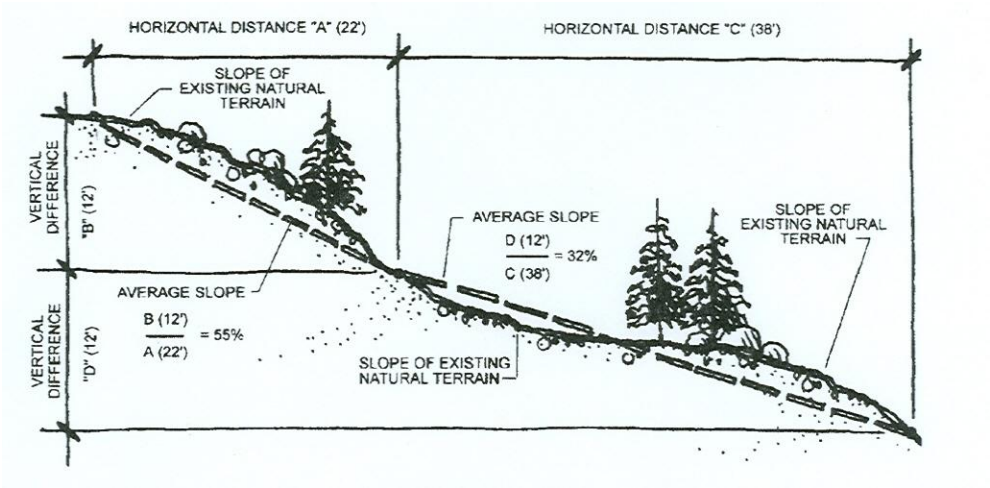


FIGURE 30 SLOPE PROTECTION STANDARDS

3. **General Rule**. Notwithstanding the maximum densities permitted by the underlying zoning district, the minimum lot area and front yard dimension for new residential development on parcels containing slopes 10 percent or greater shall be determined by the following factors presented in Table 5-1.

TABLE 5-1 AREA AND FRONT YARD DIMENSIONS IN SLOPE PROTECTION AREAS

Zone District	Base Minimum Lot Area	Adjusted Minimum Lot Area (Square Feet) at "x" % Slope				
		10 %	15%	20%	25%	>26%
R-1	8,000	12,000	20,000	32,000	64,000	128,000
R-1M	6,250	12,000	20,000	32,000	64,000	128,000
R-2	6,250	12,500	25,000	50,000	75,000	Not Permitted
RMU	6,250	16,250	32,500	Not Permitted	Not Permitted	Not Permitted
R-3	6,250	16,250	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Front Lot Length		75	75	80	80	100
Density Reduction R-2M Max Units Per Acre		-25%	-50%	NA	NA	NA
Density Reduction R-3 Max Units Per Acre		-25%	NA	NA	NA	NA

B. Development Restrictions on Steep Slopes

1. **Applicability.** These development restrictions shall apply to all new development in the City of Gunnison, except for subdivisions approved for single-family residential use prior to the effective date of this *LDC*. Non-residential development zone districts shall be prohibited on slopes greater than 10 percent.

2. **New Structures—Existing Slopes in Excess of Ten Percent**

   a. New development proposed to be built on any parcel containing an average slope of ten percent or greater shall be subject to review and approval pursuant to Section 6. This provision applies to development that would otherwise be exempt from the development plan review process.

   b. Staff shall review all such development plans and evaluate them according to the following standards:

      i. Site Disturbance shall be minimized to the maximum extent practicable (§5.2 D., Grading Standards).

      ii. Cuts for utilities and access driveway shall be shared to the maximum extent feasible;

      iii. To the maximum extent feasible, new construction shall not take place on any portion of a parcel that shows evidence of slope instability, landslides, avalanche, flooding, alluvial fan or other natural or manmade hazards.

      iv. The applicant shall demonstrate that the slope's ground surface and subsurface are not unstable, that the proposed development will not cause instability or increase the potential for slope failure, and that the development of the slope will not increase the degree of hazard both on-site and on adjacent properties.

   c. For purposes of this section, steepness of slope shall be measured from the points with the highest and lowest elevation within five feet of any portion of the proposed structure.

3. **Structure Clearance from Steep Slopes.** Structure clearance from ascending or descending slopes greater than 30 percent shall comply with the requirements set forth in the applicable *Building Code* provisions.

4. **Grading, Clearing and Excavation−Slope in Excess of Ten Percent.** Clearing, excavation and grading on slopes greater than 10 percent shall not be allowed, unless expressly approved through a site development application.

5. **Roads/Driveway – Slopes in Excess of Ten Percent.** Shared driveway and access to site or lots containing slopes in excess of ten percent shall be utilized to the maximum extent feasible (also see §4.3, General Site Access).

§5.3 GRADING AND EROSION CONTROL

A. Applicability. The provisions of this Section apply to all residential and nonresidential development subject to subdivisions and/or site plan applications.

B. Grading Plan. The Community Development Director may require applicants to submit a grading plan for site-development applications that illustrates the extent of the land disturbance which is to occur on the property. The grading plan shall illustrate existing site features and shall depict existing and proposed contours, using a contour interval of two feet. Where slopes are greater than 20 percent, five foot contours may be depicted.

C. Plan Preparation. Preparation of an effective grading plan and execution of proper grading involve certain basic steps pertaining to street layout, block grading and lot grading. The objective is to establish the street grades, floor elevations and lot grades in proper relation to each other and to existing topography, considering property protection, and use. The basic steps are as follows:

1. **Fit to Topography**. If the street layout is still subject to design or adjustment, fit it to the topography to obtain the most favorable types of block and lot grading which are compatible with other objectives.

2. **Block and Lot Grading**. Determine type of block grading for each block or portion of a block and, if possible, indicate the general lot grading for each lot by drainage arrows.

3. **Easements**. Determine any easements and other provisions needed for adequate block drainage and erosion control.

4. **General Limitations**. Determine general lot grading limitations for local conditions such as minimum gradients for grass swales and slopes and maximum for sidewalks and driveways.

5. **Specific Limitations**. For each type of house and lot determine the specific lot grading limitations along a typical lot grading control line from the street to the house and determine the minimum street-to-floor rise.

6. **Street Profiles**. If the street profiles are to be designed or adjusted, establish them so as to facilitate the provision of good drainage for both the lots and the streets, giving due consideration to existing topography and lot limitations.

7. **Elevations**. For each property, determine proposed elevations for key points on the lot and for the dwelling floor, giving due consideration to street elevations, existing topography and lot grading limitations.

D. Grading Standards

1. **Grading Prohibited Without Prior Approvals/Permits**. No cutting, filling, stockpiling, excavation, or vegetation removal shall be permitted, whether to provide for a building site, for on-site utilities, or services for any roads or driveway, prior to final approval of a grading and excavation plan submitted in conjunction with a site development plan application or the issuance of a building permit.

2. **Limits on Changing Natural Grade**. The original, natural grade of a lot shall not be raised or lowered more than 10 feet at any point for construction of any structure or improvement except:

   a. Foundation walls incorporated into the principal structure to allow the building mass step in response to natural grade; or

   b. The original grade of the site may be raised or lowered to a maximum of twelve feet if a retaining wall or terracing is used to reduce the steepness or manmade slopes, provided that the retaining wall or terracing comply with the requirements set forth in this Section (see Figure 31).

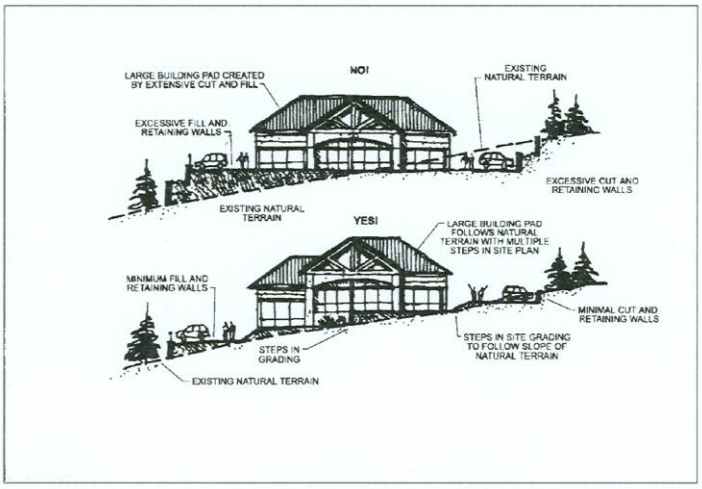


FIGURE 31 LIMITS ON CHANGING NATURAL GRADE

3. **Cutting and Creating Benches**. Cutting and grading to create benches or pads for additional or larger building sites or lawns shall be avoided to the maximum extent feasible.

4. **Grading For Accessory Building Pads Discouraged**. Separate pad for accessory buildings and structures other than garages, such as tennis courts, swimming pools, outbuildings, and similar facilities, shall be discouraged except where the average slope is 15 percent or less.

5. **Limits on Graded Filled Manmade Slopes**

   a. Slopes of 20 percent or less are strongly encouraged wherever feasible or practicable.

   b. Except as provided below, graded or filled manmade slopes shall not exceed a slope of 30 percent (3:1 slope) unless civil engineering plans incorporating recommendation from a geotechnical report, both of which shall be submitted by an engineer licensed in the State of Colorado, is furnished to the Community Development Director. The plans and reports shall include a written statement establishing that the site has been investigated and that, in the opinion of the qualified professionals, a cut at a steeper slope will be stable and not create a hazard to public or private property both on the site and directly adjacent to the affected site.

   c. If a steeper slope will result in less overall site disturbance, then graded or filled manmade slopes associated with road construction may exceed a slope of 50 percent (2:1 slope), but shall be subject to City review and approval.

6. **Retaining Walls**

   a. Use of retaining walls should be limited as much as feasible to reduce the steepness of manmade slopes and to provide planting pockets on steep slopes conducive to revegetation, subject to the following standards:

i. Retaining walls shall be used to provide breaks in manmade slopes exceeding 30 percent and to provide planting pockets.

ii. Retaining walls may be permitted to support steep slopes but shall not exceed six feet in height from the finished grade except for:

a) a structure's foundation wall;
b) as necessary to construct a driveway from the street to a garage or parking area; or,
c) as otherwise expressly allowed by this Section.

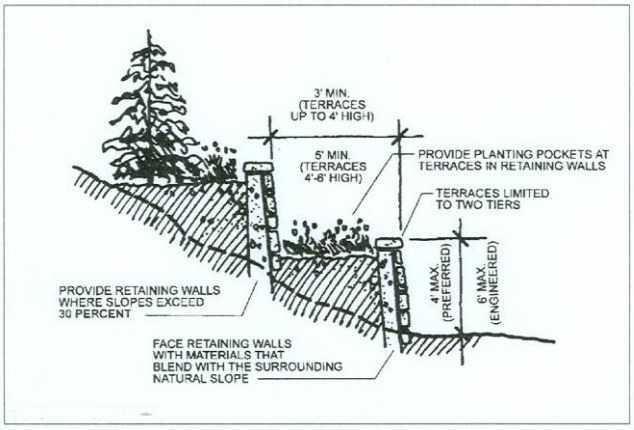


FIGURE 32 RETAINING WALLS

iii. Any retaining wall or multiple retaining wall design greater than four feet in height shall be designed by an engineer registered in the State of Colorado and the engineer design shall be based on recommendations from a geotechnical engineer soils report. The engineer design shall be submitted to staff for review and approval prior to construction.

iv. A three-foot minimum horizontal terrace shall be required for any multiple retaining walls that are less than four feet in height. A minimum five-foot horizontal terrace shall be required for any multiple retaining walls that are four-feet or greater in height. Terraces created between retaining walls shall be permanently landscaped with vegetation.

v. Retaining walls visible from a collector street, arterial street or highway, or from public open areas or parks, shall be screened by vegetation or faced with wood, stone or other earth-colored materials that blend with the surrounding natural landscape.

vi. All retaining walls shall comply with applicable *Building Code* provisions, except that when any provision of this Section conflicts with any provision set forth in the *Building Code*, the more restrictive provision shall apply.

b. Filling or Dredging of Waterways Prohibited. Filling, draining or dredging of water courses, wetlands, gullies, stream beds or stormwater runoff channels is prohibited, except as authorized with a floodplain development permit or with an approved site development plan.

c. Detention/Stormwater Facilities. Where detention basins and other stormwater and erosion control facilities may be required, any diverse visual impact on the natural landscape and topography shall be minimized to the maximum extent feasible.

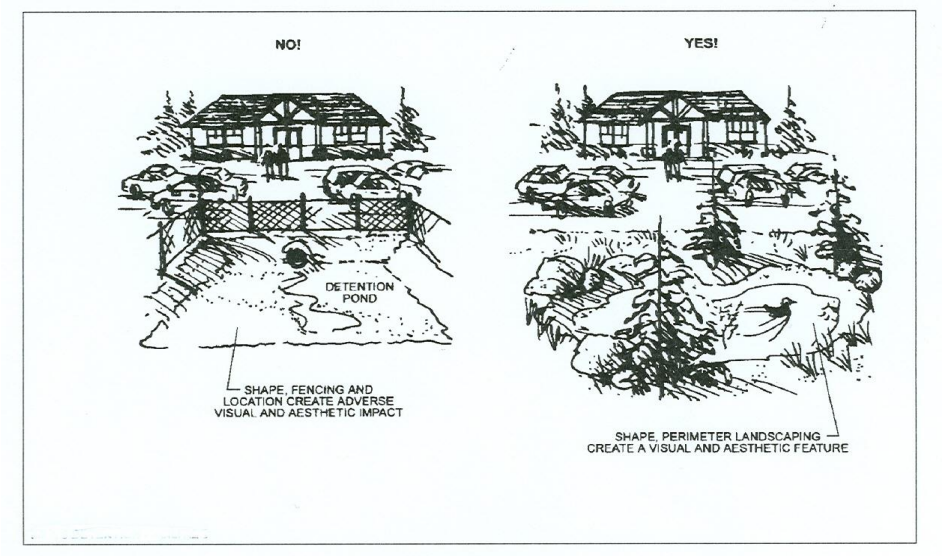


FIGURE 33 DETENTION AND STORMWATER FACILITIES

7. Restoration of Disturbed Areas

a. Follow Natural Contours. All disturbed areas shall be restored as natural-appearing land forms, with curves that blend in with the adjacent undisturbed slopes. Abrupt angular transitions and linear slopes shall be avoided.

b. Revegetation Required. Areas disturbed by grading shall be contoured so they can be revegetated and they shall be revegetated within one growing season after construction using native species seed mix (see Appendix A). Revegetation shall be sufficient to provide erosion control and prevent the invasion of weeds. Plans for revegetation of cut- and fill and graded slopes shall be included as part of the site development plan application.

c. Timeline. In addition to the requirements of §5.3 E., overlot grading projects affecting an area greater than one acre in size that has been wholly or partially grubbed or wholly or partially graded, construction shall commence and shall be continuous within 60 days after grubbing. Should construction or grading not commence or be continuous within the required 60 day period, the site shall be native seeded within 30 days following the expiration of the required 60 day period. When approved by the Community Development Director, a time extension may be granted for conditions beyond the control of the permittee for items including but not limited to flooding or discovery of historic artifacts.

d. Man-Made Slopes Greater than Twenty–five Percent. On man-made slopes of 25 percent or greater, plant materials with characteristics that minimize erosion and reduce surface runoff shall be selected.

e. Man-made Slopes Greater than Fifty Percent. On man-made slopes greater than 50 percent stabilization measures such as erosion netting, hydro mulching or other advanced slope stabilization technique shall be utilized.

f. Topsoil Stockpiled. To the maximum extent feasible, topsoil that is removed during construction shall be stockpiled and conserved for later use on areas requiring revegetation or landscaping, such as cut-and-fill slopes.

8. Limitations of Disturbance

a. Defined. Limits of Disturbance (LOD) means the areas of a site that may be disturbed by earth movement (grading), or cleared of vegetation, including disturbance or clearance to provide space for construction of principal and accessory uses and structures, driveways, parking areas, roads, drainage and stormwater management facilities or utilities.

b. Establishment of Limits of Disturbance. For all site development, preliminary subdivision and final subdivision plans shall include a map clearly depicting the limits of disturbance according to the criteria set forth below. The LOD shall indicate the specific area(s) within a development project where the development activity shall be contained.

c. Criteria for Establishing LOD. While LOD may be multiple and noncontiguous on a site, the following criteria shall be taken into account:

i. avoidance of visual impact, including but not limited to ridgeline protection areas steep slopes and scenic views;

ii. avoidance of steep slopes in excess of 20 percent and provide erosion prevention and control measures including but not limited to protection of natural drainage channels and compliance with an approved stormwater drainage management plan;

iii. preservation of native vegetation, trees, rock outcroppings and formations, and other significant natural site conditions;

iv. wildfire preventions and safety, including but not limited to location of trees and vegetation near structures;

v. mitigation of other geologic hazards, including potential adverse impact down- slope and adjacent to properties;

vi. riparian habitat, stream corridors and wetland protection and buffering;

vii. floodplains, floodways, flood fringes and flood hazards;

viii. significant wildlife habitat areas; and

ix. the practical need of approved construction activity in terms of ingress and egress to the developed project and necessary staging and operation areas.

d. Limits to Disturbance– Development Standards and Guidelines

i. No construction activity including, without limitation, grading excavation or stockpiling or fill material, shall be permitted within the limits of disturbance, whether to provide for a building site, on-site utilities or services or for any roads or driveway, prior to the approval of any required erosion and sedimentation control plan for the development.

ii. To the maximum extent feasible, no development, grading or vegetation removal or alteration shall occur as part of the development project or associated construction activity outside the LOD except as provided in subsection iii.c) below.

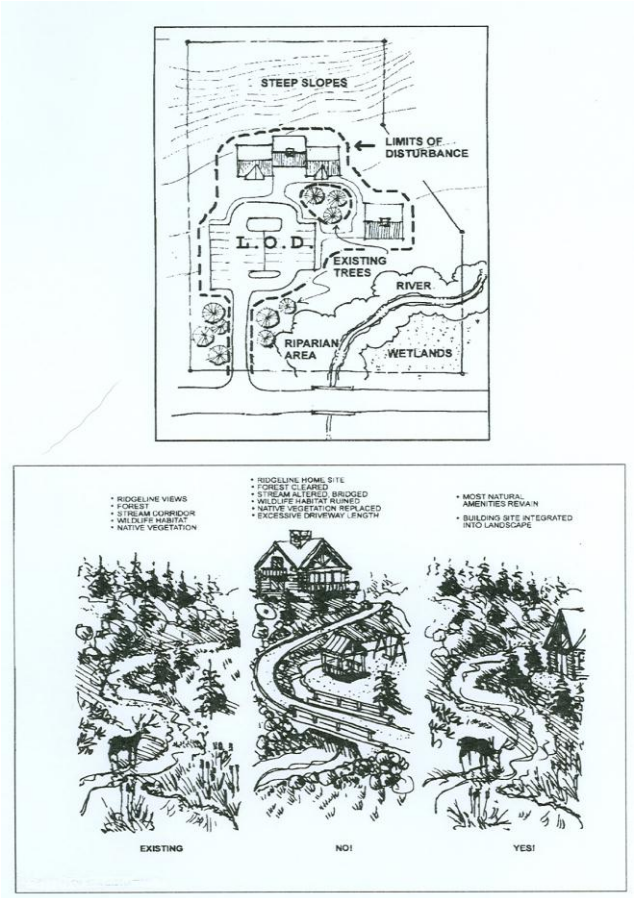


FIGURE 34 LIMITS OF DISTURBANCE

iii. Disturbance or construction activity may occur outside the LOD with the written consent of landowner and approval of the staff for the following limited purposes:

a) mitigation of development activities;

b) restoration of previously disturbed or degraded areas;

c) utility installations and emergency public safety activities when such activities and installations cannot reasonably be contained within the LOD or other nearby developed areas;

d) construction of a trail or pedestrian walkway that will provide public access or education or recreational purposes when such trails or walkway cannot reasonably be contained within the LOD or other nearby developed areas; or

e) the enhancement of the habitat values and/or other natural resource values of an identified natural area.

e. Designation on Final Grading and Drainage Plans. Approved LOD shall be shown on the preliminary and final subdivision grading plan and/or on the development plan for each lot or development site. The respective LOD will be described as necessary to accurately define the boundary, as acceptable to the Community Development Director.

f. Standards for Protection during Construction. LOD shall be designated in the field prior to commencement of excavation, grading or construction.

E. Construction Stormwater Management Plan. All grading plans will include the submittal of a Construction Stormwater Management Plan (CSWMP). At a minimum, the CSWMP must contain the requirements listed in the Colorado Department of Public Health and Environment document General Permit Application and Stormwater Management Plan Preparation Guidance available at www.colorado.gov/cs/Satellite/CDPHE-WQ/CBON/1251596877287, under the Stormwater Construction category. The Community Development Director is authorized to accept alternative plan submittals, waive submittal requirement determined not to be applicable or require additional data to ensure that an efficient construction sediment and stormwater control plan is submitted.

§5.4 WETLAND AND STREAMS CORRIDOR PROTECTION

A. Purpose and Intent. The following requirements and standards are intended to promote, preserve and enhance the important hydrologic, biological, ecological, aesthetic, recreational and educational functions that stream and river corridors, associated riparian areas and wetlands provide.

B. Applicability. This Section shall apply to all new development, except for the following:

1. agricultural activities such as soil preparation, irrigation, planting, harvesting, grazing and farm ponds;

2. maintenance and repair of existing public roads, utilities and other public facilities within an existing right-of-way or easement;

3. removal of noxious weeds;

4. maintenance and repair of flood control structures and activities in response to a flood emergency; and

5. wetland and wildlife habitat restoration, creation and/or enhancement that improve the wetland function provided that the proposed activity is approved by the appropriate agency such as the U.S. Army Corps of Engineers or the Colorado Division of Wildlife**.**

C. Other Regulations

1. This Section does not repeal or supersede any existing federal, state or local laws; easements; covenants; or deed restrictions. When this Section imposes a higher or more restrictive standard than found in another applicable ordinance, statute or regulation, this Section shall apply.

2. No person shall engage in any activity that will disturb, remove, drain, fill dredge, clear,

destroy or alter any area, including vegetation, within a wetland that falls in the jurisdiction of the federal government and its agencies, except as may be expressly allowed under applicable federal laws or regulations.

D. Boundary Delineation

1. **Stream and River Corridor Boundaries**. Stream and river corridors shall be delineated by the defined floodway.

2. **Mapped Wetland Boundaries.** The initial boundary delineation of wetlands shall be established by reference National Wetlands Inventory prepared by the U.S. Department of the Interior, Fish and Wildlife Service (www.wetlands.fsw.gov), or other data provided by the applicant.

3. **Unmapped Wetlands.** The review of a development proposal may discover a potential wetland that has not been mapped or for which the boundaries have not been clearly established. In such instances, the Applicant shall retain a qualified wetland expert to delineate the boundaries of the wetland according to accepted professional standards for jurisdictional wetlands as defined by the Army Corps of Engineers.

E. Buffer/Setback Areas

1. Major Ditch and River Corridors

a. Building/Structure Setbacks

i. **Major Ditches**. All buildings and accessory structures shall be setback at least 30 feet horizontally (plan view) from the outside edge of adjacent City irrigation ditch banks. Where defined banks are not readily discernible, the setback shall be measured from the center of the ditch (See Figure 35).

ii. **Gunnison River and Tomichi Creek Corridors**

a) **General Rule.** All buildings and accessory structures shall be setback at least 25 feet horizontally (plan view) from the floodway of river corridors, or, if not readily discernible, from the delineated floodway.

b) **Exception for Lots Developed Prior to the Adoption of this Code.** All buildings and accessory structures shall be setback at least 25 feet horizontally (plan view) from the defined floodway (see Figure 35).

b. Parking Lot Setbacks.

Parking lots shall be setback at least 25 feet horizontally (plan view) from the annual high-water mark of stream or river corridors, or not readily discernible, from the defined floodway of the stream or river.

2. Wetlands

a. To the maximum extent feasible, jurisdictional wetlands shall not be included as part of a platted development lot.

b. All buildings, accessory structures and parking lots shall be setback at least 50 feet horizontally (plan view) from the delineated edge of a wetland (see Figure 35). Development on lots that were approved for single-family residential use prior to the adoption of this *LDC* shall be exempt.

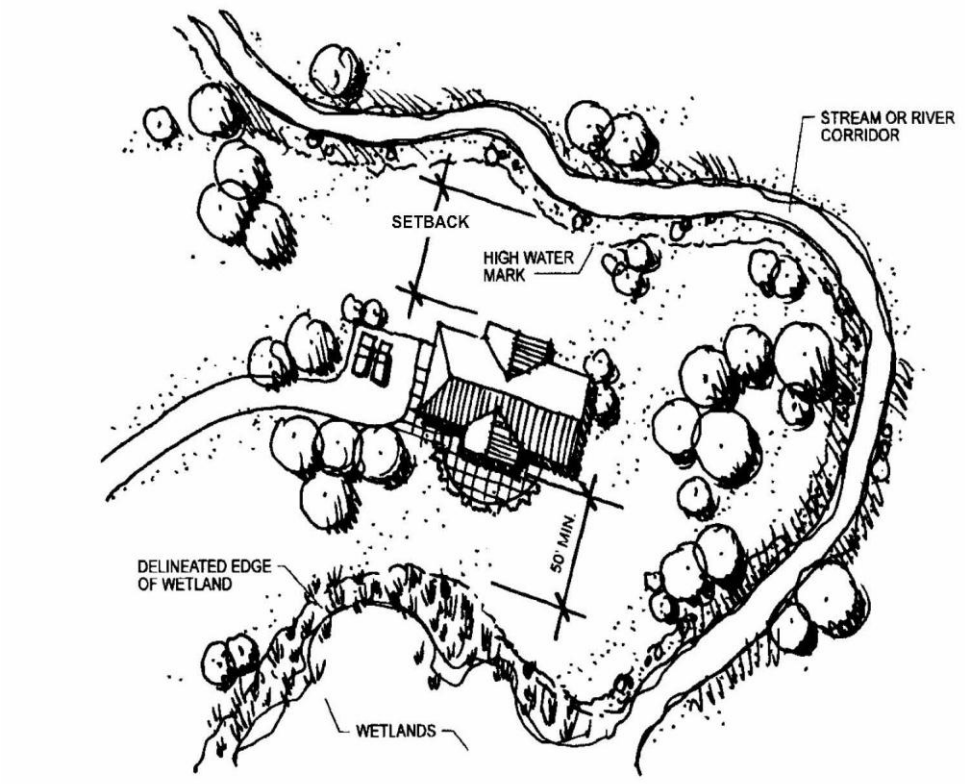


FIGURE 35 WETLAND/STREAM SETBACK

3. **Private Open Areas and Landscaping Credit.** All stream corridor and wetland setback areas shall be credited toward any relevant private open areas requirements or landscaping and buffer requirements.

F. Development Standards

1. **Prohibited Activities**. No person shall engage in any activity that will disturb, remove, fill, drain, dredge, clear, destroy or alter any area, including vegetation, within stream or river corridors wetlands and their associated buffer/setback areas, except as may be expressly allowed in this Section.

2. **Utilities.** Utilities may be allowed in a buffer/setback area only if the City determines that there is no practical alternative. Any disturbance of the buffer area shall be reclaimed by final grading and revegetation. Provisions for reclamation of the disturbed area shall be included in any development or improvements agreement for the project, with adequate collateral to guarantee that the reclamation will be completed. Utility corridors in buffer/setback areas shall be located at the outside edge of the area and access roads for maintenance of utilities shall be located outside the buffer/setback area. Access for maintenance of utilities in buffer/setback areas should be at specific points rather than parallel to the utility corridor.

3. **Recreation, Education or Scientific Activities**. Structures and improvement for recreational, educational or scientific activities such as trails, fishing access and wildlife management and viewing may be permitted in a buffer/setback area provided that a management plan that establishes long-term protection of the buffer/setback area is submitted and approved.

G. Preservation of Vegetation. All desirable existing vegetation within the stream/river corridor or wetland buffer/setback area shall be preserved, and where necessary to provide adequate screening or to repair damaged riparian areas, supplemented with additional native planting and landscaping.

H. Wetland Mitigation Requirements

1. Restoration shall be required according to an approved wetland mitigation plan when a wetland or its buffer is altered in violation of law or without specific permission or approval by the Community Development Director.

2. All approved alterations of wetlands must be mitigated by replacement or enhancement on the site or within the same drainage basin on a one-to-one basis with equivalent or better biologic and hydrologic functions.

§5.5 NATURAL RESOURCE PROTECTION STANDARDS WAIVER

In order to provide flexibility in the administration of this *LDC* by the City certain natural resource protection standards contained in this Section 5 may be considered for a waiver pursuant to the directives established in Section 9 (Development Standard Waivers), of this *Land Development Code*.

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Section 6. Development Review Procedures

§6.1 PURPOSE

The purpose of this Section is to establish procedures for various development applications that are processed by the City.

§6.2 DEVELOPMENT REVIEW CATEGORIES

There are two types of development review applications: Land Use Development Application and Site Development Application.

A. Land Use Development Applications. Land Use Development Applications include conditional uses, variances, waivers, amendment to the *LDC* or Official Zoning Map, Subdivision/PUD, vacations, and design review applications.

B. Site Development Applications. Site Development Applications include but are not limited to: building and fire code permits; grading permits; applications for development in special flood hazards; applications for the construction or reconstruction, structural alteration, relocation or enlargement of any structure; land disturbances including, but not limited to grubbing or grading; or any change in use to a conforming use. Site Development Applications are subject to administrative approval by the Community Development Director or their assignee. Site Development Applications may be processed if all of the following conditions are met:

1. The proposed site development application is not a Land Use Development Application.

2. The site development is proposed on a legally subdivided lot that has adequate public facilities as defined in §4.1 of this *LDC*.

3. The proposed Site Development Application is in conformance with all provision of Section 1 through Section 5 of the *LDC*, and all technical codes adopted by the City (see Title 14 of the *City of Gunnison Municipal Code*).

4. Performance guarantees following the provisions of §7.7.D of this *LDC* to ensure that required public improvements, general and limited common elements, landscaping and other site development improvements are completed to City standards.

§6.3 STAGES OF THE DEVELOPMENT REVIEW PROCESS

Six designated stages comprise the Development Review Process. Land Use Development Applications are subject to the provision of every defined Stage described below. Site Development Applications are subject to Stages 1, 2, 3, and 6 as set forth below.

A. Stage 1: Preapplication conference between the applicant and the Community Development Director or their assignee;

B. Stage 2: Submission of the development application by the applicant;

C. Stage 3: Staff review of the development application to determine whether it is complete and whether it complies with all applicable development review standards;

D. Stage 4: Provision of public notice of a public hearing, when applicable to the particular development process;

E. Stage 5: Public action on the development application by the appropriate decision-making body or bodies; and

F. Stage 6: Actions following development approval by the applicant prior to obtaining a site development permit.

The subsequent sections of this Section are organized to sequentially describe these six stages of the development review process in complete detail. The following diagram depicts the sequence of the actions which shall be accomplished by the applicant, the staff and the public review bodies to complete the six stages of the development review process. These actions are also explained in the remainder of this Section.

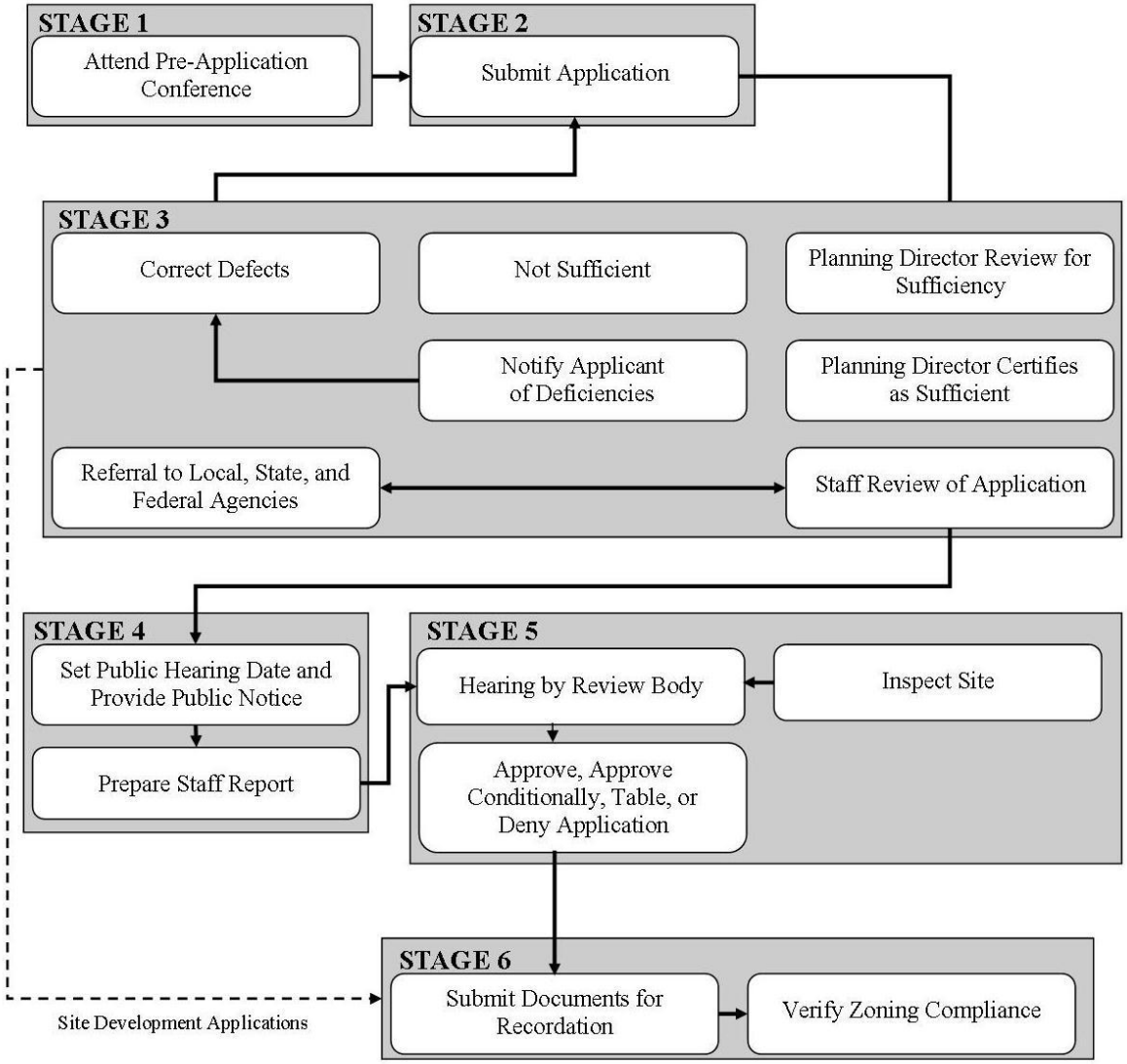

FIGURE 36 STAGES OF THE DEVELOPMENT REVIEW PROCESS

§6.4 STAGE 1: PREAPPLICATION CONFERENCE

A. Conference. Prior to filing a development application, the applicant may confer with the Community Development Director to obtain information and guidance as to the City's development procedures and standards. The preapplication conference is required prior to filing a sketch and preliminary subdivision or PUD application, and is optional, but recommended, for all other development application types.

1. **Purpose**. The purpose of the conference is to permit informal review of development concepts before substantial commitments of time and money are made in the submission of an application, so the applicant may decide how best to proceed in accomplishing the intended development.

2. **Not a Design Service**. The preapplication conference shall not be used as a design service by the applicant. The applicant shall be responsible for preparing an application which contains sufficient information to enable the City to determine its conformance with this *LDC*.

B. Content of Conference. Items to be discussed during the preapplication conference may include, but not be limited to, the following:

1. **Applicant's Proposal.** The applicant shall provide a verbal description of the proposed development, accompanied by a survey, site plan or other map illustrating the site's boundaries, and the applicant's development concepts.

   a. **Preliminary Evaluation**. The applicant may request that the Community Development Director provide a preliminary evaluation of the project's likely conformance with this *LDC* and the *City of Gunnison Master Plan*. The Director may provide a verbal, preliminary evaluation during the conference or in writing within 15 days thereafter.

   b. **No Reliance Provided**. The preliminary evaluation, and all other comments made by the Community Development Director during the preapplication conference shall not be deemed to provide the applicant with assurance or reliance as to the outcome of the formal development review process.

2. **Review Procedure.** The Community Development Director should explain the procedures and review standards which apply to the proposed development, including which decision-making body or bodies will review the application, whether public notice is required and the sequence of actions and approximate time required to complete the development review process.

3. **Review Agencies.** The Community Development Director should identify any city, county, special district, state, and federal agencies that will review the proposed development and provide the applicant with the names of persons at these agencies to contact.

4. **Application Contents.** The Community Development Director should:
   a. describe the materials required to be submitted as part of the application package;

   b. provide any applicable City development forms;

   c. identify the number of copies of the application to be submitted; and

d. indicate the applicable processing fee.

§6.5 STAGE 2: SUBMISSION OF DEVELOPMENT APPLICATION

A. Eligibility to Apply. A development application may only be submitted by, or on behalf of, the owners of real property proposed for development.

1. **Power of Attorney Authorization**. If the applicant is not the owner of the property, or is a contract purchaser of the property, a letter signed by the owner consenting to the submission of the application shall be submitted.

2. **Multiple Property Owner Applicants**. If the applicant is to be represented by an agent, a signed Authorization of Agent Form provided by the City, granting power of attorney to the agent shall be submitted with the application.

B. Form. The development application shall be submitted in the form required and shall include the information and materials specified for that particular type of application in the applicable sub-section of this Section.

1. **Copies**. The correct number of copies of the application shall be submitted as identified during the preapplication conference or by request of the Community Development Director.

2. **Nonrefundable Application Fee.** The correct nonrefundable processing fee for the application shall be submitted. The fees for the processing of applications are established by the City Council and are available through the Community Development Department.

C. Minimum Application Contents. All development applications shall include, at a minimum, the following information and materials:

1. **Name, Street and Mailing Address, Telephone Number, and Power of Attorney.** The applicant's name, address and telephone number. If the applicant is to be represented by an agent, a letter signed by the applicant granting power of attorney to the agent shall be submitted, authorizing the agent to represent the applicant and stating the representative's name, street and mailing address and phone number.

2. **Legal Description**. The legal description and street address, if such exists, of the parcel on which development is proposed to occur.

3. **Disclosure of Ownership**. A disclosure of ownership of the parcel on which the development is to occur, listing the names of all owners of the property, and all mortgages, judgments, liens, easements, contracts, and agreements that run with the land. The disclosure of ownership shall demonstrate, to the satisfaction of the City Attorney, that the applicant has the right to submit the development application.

4. **Vicinity Map**. An eight and one-half inch by 11 inch vicinity map locating the subject parcel within the City of Gunnison.

5. **Written Description**. A written description of the proposal and an explanation in written, graphic or model form of how the proposed development complies with the review standards applicable to the application, found in the applicable sub-section of this Section.

6. **Names and Mailing Addresses of Adjoining Property Owners**. Submittal of a written list of adjoining property owners within 100 feet of the application property boundary is required. The list will include their mailing addresses, and a map showing the location of these owners' properties in relationship to the proposal. Adjoining property owner information is not required for Site Development applications.

7. **Vested Property Rights**. If the applicant is seeking to obtain approval of a site-specific development for which the creation of vested property rights is requested, the application shall contain a specific request and statement for creation of the vested property rights.

D. Consolidation. The land development review process is intended to encourage efficient processing of applications. Applicants may request, and the Community Development Director may permit, the consolidated submission and review of all necessary development applications for a parcel of land. The Community Development Director is authorized to waive any overlapping application requirements in the consolidated review.

§6.6 STAGE 3: STAFF REVIEW OF DEVELOPMENT APPLICATION

A. Completeness Review. Within five business days of receipt of the application, the Community Development Director shall determine whether the application is complete.

1. **Application is not complete**. If the application is not complete, the Community Development Director or their designee shall inform the applicant of the deficiencies in writing and shall take no further action on the application until the deficiencies are remedied.

2. **Application is complete.** If the application is complete, the Community Development Director or their designee shall certify it as complete, affix the date of the application acceptance thereon, and assign the application an agenda date with the applicable review body.

3. **Completeness is not a determination of compliance**. A determination that an application is complete shall not constitute a determination that it complies with the substantive standards of this *LDC*, *City of Gunnison Master Plan*, or other City regulations.

B. Staff Review. Within 30 days from the date of the completeness determination, the Community Development Director shall review the development application to determine its conformance with the requirements of this *LDC*. The Community Development Director may solicit the professional analysis and recommendations of any other agency, organization or technical consultant deemed appropriate and necessary to complete the review, including:

1. **Governmental Entities**. County, state, or federal entities having an interest in or authority over the proposed development or any portion thereof.

2. **Utility Companies and Special Districts**. Utility companies, special service districts serving the proposed development and the school district.

3. **Staff**. Members of the City staff.

4. **Technical Consultants**. Engineers, designers, and legal consultants.

C. Report. Prior to the date of the review body meeting, the Community Development Director shall compile a written report which sets forth how the application complies with, or does not comply with, the applicable standards of this *LDC*. The Community Development Director shall distribute a copy of the report to each member of the review body and to the applicant, and shall make the report available to the public.

§6.7 STAGE 4: PROVISION OF PUBLIC NOTICE

TABLE 6-1 LAND DEVELOPMENT APPLICATION REVIEW

Application Type	Decision-Making Bodies	Public Hearing?
LDC Interpretation	Community Development Director	No
Conditional Use, vested property right	Planning and Zoning Commission	Yes
Density Bonus Incentive	Planning and Zoning Commission	Yes
Variance	Zoning Board of Adjustments and Appeals	Yes
Waiver	Community Development Director	No
	Planning and Zoning Commission	Yes
	City Council	Yes
Amendment to Official Zoning Map or text of *LDC*	Planning and Zoning Commission (recommendation)	Yes
	City Council (decision)	Yes
Major Subdivision/P.U.D.	Sketch Plan – Planning and Zoning Commission (decision)	Yes
	Preliminary Plat – Planning and Zoning Commission (decision)	Yes
	Final Plat – Planning and Zoning Commission (recommendation)	No
	Final Plat – City Council (decision)	No
Minor Subdivision/P.U.D.	Preliminary Plat – Planning and Zoning Commission (decision)	Yes
	Final Plat – Planning and Zoning Commission (recommendation)	No
	Final Plat – City Council (decision)	No
Subdivision Exemption	Community development director (decision)	No
Vacation of subdivision, right-of-way, or easement	Planning and Zoning Commission (recommendation)	Yes
	City Council (decision)	No
Design Review	Planning and Zoning Commission (decision)	Yes
Verification of Zoning Compliance	Community Development Director (decision)	No
Vested Property Right Request	Planning and Zoning Commission (decision)	Yes
	City Council (decision)	Yes

A. Notice Required. Table 6-1 identifies the types of land development applications which shall be considered during a public hearing, and at what step during the review process that hearing shall occur. Public notice shall be provided for each application type that is identified in Table 6-1 as requiring notice to be given. Notice shall be provided as specified in §6.5 B.

B. Manner of Notice. Public notice shall be given by publication of notice in the newspaper, mailing of notice to all adjacent property owners to the subject property, and posting of notice on the property.

1. **Publication of Notice.** Publication of Notice shall be accomplished by the Community Development Director or their assignee, which shall place a legal notice in the City's official newspaper. The legal notice shall be published in the newspaper at least 15 days prior to the public hearing.

2. **Mailing of Notice.** Mailing of notice shall be accomplished by the Community Development Director or their assignee.

   a. **Certified Mail.** Notice shall be sent by certified mail to all adjoining property owners at least 15 days prior to the public hearing.

   b. **List to be created by Applicant.** The list of all adjoining property owners' names and addresses shall be created by the applicant, using the current Gunnison County Assessor's records, and shall be submitted with the application. The list shall include all property owners within 100 feet of the subject property boundary. The applicant shall pay the certified postage for each name on the list to the Community Development Department.

   c. **Exception for General Amendments to Official Zoning Map.** Creation of a list of adjoining property owners and mailing of notice shall not be required whenever the official zoning map is to be amended as part of a general revision of the *LDC* or as part of a City initiative to implement the *Master Plan*. Instead, a map illustrating the proposed amendment shall be published as part of the legal notice for the hearing. A copy of the proposed amended official zoning map shall be available for public inspection in City Hall during normal business hours at least 15 days prior to the scheduled date of the public hearing.

   d. **Exception for Amendments to *Land Development Code*.** Creation of a list of adjoining property owners and mailing of notice shall also not be required whenever the *LDC* is to be amended.

3. **Posting of Notice.** Posting of notice shall be accomplished by the applicant.

   a. **Conspicuous Location**. The applicant shall post and maintain the notice in a conspicuous location on the subject property.

   b. **Duration.** The sign shall be posted at least 15 days prior to the public hearing. The applicant shall maintain the sign in a legible manner until the closure of the public hearing and shall remove it on the day following closure of the public hearing.

   c. **Dimensions**. The minimum dimensions of the sign shall be 18 inches by 24 inches.

d. Materials. The materials to which the notice form is affixed shall be sturdy and waterproof or shall have a waterproof covering.

e. Exception for Amendments to *Land Development Code*. Posting of notice shall not be required whenever the *LDC* is to be amended.

C. Content of Notice. Each notice shall contain the following information:

1. Name and Address. Name of the applicant and address or legal description of the property.

2. Type of Application. The type of development approval sought.

3. Date, Time and Place. The date, time, and place of the hearing and name of the decision-making body conducting the hearing.

4. Summary. A brief summary of the development proposal.

5. Other Information. Such other information as may be necessary to fully apprise the public about the application.

6. Vested Property Right. If the development is for a site-specific development for which the creation of vested property rights has been requested, the following statement shall appear: "Final approval of this development will create a vested property right pursuant to article 68 of title 24, C.R.S."

D. Notice Deemed Valid. The Community Development Director and the applicant shall make all reasonable efforts to comply with the notice provisions set forth in this section. Notice shall be deemed valid if notice was mailed to all property owners, as listed on the last available tax assessment rolls, and if publication and posting has occurred in accord with §6.7 B.2 shall not be considered invalid because of unrecorded or subsequent transfers of title or uncertainties concerning ownership not discernible from the tax assessment rolls.

§6.8 STAGE 5: REVIEW BY DECISION-MAKING BODY

A. Site Inspection. Prior to its meeting to consider the development application, the City may, as a group or through a committee appointed for that purpose, inspect the site of the proposed development. Upon reasonable request by the Community Development Director, the applicant shall mark the development site before the site visit is to occur to locate property boundaries, building envelopes and other key site development features.

B. Hearing Procedure. At its meeting to consider the development application, the decision-making body shall hear a presentation by the applicant, hear testimony from all members of the public in attendance wishing to speak, hear a presentation of the findings and recommendations of the Community Development Director, and hear responses from the applicant and staff. The decision-making body shall have the right to ask questions of any person presenting testimony at the hearing.

1. Burden on Applicant. The burden shall be on the applicant to demonstrate through competent evidence that the application will comply with all applicable provisions of this *LDC*, *City of Gunnison Master Plan*, and other provisions of the *Gunnison Municipal Code*.

2. **Withdrawal of Application**. An applicant shall have the right to withdraw an application at any time prior to action on the application by the decision-making body.

C. Action by Decision-Making Body. After hearing the evidence and considering the comments of all persons interested in the matter, the decision-making body shall make its decision and findings and have them entered in its minutes. The decision-making body shall not be required to take final action on an application during the same meeting when testimony from interested persons is taken, but action shall be taken within 21 days of closing the public hearing.

1. **Findings.** In its findings, the decision-making body shall report the facts, whether the applicant has met the requirements of each applicable review standard, and whether the application is approved, approved with conditions, recommended for approval to another body, tabled pending receipt of additional information, or denied. An application that fails to comply with any applicable review standard shall be denied.

2. **Written Action.** Whenever a decision-making body grants or denies an application, it shall be specified in writing and the following will be forwarded to the applicant:

   a. **Code Sections.** The section(s) and standards of this *LDC* used in evaluating the application;

   b. **Findings.** Its findings of fact and conclusions regarding these review standards; and

   c. **Conditions.** Conditions, if any, that will be imposed upon the application. Any representation made by the applicant shall be incorporated as a condition of approval.

D. Successive Applications. Unless otherwise stated in this chapter, whenever any application is denied for failure to meet the substantive requirements of this *Land Development Code*, no application for the same or similar development shall be considered for a period of one year after the date of denial, unless:

   a. the applicant can demonstrate a change of circumstances or conditions as determined by the Community Development Director; or,

   b. a majority of the members of the decision-making body that made the final decision on the application determines that the prior denial was based on a material mistake of fact.

E. Inactive Applications. The decision-making body shall deny any application which remains inactive. An application may be deemed inactive and be denied when the decision-making body determines that the applicant is not making reasonable progress in moving the application towards final approval.

1. **Determination of Inactivity.** A project shall be determined to be inactive if more than two months have passed since a request for additional information was made by the Community Development Director or the review body, and the request has not been complied with, or more than three months have passed since the last official contact by the applicant to the Community Development Director.

2. **Written Notice.** The Community Development Director shall provide advance written notice to the applicant stating the time, place, and date when the decision-making body will consider denial of the application due to its inactivity.

§6.9 STAGE 6: ACTIONS FOLLOWING DEVELOPMENT APPROVAL

A. File Required Documents. Following approval of the development application, the applicant shall submit to the Community Development Director all documents which are required as a condition of approval of the application, including, but not limited to, those documents which are to be recorded in the Office of the Gunnison County Clerk and Recorder, any performance bonds or other financial security measures which must be filed, and the applicable fee for document recordation. Documents must be received no later than 30 days after final approval otherwise, the Community Development Director shall process it as an inactive application pursuant to §6.8 E.2. The documents to be recorded may include, but are not limited to: a Final Plat, an improvements agreement, any other agreements, and any restrictions on the property which may have been agreed to during the review process.

B. Staff Review. The Community Development Director shall review the submitted documents and, if necessary, return them to the applicant for any necessary revisions prior to recordation. The Community Development Director may solicit the assistance and recommendations of the City Attorney, the City Engineer or any agency or organization which provided technical assistance during review of the site development application.

C. Recordation. The applicant shall make any requested revisions to the documents and file the revised documents with the community development director. The Community Development Director shall circulate the documents to obtain necessary signatures and deliver them to the office of the Gunnison County Clerk and Recorder for recordation.

D. Verification of Zoning Compliance. Before the applicant may obtain a building permit for the proposed site development or may change any existing use, the Community Development Director shall verify that the development or change of use complies with the standards of this *LDC*.

1. **Proposal Follows Site Development Application.** If the applicant is proposing site development following approval of a site development application, then the purpose of the zoning compliance verification shall be to determine that the permit application complies with the approval and any conditions imposed on the approval by the decision-making body, and otherwise complies with the applicable standards of this *LDC*.

2. **Proposal Did Not Involve Development Application**. The zoning compliance verification shall be to determine that the site development application complies with the applicable standards of this *LDC*.

3. **Scale Drawings**. The Community Development Director may require that the application for zoning compliance verification be accompanied by scale drawing(s) of existing and proposed site features. The drawing(s) shall indicate the shape, dimensions, and locations of lot boundaries, all existing and proposed structures and their intended uses and heights and setbacks; any proposed off-street parking areas, landscape areas and signs; and such other information as may be necessary to determine whether the proposal complies with the applicable standards of this *LDC* and any conditions of approval.

E. Vested Property Rights. If the applicant has obtained final approval of a site-specific development for which the applicant has requested the creation of vested property rights, the documents required as a condition of approval, including any documents to be recorded, shall state: "The approval of this site-specific development creates a vested property right pursuant to Article 68 of Title 24, *C.R.S*."

1. **Public Notice Following Action**. Within 14 days of final approval of the site-specific development, the Community Development Director shall publish a notice in the designated newspaper of general circulation within the city advising the general public of the approval of the site-specific development and the creation of a vested property right pursuant to Article 68 of Title 24, *C.R.S*.

2. **Duration.** The final approval of a site-specific development, which creates a vested property right, shall remain in effect for a period of three years from the date of such approval, notwithstanding any shorter period of time contained within this *LDC*.

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Section 7. Conditional Uses

§7.1 GENERAL

Conditional Uses are those land uses which are generally compatible with the permitted uses in a zone district, but which require site-specific review of their location, design, intensity, density, configuration, and operating characteristics, and which may require the imposition of appropriate conditions in order to ensure compatibility of the use at a particular location and mitigate its potentially adverse impacts. Only those uses authorized as a Conditional Use for each zone district in §2.4 may be approved as a Conditional Use.

§7.2 PROCEDURE

An applicant requesting Conditional Use approval shall follow the stages of the City of Gunnison land development process outlined below.

A. Preapplication Conference. Attendance at a preapplication conference is optional, but recommended, for an applicant intending to submit an application for a Conditional Use permit.

B. Submit Application. The applicant shall submit a complete application to the Community Development Director containing those materials listed in §7.3 or §7.4, as applicable.

C. Staff Review. The Community Development Director shall review the application to determine whether it is complete, as specified in §6.6 A, Completeness Review. The Community Development Director shall forward a report to the Commission which summarizes the application's compliance with the review standards contained in §7.5.

D. Review by External Consultants. The technical comments and professional recommendations of other agencies, organizations, and consultants may be solicited in drafting the report**.**

E. Public Notice. Public notice that the Commission will conduct a hearing to consider the application for a Conditional Use shall be provided as specified in §6.7, Stage 4: Provision of Public Notice.

F. Public Action by Commission. The Commission shall conduct a public hearing to review the conformance of the application with all applicable provisions of this *LDC*. The Commission shall approve, approve with conditions, or deny the application, or remand it to the applicant with instructions for modification or additional information or action.

G. Actions Following Approval. The applicant may apply for a site development permit following approval of the Conditional Use permit and the filing and, if applicable, recordation of any documents required by the permit approval.

§7.3 GENERAL CONTENTS OF A CONDITIONAL USE APPLICATION

All Conditional Use applications, except those for a mobile home park or recreational vehicle park, shall contain the following materials. A Conditional Use application for a mobile home park or recreational vehicle park shall contain those materials specified in §7.4.

A. Minimum Contents. The minimum contents for all applications specified in §6.5 C, Minimum Application Contents.

B. Site Plan. A site plan (with a scale of one inch equals 20 feet or alternate scale approved by the Director) of the subject property, showing existing and proposed features, buildings, roads, alleys, easements, utilities, wetlands, floodplains, etc., which are relevant to review of the Conditional Use application. Current land use of properties on all sides of the property and across streets and alleys must be included on the site plan or accompanying map.

C. Other Information. The Community Development Director may request the applicant to submit such other information as is necessary to evaluate the impacts of the Conditional Use application. Examples of the information which may be requested are elevation views of proposed new or remodeled structures, analysis of the traffic impacts of the proposed use, or evaluation of the environmental impacts of the proposed use.

§7.4 APPLICATION CONTENTS - MOBILE HOME PARK OR RECREATIONAL VEHICLE PARK

A Conditional Use application for a mobile home park or recreational vehicle park shall contain the following materials:

A. Minimum Contents. The minimum contents for all applications specified in §6.5 C, Minimum Application Contents.

B. Site Plan. A site plan at a scale of one inch equals 100 feet or such other scale as is approved by the Community Development Director, showing:

1. **Site Dimensions**. Site dimensions and boundaries.

2. **Utilities**. The location, size, and use of all utilities, utility easements, and other site improvements, such as lighting and trash disposal, proposed to be constructed within the park.

3. **Roads**. The location, width, and proposed standards for roads, sidewalks, and other paths.

4. **Spaces**. The location, size, classification, and designated use of all mobile home or recreational vehicle spaces.

5. **Common Areas**. The location and size of parking lots and spaces, recreation and open space areas and proposed landscaping improvements to the same.

6. **Buildings and Accessory Structures**. The location, size, and height of buildings and accessory structures and a description of the proposed use of those buildings and structures, including the location and floor plan of proposed service buildings.

C. Grading and Drainage Plans. At the discretion of the Community Development Director, grading and drainage plans showing and describing the existing and proposed means of handling on-site drainage.

D. Utilities. A written description of the general manner in which water supply, sewage disposal, electric supply, natural gas, storm water drainage, telephone, street lighting, irrigation water, cable television (if appropriate), and trash collection services will be provided to the park.

§7.5 REVIEW STANDARDS

An application for Conditional Use approval shall comply with the following standards:

A. Consistency with *Master Plan*. The use shall be consistent with the *City of Gunnison Master Plan*.

B. Conformance to *Codes*. The use shall conform to all other applicable provisions of this *LDC* and the *City of Gunnison Municipal Code*, including, but not limited to:

1. **Zoning District Standards**. The purpose of the zone district in which it is located, the dimensional standards of that zone district §2.4 (Principal Use Tables) and §2.6 (Base Zone District Dimensional Standards).

2. **Specific Use Regulations.** All Conditional Use applications shall comply with all applicable Special Use Regulations set forth in Section 3 of this *LDC.*

3. **General Development Standards**. All Conditional Use applications shall comply with all applicable regulations, criteria and standards set forth in Section 4 of this *LDC.*

4. **Natural Resource Protection Standards**. All Conditional Use applications shall comply with all applicable regulations, criteria and standards set forth in Section 5, Natural Resource Protection Standards, of this *LDC.*

C. Use Appropriate and Compatible. The use shall be appropriate to its proposed location and be compatible with the character of neighboring uses, or enhance the mixture of complementary uses and activities in the immediate vicinity.

D. Traffic. The use shall not cause undue traffic congestion, dangerous traffic conditions or incompatible service delivery, parking or loading problems. Necessary mitigating measures shall be proposed by the applicant.

E. Nuisance. The operating characteristics of the use shall not create a nuisance and the impacts of the use on surrounding properties shall be minimized with respect to noise, odors, vibrations, glare, and similar conditions.

F. Facilities. There shall be adequate public facilities in place to serve the proposed use, or the applicant shall propose necessary improvements to address service deficiencies which the use would cause.

G. Environment. The use shall not cause significant deterioration to water resources, stormwater volume and quality, wetlands, wildlife habitat, scenic characteristics, or other natural features. As applicable, the proposed use shall mitigate its adverse impacts on the environment.

§7.6 TEMPORARY COMMERCIAL USES STANDARDS.

In addition to the Conditional Use Review Standards (§7.5), temporary commercial activities shall comply with criteria and standards established in §3.13 C. of this *LDC.*

§7.7 COMMISSION AUTHORIZED TO IMPOSE CONDITIONS

The Community Development Director may recommend, and the Commission may impose, such conditions as are necessary to maintain the integrity of the City's zone districts, to ensure the use is consistent with the *City of Gunnison Master Plan*, conforms with this *LDC*, is appropriate to its location and compatible with neighboring uses, is served by adequate public facilities and does not cause undue traffic congestion or significant deterioration of the environment. Authorized conditions include, but are not limited to:

A. Site Planning Features. Limitations or requirements regarding the area, height, setbacks, open space, landscaping, impermeable surface coverage, buffering, lighting, fencing, signage, off-street parking, and similar site planning features of the proposal.

B. Public Facilities. Requirements to improve public facilities which are necessary to serve the Conditional Use.

C. Operations. Limitations or requirements on the operating characteristics of the use or the duration of the Conditional Use approval.

D. Performance Guarantee. As applicable, the Commission may require the applicant to post a financial guarantee, before development of the Conditional Use is initiated, to ensure performance of the conditions it has imposed.

1. **File Surety or Bond.** The applicant shall file with the City a surety or cash bond, letter of credit or other collateral found to be suitable by the City Attorney, in the amount specified by the Commission, to ensure the actual construction of required improvements or the installation of required landscaping within that period of time which the Commission has specified.

2. **Certification and Release**. Upon completion of the required improvements or installation of the required landscaping, the applicant shall provide certification from a licensed professional engineer or landscape professional, as applicable, that the improvements or landscaping have been installed in conformance with the approved plan. The security shall be released within seven calendar days following receipt of an acceptable certification, and inspection by the City.

3. **City Use of Security.** In the event the improvements or landscaping are not installed, or are installed in a manner which does not conform with the approved plan, the City may draw upon the security to bring the improvements or landscaping into conformance with the approved plan or, if development was initiated, but never carried through to completion, to return the site to its predevelopment condition.

§7.8 EXPIRATION OF CONDITIONAL USE APPROVAL

A. Time Limit. At the time that the Commission grants a Conditional Use approval, it shall identify the time period for completion of the Conditional Use. In no case shall this time period exceed three years from the date of approval. If the action is not completed within this time period, the Conditional Use approval shall automatically expire.

B. Extension. The applicant may submit a request to the Community Development Director to extend the Conditional Use approval. The extension request shall be submitted prior to the date of

expiration and shall specify the reasons why the development has not been completed to date. The approval shall be deemed extended until the Commission has acted upon the request for extension at a meeting as a regular agenda item. The Commission shall be authorized to extend the approval, by a period of up to one year, and to impose additional conditions if necessary.

§7.9 INSUBSTANTIAL CHANGES AND AMENDMENTS TO APPROVED CONDITIONAL USE

A. Insubstantial Changes. Insubstantial changes to a development approval for a Conditional Use may be approved by the Community Development Director. An Insubstantial Change is one that becomes necessary due to technical or engineering considerations discovered during actual development, or operational characteristics discovered after the use is developed, that could not reasonably be anticipated during its initial review and that, in the discretion of the Community Development Director, do not significantly change the original approval granted.

B. Amendments. All deviations from the original approval which do not qualify as an insubstantial change shall be considered an amendment to the original approval. Amendment of an approved Conditional Use shall only be approved by the Commission pursuant to §7.2 (Procedure).

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Section 8. Variances

§8.1 GENERAL

A. Purpose. This Section defines the procedures and required showing to obtain a Variance from the standards of this *LDC*. Variances are authorizations to deviate from the literal terms of this *LDC* that would not be contrary to the public interest in cases where the literal enforcement of the provisions of this *LDC* would result in undue or unnecessary hardship. A Variance shall not be granted solely because of the presence of nonconformities in the zone district or adjoining zone districts.

B. Use Variances Not Authorized. Establishment or expansion of uses prohibited in zone districts as identified in Table 2-3 of the *LDC* shall not be allowed by Variance.

C. Dimensional Standards Variances Authorized. Variance from the dimensional standards of the underlying zone district shall be authorized only for maximum height, minimum floor area, minimum building width, maximum lot coverage, minimum setbacks, maximum setbacks, parking requirements, minimum landscape area, and buffer width.

§8.2 PROCEDURES

A. Development Review. An applicant requesting a Variance shall follow the stages of the City of Gunnison land development process as described in §6.3.

B. Submit Application. The applicant shall submit a complete application to the Community Development Director containing those materials listed in §6.5 C, Minimum Application Contents.

C. Staff Review. The Community Development Director shall review the application to determine whether it is complete, as specified in §6.6 A., Completeness Review. The Community Development Director shall forward a report to the decision-making body which summarizes the application's compliance with the conditions outlined in §8.3, Required Showing. The Community Development Director may solicit the assistance of other agencies and organizations in drafting the report.

D. Public Notice. Public notice that the Zoning Board of Adjustments and Appeals (Board) will conduct a hearing to consider the application for a Variance shall be provided as specified in §6.7, Stage 4: Provision of Public Notice.

E. Public Action by Board. The Zoning Board of Adjustments and Appeals shall hold a public hearing to review the conformance of the application with all applicable provisions of this *Land Development Code*. The Board may approve, approve with conditions, or deny the application or remand it to the applicant with instructions for modification or additional information or action. The Board shall deny any application that does not demonstrate the required showing set forth in §8.3, Required Showing.

F. Actions Following Approval. The applicant may apply for a building permit following approval of the Variance and the filing and, if applicable, recordation of any documents required by the Variance approval.

§8.3 REQUIRED SHOWING – DIMENSIONAL STANDARDS VARIANCE

The applicant shall demonstrate the following to the Board before a Variance may be authorized:

A. Special Circumstances Exist. Special circumstances or conditions, which are peculiar to the land or building for which the variance is sought, that do not apply generally to land or buildings in the neighborhood;

B. Not Result of Applicant. The special circumstances and conditions that are not the result from any act of the applicant;

C. Strict Application Deprives Reasonable Use. The special circumstances and conditions are such that the strict application of the provisions of this *LDC* would deprive the applicant of reasonable use of the land or building;

D. Variance is Necessary to Provide Reasonable Use. The granting of the Variance is necessary to provide the applicant a reasonable use of the land or building;

E. Minimum Variance. The granting of the Variance is the minimum necessary to make possible the reasonable use of the land or building;

F. Not Injurious to Neighborhood. The granting of the Variance will not be injurious to the neighborhood surrounding the land where the Variance is proposed, and is otherwise not detrimental to the public welfare or the environment; and

G. Consistent with *Land Development Code*. The granting of the Variance is consistent with the general purposes and intent of this *LDC*.

§8.4 BOARD AUTHORIZED TO IMPOSE CONDITIONS

The Board, in approving the Variance, may impose such restrictions and conditions on such approval, and the premises to be developed or used pursuant to such approval, as it determines are required to prevent or minimize adverse effects from the proposed Variance on other land in the neighborhood and on the general health, safety, and welfare of the City. All conditions imposed upon any Variance shall be set forth in the granting of such Variance.

§8.5 EXPIRATION OF APPROVED VARIANCE

A. Time Limit. All Variances shall expire 12 months from the date of issuance if no site development permit has been issued to establish the variation authorized, or if the variation does not require a site development permit, unless the variation is established, ongoing, and in operation. Such time period shall not be altered by transfer of ownership.

B. Extension. Upon written request, the Board may grant an extension of the Variance for a period not to exceed six months given reasonable justification. No request for an extension shall be considered unless a written application requesting the extension is submitted to the Community Development Director prior to the date the Variance is to expire. The Variance shall be deemed extended until the Board has acted upon the request for extension. Failure to submit an application for an extension within the time limits established by this Section shall render the Variance null and void.

§8.6 AMENDMENT OF APPROVED VARIANCE

Amendment of an approved Variance that does not have substantive changes may be approved by the Community Development Director. Otherwise, amendment of an approved Variance shall only be approved by the Board by repetition of the procedures and required showing of this Section.

Section 9. Development Standard Waivers

§9.1 GENERAL

A. Purpose. This Section defines the procedures and required showing to obtain waivers from the standards established in Section 4, General Development Standards, and Section 5, Natural Resource Protection Standards. Waivers are authorizations to differ from the literal terms of established standards that would not be contrary to the public interest in cases, where the literal application from the standards are warranted by site factors, or where alternative designs are proposed that meet the purposes of this *LDC*.

B. Applicability. Waivers may be granted pursuant to Table 9-1 Decision-Making for Waivers. Waivers shall not be authorized for standards that are subject to a Variance review. Where a standard is determined that is not contained in the list, the Community Development Director may make an administrative determination or at the Director's discretion forward the Waiver application to the Commission. Waivers are a discretionary act by the City and shall not be construed to be a land use right of a property owner.

C. Decision Making Body and Development Review. The decision-making body for Waivers of specific standards is assigned in Table 9-1 and pursuant to the following guidelines.

1. **City Council Waivers.** Waivers assigned for City Council consideration are related to major and minor subdivision reviews and will be considered as part of the subdivision review process. Waivers from subdivision-related standards must be submitted at the time of Preliminary Plan application pursuant to §9.3. Waivers for subdivision-related standards are subject to Final Plat approval.

2. **Planning and Zoning Commission Waivers.** Waivers that are determined by the Commission and/or administratively by staff are related to Site Development Applications. Waivers considered by the Commission are acted upon as a public hearing agenda item at a meeting. The administrative review follows all of the procedures set forth in §9.3 with the exception of item D, Public Notice. Waivers may be approved in conjunction with processing site development applications, land use development applications, including subdivision applications, as defined in §6.2.A of this *LDC*.

§9.2 APPLICATION CONTENTS

Formal requests for Waiver from the standards, policies or submittal requirements of these criteria shall be submitted with appropriate documentation. In addition to the minimum contents for all applications specified in §6.5 C, Minimum Application Contents, the application shall contain:

A. a site plan of the subject property, showing existing and proposed features, buildings, etc., which are relevant to the review of the waiver application;

B. citation of the specific section and subsection containing the standards for which the waiver is being requested, including the specific language of the related standard;

C. citation of the reasons, site conditions or issues with the required standard and how an alternative design meets the purposes of the *LDC*; and,

D. definition of alternative(s) being proposed for the waiver, if applicable, and any supporting

documentation, including mapping, technical literature, necessary calculations, engineering or site plan design data that graphically or analytically depict the alternative standards to be applied, and provides justification for the Waiver request; and

E. any other pertinent information that the Community Development Director determines is necessary to enable the decision-making body to make an informed decision on the waiver request.

§9.3 PROCEDURES AND PROCESS

A. Development Review. An applicant requesting a waiver shall follow the stages of the City of Gunnison land development process as described in §6.3.

B. Submit Application. The applicant shall submit a complete application to the Community Development Director containing those materials listed in §6.5 C, Minimum Application Contents, and in §9.2.

C. Staff Review. The Community Development Director shall review the application to determine whether it is complete, as specified in §6.6 A., Completeness Review. The Community Development Director shall forward a report which summarizes the application's compliance with the conditions outlined in §9.4 to the decision-making authority. The Community Development Director may solicit the assistance of other agencies and organizations in drafting the report.

D. Public Notice. Any waiver request that comes before the City Council and/or Commission shall require public notice for a hearing to consider the application for a waiver as specified in §6.7, Stage 4: Provision of Public Notice.

E. Action by Decision-Making Authority. The Commission or other decision-making authority may approve, approve with conditions, deny the application or remand it to the applicant with instructions for modification or additional information or action.

F. Actions Following Approval. The applicant may apply for a development permit following approval of the waiver and the filing and, if applicable, recordation of any documents required by the waiver approval.

§9.4 REVIEW CRITERIA

All waiver application approvals shall be found to be in compliance with the following General Criteria (A) and the criteria established for the relevant code sections applicable to the waiver request (B through N, below).

A. General Criteria

1. consistent with the *City of Gunnison Master Plan*;

2. approval of the waiver will not jeopardize the community's health safety and welfare;

3. there are special circumstances or conditions which are peculiar to the land or building for which the Waiver is sought that is more suitable, functional, or is a better site design;

4. no Waiver shall result in a detriment to City services in terms of service function, general maintenance restrictions, and increased City costs for service and maintenance;

5. the developer is responsible for all development costs unless shared costs are determined by City Council;

6. no Waiver shall be approved that is in conflict with any prevailing State or Federal law or regulation;

7. the granting of the Waiver will not be injurious to the neighborhood surrounding the land where the waiver is proposed, and is otherwise not detrimental to the public welfare or the environment;

8. no Waiver will negatively affect the promulgation of any other development standard of this *LDC*.

B. Adequate Public Facilities (§4.1)

1. The design, materials, and construction methods are equal or superior to existing standards.

2. The long term City maintenance restrictions or costs, and the facility design-life will not be diminished by approval of the Waiver.

3. The level of service provided by the Waiver is consistent with existing standards.

C. Road Construction Standards (§4.2)

1. The design, materials, and construction methods are equal or superior to existing standards.

2. Long term City maintenance restrictions, maintenance costs, and the utility/facility design-life will not be diminished by approval of the Waiver.

3. The level of service provided by the Waiver is consistent with existing standards.

4. Adequate rights-of-way and easements are established for the installation and maintenance of public utilities and services.

5. Transportation system functions will be efficient and safe.

6. The resulting streetscape will provide adequate light, air and area for landscaping and buffers.

7. The development of non-motorized circulation facilities will not be diminished by approval of the Waiver.

D. General Site Access (§4.3)

1. Waivers from general site access standards shall not create an unsafe design for the ingress or egress of vehicles and non-motorized transportation functions.

2. Long-term City maintenance restrictions, maintenance costs, and the utility/facility design-life will not be diminished by approval of the Waiver.

3. Waivers for properties fronting highways will not be granted if a State Highway Access Permit is required, unless they are in conjunction with a CDOT permit approval.

4. Waivers shall not be approved if the result requires vehicles to back onto streets.

5. Waivers will not diminish the function of sidewalks, accessways or multi-use trails.

6. Waivers will not result in a situation that precludes access to an adjacent property.

E. Off-Street Parking and Loading (§4.4)

1. Any Waiver requesting a reduction of the number of parking spaces shall be based on established demand factors from the Institute of Traffic Engineers or reliable data collected from uses or combination of uses that are comparable with the proposed development.

2. Waivers shall not be approved that reduce the minimum requirements for disabled accessibility.

3. Waivers that affect the location of parking and reduce the required buffer width shall only be allowed if an alternative landscape design provides adequate buffering, or the use of the property is significantly diminished without a Waiver.

4. Waivers will not diminish the function of sidewalks, accessways or multi-use trails.

F. Pedestrian Circulation Facilities (§4.5)

1. The Waiver is needed because the physical characteristics of the property or other circumstances including but not limited to topography, protecting wetlands and/or critical habitat.

2. Alternative design, specifications and layout provide safe, efficient and functional pedestrian circulation.

3. The Waiver does not preclude the extension of major sidewalk systems and multi-use trails designed in the *City of Gunnison Non-Motorized Transportation Plan*.

4. The Waiver is not contrary to requirements established by the Americans with Disabilities Act.

G. Landscaping, Buffer and Screening (§4.6)

1. Alternative design, specifications and layout are set forth in a detailed landscape plan that satisfies the purpose and intent of the landscape, buffering and screening standards.

2. Reductions from the required buffer setbacks shall only be allowed if an alternative landscape design provides adequate buffering, or the use of the property is significantly diminished without a waiver due to rights-of-way width, road section constraints or lot dimensions.

3. Waivers from buffer dimensional standards that protect residential property from non-residential property are not permitted unless it is found that the denial of the Waiver would render the property undevelopable.

4. The Waiver is necessary for the placement of public utilities, public ditches, or stormwater facilities, and in which case an alternative buffer/landscape plan is proposed that fulfills the requirements to the maximum extent feasible.

5. Waiver from plant species types do not permit or create situations causing the proliferation of noxious weeds.

6. Waivers that preclude required site restoration or revegetation of disturbed areas shall not be granted.

7. Waivers from fences and walls shall not interfere with street or driveway site distance requirements required by the *LDC*.

8. Fence and wall Waivers shall not result in the use of plywood or sheet metal.

9. Waivers from service area screening shall not create a visual detriment to adjacent residential uses or from view of any public street.

H. Outdoor Storage and Display (§4.7)

1. Waivers shall not impede ingress, egress or access for fire and emergency response personnel.

2. Waivers shall not impede access and circulation or reduce the required number of parking spaces.

3. Outdoor displays on the required landscape areas shall not result in the damage of vegetation.

4. Waivers shall not interfere with intersection site distance requirements established in the *LDC*.

5. Waivers shall not permit the display or storage of any feature in the public rights-of-way.

6. Waiver of outdoor storage and display within the front yard setback shall not permit the display or storage of any feature exceeding 15 feet in height.

I. Outdoor Lighting (§4.9)

1. Waivers shall not be granted if it will result in an illumination that interferes with the use or enjoyment of any lot in a residential zone district.

2. The maximum light trespass shall be 0.5 foot-candles of light at a point 25 feet from the property line of any residential zone district.

3. Unique security or public safety may warrant approval of a Waiver, but mitigating impact to any adjacent residential lots must be provided.

J. Large Scale Retail (§4.10)

1. Any Waiver associated with a single building site development plan shall meet the intent statements found in §4.10C of the *LDC*.

2. Any Waiver associated with multiple building site development plan shall meet the intent statement found in §4.10 E of the *LDC*.

3. Any Waiver associated with building design shall meet the intent statement found in §4.10 J of the *LDC*.

4. All Waiver requests shall comply with §14.6 Design Review Standard Objectives.

5. Waivers will be considered based on compliance with the following criteria:

   a. **Boundaries, Easement, or Title Constraints**. If an easement or a legal or physical hardship would prevent the building of a structure pursuant to site development standards, a Waiver may be approved; provided, that the approved Waiver is the minimum necessary to accommodate the hardship.

   b. **Public Outdoor Space Development**. In order to form an outdoor space such as a plaza, courtyard, patio, or garden between a building and the sidewalk, a Waiver may be approved; provided, that the street yard area shall have landscaping, low walls, a tree canopy or other similar site improvements along the sidewalk designed for pedestrian interest, comfort, and visual continuity.

   c. **Number and Design of Parking Spaces.** A Waiver of the required number and/or design of parking spaces may be approved; provided, that the need for existing and future parking is addressed; and the configuration provides for the safety of pedestrians and vehicles.

   d. **Orientation**. A Waiver may be approved where it is shown that the change in orientation will not adversely affect the overall appearance of the development.

   e. **Water, Air Quality, and Energy Conservation**. A Waiver may be approved where it is shown that water, air quality, and/or energy conservation will be enhanced. However, a water conservation Waiver shall not be used to limit or eliminate vegetation cover.

   f. **Vehicular Transportation and Circulation**. A Waiver may be approved where it is consistent with the approved transportation impact study.

   g. **Landscaping, Screening, and Buffering**. A Waiver may be approved where the change from design review standards will mitigate adverse impacts to adjoining uses.

   h. **Building Design Standards**. A Waiver may be approved for §4.10 J.2, Ground Floor Façades; §4.10 J.3, Articulation, and §4.10 M., Materials and Colors. The request must include a description of the alternative elements that will be used to break up larger building mass and emphasize pedestrian scale, show an obvious contrast in building wall planes and justify the preference for alternative materials and colors.

K. Stormwater Management (§5.1)

1. There is adequate area for construction and long-term maintenance of stormwater management facilities.

2. The Waiver results in a system of facilities that adequately reduce runoff volumes, slows runoff

velocity and provides water quality treatment meeting State and Federal water quality standards.

3. The Waiver will not jeopardize channel stabilization.

4. The Waiver does not violate State or Federal laws.

5. The Waiver is the minimum necessary and does not jeopardize the community's health, safety or welfare.

L. Slope Protection Standards (§5.2)

1. The development conforms to the other development, site design and environmental standards set forth in the *LDC*.

M. Grading and Erosion Control (§5.3)

1. Waivers that increase the limit of natural grade change shall not create unstable slopes or slopes prone to excessive erosion.

2. Waivers that increase the limit of natural grade change shall only occur if it is determined that adequate emergency access is provided.

3. Waivers that increase the limit of natural grade change shall not be in conflict with slope protection standards unless application of grading standards renders the site undevelopable.

4. Wavier from erosion control standards shall only be allowed if alternative construction best management practices are proposed that mitigate erosion and stormwater runoff impacts to the maximum extent feasible.

5. Waivers from the Limits of Disturbance shall include a program for the complete restoration of the disturbed area in a timely manner.

N. Wetland and Stream Corridor Protection (§5.4)

1. Waivers from wetland and stream corridor protection standards shall not be in conflict with wetland protection regulations promulgated by the Army Corps of Engineers and Floodplain Protections Standards adopted by the City.

2. Waivers from ditch setbacks are subject to written approval of all ditch owners.

3. Waivers from buffer and setback areas shall only be approved if it is determined that application of a buffer/setback standard renders the site undevelopable.

§9.5 DECISION-MAKING AUTHORITY

The decision-making authority has no obligation to approve a Waiver, and may impose restrictions and conditions on approvals, as determined required to prevent or minimize adverse effects from the proposed Waivers on neighboring land and on the general health, safety and welfare of the City. All conditions shall be

set forth in the granting of such waiver. A written copy of all administrative waivers will be forwarded to the Commission and City Council.

§9.6 EXPIRATION OF APPROVED WAIVER

A. Time Limit. All Waivers shall expire 12 months from the date of issuance if no site development permit has been issued. If the Waiver does not require a development permit, site improvements associated with the Waiver shall be complete and in operation within the allotted time. Such time period shall not be altered by transfer of ownership.

B. Notification. Written notice of expiration will be given to the owner of record no less than 30 days from the expiration date.

C. Extension. Upon written request, the decision-making body may grant an extension of the Waiver for a period not to exceed six months given reasonable justification. No request for an extension shall be considered unless a written application requesting the extension is submitted to the Community Development Director prior to the date the Waiver is to expire. The Waiver shall be deemed extended until the decision-making authority has acted upon the request for extension. Failure to submit an application for an extension within the time limits established by this Section shall render the Waiver null and void.

§9.7 APPEALS

A. Waivers that are determined administratively by the Community Development Director or staff may be appealed by the applicant to the Commission.

B. The appeal shall be in the form of a written letter of appeal submitted to the Community Development Director within 30 days of the date the waiver decision was made. The Commission may affirm, modify, reverse or remand the application with specific directions.

C. The Planning and Zoning Commission decisions are final with no appeal.

§9.8 DECISION-MAKING FOR WAIVERS

TABLE 9-1 DECISION-MAKING FOR WAIVERS

CODE SECTION	NO WAIVER ALLOWED	CD DIRECTOR	P&Z	CC	OTHER / COMMENTS
§4.1 Adequate Public Facilities					
§4.1 C.1. Approval Conditioned Upon Adequate Public Facilities	√				
§4.1D Sewage Disposal					
§4.1 D.1 Level of Service			rec	√	
§4.1 D.2 Criteria for New Development					
§4.1 D.3 Minimum Approval Requirements	√				
§4.1 E. Water					
§4.1 E.1 Level of Service			rec	√	
§4.1 E.2 Minimum Approval Requirements	√				
§4.1 F. Drainage/Water Quality Management					
§4.1 F.1 Level of Service			rec	√	
§4.1 F.2 Minimum Approval Requirements	√				

TABLE 9-1 DECISION-MAKING FOR WAIVERS					
CODE SECTION	**NO WAIVER ALLOWED**	**CD DIRECTOR**	**P&Z**	**CC**	**OTHER / COMMENTS**
§4.1 G Fire Protection					
§4.1 G.1 Level of Service	√				
§4.1 G.3 Minimum Approval Requirements	√				
§4.1 H. Transportation					
§4.1 H.1.a Level of Service-General Standard			rec	√	
§4.1 H.1.b Level of Service-Waiver			rec	√	
§4.1 H.1.c. Access to Development in all Zone districts			rec	√	
§4.1 H.3.a–e Traffic Impact Analysis Contents		√			
§4.1 H.4. Minimum Approval Requirements	√				
§4.1 H.5. Pedestrian Circulation					
§4.1 H.5.a. Level of Service	√				
§4.1 H.5.b. Criteria for New Development or Redevelopment			rec	√	
§4.1 H.5.c. Minimum Approval Requirements			rec	√	
§4.1 I. Electricity					
§4.1 I.2. Criteria for New Development			rec	√	
§4.1 I.3. Minimum Approval Requirements	√				
§4.1 J. Irrigation System					
§4.1 J.2. Criteria for New Development			rec	√	may only be granted if the extension of the irrigation is impractical
§4.1 J.3. Minimum Approval Requirements			rec	√	
§4.2 Road Construction Standards					
§4.2A. General Road Construction Standards					
§4.2 A.4. Other Standards of Construction			rec	√	
§4.2 A.5. Construction Approval			rec	√	
§4.2 A.6. Typical Cross-Sections			rec	√	
§4.2 A.8 Street Designations			rec	√	
§4.2 A.9. Repairs and Restoration					PW Director
§4.2 B. Streets					
§4.2 B.1.Street Construction and Design Specifications.			rec	√	
§4.2 B.2. Sub-local Streets			rec	√	
§4.2 B.3. Street Sections and Rights-of-Way Width			rec	√	
§4.2 B.4. Shoulders					PW Director
§4.2 B.5. Bike Lanes			rec	√	
§4.2 B.6. Street Sub-Grade and Asphalt Standards					PW Director
§4.2 B.8. Private Streets			rec	√	
§4.2 C. Cul-de-Sacs and Dead-End Streets					
§4.2 C.1. Where Allowed			rec	√	Only where terrain or site constraints preclude connectivity
§4.2 C.2. Length			rec	√	

TABLE 9-1 DECISION-MAKING FOR WAIVERS					
CODE SECTION	**NO WAIVER ALLOWED**	**CD DIRECTOR**	**P&Z**	**CC**	**OTHER / COMMENTS**
§4.2 C.3. Number of Vehicle Trips per Day			rec	√	
§4.2 D. Street Intersections			rec	√	
§4.2 D.1. Curb Radii			rec	√	
§4.2 D.2. Sight Distance			rec	√	
§4.2 D.3. Intersection Grade Standards			rec	√	
§4.2 E. Vertical Alignment					
§4.2 E.2. Street Grades			rec	√	
§4.2 E.3. Street Grade Changes			rec	√	
§4.2 F. Horizontal Alignment					
§4.2 F.1. Street Horizontal Alignment			rec	√	
§4.2 F.2. Minimum radii of curvature			rec	√	
§4.2 F.3. Clear visibility measure			rec	√	
§4.2 F.4. Reverse curve tangent			rec	√	
§4.2 G. Cross Slope			rec	√	
§4.2 H. Curb and Gutter			rec	√	
§4.2 I. Street Dedication					
§4.2 I.1. Dead-end streets			rec	√	
§4.2 I.2. Street construction and right-of-way connections			rec	√	
§4.2 I.3. Rights-of-way abutting unincorporated property			rec	√	
§4.2 J. Acceptance of Public Dedicated Streets and Other Public Utilities					
§4.2 J.1. Acceptance Timing and Season					PW Director
§4.2 K. Partial-Width Street			rec	√	
§4.2 L. Additional Rights-of-Way	√				
§4.2 M. Street Paving and Signs			rec	√	
§4.2 N. Roadside Delineators					PW Director
§4.2 O. Erosion Control			rec	√	
§4.2 P. Clustered Mail Box		√			
§4.3 General Site Access					
§4.3 A. Access to Public Roads	√				
§4.3 B. Driveway Access - General Standards					
§4.3 B.1.a. Limits on Curb Cuts		√			PW Director
§4.3 B.1.b. On State Highways		√			
§4.3 B.1.c Arterial Streets			√		
§4.3 C. Backing Prohibited			√		
§4.3 D. Shared Driveways			√		
§4.3 D.2. May be on Property Line	√				
§4.3 D.3. Maintenance Agreement Required	√				
§4.3 D.4. Multi-family Access Threshold	√				
§4.3 E. Corner Lots		√			
§4.3 F Property Lines		√			
§4.3 G Driveway Alignments		√			
§4.3 H Driveway Opening Requirements		√			
§4.3 I Driveway Spacing		√			
§4.3 I.1. Arterial Streets		√			
§4.3 I.2. Collector Streets		√			
§4.3 I.3. Local and Sub-Local Streets		√			
§4.3 I.3.a. Residential Drive Spacing		√			
§4.3 J. Driveway Design Standards					

TABLE 9-1 DECISION-MAKING FOR WAIVERS					
CODE SECTION	**NO WAIVER ALLOWED**	**CD DIRECTOR**	**P&Z**	**CC**	**OTHER / COMMENTS**
§4.3 J.1 Surface Material Standards		√			
§4.3 J.1.a. For 5+ parking spaces		√			
§4.3 J.1.b. For 20+ parking spaces		√			
§4.3 J.1.c. Apron length where garage is used as parking		√			
§4.3 J.2 Geometric Design Standards					
§4.3 J.2.a. Residential driveways maximum 8% grade		√			
§4.3 J.2.b. Nonresidential driveways maximum 6% grade		√			
§4.3 J.2.c. Grades for driveways within 20 feet of intersection		√			
§4.3 J.2.d. Follow natural contours		√			
§4.3 J.2.e. Stacking space for nonresidential driveways			√		
§4.3 J.3. Other Driveway Construction Standards		√			
§4.3 J.3.a. Driveway within property line and street	√				
§4.3 J.3.b. Angle at Intersection		√			
§4.3 J.3.c.Driveway grading and drainage		√			
§4.3 J.3.d. Drainage in the R-O-W		√			
§4.3 J.3.e. When paving is required	√				
§4.3 J.3.f. When concrete pan is required	√				
§4.3 J.3.g. Single-family drive sidewalk depth		√			
§4.3 J.3.h. Multi-family or commercial drive sidewalk depth		√			
§4.3 J.3.i. Access for driveways serving 8+	√				
§4.3 J.3.j. Culvert length under driveway		√			
§4.3 J.3.k. Replacement Standards for sidewalks	√				
§4.3 J.3.l. Replacement standards for curb and gutter	√				
§4.3 J.3.m. Standards for new construction abutting existing sidewalks and asphalt	√				
§4.3 J.3.n. Standards for gated access	√				
§4.3 J.4. Intersection and Driveway Visibility		√			
§4.3 J.4.a. Intersection	√				
§4.3 J.4.b. Driveway Sight Visibility	√				
§4.3 J.4.c. Visibility for driveways serving 20+ parking spaces	√				
§4.4 Off-street Parking and Loading					
§4.4 B. Applicability					
§4.4 B.1. No CO until requirements met			√		
§4.4 B.2. Requirements for modified off-street parking and loading facilities	√				
§4.4 B.3. Site plan required for development with 4+ spaces	√				
§4.4 B.4. Grandfather clause for parking and loading if no increase in floor area or change of use.	√				

TABLE 9-1 DECISION-MAKING FOR WAIVERS					
CODE SECTION	**NO WAIVER ALLOWED**	**CD DIRECTOR**	**P&Z**	**CC**	**OTHER / COMMENTS**
§4.4 B.5. Parking requirements for projects with increased floor area or change of use	√				
§4.4 B.6. Requirements for residential/bed and breakfast approved through Conditional Use in CBD.	√				
§4.4 C. Parking Calculation Provisions					
§4.4 C.1. For Developments Containing More than One Use. Developments containing more than one use shall provide parking spaces in an amount equal to the total of the requirements for all uses.		√			ZBAA or CD Director if 20% reduction is OK
§4.4 D. Minimum Off-Street Parking		√			ZBAA or CD Director if 20% reduction is OK
§4.4 D.1.a Disabled Access Parking	√				
§4.4 D.1.b ADA Parking Signage	√				
§4.4 D.2. Maximum Requirement and Shared Use Reduction					
§4.4 D.2.a. Not more than 110% of required parking allowed	√				
§4.4 D.4. Parking Stall and Aisle Dimensions.		√			
§4.4 E. Location					
§4.4 E.1. Off-street parking on same parcel as principal use			√		
§4.4 E.2. Setbacks in non-residential zone districts			√		
§4.4 E.3. Setbacks for multi-family development			√		
§4.4 E.6. Buffers for off-street parking			√		
§4.4 F. Driveway Access for off-street parking serving 8+ stalls					
§4.4 F.1. Dimensions					
§4.4 F.1.a. 6% maximum grade		√			
§4.4 F.1.b. Parking spaces using non-conforming standards must be developed by a licensed engineer.		√			
§4.4 F.2. Surfacing	√				
§4.4 F.3. Curbs and Wheel Stops		√			
§4.4 F.3.a. 6" curb to protect landscaping		√			
§4.4 F. 3.b. No landscaping >12" within 2' of curb		√			
§4.4 F.4. Separation from Walkways and Streets		√			
§4.4 F.7. Backing Prohibited			√		
§4.4 F.8. Tandem Parking		√			
§4.4 F.9.a Snow Storage Area		√			
§4.4 F.9.b Storage in Parking Spaces Prohibited		√			
§4.4 F.9.d Drainage		√			

TABLE 9-1 DECISION-MAKING FOR WAIVERS					
CODE SECTION	**NO WAIVER ALLOWED**	**CD DIRECTOR**	**P&Z**	**CC**	**OTHER / COMMENTS**
§4.4 F.10 Bicycle Racks		√			
§4.4 G.1. Prohibited Uses of Required Spaces	√				
§4.4 H. Space for Customer Drop-Off of Shopping Carts			√		
§4.4 I. Off-site and Shared Parking Standards					
§4.4 I.1. On-Street Parking		√			
§4.4 I.2. Off-Site Parking		√			
§4.4 I.2.a. Ineligible Activities	√				
§4.4 I.2.b. Location	√				
§4.4 I.2.c. Zoning Classification	√				
§4.4 I.2.d. Agreement	√				
§4.4 I.3. Shared Parking		√			
§4.4 J. Vehicle Stacking Requirements		√			
§4.4 J.1. Minimum Number of Spaces		√			
§4.4 J.2. Design and Layout			√		
§4.4 K. Off-Street Loading Requirements		√			
§4.4 K.1.a. Loading Dock Dimensions			√		
§4.4 K.2. Location and Layout			√		
§4.4 K.2.a Must be on-site			√		
§4.4 K.2.b. Not in required setback			√		
§4.4 K.2.c. Not in parking aisle or access dimension		√			
§4.4 K.2.d. Screening required	√				
§4.4 K.2.e. Accessible without backing across street	√				
§4.4 K.2.f. Shall not obstruct access to parking, sidewalks, roads, or fire lanes	√				
§4.5 Pedestrian Circulation Facilities					
§4.5 A. Applicability					
§4.5 A.1. For new development			rec	√	
§4.5 B. Types of Pedestrian Circulation Facilities					
§4.5 B.1. Sidewalks	√				
§4.5 B.2. Accessways	√				
§4.5 B.3. Multi-Use Trails	√				
§4.5 C. Pedestrian Linkage Requirements					
§4.5 C.1. Linkage Plan Required			rec	√	
§4.5 C.2. Subdivisions must have pedestrian facilities			rec	√	
§4.5 C.3. Sidewalk requirements on arterial and collector streets	√				
§4.5 D. Pedestrian Circulation Amenities					
§4.5 D.1. Durable surface materials			√		
§4.5 D.2. 4' wide sidewalks in R-1, R-1M, and R-2			√		
§4.5 D.3. Sidewalk Placement		√			
§4.5 D.3.a. Attached Facilities		√			
§4.5 D.3.b. Detached 6' Minimum		√			
§4.5 E. Design and Construction Standards					
§4.5 E.1. Sidewalks and trails in R-O-W			rec	√	

TABLE 9-1 DECISION-MAKING FOR WAIVERS					
CODE SECTION	**NO WAIVER ALLOWED**	**CD DIRECTOR**	**P&Z**	**CC**	**OTHER / COMMENTS**
§4.5 E.2. Design elements in accord with Construction Standards					PW Director
§4.5 E.3. Pedestrian facilities in accordance with ADA	√				
§4.5 E.4. Detached pedestrian facilities		√			
§4.5 E.6. Owners required to landscape R-O-W between curb and sidewalk	√				
§4.5 E.7. Transition sections		√			
§4.5 E.8. Minimum 2' clearance around obstructions required for sidewalks		√			
§4.5 E.9. Pedestrian facilities constructed concurrently with street		√			
§4.5 F. Multi-Use Trails Design Standards					PW Director
§4.5 F.1. Subdivisions required to dedicate and install trails			rec	√	
§4.5 F.2. 15' dedicated easement required if development is on a trail alignment		√		√	either
§4.6 Landscaping, Buffering and Screening					
§4.6 B. Applicability					
§4.6 C. Approval of Landscaping and Buffering Plan					
§4.6 C.1. Approved landscaping plan required for final development approval		√			
§4.6 C.2. Alternative specifications for landscaping require approval		√			
§4.6 C.3. Landscaping required for CO		√			
§4.6 C.3.b. Delayed landscaping requires improvement agreement		√			
§4.6 D. Landscaping Design Standards and Guidelines					
§4.6 D.1. Aesthetic Enhancement Guidelines		√			
§4.6 D.2.a. Use of Native or Adaptive Plant Materials		√			
§4.6 D.2.b. Existing Plant Materials		√			
§4.6 D. 2.b.iii. Root Zones		√			
§4.6 D.2. d Plant Sizes		√			
§4.6 D.3. Location and Arrangement of Required Landscaping		√			
§4.6 D.3.a. Reasons for landscaping		√			
§4.6 D.3.b. Must be located on the property they serve			√		
§4.6 D.3.c. Not in the R-O-W unless associated with street buffer		√			
§4.6 D.3.d. Place trees where pruning won't be required		√			
§4.6 D.3.e. Trees at least 7' from structures and with 55 square ft. non-paved area around trunk		√			
§4.6 D.3.f No trees within 5' of water or sewer main lines	√				
§4.6 D.3.g Planting near utility lines	√				

TABLE 9-1 DECISION-MAKING FOR WAIVERS					
CODE SECTION	**NO WAIVER ALLOWED**	**CD DIRECTOR**	**P&Z**	**CC**	**OTHER / COMMENTS**
§4.6 D.3.h Planting near fire hydrants	√				
§4.6 D.3.i No trees within 25' of intersections or 10' from fire hydrants and utility poles	√				
§4.6 D.4. Restoration and Revegetation of Disturbed Areas		√			
§4.6 D.5 Irrigation		√			
§4.6 E. Landscaping Requirements for all Zone Districts					Variance
§4.6 E.1. Minimum Tree and Shrub Plantings					Variance
§4.6 E.2 Living Plant Material requirement		√			
§4.6 E.3 10% landscape area in Industrial zone district		√			
§4.6 F. Buffering and Screening					
§4.6 F.2 Waivers			√		
§4.6 F.3 Zone District Boundaries			√		
§4.6 F.3.a. Landscaped buffer required between zone districts.			√		
§4.6 F.3.b. 20' wide buffer required			√		
§4.6 F.3.c. Number of trees and shrubs per 100 linear feet			√		
§4.6 F.4.c. Planting Requirements (see Figure 16)			√		
§4.6 F.4.d Buffer Width			√		
§4.6 F.4.d. Arterial and Street Frontage Buffers					
§4.6 F. 4.e.i 25' along street frontage			√		
§4.6 F. 4.e.ii Number of trees and shrubs per lineal foot			√		
§4.6 F.4.f. Number of trees and shrubs per lineal foot on Local Street frontage			√		
§4.6 F.4.g. No Development in Street Frontage Buffer			√		
§4.6 F.8.Responsibility for Buffering	√				
§4.6 G. Parking Lot Landscaping					
§4.6 G.2.a. Applicability	√				
§4.6 G.2.b. General Requirements	√				
§4.6 G.2.d. Walls/Fences	√				
§4.6 G.2.e. Perimeter Planting Requirements	√				
§4.6 G.3.a Applicability	√				
§4.6 G.3.b. Minimum Requirement	√				
§4.6 G.3.c. Landscaped Islands	√				
§4.6 H. Fences and Walls					
§4.6 H.1. Materials for fences or walls	√				
§4.6 H.1.1 Materials		√			
§4.6 H.1.b Fencing finished on all sides in non-residential except Industrial		√			
§4.6 H.1.c Prohibited materials	√				
§4.6 H.1.d Chain link	√				
§4.6 H.1.e Barbed wire	√				
§4.6 H.2.a Less than 4' in height in residential	√				

TABLE 9-1 DECISION-MAKING FOR WAIVERS					
CODE SECTION	**NO WAIVER ALLOWED**	**CD DIRECTOR**	**P&Z**	**CC**	**OTHER / COMMENTS**
front yards					
§4.6 H.2.b Fences or walls ≥6' require permit	√				
§4.6 H.2.c Setbacks for fences and walls ≥ 8'	√				
§4.6 H.2.d Compliance with driveway visibility	√				
§4.6 H.2.e Offset for fences and walls adjacent to alleys	√				
§4.6 H.2.f License Agreement	√				
§4.6 H.2.g Maximum uninterrupted plane of 100'	√				
§4.6 H.2.h. Plantings in conjunction with fences and walls	√				
§4.6 I Screening					
§4.6 I.1. Drive Thru Facilities	√				
§4.6 I.1.a. Parking Lot Separation	√				
§4.6 I.1.b Adjacent to residential zone district	√				
§4.6 I.2. Service Areas					
§4.6 I.2.a Location and screening		√			
§4.6 I.2.b Limited to area on approved site plan	√				
§4.6 I.3. Loading Areas					
§4.6 I.3.a. 100% screening from residential properties and public rights-of-way		√			
§4.6 I.3.b. Screening material		√			
§4.6 I.3.c. Location of Type B loading docks			√		
§4.6 I.4. Mechanical Equipment					
§4.6 I.4.a. Screening		√			
§4.6 I.4.b Roof-Mounted Screening Material		√			
§4.6 I.4.c Ground-Mounted Screening Material		√			
§4.6 I.5. Utilities					not applicable to accessways
§4.6 I.6. Trash Receptacles		√			
§4.6 J. Maintenance Requirements					
§4.6 J.1. Maintenance Required	√				
§4.6 J.2. Maintenance of Landscape Structures	√				
§4.6 J.3. Replacement		√			
§4.6 J.4. Enforcement		√			
§4.7 Outdoor Display and Storage					
§4.7 B. Outdoor Display					
§4.7 B.3. Obstruction Prohibited.	√				
§4.7 B.4. Maintenance	√				
§4.7.C. Outdoor Storage					
§4.7 C.2. Area	√				
§4.7 C.3. Screening	√				
§4.7 C.4. a. Setbacks	√				
§4.7 C.4.b. Rear Yards		√			
§4.7 C.4.c. Side Yards	√				
§4.8 Signs – Sign Standards are omitted from this review					

TABLE 9-1 DECISION-MAKING FOR WAIVERS					
CODE SECTION	**NO WAIVER ALLOWED**	**CD DIRECTOR**	**P&Z**	**CC**	**OTHER / COMMENTS**
§4.9 Outdoor Lighting					
§4.9 Applicability					
§4.9 B.1. Existing no increase in floor area	√				
§4.9 B.2. Existing with increase in floor area	√				
§4.9 C. Exemption					Not Applicable
§4.9 D. Prohibited Light Sources			√		
§4.9 E. Design Requirements					
§4.9 E.1 Fixture (Luminaire)			√		
§4.9 E.2 Fixture Height			√		
§4.9 E.3 Mounting			√		
§4.9 E.4 Limit Lighting to Periods of Activity		√			
§4.9 F. Specific Standards					
§4.9 F.1 Street Lighting				√	
§4.9 F.2 Security Lighting			√		
§4.9 F.3 Accent Lighting					Not Applicable
§4.9 F.4 Canopy Area Lighting		√			
§4.9 F.5 Entrances Exits in Nonresidential and Multi-Family Development		√			
§4.9 F.6 Off-street Parking Area Lighting		√			
§4.9 G. Excessive Illumination			√		
§4.10 Large Scale Retail					
§4.10 B. Applicability			√		
§4.10 D. Single Building Site Development Standards					
§4.10 D.1. General			√		
§4.10 D.2. Orientation			√		
§4.10 D.3. Front Parking			√		
§4.10 F. Multiple Building Site Development Standards			√		
§4.10 F.1 Location Standards			√		
§4.10 F.2 Orientation			√		
§4.10 F.3 Front Parking			√		
§4.10 F.4 Phasing			√		
§4.10 G. Vehicular Circulation					
§4.10 G.1. Transportation Impact Study Requirements			√		
§4.10 G.2 Access to Collector Streets			√		
§4.10 G.3 Internal Drive Connectivity			√		
§4.10 G.4 Passenger Loading Zones			√		
§4.10 G.5 Traffic Control			√		
§4.10 G.6 Speed Change Lanes			√		
§4.10 G.7 Restricted Turning Movements			√		
§4.10 H. Pedestrian Circulation Facilities					See §4.5
§4.10 I. Residential Protection					
§4.10 I.1 Building Location			√		
§4.10 I.2 Buffering and Landscaping			√		
§4.10 J. Building Design Standards					
§4.10 J.2 Ground Floor Façades					

§4.10 J. 2.a. Abutting public streets or parking lots			√		
§4.10 J.2.b Liner and Pad Site Buildings			√		
§4.10 J.3.Articulation					
§4.10 J.3.a. Exterior Wall Plane			√		
§4.10 J.3.b. Primary Façades.			√		
§4.10 J.3.c. Secondary Façades			√		
§4.10 K. Architectural Elements			√		
§4.10 L. Building Entrances			√		
§4.10 M. Materials and Colors			√		
§4.10 M.1. 4-85Exterior building materials			√		
§4.10 M.2 Façade colors			√		
§4.10 M.4 Wall surface material			√		
§4.10 M.6 Neon as an architectural accent prohibited			√		
§4.10 M.8. Roofs					
§4.10 M. 8.a. Parapets			√		
§4.10 M. 8.b. Overhanging eaves			√		
§4.10 M. 8.c. Sloping Roofs			√		
§4.10 M. 8.d. Three or more roof slope planes			√		
§4.10 N Abandoned Buildings			√		
§5.1 Natural Resource Protection Standards					
§5.1 B. Stormwater Design and Construction Standards					
§5.1 B.1. City *Stormwater Manual* incorporated by reference			rec	√	
§5.1 B.2. Design and construction in accordance with *Stormwater Manual*	See *City of Gunnison Stormwater Management Manual* Table 8-1 below:				

TABLE 8-1 DRAINAGE REPORT SUBMITTAL REQUIREMENTS

Submittal Type	Drainage Submittal Requirements	Review Body
Map Amendment	Determined by the City Engineer	P&Z and City Council
Planned Development PUD-O or PUD-M	Phase II Drainage Report	P&Z and City Council
Site Development Application	Determined by City Engineer	Staff
Conditional Use	Determined by City Engineer	P&Z
Preliminary Subdivision Plat	Phase II Drainage Report	P&Z
Final Subdivision Plat/Replat	Phase III Drainage Report	P&Z and City Council
Minor Subdivision	Determined by City Engineer	P&Z and City Council
Exempt Subdivision	Determined by City Engineer	Staff
Note: The Drainage Report submittal requirements as outlined in this Table are general guidelines and do not represent all circumstances under which specific drainage submittals may be required. Prior to the submittal, the applicant shall consult with the City Engineer for submittal requirements regarding applications or processes not addressed in this Table.		

§5.1 B.3. Only historic runoff shall be released from the site.	√				
§5.1 B.4. Drainage shall comply with state and federal requirements	√				

TABLE 9-1 DECISION-MAKING FOR WAIVERS					
CODE SECTION	**NO WAIVER ALLOWED**	**CD DIRECTOR**	**P&Z**	**CC**	**OTHER / COMMENTS**
§5.1 C. Floodplain	√				
§5.2 Slope Protection Standards					
§5.2 A. Density Calculation for Residential Development on Slopes >10%					
§5.2 A.1. Applicability.	√				
§5.2A.3. Dimensional Standards	√				Variance
§5.2 B. Development Restrictions on Steep Slopes					
§5.2 B.2. New Structures—Existing Slopes in Excess of Ten Percent			√		
§5.2 B. 2.a. New development subject to review		√			
§5.2 B.2.b.i. Minimized Site Disturbance		√			
§5.2 B.2.b.ii. Shared utilities and driveway access		√			
§5.2 B.2.b.iii. No new construction in areas of instability		√			
§5.2 B.b.iv. Applicant must demonstrate that site is not instable and development will not cause instability		√			
§5.2 B.2.c. Measurement of steepness of slope		√			
§5.2 B.3. Structure Clearance from Steep Slopes		√			
§5.2 B.4. Grading, Clearing and Excavation – slope in Excess of Ten Percent		√			
§5.2 B.5. Roads/Driveways – slopes in Excess of Ten Percent		√			
§5.3 B. Grading Plan			rec	√	Subdivision
		√			Site development
§5.3 C. Plan Preparation		√			
§5.3 D. Grading Standards					
§5.3 D.1.Approval/Permit Required		√			
§5.3 D.2. Limits on Changing Natural Grade		√			
§5.3 D.3. Cutting and Creating Benches		√			
§5.3 D.4. Grading For Accessory Building Pads Discouraged		√			
§5.3 D.5. Limits on Graded Filled Manmade Slopes					
§5.3 D.5.b. slopes shall not exceed 3:1			rec	√	subdivision
		√			Site development
§5.3 D.5.c. Situations for 2:1 slope for road construction			rec	√	subdivision
§5.3 D.6. Retaining Walls		√			

TABLE 9-1 DECISION-MAKING FOR WAIVERS					
CODE SECTION	**NO WAIVER ALLOWED**	**CD DIRECTOR**	**P&Z**	**CC**	**OTHER / COMMENTS**
§5.3 D.6.a.i. To provide breaks in slopes >30%		√			
§5.3 D.6.a.ii. 6' height restriction		√			
§5.3 D.6.a.iii. Engineering requirement	√				
§5.3 D.6.iv. Horizontal terrace requirement		√			
§5.3 D.6.v. Screening requirement		√			
§5.3 D.6.vi. Compliance with Building Codes	√				
§5.3 D.6.b. Filling or Dredging of Waterways Prohibited.	√				
§5.3 D.6.c. Detention/Stormwater Facilities	√				
§5.3 D.7. Restoration of Disturbed Areas					
§5.3 D.7.a. Follow Natural Contours	√				
§5.3 D.7.b. Revegetation Required		√			
§5.3 D.7.c. Timeline		√			
§5.3 D.7.d. Man-made Slopes Greater than 25 Percent		√			
§5.3 D.7.e Man-made Slopes Greater than 50 Percent		√			
§5.3 D.7.f. Topsoil Stockpiled		√			
§5.3 D.8. Limitations of Disturbance					
§5.3 D.8.d. Development Standards					
§5.3 D.8.d.i Approval of erosion and sedimentation control required.		√			
§5.3 D.8.d.ii. No development outside LOD except as provided in §5.3 D.8.d.iii. (below):		√			
§5.3 D.8.d.iii. Disturbance or construction may occur outside LOD with written consent of landowner and approval of staff for limited purposes.		√			
§5.3 D.8.e. LOD shall be designated on Final Grading and Drainage Plans			rec	√	
§5.3 D.8.f. Standards for Protection during Construction.		√			
§5.3 E. Construction Stormwater Management Plan.		√			
§5.4 Wetland and Streams Corridor Protection					
§5.4 C. Other Regulations					
§5.4 C.1. This Section does not supersede other regulations. More stringent regulations apply.			rec	√	
§5.4 C.2. No construction or disturbance within delineated wetlands	√				
§5.4 E. Buffer/Setback Areas					
§5.4 E.1. Major Ditch and River Corridors					
§5.4 E.1.a.i. Major Ditches			√		
§5.4 E.1.a.ii. Gunnison River and Tomichi Creek Corridors					
§5.4 E.1.a.ii. a) Setbacks			√		
§5.4 E.1.a.ii. b) Exception			√		
§5.4 E.1.b. Parking Lot Setbacks			√		
§5.4 E.2.a. Wetlands not included as part of platted development lot.			rec	√	

TABLE 9-1 DECISION-MAKING FOR WAIVERS					
CODE SECTION	**NO WAIVER ALLOWED**	**CD DIRECTOR**	**P&Z**	**CC**	**OTHER / COMMENTS**
§5.4 E.2.b. 50' setback from wetlands.			√		
§5.4 E.3. Private Open Areas and Landscaping Credit		√			
§5.4 F. Development Standards					
§5.4 F.1. Prohibited Activities		√			
§5.4 F.2 Utilities		√			
§5.4 F.3 Recreation, Education or Scientific Activities		√			
§5.4 G. Preservation of Vegetation		√			
§5.4 H. Wetland Mitigation Requirements					
§5.4 H.1. Restoration required	√				
§5.4 H.2. Alteration of wetlands requires mitigation			√		

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Section 10. Amendments to the Land Development Code and Official Zoning Map

§10.1 GENERAL

The text of this *LDC* and the boundaries of zone districts, as depicted on the Official Zoning Map, may be amended, supplemented or repealed pursuant to the procedures and standards of this Section.

§10.2 INITIATION

A. Initiation of Text Amendment. An amendment to the text of this *LDC* may be initiated by the City Council, the Commission, the Community Development Director, a resident of the city, any person who holds a recognized interest in real property within the city, and/or the property owner's Authorized Agent as specified in §6.3.A.

B. Initiation of Zoning Map Amendment. An amendment to the Official Zoning Map may be initiated by the City Council, the Commission, the Community Development Director or the owner/authorized agent of, or holder of, a recognized interest in that real property whose zoning is proposed to be amended.

§10.3 PROCEDURE

An applicant requesting an amendment shall follow the stages of the City of Gunnison land development process outlined below.

A. Preapplication Conference. Attendance at a preapplication conference is optional, but recommended, for a private applicant intending to submit an application for an Amendment to the text of this *LDC* or the boundaries of zoning districts as depicted on the Official Zoning Map.

B. Submit Application. The applicant shall submit a complete development application to the Community Development Director containing those materials listed in §10.4, Application Contents. The Community Development Director shall be responsible for submitting the application materials for an Amendment initiated by the City Council or Commission.

C. Staff Review. The Community Development Director shall review the application to determine whether it is complete, as specified in §6.6 A, Completeness Review. The Community Development Director shall forward a report to the Commission summarizing the application's compliance with the applicable review standards contained in §10.5, or §10.6, and other applicable provisions of this *LDC*. The technical comments and professional recommendations of other agencies and organizations may be solicited in drafting the report.

D. Public Notice. Public notice that the Commission will conduct a hearing to consider the application for an Amendment to the text of this title or the boundaries of zoning districts, as depicted on the Official Zoning Map, shall be provided as specified in §6.7.

E. Action by Commission. The Commission shall hold a public hearing to review the conformance of the application with all applicable provisions of this *LDC*. The Commission shall make a recommendation that City Council approve, approve with conditions, or deny the application, or shall remand the application to the applicant with instructions for modification or additional information or action.

F. Public Notice and Action by Council. The City Council shall consider the recommendations of the Commission at a public hearing. Public notice that the City Council will conduct a hearing to consider the recommendations of the Commission shall be provided as specified in §6.7. The Council shall, by ordinance, approve or deny the proposed Amendment or shall remand it to the applicant with instructions for modification or additional information or action.

G. Actions Following Approval. Upon approval of the amendment, and the filing and, if applicable, recordation of any documents required by the approval, the Community Development Director shall place the Amendment on the Official Zoning Map or shall cause the amended text of this *LDC* to be officially codified. Each Amendment shall be noted on the Official Zoning Map, together with the ordinance number and date, date of correction, and initials of the Community Development Director affirming the accuracy of the map change.

§10.4 APPLICATION CONTENTS

An application for Amendment to the text of this *LDC* or the boundaries of zone districts, as depicted on the Official Zoning Map, shall contain the following:

A. Minimum Contents. The minimum contents for all applications specified in §6.5 C, Minimum Application Contents.

B. Text Amendment. In addition to the required Minimum Contents, a Text Amendment application to the *LDC* shall include:

1. A citation of the specific section/sub-section of the LDC that is proposed to be amended;

2. The precise amended wording, tabular data, or equations/measures that constitute the proposed Amendment;

3. A written statement by the applicant identifying the intended consequences of the amendment and how the application for amendment meets the review standards cited in §10.5.

C. Zoning Map Amendment. If the application requests an amendment to the Official Zoning Map, it shall include:

1. **Zone Districts.** The present zone district designation(s) of the property and the zoning of all adjacent properties.

2. **Survey Map.** A stamped survey map and legal description created under the direction of a surveyor licensed in the State of Colorado of the property proposed for Amendment, stating the area of the property proposed to be amended in square feet or acres.

3. **Existing Uses.** A description of existing uses on the property and on all adjacent properties.

4. **Statement of Intended Development.** A written statement by the applicant identifying the intended use or development of the subject parcel and the timing of said development, describing the community need for the change in zoning, and explaining the effect the change in zoning would have on surrounding uses, and how the application meets the review standards cited in §10.6. Review Standards for Zoning Map Amendments.

§10.5 REVIEW STANDARDS FOR TEXT AMENDMENTS

An application for an Amendment to the text of this *LDC* shall comply with the following standards:

A. Consistent with Purposes. The proposed Amendment shall be consistent with the purposes of this *LDC*.

B. No Conflict with Other Provisions. The proposed Amendment shall not conflict with any other applicable provisions of this *LDC*, or shall repeal or amend provisions of this *LDC* which are inconsistent, unreasonable or out-of-date.

C. Consistent with *Master Plan*. The proposed Amendment shall be consistent with the *City of Gunnison Master Plan*, or shall implement a new portion of the *Master Plan*, or shall implement portions of the *Master Plan* which have proven difficult to achieve under the existing provisions of this *LDC*.

D. Public Health, Safety and Welfare. The proposed Amendment shall preserve and/or enhance the public health, safety, general welfare and environment and contribute to the orderly development of the city.

§10.6 REVIEW STANDARDS FOR ZONING MAP AMENDMENTS

An application for an Amendment to the Official Zoning Map shall comply with the following standards:

A. Consistent with Master Plan. The proposed Amendment shall be consistent with the *City of Gunnison Master Plan*.

B. Consistent with Purpose of Zone District. The proposed Amendment shall be consistent with the purpose of the zone district to which the property is to be designated.

C. Compatibility with Surrounding Zone Districts and Uses. The development permitted by the proposed Amendment shall be compatible with surrounding zone districts, land uses, and neighborhood character.

D. Changed Conditions or Error. The applicant shall demonstrate that conditions affecting the subject parcel or the surrounding neighborhood have changed, or that due to incorrect assumptions or conclusions about the property, one or more errors in the boundaries shown on the Official Zoning Map have occurred.

§10.7 ESTABLISHED REVIEW PROCESS, REQUIREMENTS AND STANDARDS FOR PLANNED UNIT DEVELOPMENT ZONING DISTRICTS

A. Purposes. In that the public health, safety and general welfare may be furthered in an era of increasing urbanization, commercial and industrial development, and growing demand for housing of all types and design, these procedures are intended to encourage Planned Unit Developments (PUDs) in the City for the following purposes:

1. to allow and encourage compatible uses to be developed in a manner sensitive to natural features and processes, and that are compatible with surrounding land uses;

2. to promote greater flexibility in the placement of structures so as to preserve and take

advantage of the site's unique, natural resource or scenic features and to avoid or mitigate any hazardous area;

3. to encourage more efficient use of land, public streets, utilities, and governmental services;

4. to provide quality open space and recreational amenities, and create interesting public spaces and neighborhoods through exceptional and innovative design;

5. to achieve a compatible land use relationship with surrounding areas;

6. to promote architectural variety and design, focusing on enhancing the character and quality of the development; and,

7. to incorporate streetscape designs, landscaping, public spaces, and multi-modal transportation facilities, and building façades that enhance the community's built environment.

B. Planned Unit Development Types. Two types of PUDs, summarized below, may be contemplated by the City.

1. Planned Unit Development - Zone District Overlay. A PUD Zone District Overlay is intended to promote infill and redevelopment. It permits greater flexibility in the application of §2.6, Base Zone District Dimensional Standards and Section 4, General Development Standards, established for the City's traditional zone districts. Permitted uses in a PUD Zone District Overlay are restricted to those permitted and Conditional Uses of the underlying base zone district.

2. Planned Unit Development Mixed-Use Zone District. A PUD – Mixed-Use (PUD-M) is created to provide for the residential development in conjunction with Civic/Institutional or Accommodation/Retail/Service land use categories established in Table 2-3 (Principal Use Table) of the *LDC*. It is intended to promote developments with a balanced mix of residential use and compatible non-residential uses that provide services and employment opportunities in close proximity to housing. Planned Mixed-Use zone districts are only allowed in existing RMU, R-3 and Commercial zone districts.

C. Established Review Process. The initial application for PUD zoning or a Major Change to an existing PUD shall constitute a Zoning Amendment and will follow §10.3 (Procedure) of the *LDC*.

D. PUD Zoning Amendment Application Submittal

1. PUD Plan Submittal. Along with the submission of the application as defined in §10.3 B, the applicant shall provide to the Community Development Director:

a. the minimum contents listed in §10.4 A, and the map amendment information in §10.4 C;

b. four copies of the PUD zoning plan map which shall be 24 inches by 36 inches in size; with north arrow and scale; with title and date in the lower right corner at a scale of one inch equals 50 feet or larger, depicting the area within the boundaries of the proposed PUD; and, which depicts all of the information as follows:

i. a zoning plan indicating the broad concept of the proposed development, the location of each use and the location of existing lots, blocks or other parcels within each area. The plan shall indicate:

a) generally, where each type of use is located within the PUD and an indication of the total acreage which will be devoted to each use;

b) proposed zone districts labeled on the plan with the symbol of the most similar zoning classification in the *LDC*. In the case of residential zone districts, the symbol shall be followed by a hyphen and a numerical representation of the maximum density allowed in that zone district. For example: a single-family residential zone district with a minimum lot size of 12,000 square feet would be labeled R1-12,000.

c) for areas designated for residential uses, the maximum number of dwelling units per net acre permitted for each residential area including sizes of building lots and types of dwellings anticipated;

d) the minimum acreage which will be dedicated to common open space, the proposed use and location of open space;

e) internal circulation systems including locations of arterial streets, collector streets, pedestrian and bike trails;

f) the acreage and location of areas to be dedicated for school sites or other public uses;

g) descriptions of the general character of all proposed land use zone districts in the PUD and plans showing the location and size of each zone district within the PUD;

h) provisions for water, irrigation ditches, sewer, refuse collection, stormwater collection, telephone, electricity, gas and cable television, if applicable;

i) descriptive overview of the written statement development standards and the intent and benefits derived by the PUD from existing standards established by the *LDC*; and,

j) written and graphic material demonstrating to the Commission and City Council how modifications will produce a living environment, landscape quality and lifestyle better than that produced by the existing standards.

ii. a site topographic map showing at least two-foot contour intervals for slopes of 10 percent or less; five-foot contour intervals for slopes over 10 percent; major vegetation elements; streams, rivers, ditches and areas subject to 100-year flooding;

iii. a written statement of concept for the PUD containing the following information:

a) an explanation of the objectives to be achieved by the PUD and a statement of purpose for each zone district within the PUD;

b) a development schedule indicating the improvements included in each phase and the approximate dates when construction of the various stages of the PUD are anticipated to begin and be completed;

c) copies of any special covenants, conditions and restrictions which will govern the use or occupancy of the PUD; provided, that the applicant may impose additional covenants, conditions and restrictions on any particular area in connection with the platting of such area;

d) the written statement shall include a detailed PUD Development Standards document, which will include but not be limited to defined permitted uses; dimensional standards; design standards, special use standards; buffer and screening standards; floodplain development standards; wetland avoidance; access requirements; grade and slope restrictions; parking standards; landscape standards; general development standards, natural resource protection standards; and other technical code standards;

e) a report containing detailed statements and data relevant to §4.1 (Adequate Public Facilities), prepared by a Colorado licensed engineer, which shall provide evidence of the following:

i) based on anticipated demand, the proposed water source is adequate to serve the PUD;

ii) based on anticipated demand, the proposed method of sewage treatment and existing sewage treatment facilities are adequate to serve the PUD;

iii) based on development and design standards applied to the PUD, adopted *Fire Code* standards are fully met;

iv) based on contemporary traffic analysis in conjunction with development site design, the proposed streets are safe, efficient, aesthetically appealing, and built to meet the existing *City of Gunnison Construction Standards*;

v) based on site-plan designs the rights-of-way are of adequate size to easily accommodate utility extensions and functional snow storage;

vi) based on site-layout and electrical demands the proposed electrical utility system meets *City of Gunnison Construction Standards*; and,

vii) based on site layout and landscape function the proposed irrigation system complies with existing *City of Gunnison Construction Standards*.

f) a report and detailed statements and data relevant to Section 5 (Natural Resource Protection Standards) which shall provide evidence to the following:

i) the general manner in which storm drainage will be handled that shall meet or exceed policies and standard of the *City of Gunnison Stormwater Management Manual*;

ii) based on existing soils and geology data and the proposed land use, that adequate slope protection standards are in place to accommodate future development;

iii) based on existing land uses, buffer standards and other mitigation measures, the proposed land use and future development meet minimum standards for the protection of wetlands and stream corridors; and

iv) the general manner in which provision will be made for any potential natural hazards in the area such as steep slopes, erosive soils, avalanche areas, landslide areas, floodplain areas and unstable soils.

g) easements showing vested legal access for ingress and egress from a public road to the PUD in accordance with Section 4 (General Development Standards);

h) evidence that the PUD has been designed with consideration of the site's natural environment and the surrounding area and does not unreasonably destroy or displace wildlife, natural vegetation or unique natural or historic features; and,

i) any other information or exhibits which the applicant or the Community Development Director deems pertinent in evaluating the proposed PUD.

E. PUD Requirements and Standards. All requirements and standards identified herein shall be applied to PUD applications, regardless of the type of PUD and are subject to approval by the decision-making body.

1. Permitted/Conditional Uses. Uses in a PUD Zone District Overlay shall only include permitted and Conditional Uses contemplated by the underlying zone district. Uses within a PUD-M zone district shall be limited to residential uses contemplated in the RMU and Commercial zone districts.

2. Dimensional Standards. Dimensional standards may be amended but must comply with the following provisions:

a. the maximum height of any building, structure or facility shall be 35 feet;

b. setbacks may be amended but provisions providing solar access to all lots and/or occupied buildings must be made in the PUD zone district development standards;

c. the maximum residential density shall only be that of the RMU zone district in the PUD-M.

3. Landscaping Standards. Amendment to the City's landscaping standards must comply with the following provisions:

a. Percent Coverage. The minimum landscape area percent coverage (§2.6, Base Zone District Dimensional Standards) may not be reduced.

b. Landscaping. Excepting the minimum percent coverage, buffering and landscaping standards may be amended only if they are determined by the decision making body to be a higher standard than those established by §4.6 of this *LDC*.

4. **Special Use Regulations.** Specific Use Regulations (Section 3) shall be maintained.

5. **Road Standards.** Street section dimensions may be modified. The designated width of rights-of-way and other geometric designs established in §4.2 may be amended for dedicated public rights-of-way, but only if the amendments provide safe and efficient accommodation for pedestrians and vehicles; adequate emergency access; functional utility services; and integrated streetscape design.

6. **Off-Street Parking**. The standards for minimum off-street parking may be amended, but only if they are justified by a parking study prepared by the applicant as contemplated in §4.4 D.2 of this *LDC*. Disabled access parking ratios may not be reduced.

7. **Pedestrian Circulation**. Pedestrian circulation standards may be amended only if they are determined by the decision making body to be a higher standard than those established by §4.5 of this *LDC*.

8. **Subdivision Regulations.** The requirements of Section 12, Subdivision, shall apply to all PUDs unless otherwise specifically exempted by this Section of the *LDC*.

9. **Open Space Areas.** Open space in a PUD zone district shall be limited to indoor and outdoor recreation and community facilities characterized by potentially light or moderate impact on traffic, the natural environment, and surrounding neighborhoods. Such facilities include, but are not limited to: country clubs; golf courses; athletic fields; skateboard parks; swimming, bathing, wading, and other therapeutic facilities; tennis, handball, and basketball courts; and ice skating rinks. Open space land area may also include natural areas such as public parks, trails, greenbelts or natural land preservation areas. Open space land area may not be used for high intensity commercial recreation such as aerial tramway; alpine or water slides; amusement rides; auto, cycle and go-cart race tracks; campgrounds; stadiums; drive-in theaters; horse or dog racing tracks; shooting ranges; stables; zoos or other similar commercial recreation uses.

10. **Required Open Space Area**. At a minimum, a PUD development shall set aside 15 percent of the site's total gross area for open areas, plazas, courtyards, sitting areas and other similar public-accessible spaces. At its discretion, the decision-making authority may require additional private open areas or public trail dedications based on a review of the following factors:

    a. the *City of Gunnison Master Plan* and adopted sub-area master plans;

    b. unique drainage, topographic, vegetation or other such physical conditions;

    c. type and density of development; or

    d. overall need for open space and recreational facilities.

11. **Open Space Ownership and Maintenance.** All open areas or trails provided in a PUD shall be owned and maintained as common (private) open areas by the developer, owner of the property or an organization established for the ownership and maintenance of common open areas, unless the City Council accepts public dedication of the open areas.

12. **Phased Development and Open Space.** When a PUD is developed in phases, a proportional amount of any required open space, recreation areas and other community benefits shall be included in each phase such that the project, as it is built, will comply with the overall density and open space requirements of this *LDC* at the completion of each phase of development.

F. PUD Review Criteria. In addition to meeting the Review Standards for a zoning amendment (§10.6), PUD zoning applications must meet the following review criteria:

1. The proposed PUD encourages innovation in residential, commercial and industrial development so that the needs of the population may be met by greater variety in type, design and layout of buildings and land uses and by the conservation and more efficient use of open space.

2. The proposed PUD encourages land development that, to the greatest extent possible, preserves natural vegetation; respects natural topographic and geologic conditions; incorporates the unique, natural and scenic features of the landscape; and refrains from adversely affecting flood corridors, soil, drainage, and other natural ecological conditions.

3. The proposed PUD design standards combine and coordinate architectural styles, building forms, and structural/visual relationships within an environment that allows mixing of different land uses in an innovative and functionally efficient manner.

4. The proposed PUD allows efficient design and use of solar access.

5. The PUD provides for adequate, accessible, and properly located open and recreation space, schools or other facilities.

6. The PUD promotes the efficient use of land resulting in a network of utilities, streets and other infrastructure features that maximize the allocation of fiscal and natural resources.

7. The PUD proposes specific uses permitted within a PUD zone district and must be of a type and so located as to be compatible with surrounding neighborhoods, community character, the *City of Gunnison Master Plan* and other adopted plans.

8. The PUD plan protects environmentally sensitive areas, and occurs on land physically suited to construction.

9. The PUD proposes residential density and maximum non-residential floor area that will be compatible with the internal neighborhood design and will not have an adverse effect on the adjacent community area.

10. The PUD plan proposes at least 15 percent of the total gross area for common open space, and at least one half of this common open space shall be developed for recreation which may include playing fields, tennis courts, picnic sites, trails, fishing access and similar recreation sites.

11. The PUD plan provides a higher quality development than found in traditional zone districts.

12. The boundary between a PUD and adjacent land uses shall provide an adequate transition between land uses.

G. Development Plan. If a PUD zoning plan falls within Section 12, Subdivision, and requires subdivision approval as defined in §12.3, within one year of a PUD zoning plan approval the applicant shall submit a Land Use Development for the PUD according to the requirements of Section 6, Development Review Procedures. If the developer cannot submit a development plan within one year of the zoning plan approval, the developer shall submit a letter requesting an extension of time to the Community Development Director prior to expiration of the one-year period. The Community Development Director may grant extensions for reasonable waiver requests for up to a total of three years from the date of the zoning plan approval. Should a developer not be able to submit a development plan in a timely manner, the City has the right to rezone the property in accordance with this *LDC*.

H. Changes. The PUD shall be developed only according to the approved zoning plan and development plan and all supporting data. The final PUD zoning plan and development plan and supporting data, together with all recorded amendments, shall be binding on the applicants, their successors, grantees, and assigns and shall limit and control the use of premises and location of structures in the PUD as set forth therein. Changes to the final PUD zoning plan may be made as follows:

1. **Major Changes**. Changes which alter the concept or intent of the planned unit development including increases in density, changes in the height of buildings, reductions in proposed open space, changes in the development sequencing, changes in road standards, or changes in the final governing agreements, provisions, or covenants may be approved only by submission and reconsideration of a new PUD zoning plan and supporting data.

   If major changes are proposed, a new public hearing shall be required during resubmission of the PUD zoning plan.

2. **Insubstantial Changes**. The Community Development Director may approve changes in the Planned Unit Development which insubstantially change the concept, intent or substance of the development. Insubstantial changes shall be limited to changes addressing the engineering or technical constraints discovered during the development which could not be anticipated during the original approval process, or any other change which has no material effect on the character of the approved PUD zoning plan, the representations made by the applicant or the conditions of the approval.

Section 11. Nonconformities

§11.1 PURPOSE

Within the city there exist uses, structures and lots which were lawfully established pursuant to the zoning and building regulations in effect at the time of their development that do not now conform to the provisions of this *LDC*. The purpose of this Section is to regulate and limit the continued existence of these nonconforming uses, structures and lots. It is the intent of the City to permit these nonconformities to continue, but not to allow them to be enlarged or expanded, so as to preserve the integrity of the zone districts and the other provisions of this *LDC*.

§11.2 NONCONFORMING USES

A. Authority to Continue. Nonconforming uses may continue in accordance with the provisions of this chapter.

B. Maintenance and Reconstruction

1. **Normal Maintenance.** Normal maintenance, repairs or alterations may be performed to permit continuation of a nonconforming use.

2. **Reconstruction**. If a nonconforming use is damaged by fire or other cause to the extent of more than 80 percent of its replacement cost as determined by the zoning administrator, it shall only be reconstructed in compliance with the provisions of this *LDC*.

C. Extensions. A nonconforming use shall not be extended or enlarged. This limitation shall be construed so as to prevent:

1. **Extension of Area**. Enlargement of a nonconforming use by extension of the area of the structure which it occupies or by extension of the structure itself.

2. **Additional Land Area.** Occupancy of additional land area by the nonconforming use.

3. **Exceptions**. An exception to the limitations on extension of a nonconforming use may be permitted by the zoning administrator to comply with the provisions of the Americans with Disabilities Act (ADA), provided it is demonstrated that the only way to comply with the ADA would be through an extension which increases the use's nonconformity, and that the extension is the minimum necessary to comply with the ADA.

D. Relocation. A structure containing a nonconforming use shall not be moved to another location unless it shall thereafter conform to the provisions of the zone district into which it is moved.

E. Change in Use. A nonconforming use shall not be changed to another use unless the new use shall conform to the provisions of the zone district in which it is located. If a nonconforming use is changed to a conforming use for any period of time, it may not thereafter be changed back to any nonconforming use.

F. Discontinuance. If a nonconforming use is discontinued for a period of 18 consecutive months, then such use may not be reestablished or resumed, and any subsequent use must conform to the provisions of this *LDC*.

§11.3 NONCONFORMING STRUCTURES

A. Authority to Continue. Nonconforming structures may continue in accordance with the provisions of this chapter.

B. Maintenance and Reconstruction

1. **Normal Maintenance.** Normal maintenance, repairs and alterations may be performed to permit continuation of a nonconforming structure.

2. **Reconstruction.** If a nonconforming structure is damaged by fire or other cause to the extent of more than 80 percent of its replacement cost as determined by the zoning administrator, it shall only be reconstructed in compliance with the provisions of this *LDC*.

C. Extensions. A nonconforming structure shall not be extended by an enlargement or expansion that increases its nonconformity.

1. **Permitted Extensions.** A nonconforming structure may be extended or altered in a manner that does not increase its nonconformity.

2. **Americans with Disabilities Act**. An extension to a nonconforming structure may be permitted by the zoning administrator to comply with the provisions of the Americans with Disabilities Act (ADA), provided it is demonstrated that the only way to comply with the ADA would be through an extension which increases the structure's nonconformity, and that the extension is the minimum necessary to comply with the ADA.

D. Relocation. A nonconforming structure shall not be moved to another location unless it shall thereafter conform to the provisions of the zone district into which it is moved.

§11.4 NONCONFORMING LOTS

A. Development Permitted. A building containing uses permitted in the zone district may be developed on a lot which is nonconforming as to minimum lot size or minimum lot frontage, provided it can be located on the lot so that all other dimensional standards are met, or a Variance from such dimensional standards is obtained pursuant to Section 8, Variances, and provided the development complies with all other standards of this *LDC*.

B. Conforming Lots Shall Not Be Made Nonconforming. No lot that is conforming as to minimum lot size or minimum lot frontage as of the effective date of this *LDC* may be reduced in size or subdivided in such a way that it creates a nonconforming lot or causes any structure or use to become nonconforming.

C. Lot Reduction Shall Not Increase Nonconformity. No lot that is nonconforming as to minimum lot size or minimum lot frontage as of the effective date of this *LDC* may be reduced in size in such a way that its nonconformity would increase, or that causes the nonconformity of any use to increase.

D. Nonconforming Lots Shall Not Be Subdivided. No lot that is nonconforming as to minimum lot size or minimum lot frontage as of the effective date of this *LDC* may be subdivided.

§11.5 NONCONFORMING SIGNS

A. Authority to Continue. Any sign in existence on the effective date of this *LDC* which does not conform with any provisions of the *LDC* shall be allowed to remain and to be maintained in good repair, so long as the sign is used in conjunction with an existing business.

B. Discontinuance. In the event a nonconforming sign refers to a business which ceases to exist, or if the nonconforming sign is taken out of service for any period of time as a result of either an intentional act of the owner (other than for maintenance), an unintentional act of another or an Act of God, the replacement sign shall be constructed in conformance with the provisions of this *LDC*.

§11.6 NONCONFORMING MOBILE HOME PARKS

A. Authority to Continue. Nonconforming mobile home parks may continue in accordance with the terms of this chapter.

B. Replacement of Mobile Homes. A mobile home within a nonconforming mobile home park may be replaced with another mobile home, even if the dimensions of the replacement mobile home result in an increase in the degree of nonconformity of the mobile home park with respect to the minimum setbacks set forth in §3.3 I.4; provided, however, that the installation of the replacement mobile home shall not result in any of the following:

1. ***International Fire Code***. A violation of the fire safety separation requirements of the *International Fire Code* as adopted by the City.

2. **Encroachment**. Encroachment of the mobile home into any adjoining street, alley, or property not a part of the mobile home park.

3. **Off-Street Parking**. Reduction in the number of required off-street parking spaces which existed prior to the replacement of the home.

C. Discontinuance. In the event a nonconforming mobile home park is not occupied by any inhabited mobile homes for a period of 12 consecutive months, then its use as a mobile home park may not be reestablished or resumed except in conformance with the provisions of this *Land Development Code*. The discontinuance of the use of one or more, but less than all, of the mobile home lots in a nonconforming mobile home park for inhabited mobile homes shall not prohibit the replacement of a mobile home upon said mobile home lot in accordance with the terms of this section.

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Section 12. Subdivision Standards

§12.1 PURPOSE

The subdivision of land is a significant step in the process of urban development. The arrangement of land parcels for residential, commercial, industrial, recreational, utility, and other public purposes will determine to a large degree the qualities of health, safety, convenience, environment, and general welfare of the City.

These regulations are intended to and shall be administered in a manner to:

A. Implement Master Plan. Implement the *City of Gunnison Master Plan*.

B. Accurate Records. Establish adequate and accurate records of land subdivision.

C. Compatible Development. Compatibly relate the development of tracts of land to the existing community and facilitate the future development of adjoining tracts, when appropriate.

D. Public Improvements. Provide for adequate, safe and efficient public utilities and improvements, proper design of storm water drainage, and streets and other public facilities.

E. Public Spaces. Provide for light, air, parks, and other spaces for public uses.

F. Protection from Hazards. Provide for protection from fire, flood, air traffic, and other natural and manmade hazards.

G. Development Costs Paid by Developers. Provide that the cost of improvements which primarily benefit the tract of land being developed be borne by the owners/developers of the tract.

H. Protection of Environment. Protect the natural resources, air and water quality, wildlife habitat, scenic characteristics, and other features of the environment from adverse impacts of development.

I. Creative Planning. Encourage the use of creative land planning and development techniques.

§12.2 APPLICABILITY

Land within city limits. These subdivision regulations shall apply to all land located in the city and all land which is annexed to the city.

§12.3 OVERVIEW OF SUBDIVISION PROCEDURE

A. Subdivision Types. Three types of subdivision applications may be submitted to the City. An overview of these three types of subdivisions is provided herein. The Sketch Plan, Preliminary Plat and Final Plat review procedures, application contents and review standards as they may apply to each type of subdivision are described in greater detail in the sections which follow this overview.

1. **Subdivision Exemption**. Activities exempted from the subdivision regulations are limited to boundary line adjustments, condominiums (§38-33-101 *et.seq. C.R.S.)* and common interest

ownership plats (§38-33.3-101 et. seq., *C.R.S.)* and insubstantial changes to a recorded plat. A subdivision exemption is reviewed and acted upon by the Community Development Director as described in §12.4, Subdivision Exemption.

2. **Minor Subdivision.** A Minor Subdivision is a subdivision which proposes not more than eight lots or units and which subdivides a parent parcel of less than four acres. A Minor Subdivision is subject to an expedited subdivision two-step review process, wherein the Sketch Plan and Final Plat reviews by the Commission have been deleted. The applicable review steps are as follows:

   a. **Step One**. Review of the preliminary plat by the Commission at a public hearing, as described in §12.6, Preliminary Plat Review.

   b. **Step Two**. Review of the Final Plat by the Commission and City Council, as described in §12.7, Final Plat Review.

3. **Major Subdivision**. A Major Subdivision is a subdivision which proposes more than eight lots or units, or which subdivides a parent parcel of four acres or greater. A major subdivision is subject to the full four-step subdivision review process, as follows:

   a. **Step One.** Review of the Sketch Plan by the Commission as described in§12.5, Sketch Plan Review.

   b. **Step Two.** Review of the Preliminary Plat by the Commission at a public hearing, as described in §12.6, Preliminary Plat Review.

   c. **Steps Three and Four.** Review of the Final Plat by the Commission and City Council, as described in §12.7, Final Plat Review.

B. Planned Unit Development Subdivision (PUD). The Commission may authorize a subdivision to be developed as a Planned Unit Development (PUD). A PUD is a form of subdivision development in which certain zone district and improvement standards may be applied in a refined manner that encourages innovative land planning practices and achieves desired public purposes as determined by the Commission.

1. **Procedures**. Regardless of parcel size or lot number, a subdivision which is developed as a PUD shall comply with all of the procedures specified as specified for a Major Subdivision.

2. **Application Contents**. The application contents for the PUD shall be the same as those for a subdivision; provided, that as part of the Sketch Plan and Preliminary Plat applications, the applicant's narrative also shall describe how the proposed development departs from the City's traditional development standards and how, on balance, it improves upon what otherwise would be developed on the property and achieves the purposes of PUD.

3. **Concurrent PUD and Zoning Amendment Applications.** If the application for a PUD subdivision is being processed contemporaneously to a PUD zoning amendment application, it will follow the procedures described herein:

   a. **Public Notice and Action by Planning and Zoning Commission**. The Commission shall hold a public hearing for the PUD zoning amendment, following the provisions of

§10.3 E., at the same meeting that a public hearing for Preliminary Plat is conducted. The Commission recommendation for the PUD zoning amendment will be forwarded to the City Council while the final PUD application is reviewed by the Commission.

b. Public Notice and Action by City Council. The City Council shall hold a public hearing for the PUD Zoning Amendment, following the provisions of §10.3 F. The City Council shall not consider the final PUD application until such time that the second reading of the PUD Zoning Amendment Ordinance is acted upon. A City Council determination of denial or remand of the PUD Zoning Amendment shall constitute a denial or remand of the PUD Subdivision application.

4. Review Standards. PUD Subdivision Standards are established in §10.7.

§12.4 SUBDIVISION EXEMPTION

A. Procedure. An applicant requesting Subdivision Exemption approval shall follow the stages of the land development process outlined below.

B. Preapplication Conference. Attendance at a preapplication conference is optional, but recommended, for an applicant intending to submit an application for a Subdivision Exemption.

C. Submit Application. The application for Subdivision Exemption shall follow the submittal requirements cited below, depending upon the application type:

1. Boundary Line Adjustment/Insubstantial Change to a Plat of Record. If the application is either a Boundary Line Adjustment or Insubstantial Change to a Plat of Record, the application contents shall apply with the provisions of §12.7 B. and §12.7 C.

2. Common Interest Community Plats-Required Map Data. The application for condominium or planned community shall include the following data and plat map information:

a. the plat map shall contain certificates pursuant to §12.7 C. items 1-4, and approval signature statements pursuant to §12.7. E;

b. the plat map shall define all common areas, usages of buildings and grounds and plans for the interior division of the building showing horizontal and vertical boundaries of all units;

c. a draft copy of the declaration applicable to the common interest community;

d. a draft copy of applicable bylaws;

e. any proposed restrictive covenants;

f. all utility lines, meters, and easements; and,

g. any other information required by the *Colorado Common Interest Ownership Act of the State of Colorado* (§38-33.3-101 et seq., *C.R.S.).*

D. Staff Review. The Community Development Director shall review the application to determine whether it is complete. The Community Development Director shall assess the application to

determine compliance with the standards outlined in §12.8, Subdivision Review Standards. Based on this assessment, the Community Development Director may approve, deny, or remand the application to the applicant with instructions for modification or additional information or action. The Community Development Director may solicit the assistance of other agencies and organizations in drafting the report.

E. Public Notice. Public notice that an application for a Subdivision Exemption is being considered by the Community Development Director shall not be required.

F. Actions Following Approval

1. **Signature.** Following approval of the Subdivision Exemption, the applicant shall submit two Mylar copies of the exemption plat to the Community Development Director, who shall be authorized to sign the exemption plat on behalf of the City and have it attested by the City Clerk. The Community Development Director shall deliver one copy of the signed exemption plat to the Gunnison County Clerk and Recorder for recordation.

2. **Expiration.** The exemption plat shall be submitted to the Community Development Director within one year after the exemption application has been approved, or such approval shall expire.

3. **Extension**. An applicant may request an extension of the deadline for recordation of the exemption plat by submission of a written request to the Community Development Director prior to the expiration date, which shall demonstrate good cause for granting the extension. The approval shall be deemed extended until the Community Development Director has acted on the request for extension. The Community Development Director shall be authorized to extend the approval by a period of up to one year and to impose additional conditions, if necessary.

G. Review Standards. An application for Subdivision Exemption shall comply with the standards applicable to all subdivision applications, contained in §12.8, Subdivision Review Standards, and if applicable, §12.9, Planned Unit Development Subdivision Review Standards. The following additional standards shall also apply to certain types of Subdivision Exemption applications, as specified herein.

1. **Boundary Line Adjustment**. The lot lines between contiguous lots which are under separate or single ownership may be adjusted if the following conditions are met:

   a. **Purpose.** The adjustment shall be for the purpose of correcting a surveying or engineering error in a recorded plat, permitting an insubstantial boundary change between contiguous parcels or addressing a specific hardship.

   b. **Consent**. The owners of affected properties whose lot lines are being adjusted shall provide written consent to the application.

   c. **Further Division.** The adjustment shall not create the opportunity to further subdivide either lot to create a new lot for resale or development.

   d. **Conformance.** All resulting lots shall meet the standards of this *Land Development Code*. If any of the lots or structures thereon is nonconforming prior to the adjustment, then no adjustment shall be allowed that increases the net nonconformity of the lots or

structures.

2. **Insubstantial Change to Recorded Plat**. An Insubstantial Change may be made to a recorded plat as follows:

   a. **Limitations**. An Insubstantial Change shall be limited to changes to address engineering or technical constraints discovered during development which could not be anticipated during the original approval process, or any other change to a plat which has no material effect on the character of the approved plat, the representations made by the applicant or the conditions of approval. Street locations and street rights-of-way shall not be changed.

   b. **Conformance**. Following approval of the Insubstantial Change, the recorded plat shall continue to conform to all applicable standards of this *LDC*.

   c. **Amendments.** A change to a plat which is not insubstantial, including any resubdivision of a lot other than a boundary line adjustment, shall be considered an Amendment and shall follow the review procedures applicable to Minor Subdivisions.

§12.5 SKETCH PLAN REVIEW

A. **Procedure.** An applicant requesting Sketch Plan approval shall follow the stages of the land development process outlined below.

   1. **Preapplication Conference.** Attendance at a preapplication conference is mandatory for an applicant intending to submit an application for Sketch Plan approval.

   2. **Submit Application.** The applicant shall submit a complete application to the Community Development Director, containing those materials listed in §12.5B, Application Contents. The Community Development Director shall notify the Commission of receipt of the application.

   3. **Staff Review.** The Community Development Director shall review the application to determine whether it is complete, as specified in §6.6 A., Completeness Review. The Community Development Director shall forward a report to the Commission which summarizes the application's compliance with the review standards contained in §12.8, Subdivision Review Standards, and other applicable provisions of this *LDC*. The technical comments and professional recommendations of other agencies, departments and organizations may be solicited in drafting the report.

   4. **Public Notice**. Public notice that an application for a Sketch Plan approval is being considered by the Commission shall be required.

   5. **Public Action by Commission.** The Commission shall conduct a public hearing and review the conformance of the application with all applicable provisions of this *LDC*. The Commission shall approve, approve with conditions, deny the application, or remand it to the applicant with instructions for modification or additional information or action. The Commission may, as a part of their approval, waive preliminary subdivision plan application contents if requested by the Community Development Director or applicant if it is determined that the waiver is justified and not contrary to the subdivision purposes.

6. Actions Following Approval

a. Effect of Sketch Plan Approval. Approval of a Sketch Plan shall not constitute final approval of the subdivision or permission for development to occur. Sketch Plan approval shall only constitute authorization to proceed with an application for preliminary plat approval.

b. Expiration. If an application for preliminary plat approval is not submitted to the City within one year of the date of approval of the Sketch Plan, the Sketch Plan approval shall expire.

c. Extension. An applicant may request an extension of the submission deadline for the Preliminary Plat by submission of a written request to the Community Development Director prior to the expiration date, which shall demonstrate good cause for granting the extension. The approval shall be deemed extended until the Commission has acted on the request for extension. The Commission shall be authorized to extend the approval by a period of up to one year and to impose additional conditions if necessary.

B. Application Contents. An application for Sketch Plan approval shall contain the following information:

1. Minimum Contents. The minimum contents for all applications specified in §6.5 C, Minimum Application Contents, as well as the submittal data included herein.

2. Conceptual Site Plan. A graphic conceptual site plan or plans of the proposed development shall be prepared at a map scale large enough for effective public presentations, but generally no less than one inch equals 200 feet. An applicant may provide several alternative plans to show how the preferred alternative was arrived at and address how the features of the land and goals of the *Master Plan* were taken into consideration. Topography shall be depicted using five-foot contour intervals except for sites with grades less than 4 percent where maximum two-foot contours will be provided. Graphics shall be used to accurately represent the key aspects of the proposal, without misleading exaggeration of scale or emphasis. The site plan shall include the following, as applicable:

a. Topographic Features. Significant topographic features including natural and artificial drainage ways, ditches, bodies of water, approximate 100-year floodplain, wetlands, vegetative cover, soil types and prominent geologic features.

b. Development Scheme. Schematic representation of the proposed development including general lot location and size, type and density of housing units, total number of square feet of proposed nonresidential space by type and general location, parks, recreation and open space areas, off-street parking areas, and proposed landscaping.

c. Utility and Facility Plans. Conceptual plans to address water supply, sewage disposal, stormwater facilities, solid waste collection, fire protection, irrigation ditch system, and proposed school and other public facility sites.

d. Circulation Plan. The proposed internal road and pedestrian access scheme and the surrounding road system (existing and future) which provides access to the site. Typical geometric cross-sections shall be shown and proposed roads shall be designated as either

private or public.

e. **Land Survey**. Sufficient land survey data (section corners, quarter corners, township and range, etc.) to identify the land to be subdivided, and two ties to quarter-section and/or section corners, or other monuments acceptable to the Community Development Director.

f. **Easements**. All recorded easements or rights-of-way which could affect the proposed development.

g. **Existing Conditions**. All existing structures, utilities and other physical features which could affect the proposed development, including existing roads and driveways within 350 feet of the subdivision site.

3. **Narrative**. The Sketch Plan shall be accompanied by a narrative description which provides a conceptual description of the proposed land uses, densities, intentions for design and landscaping and road and utility plans. The narrative shall provide a tabular summary which offers sufficient information to demonstrate that the Sketch Plan conforms to all applicable dimensional standards and off-street parking requirements and shall also include such other data essential to the evaluation as may be requested by the City to enable an adequate conceptual evaluation of the proposed subdivision.

4. **Vicinity Map.** A vicinity map shall be submitted along with the Sketch Plan. The vicinity map shall show the location of the proposed subdivision, all adjacent lands owned or under option by the applicant, commonly known landmarks and federal, state and local streets with names, and the zone district(s) in which the proposed subdivision and adjacent properties are located.

5. **Preliminary Plan Application Content Modification Request.** At the time of Sketch Plan submittal, the applicant may request modification from the preliminary subdivision application submittal requirements. This modification is subject to approval by the Commission as specified in §12.5 A.5. The applicant must demonstrate that the modification is justified and not contrary to the purposes stated in §12.1 for subdivisions.

§12.6 PRELIMINARY PLAT REVIEW

A. **Procedure.** An applicant requesting Preliminary Plat approval shall follow the stages of the land development process outlined below.

1. **Preapplication Conference**. Attendance at a preapplication conference is mandatory for an applicant intending to submit an application for preliminary plat approval.

2. **Submit Application**. The applicant shall submit a complete application to the Community Development Director containing those materials listed in §12.5 B., Application Contents.

3. **Staff Review.** The Community Development Director shall review the application to determine whether it is complete, as specified in §6.6 A, Completeness Review. The Community Development Director shall forward a report to the Commission which summarizes the application's compliance with the review standards contained in §12.8 Subdivision Review Standards, and other applicable provisions of this *LDC*. The technical comments and professional recommendations of other agencies, organizations and

consultants shall be solicited in drafting the report as necessary.

4. **Public Notice.** Public notice that an application for Preliminary Plat approval is being considered by the Commission shall be provided as specified in §6.7, Stage 4: Provision of Public Notice.

5. **Public Action by Commission**. The Commission shall conduct a public hearing to review the conformance of the application with all applicable provisions of this *Land Development Code*. If the Commission finds the application is in conformance, it shall approve the application. If not, then the Commission may approve the application with conditions, remand the application to the applicant for additional information, or deny the application.

6. **Actions Following Approval**

   a. **Effect of Preliminary Plat Approval**. Approval of a Preliminary Plat shall not constitute final approval of the subdivision or permission for development to occur. Preliminary Plat approval shall only constitute authorization to proceed with an application for Final Plat approval.

   b. **Expiration.** If an application for Final Plat approval is not submitted to the City within one year of the date of approval of the Preliminary Plat, the Preliminary Plat approval shall expire. The Final Plat may reflect the entire Preliminary Plat or any logical part thereof. In the case of a partial submission, the approval of that portion of the development shall automatically gain an extension of six months for the remaining area before another phase of the plat is required to be submitted in final form.

   c. **Extension.** An applicant may request an extension of the submission deadline for the Final Plat by submission of a written request to the Community Development Director prior to the expiration date, which shall demonstrate good cause for granting the extension. The approval shall be deemed extended until the Commission has acted on the request for extension. The Commission shall be authorized to extend the approval for a period of up to one year and to impose additional conditions if necessary.

B. Application Contents. An application for Preliminary Plat approval shall contain the following information:

1. **Minimum Contents.** The minimum contents for all applications specified in §6.5 C, Minimum Application Contents, unless a waiver has been granted by the Commission as part of the Sketch Plan approval.

2. **Form.** Preliminary Plans clearly and legibly drawn in ink and shall show the proposed layout of the subdivision and all information required by the *LDC*.

3. **Preliminary Plat.** A Preliminary Plat reflecting the layout of the lots, blocks and structures in the proposed subdivision. The preferred scale of the plat is one inch equals 100 feet; the minimum allowable scale is one inch equals 200 feet. Sheet size shall be 24 inches by 36 inches. If it is necessary to draw the plat on more than one sheet, a sheet index shall be placed on the first sheet. The Preliminary Plat shall contain the following:

a. name of subdivision;

b. legal description;

c. name(s) and addresses of owner(s), subdivider, land planner and land surveyor registered in the state of Colorado;

d. scale of the plat;

e. north arrow;

f. date the plat was prepared;

g. draft certificates and approval signature statements as required by §12.7 C. of the *LDC*;

h. boundary lines of proposed subdivision (shown as a heavy solid line), proposed zoning boundary lines, approximate dimensions of all lots, blocks and all land intended to be held in common for use by all property owners in the proposed subdivision—survey data will include the length of all arcs, chords, radii, and curvature and tangent bearings;

i. proposed street names; and,

j. the location and dimensions of all existing and proposed streets, alleys, easements, ditches, and utilities within or adjacent to the proposed subdivision.

4. Vicinity Map. A vicinity map shall be submitted along with the Preliminary Plat. The vicinity map shall show the location of the proposed subdivision; all adjacent lands owned or under option by the applicant; commonly known landmarks; federal, state and local streets with the names; and, the zone district(s) in which the proposed subdivision and adjacent properties are located.

5. Existing Conditions. A map of existing conditions, including but not limited to the following:

a. existing buildings and structures;

b. location and approximate dimensions of all existing or recorded section lines, streets, alleys, easements, irrigation ditches and existing utilities;

c. identification and delineation of stream/river corridors, wetlands, special flood hazard areas and floodways;

d. areas of geologic and wildfire hazard;

e. existing topography, depicted as contours at a vertical interval of not more than five feet where the slope is greater than ten percent and not more than two feet where the slope is ten percent or less—topographical data shall reference USGS datum. In addition, the submittal shall include an analysis of the area and percentage of the total site that falls into the following slope categories:

i. 0% to 10%;

ii. 10.1% -20%;

iii. 20.1% - 25%; and

iv. 25.1% and over.

f. other important natural or physical features within and adjacent to the tract to be subdivided.

6. **Location of Public Facilities.** Location and approximate dimensions for all proposed streets, alleys, irrigation ditches, easements and stormwater facilities/drainage ways to be reserved for public use. Sight distance measurements shall be included for each street intersection.

7. **Sidewalks.** Sidewalk location and width when required.

8. **Land Dedications.** Approximate dimensions of all proposed land dedications for public trail purposes.

9. **Lot Square Footage and Gross Acreage.** Approximate square footage of each lot and the total gross acreage of the subject property.

10. **Limits of Disturbance.** A proposed delineation of the limits of disturbance (LOD) for road and utility construction and/or overlot grading boundary.

11. **Drainage Report.** A Phase II Drainage Report prepared by a licensed engineer, showing all proposed drainage facilities, prepared according to the criteria established in the latest revision of the City of Gunnison Stormwater Management Manual.

12. **Utilities.** Identification of provisions for water, sewer and electricity.

13. **Commitment Letter.** A commitment letter from private utility providers stating that they will provide services. This includes providers of natural gas, telephone, and cable.

14. **Preliminary Drawings.** Preliminary drawings prepared by a licensed engineer for water, sewage, drainage systems, electrical system and street lighting plan.

15. **Road Plans prepared and certified by a registered civil engineer or land surveyor.** Drawings shall include plan view and delineated center line profile with designated stations and road sections.

16. **Grading Plan prepared and certified by a registered civil engineer or land surveyor.** The plan shall include the following items:

    a. A contour map showing the existing and proposed topography of the entire site. The map shall have a minimum of five-foot contour intervals at a minimum scale of one inch equals one hundred feet where terrain modification is not proposed. In areas where terrain modification is proposed, two-foot intervals at a scale of one inch equals 100 feet or at alternative scale approved by the Director are required. Staff may require greater detail,

including but not limited to depiction of slopes on adjacent properties and how proposed resulting slopes and finished grades will relate or transition to slopes existing on adjacent properties.

b. Reference to any specific grading recommendations made in a required hazard mitigation plan.

c. Location, type and height of proposed retaining structures showing top and bottom elevations.

d. Gradient of proposed cut-and-fill slopes must be shown in horizontal:vertical notation.

e. An erosion control plan for all disturbed areas.

i. The erosion control plan shall include the phasing and timing for implementation of erosion control measures to prevent and minimize erosion during and after construction.

ii. Erosion control plans shall be developed in accordance to *Stormwater Discharges Associated with Construction Activity General Permit Application and Stormwater Management Plan Preparation Guidance* (CDPHE Water Quality Control Division).

f. A phasing schedule showing when each stage of the project will be completed, including the total area of soil surface which is to be disturbed during each stage and an estimate of starting and completion dates.

g. Other items that may be required at the discretion of the staff if necessary to necessitate a complete and reasonable review of the development, including but not limited to:

i. cross-sections at identified locations;

ii. identification of all structures on, or adjacent to the site that may be affected by grading and development, and presentation of detailed mitigation measures to reduce any negative impact to existing structures during development.

17. Hazard Mitigation Plans for identified hazard areas.

18. Specific designation of all lots that contain any slope greater than 10 percent.

19. Anticipated phases of development and timing.

20. Title Insurance. A commitment for title insurance showing the ownership to the property in the proposed subdivision.

21. Site Development Tabulation. A tabular summary of the development proposal which identifies the total proposed development area in acres, with a breakdown of the percentages and amounts devoted to specific land uses; total number and type of proposed residential units; total number of square feet of proposed nonresidential space; number of proposed lots; and sufficient information to demonstrate that the Preliminary Plat conforms with all applicable dimensional standards and development standards.

22. **Development Report**. A written report, with accompanying technical and graphic material as necessary, which shall address the factors listed below, to demonstrate that the proposal conforms to the *City of Gunnison Master Plan* and the standards of this *LDC*. The extent of the analysis of each factor shall depend on the applicability of the particular factor to the subject property and its impact on the surrounding area.

    a. **Site Characteristics.** A description of site features such as streams, areas subject to 100-year flood frequency, lakes, high ground water areas, topography, vegetative cover, and other features are pertinent to evaluation of the proposed development.

    b. **Soils.** A description of those soil characteristics of the site which would have a significant influence on the proposed use of the land, with supporting soil maps, soil logs, and classifications sufficient to enable evaluation of soil suitability for development purposes. Data furnished by the USDA Natural Resources Conservation Service or a licensed engineer shall be used. The data shall include the engineering soil group designation, shrink/swell potential of the soils, the ground water levels, and the resulting foundation requirements. Additional data may be required by the City if deemed to be warranted due to unusual site conditions.

    c. **Geology.** A report on the geologic characteristics of the area including any potential natural or manmade hazards which would have a significant influence on the proposed use of the land, including, but not limited to, hazards from steep or unstable slopes, rock fall, avalanches, faults, ground subsidence or radiation, a determination of what effect such factors would have, and proposed corrective or protective measures.

    d. **Water Supply and Sewage Disposal**. Data addressing the population planned to occupy the proposed subdivision and future development phases and other developments that may need to be served by extensions of the proposed water supply and sewage disposal systems pursuant to §4.1 of this *LDC*. The resulting domestic, irrigation, and fire flow demands shall be expressed in terms of gallons of water needed on an average day and at peak time and the resulting amounts of sewage to be treated shall be expressed in gallons per day.

        i. **Ability to Serve.** An analysis shall be submitted of the current ability of the City to provide domestic and irrigation water and water for fire flows and to collect and treat sewage generated by the property to be subdivided.

        ii. **Water Rights.** A statement shall be submitted addressing the quantity, quality and availability of any water that is attached to the land.

    e. **Cost of Improvements, Phases and Covenants.** A preliminary estimate of the cost of all required public improvements, tentative development schedule (with development phases identified), proposed or existing covenants and proposed maintenance and performance guarantees. The subdivider shall submit, at least in summary or outline form, any agreements as may be required by §12.10, Subdivision Improvements Agreement, relating to improvements and dedications.

    f. **Solar Energy.** A description of the steps that have been taken to protect and enhance the use of solar energy in the proposed subdivision. This shall include how the streets and

lots have been laid out and how the buildings will be sited to enhance solar energy usage.

g. Floodplain. If applicable, a report shall be submitted identifying the location of the 100-year floodplain and the drainage ways near or affecting the property being subdivided. If any portion of a 100-year floodplain is located on the property, the applicant shall also identify the floodway and floodway fringe area. The applicant shall also describe the steps that will be taken to ensure that development locating in the floodway fringe area is accomplished in a manner which meets Federal Insurance Administration standards.

h. Wetlands. If applicable, a report shall be submitted on the location of wetlands, as defined by the U.S. Army Corp of Engineers, on or affecting the property being subdivided. The report shall outline the development techniques planned to ensure compliance with federal, state and local regulations.

i. Traffic Analysis. The Community Development Director and/or Commission may require the developer to submit a traffic analysis prepared by a qualified expert, to determine the impacts of a proposed development on surrounding city streets and to evaluate the need for road improvements to be made.

j. Irrigation Ditch System. An analysis shall be provided of the current ability of the City to provide irrigation water to the subdivision, and a description of the water needed to serve the proposed subdivision.

k. Landscape Plan. A preliminary landscape plan meeting the specifications of §4.6, Landscaping, Buffering and Screening.

l. Parking. A depiction of how the required off-street parking requirements will be met in the development.

23. Schematic Plan. In the event that the Preliminary Plan covers only a portion of the subdivider's entire ownership, a schematic plan of the anticipated land development plan for the entire tract, including street and utility systems and proposed easements, shall accompany the Preliminary Plan.

24. Final Plan Application Content Modification Request. At the time of Preliminary Plan submittal, the applicant may request modification from the final subdivision application submittal requirements. This modification is subject to approval by the Commission as specified in §12.5 A.5. The applicant must demonstrate that the modification is justified and not contrary to the purposes for subdivisions as stated in §12.1.

25. Final Plan Application Waiver

§12.7 FINAL PLAT REVIEW

A. Procedure. An applicant requesting Final Plat approval shall follow the stages of the land development process outlined below.

1. Preapplication Conference. Attendance at a preapplication conference is optional, but recommended, for an applicant intending to submit an application for Final Plat approval.

2. **Submit Application**. The applicant shall submit a complete application to the Community Development Director containing those materials listed in §12.7 B, Application Contents.

3. **Staff Review**. The Community Development Director shall review the application to determine whether it is complete, as specified in §6.6. A, Completeness Review. The Community Development Director shall forward a report to the Commission which summarizes the application's compliance with the review standards contained in §12.8, Subdivision Review Standards, and other applicable provisions of this *LDC*. The technical comments and professional recommendations of other agencies, organizations and consultants shall be solicited in drafting the report, as necessary.

4. **Public Notice**. Public notice that an application for a Final Plat approval is being considered by the Commission shall not be required.

5. **Public Action by Commission**. The Commission shall conduct a meeting to review the conformance of the application with all applicable provisions of this *LDC*. If the Commission finds the application is in conformance, it shall make a recommendation that the City Council approve of the application. If not, then the Commission may recommend approval with conditions, remand the application to the applicant for additional information or modification or deny the application.

6. **Action by Council**. The City Council shall consider the recommendations of the Commission at a meeting, for which public notice shall not be required. The Council shall approve, approve with conditions or deny the application or shall remand it to the applicant with instructions for modification or necessary additional information.

7. **Actions Following Approval**

   a. **Signature.** Immediately following approval of the Final Plat, the applicant shall submit two Mylar copies of the plat to the Community Development Director to be signed by the Mayor and the Chair of the Commission and to be attested by the City Clerk. The Community Development Director shall deliver one copy of the signed plat to the Gunnison County Clerk and Recorder for recordation.

   b. **Expiration**. The Final Plat shall be submitted to the Community Development Director for recordation within one year after the Final Plat application has been approved or such approval shall expire.

   c. **Extension.** An applicant may request an extension of the deadline for recordation of the Final Plat by submission of a written request to the Community Development Director, prior to the expiration date, which shall demonstrate good cause for granting the extension. The approval shall be deemed extended until the City Council has acted on the request for extension. The City Council shall be authorized to extend the approval by a period of up to one year and to impose additional conditions if necessary.

B. Application Contents. An application for Final Plat approval shall contain the information required herein:

1. **Final Plat Requirements**. The Final Plat shall contain all information on the approved Preliminary Plan or plat, except contours, plus the requirements set forth below. Site staking may also be required to be updated or added**.**

   a. **Legibility, Format and Number of Copies**

      i. The final subdivision plat, including all drawings and signatures, shall be clearly and legibly drawn in black waterproof ink on Mylar. Each sheet shall be twenty-four inches by thirty-six inches in size with a one-inch marginal line from each edge. The title, all drawings, affidavits, certificates, acknowledgments, endorsements, acceptances of dedication and notarial seals shall be within the marginal lines.

      ii. The original, two Mylar reproducible copies, and four prints shall be filed in the office of the City of Gunnison Community Development Department.

      iii. An 11" x 17" reduction of each of the sheets comprising the Final Plat shall also be filed in the Community Development Department.

      iv. The Final Plat and final construction plans shall be submitted in a digital format compatible with City systems:
      AutoCAD r12 or newer DWG
      ArcView 10.0 or newer

   b. **Boundary, Scale and Sheet Number.** The boundary of the tract shall be designated by a border line applied on the face of the tracing and on the inside of the boundary line. Every sheet comprising the plat shall bear the title, scale of not more than 200 feet to the inch, north point (designated as true north) and sheet number, the latter to be set forth in the lower right-hand corner of the plat.

   c. **Key Diagram and Vicinity Map**

      i. If more than one sheet is used, a key diagram showing the area covered by each sheet shall appear on the title sheet. Cut-lines will be shown on individual sheets.

      ii. A vicinity map shall be included showing the area adjacent to the proposed subdivision or annexation. Said vicinity map shall have a maximum scale of one inch equals one thousand two hundred feet (1" = 1,200') or an alternative scale approved by staff prior to submittal.

   d. **Affidavits, Dedications, Certificates and Approval Signatures**. Affidavits, certificates, acknowledgments, endorsements, acceptances of dedication and notarial seals shall appear only once and upon the first, and such other as may be required, of several sheets. These provisions shall be the forms defined in§12.7 C.

   e. **Dimensions.** Accurate dimensions for all lines, angles and curves used to describe boundaries, streets, alleys, easements, areas to be reserved for public use and other important features shall be provided. Sufficient data shall be shown to readily determine bearing and length of every lot line and boundary line. No ditto marks shall be used. Lots shall show net acreage to the nearest one-thousandth. Length, radius and total delta and chord bearings of each curve and the bearing of radial lines to each lot corner on a curve

shall be shown, and defined in a table format on the plat. The map or plat shall show all easements to which lots are subject in such manner that the easements may be retraced in the field. Easements for storm drains, sewers, building lines and other purposes shall be denoted by fine dashed lines. The centerline of all streams and natural drainage channels which are not offered for dedication to public use on the map or plat shall be shown by dashed lines.

f. Lots subject to slope development standards (Table 5-1) should be specified by plat notations.

g. Relation to Adjacent Areas. The map or plat shall show corners of all adjoining subdivisions, or portions thereof, by lot or block number and tract name. The relation of the tract to adjoining subdivisions shall be shown by ties consisting of courses and distances. The map or plat shall show all city boundaries crossing or adjoining the subdivisions clearly designated and tied in.

h. Block and Lot Numbers. In tracts containing more than one block, the blocks shall be designated in alphabetical or numeric order. Lots shall be designated numerically, beginning with the number "1," in each block.

i. Street Names. Street names that have been approved by the Community Development Director, in coordination with the E-911 Communications Director.

j. Notation of Monuments. The character, type and position of all monuments and covers shall be noted on the final map or plat to the nearest hundredth of a foot.

k. Monument and Mathematical Checking. All permanent monuments and lot pins shall be placed prior to the approval of the final map or are subject to placement by the *Subdivision Improvements Agreement*. The City Engineer, or a designated representative, shall, by a field examination of the subdivision, determine whether or not all monuments shown on the map or plat have been set as required by this *LDC*. The Engineer shall determine that the outside boundaries of the property included within the addition or subdivision close mathematically.

l. Dedication of Property. An enumeration of the streets, alleys, easements, trails, public parks/open areas and other public facilities as shown on the map or plat, and a dedication thereof to the public use, shall be indicated.

m. Future Street Dedication. The staff shall determine whenever a street is necessary for future additions or subdivisions, but which street is not presently warranted for construction, that the necessary dedication for such future street is provided on the map or plat.

2. Final Subdivision Utility and Civil Engineer Plan Requirements

a. Improvements Generally. No final map or plat shall be approved unless the improvements required by §12.8 C. have been installed, or the installations of the same have been guaranteed in accordance with the provisions of §12.10. Final construction plans for all improvements (two paper copies and one digital copy) shall be submitted at the time of Final Plat submittal. As-built plans (one Mylar, two paper copies and one digital copy) shall be submitted at the time the first building permit is issued or

construction of the improvements is completed, whichever comes first.

b. **Preparation of Plans.** All profiles and plans, including each sheet, shall be twenty-four inches by thirty-six inches (24" x 36") and prepared, stamped and signed by a registered professional engineer in the State, with an approval block for the City Engineer.

c. **Subsequent to Final Approval**. Subsequent to Final Plat approval, site-specific lot surveys and corner lot pins shall be provided to each lot and shall be used in the preparation of the lot for development.

d. **Plan View and Street Profile.** The existing and proposed centerline plan view profile of each street with grades, and existing profiles at right and left sidelines of the right-of-way.

e. **Road Cross-Section.** The cross-section of all roads showing the shoulder, valley pans, curb and gutter, and surface width taken for each block at the point of greatest cross-slope and showing the width of sidewalks, irrigation ditches and the location and size of utility mains.

f. **Road Construction Cost Estimate.** The plan will include material unit price and quantity lists, and estimated labor and equipment costs.

g. **Sanitary Sewer Plan and Profile.** A plan and profile of proposed sanitary sewers with grades and pipe sizes indicated.

h. **Domestic Water.** A plan of the proposed water distribution system showing pipe sizes and location of valves and fire hydrants. Plans shall include material unit price and quantity list and labor and equipment costs. Design and construction standards shall be in accordance with the current requirements of the *City of Gunnison Construction Standards*, or as determined by the City Engineer.

i. **Electrical Distribution.** A plan of the electrical distribution system to include the location of transformers and street lights and will include material unit price, quantity list, labor costs, and equipment costs.

j. **Stormwater Drainage Report.** A report and plans required for a Phase III Drainage Report as defined by Section 3.5 of the *City of Gunnison Stormwater Management Manual*.

k. **Irrigation Systems.** A design of the irrigation ditch system to include ditch grade, culvert size, ditch sumps, head gates, and material unit price, quantity list, labor costs and equipment costs.

3. **Treasurer's Certificate**. A treasurer's certificate of taxes reflecting that taxes are not delinquent.

4. **Deed**. A general warranty deed and title insurance policy which deeds to the City, or other appropriate public agency, all lands other than streets which are to be held for or used for public purposes.

5. **Subdivision Improvements Agreement**. A complete *Subdivision Improvements Agreement*, in accord with §12.10, any other applicable agreements, and any proposed covenants for the subdivision.

C. Certificates. Certificates required to appear on the final subdivision plat shall be in a form substantially as set forth herein.

1. **Certificate of Dedication and Ownership**

Know all men by these presents, that the undersigned, being all of the Owner(s), Mortgagee(s) and Lien-holder(s) of certain land in the City of Gunnison, Gunnison County, Colorado, described as follows:

Beginning _____, containing _____ acres, more or less, have by these presents laid out, platted and subdivided the same into lots, blocks or tracts, as shown on this plat, under the name and style of_____ and do hereby dedicate to the City of Gunnison as public roads, the streets and roads as shown on said plat, these being _____. The undersigned hereby further dedicate to the public all utility easements and dedicate to the City of Gunnison for public use all water and water rights, both tributary and nontributary, arising upon, flowing upon or lying under the property as described and as shown hereon.

The undersigned hereby further dedicates to the public utilities the right to install, maintain and operate mains, transmission lines, service lines and appurtenances to provide such utility services within this subdivision or property contiguous thereto, under, along and across public roads as shown on this plat and also under, along and across utility easements as shown hereon.

The lands comprising this subdivision are subject to certain covenants which are recorded in Book _____ at Page _____ of the records of Gunnison County, Colorado.

Executed this _____ day of _____, 20____.
Owner(s): Mortgagee(s) and Lienholder(s):

_____
SS

County of Gunnison
The foregoing dedication was acknowledged before me this _____day of_____ 20____, by_____. Witness my hand and seal.

My Commission expires_____.
_____Notary Public

2. **Certificate of Street and Utility Maintenance**

Public notice is hereby given that neither the dedicated public roads nor the public utilities shown on this plat will be maintained by the City of Gunnison until and unless the subdivider constructs the streets and roads and utilities in accordance with the subdivision agreement, if any, and the subdivision regulations in effect at the date of the recording of this plat and approval of the City has been issued to that effect. When the City approves a street or utility

for maintenance, the street or utility shall become public in all senses of the word and the subdivider has no further obligations in regards to that particular street or utility.

3. Surveyor's Certificate

I, _____, a Registered Professional Land Surveyor in the State of Colorado, do hereby certify that the survey represented by this plat was made under my supervision and the monuments shown thereon actually exist and this plat accurately represents said survey.

_____
Registered Land Surveyor

4. Title Certificate

I, _____, an attorney at law duly licensed to practice before the Courts of Record in the State of Colorado, certify that I have examined title to all lands herein dedicated and shown upon this plat, and title to such lands is in the dedicator free and clear of all liens, taxes and encumbrances except as follows:

EXCEPTIONS

Signed this _____ day of _____, 20_____.

_____
Attorney at Law

D. Exempt Plat Approval. Exempt Plats will contain the following signature statement in-lieu of the Planning and Zoning Commission and City Council Signature Statements cited in sub-paragraph E., below.

1. Community Development Director Approval

This plat of _____(plat name), is determined to meet all development standards of the City of Gunnison, Colorado, *Land Development Code*.

_____
Community Development Director
City of Gunnison

Date: _____

E. Approval Signature Statements of Approval Bodies

1. Planning and Zoning Commission Approval

This plat is approved by the City of Gunnison Planning Commission this _____ day of _____, 20_____.

_____
Chairman

2. City Council Approval

This plat is approved for filing and the City hereby accepts the dedication of the streets and roads shown hereon subject to the provisions in "Street Maintenance" set forth above, and further accepts the dedication of the easements shown hereon.
Signed this _____ day of _____, 20_____.

CITY OF GUNNISON

BY: _____
Mayor

3. Recorder's Certificate

This plat was filed for record in the Office of the County Clerk and Recorder of Gunnison County at_____ ___M on the _____ day of_____, 20___, reception no. _____.

County Clerk and Recorder

BY:_____
Deputy

§12.8 SUBDIVISION REVIEW STANDARDS

In order to achieve the intent and purpose of this *LDC*, the proposed subdivision shall comply with the following standards:

A. Master Plan. The proposed subdivision shall carry out the purpose and spirit of the *Master Plan* and conform to all of the plan's applicable intent statements, specific directions and recommended actions. It shall be designed to be compatible with surrounding land uses, to protect neighbors from undesirable noise, glare and shadows and shall not cause adverse effects on their privacy, solar access and views.

B. Zone District Standards. The proposed subdivision shall comply with the use and dimensional standards of the underlying zone district and shall provide off-street parking as required for the use(s).

C. Improvements. The proposed subdivision shall be provided with improvements which comply with Section 4 and Section 5.

1. Streets. Existing and proposed streets shall be suitable and adequate to carry anticipated traffic within and in the vicinity of the proposed subdivision.

2. Utilities. Existing and proposed utility services shall be suitable and adequate to meet the needs of the proposed subdivision. As a condition of obtaining water service, any water rights which run with the property shall be dedicated to the City.

3. Landscaping. Landscaping, buffering and screening as required by §4.6 shall be achievable given the underlying lot widths and rights-of-way dimensions.

4. **Phases**. If the subdivision is to be developed in phases, each phase shall contain the required parking spaces, landscape areas, utilities, and streets that are necessary for creating and sustaining a stable environment.

D. Natural Features. The layout of lots and blocks shall provide desirable settings for structures by making use of natural contours and maintaining existing views, affording privacy for residents and protecting them from adverse noise and vehicular traffic. The system of roadways and the lot layout shall be designed to take advantage of visual qualities of the area. Natural features and native vegetation shall be preserved whenever possible.

E. Floodplains. Tracts of land or portions thereof lying within the 100-year floodplain may only be subdivided for open space until the subdivider has shown that compliance with the requirements of the City's floodplain regulations can be met.

F. Future Streets. When a tract is subdivided into lot(s) or parcel(s) which are intended for future re-subdivision, such lot(s) or parcel(s) shall be so arranged so as to permit the logical location and opening of future streets and appropriate resubdivision, with provision for adequate utility easements and connectors for such resubdivision.

G. Common Recreation Facilities. Where a development is proposed to contain common recreation facilities, such facilities shall be so located within the development so as to be easily accessible to the residents and to least interfere with neighboring developments.

H. Lots and Blocks

1. **Pattern.** The size, shape and orientation of lots shall be appropriate to the design and location of the proposed subdivision and to the type of development contemplated. Where appropriate, lots shall be laid out to respect the existing city pattern. Blocks generally shall not be less than 300 feet nor more than 1,200 feet in length.

2. **Frontage.** Residential lots should front only on local streets; however, when necessary, lots designated to face a collector street shall provide adequate means for automobile turnaround within the lot.

3. **Right Angles.** Side lot lines shall be approximately at right angles or radial to street lines.

4. **Double Frontage Lots.** Double frontage lots are prohibited, except where they are necessary to provide for the separation of residential development from collector or arterial streets or to overcome specific limitations of topography or orientation. A planting and screening easement of at least 10 feet shall be provided along the portion of the lot which abuts such a Collector or Arterial street. There shall be no right of access across a planting and screening easement. The screening easement shall be maintained by the property owner.

5. **"T" Intersections**. The building area of lots shall not, to the maximum extent feasible, face directly into the oncoming traffic of an intersecting street of a "T" intersection.

6. **Solar Energy.** For purposes of protecting and enhancing the potential for utilizing solar energy in the proposed subdivision, detached single-family lots are encouraged to be laid out in such a manner that the houses will be oriented so that their long axis will run east/west and so that the houses will not block the solar access of adjacent houses.

§12.9 PLANNED UNIT DEVELOPMENT SUBDIVISION REVIEW STANDARDS

In addition to the Subdivision Standards in §12.8 above, all PUDs are subject to requirements and standards and criteria contained in §10.7 E. and F.

§12.10 SUBDIVISION IMPROVEMENTS AGREEMENT

A. Written Agreement. Prior to the approval of the Final Plat, the subdivider shall submit a written agreement to construct all required public improvements shown in the Final Plat documents and perform repairs occasioned by such improvements.

1. **Estimate of Costs**. The written agreement shall reflect an estimate of the cost, including inflation, of the various improvements and repairs and a time schedule for their completion, as well as an estimate from the City Engineer of the cost to inspect said public improvements.

2. **Time Limit**. Public improvements shall be installed within a time limit determined by the City and the developer. This time shall be reflected in the agreement.

B. Financial Guarantee. The subdivider shall deposit with the City a performance and payment bond, an irrevocable letter of credit, line of credit, cash, and/or other acceptable means which is sufficient in the judgment of the Council to assure the completion of the improvements or repairs required under §12.10 A. Said security shall be due to the City in conjunction with the recordation of the Final Plat and shall be in an amount equal to 125 percent of the cost of supplying and installing the improvements depicted on the approved Final Plat, based on estimates provided by the applicant and approved by the City Engineer.

C. Release. As improvements are completed and as "as built drawings" are submitted, the subdivider may apply to the Public Works Director for a release of part or all of the collateral deposited with the City in conformance with §4.2.I (Street Dedications) and §4.2.J (Acceptance of Streets and Public Utilities). Upon inspection and approval, the Public Works Director may release all or part of the collateral.

1. **Deficiencies**. If the Public Works Director determines that any of such improvements are not constructed in substantial compliance with specifications, it shall furnish the subdivider a list of specific deficiencies and shall be entitled to withhold collateral sufficient to ensure substantial compliance.

2. **City May Complete Improvements**. If the Public Works Director determines that the subdivider has not constructed any or all of the improvements in a timely manner or in accordance with all of the specifications, the City may withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvement or improvements in accordance with the specifications.

D. Development Permit. When the subdivider or developer is ready to begin construction of the public improvements set forth on each filing of the Final Plat and in the Subdivision Improvements Agreement, a site development permit shall be obtained from the Community Development Department. Construction shall begin within 30 days of issuance of the permit, or the permit shall expire.

1. **Inspection Fee**. Before the development permit is issued, the developer shall pay the inspection fee as determined by the City Engineer.

2. **Review Plat and Agreement**. At the time the development permit is issued, the developer and the City shall review the Final Plat and the *Subdivision Improvements Agreement* to assure that all requirements, inspections, etc., are known to the developer and will be met during the construction period. A preconstruction meeting with all involved parties, including the City, inspectors, developer and contractor, should be conducted.

E. Common Property in a PUD

1. **Ownership Covenant.** Where there is more than one ownership interest in the land upon which the PUD is to be situated or in the above airspace and all such interests are not coextensive, the PUD approval shall be conditioned upon a covenant running with the land that establishes an organization among all owners to own and maintain common open space, if any.

2. **Failure to Maintain.** Failure to maintain shall be deemed as a violation of the *LDC* and is subject to Section 15, Violations, Penalties and Enforcement.

§12.11 VACATION OF RECORDED PLAT, RIGHT-OF-WAY OR EASEMENT

An applicant requesting to vacate a recorded subdivision plat, public right-of-way or a dedicated easement shall follow the stages of the City of Gunnison land development process outlined below.

A. Preapplication Conference. Attendance at a preapplication conference with the Community Development Director is optional, but recommended, for an applicant intending to submit an application to vacate a recorded subdivision plat, public right-of-way or a dedicated easement.

B. Submit Application. The applicant shall submit a complete development application to the Community Development Director which contains those materials listed in §6.5 C, Minimum Application Contents.

C. Staff Review. The Community Development Director shall review the application to determine whether it is complete, as specified in §6.6 A, Completeness Review. The Community Development Director shall forward a report to the Commission which summarizes the application's compliance with the review standards contained in this Section and other applicable provisions of this *LDC*. The technical comments and professional recommendations of other agencies, organizations and consultants may be solicited in drafting the report.

D. Public Notice. Public notice that the Planning and Zoning Commission will conduct a hearing to consider an application to vacate a recorded subdivision plat, public right-of-way or a dedicated easement shall be provided as specified in §6.7, Stage 4: Provision of Public Notice.

E. Action by Commission. The Commission shall hold a public hearing to review the conformance of the development application with all applicable provisions of this *LDC*, including the review standards listed herein below.

1. **Access to a Public Road**. No roadway shall be vacated so as to leave any adjoining land without a means of access to another public road. Furthermore, there shall be an express reason for and a derived benefit to the City for a vacated roadway request.

2. **Easements**. In granting a vacation, the City may reserve easements for the installation or maintenance of utilities, ditches and similar improvements.

3. **Master Plan.** A subdivision plat, public right-of-way or dedicated easement may be vacated if the vacation would be consistent with or implement the applicable intent statements, specific directions and recommended actions of the *Master Plan*.

4. **Transfers or Sales of Lots.** A subdivision plat may be vacated if none of its lots has been sold or transferred; or if there have been sales or transfers there has been no development on any lots in the subdivision and all of the owners agree to the vacation of the plat.

The Commission shall make a recommendation that the City Council approve, approve with conditions, or deny the application, or shall remand it to the applicant with instructions for modification or additional information or action.

F. Action by Council. The City Council shall consider the recommendations of the Commission at a public meeting. The Council shall approve, approve with conditions, or deny the proposed vacation or shall remand it to the applicant with instructions for modification or additional information or action.

G. Actions Following Approval. Whenever the City shall approve an application vacating a public right-of-way, the City shall provide abutting land owners with a quit claim deed for the vacated lands. Each abutting land owner shall be deeded that portion of the vacated right-of-way to which the owner's land is nearest in proximity.

Section 13. Incentives

§13.1 PURPOSE

The purpose of this Section is to provide incentives for specific types of land uses and/or creative site plans that exceed the minimum requirements of this LDC. Another purpose is to accomplish high-priority planning goals, including the preservation of open space and natural features and development of affordable housing.

§13.2 GENERAL PROVISIONS

A. Types of Incentives. Incentives established herein are: density bonuses, which allow for greater density than that allowed in the underlying zone district; and, increased flexibility in dimensional standards to allow smaller lot sizes and reduced frontage than that of the underlying zone district.

B. Eligibility. Except for parcels in an R-1 zone district, all residential subdivisions and developments in residential zone districts are eligible for incentive bonuses.

C. County Affordable Housing Guidelines. For the purposes of administering incentives associated with the development of affordable housing, all related applications shall comply with all of the provisions of the *Gunnison Valley Regional Affordable Housing Guidelines* (*Guidelines*), and as they are amended on an annual basis.

D. Exceptions. Any proposed reduction in the minimum net livable square foot requirements that may be approved by the Gunnison Valley Regional Housing Authority, pursuant to provisions of the adopted Guidelines, shall be subject to final City review and approval following the procedures established in §13.4.

E. Combination with Other Bonuses. Unless otherwise expressly stated, the density bonuses of this Section may be combined, provided that the total cumulative density bonus shall not exceed the maximum density allowed by the underlying zone district by more than 50 percent.

F. No Guarantee of Density. The provisions of this Section shall not be interpreted as guarantees of achievable density. Developments using bonus provisions shall be subject to all other applicable regulations of this *LDC*. These other regulations or site-specific conditions may prevent maximum bonus density levels from being achieved due to the character of the land or surrounding uses.

§13.3 REVIEW PROCESS

A. New Land Use Development Applications. Requests for bonus incentives for land that has not been platted, or for land that is being re-platted, shall be reviewed during the Subdivision Preliminary Plat application process, as set forth in Section 12.

B. Approved Subdivisions. Requests for bonuses for projects that have been approved through the subdivision process shall be subject to the review procedures set forth in this Section.

C. Rezoning Not Required. A separate rezoning process shall not be necessary to approve the density increases granted through these processes.

§13.4 PROCEDURE

Applications for bonus incentives shall follow the procedures outlined below.

A. **Pre-application Conference.** Attendance at a pre-application conference is mandatory for an applicant intending to submit an Incentive application.

B. **Submit Application.** The applicant shall submit a complete application to the Community Development Director, containing those materials listed in §13.5.

C. **Staff Review.** The Community Development Director shall review the application to determine whether it is complete, as specified in §6.6.A., Completeness Review. The Community Development Director shall forward a report to the Commission summarizing the application's compliance with the General Review Standards contained in §13.6 and all other Review Standards that may apply.

D. **Review by External Consultants or Agencies.** The technical comments and professional recommendations of other agencies, organizations and consultants may be solicited in drafting the report.

E. **Public Notice.** Public notice that the Commission will conduct a hearing to consider the application for a Density Bonus Incentive shall be provided as specified in §6.7, Stage 4: Provision of Public Notice.

F. **Public Action by Commission.** The Commission shall conduct a public hearing to review the conformance of the application with all applicable provisions of this *LDC*. The Commission shall approve, approve with conditions, or deny the application or remand it to the applicant with instructions for modification or additional information or action.

G. **Action Following Approval.** The applicant may apply for a site development permit following approval of the Density Bonus Incentive and the filing and, if applicable, recordation of any document required by the permit approval.

§13.5 APPLICATION CONTENTS

A. Minimum Contents

1. **Basic Site Plan.** The site plan of the subject property showing existing and proposed features, buildings, roads, alleys, easements, utilities, wetlands, floodplains, etc., which are relevant to review of the development application. Current land uses of properties on all sides of the property and across streets and alley must be included on the site plan or accompanying map.

2. **Specific Site Plans for Applications Proposing Dimensional Standards Incentives**

   a. Site dimensions and boundaries

   b. The location, size and use of all public utilities (water, sewer, stormwater, electrical, irrigation) and easements associated with all public utilities that will be used to serve individual development sites and a written description of the general manner in which on-site water supply, sewage disposal, electric supply, natural gas, storm water drainage, telephone, street lighting, irrigation, water, cable television, and trash collection services

will be provided.

c. Roads

d. Building and Accessory Structures Setback lines

e. Driveways, Internal Circulation and Parking

f. Grading and drainage plans showing and describing the existing and proposed means of handling on-site drainage.

B. Legal Documents. Deed restriction or other executable documents or agreements that may be integral to the execution of the incentive being considered.

§13.6 GENERAL REVIEW STANDARDS

The Community Development Director may recommend, and the Commission may impose, such conditions as are necessary to maintain the integrity of the City's zone districts and to ensure the use is: consistent with the *City of Gunnison Master Plan;* conforms with this *LDC;* appropriate to its location and compatible with neighboring uses; served by adequate public facilities; and, does not cause undue traffic congestion or significant deterioration of the environment. Authorized conditions include but are not limited to:

A. **Consistency with the Master Plan.** The proposed bonus incentive shall be consistent with the *City of Gunnison Master Plan*.

B. **Zoning District Standards.** Developments approved with bonus incentives shall meet dimensional standards for height, setbacks, percent open space, percent impermeable surface coverage, buffering, lighting, fencing, signage, off-street parking and similar site planning features of the proposal. However, the bonus incentive may specifically increase the maximum allowed density and/or allow for the reduction of the minimum lot size and front lot line pursuant to standards set forth in this Section.

C. **Specific Use Standards.** All bonus incentive developments shall comply with all applicable Special Use Regulations set forth in Section 3.

D. **General Development Standards.** All bonus incentive developments shall comply with all applicable regulations, criteria and standards set forth in Section 4 of this *LDC*.

E. **Natural Resource Protection Standards.** All bonus incentive developments shall comply with all applicable regulations, criteria and standards set forth in Section 5 of this *LDC*.

F. **Traffic.** All bonus incentive developments shall not cause undue traffic congestion, dangerous traffic conditions or incompatible service development, parking or loading problems.

G. **Facilities.** There shall be adequate public facilities in place to serve the proposed development or the applicant shall propose necessary improvements to address service deficiencies.

§13.7 SPECIFIC STANDARDS APPLIED TO AFFORDABLE HOUSING INCENTIVES

A. **Dispersal Required.** Affordable housing units shall be dispersed within a residential subdivision or development.

B. **Deed Restriction Required.** Affordable housing units developed pursuant to this Section shall be deed-restricted to assure the availability of the unit for sale or rent to persons meeting the income guidelines and definition set forth in *Gunnison Valley Regional Affordable Housing Guidelines*. The mechanism used to restrict the unit shall be approved by the City Attorney and be consistent with deed restriction provisions established by the Gunnison Valley Regional Housing Authority.

C. **Maximum Permitted Density Bonus.** Except in the R-1 zone district, subject to the standards and review criteria set forth in this Section, for every one affordable housing unit provided, the applicant shall be eligible for a bonus of one-half (0.5) unit that may only be used for the development of additional affordable units. In no case shall the development density exceed 50 percent of the maximum density permitted in the underlying base zone district.

D. **Minimum Lot Size/Area.** Notwithstanding the minimum lot area requirements set forth in the underlying base zone district, the following requirements shall apply to residential subdivisions and developments that include affordable housing units.

1. **Single-Family Detached Affordable Units.** The minimum lot size shall be 4,500 square feet and the minimum lot frontage may be reduced to 25 feet per unit, provided that at least 40 percent of the total housing units in the subdivision or development are affordable. If less than 40 percent of the total units are affordable, then the minimum lot size shall be no less than 90 percent of the underlying base zoning district lot area requirement and no reduction in frontage will be granted.

2. **Two-Family Affordable Units.** The minimum lot size shall be 5,000 square feet (2,500 sq.ft./unit) and the minimum lot frontage may be reduced to 25 feet per unit, provided that at least 40 percent of the total housing units in the subdivision or development are affordable. If less than 40 percent of the total units are affordable, then the minimum lot size shall be no less than 90 percent of the underlying base zoning district lot area requirement for two-family residential uses and no reduction in frontage will be granted.

3. **Multi-Family Developments Containing Affordable Units**. The minimum lot size for a multi-family structure or development containing at least 40 percent affordable housing units may be reduced by 12 percent of the required lot area defined in Table 2-4 Residential Dimensional Standards, and the minimum lot frontage may be reduced to 80 feet. If less than 40 percent of the total units area affordable, then the minimum lot size shall be no less than 95 percent of the underlying base zoning district lot area requirement for multi-family residential uses and no reduction in frontage will be granted.

§13.8 TRANSFER OF DEVELOPMENT RIGHTS

Reserved for Future Use

§13.9 OPEN SPACE AND NATURAL FEATURES

Reserved for Future Use

Section 14. Large Scale Retail Design Review Procedure

§14.1 PURPOSE

This Section establishes the required review and approval procedures for Design Review, which is the review procedure for determining compliance with the site planning and building design standards of this *LDC*.

§14.2 APPLICABILITY

Design Review must be successfully completed in accordance with the requirements of this Section prior to the start of any of the following activities in any zone district:

A. New Development. Development of new large retail sales establishments.

B. Building Additions. Any addition of more than 10,000 square feet to the building floor area of an existing retail sales establishment with an existing building floor area larger than 40,000 square feet.

C. Building and Site Alterations. Any alteration or addition to an existing large retail sales establishment affecting the external building appearance, number or location of buildings, function of on-site vehicular/pedestrian circulation, or landscape, screening and buffering features.

D. New or Modified Pad Sites. Any alteration, deletion, or addition to pad and/or liner building sites that were included in the original design review approval.

§14.3 GENERAL REQUIREMENTS

A design review approval is a binding development order and all improvements reflected on approved site plans must be completed. All restrictions and conditions of Design Review approval must be fulfilled as follows:

A. Permit Applications. No development application or building permit shall be approved unless the site plan reflects all required improvements.

B. Certificate of Occupancy. All improvements reflected on approved site plans must be constructed prior to issuance of the Certificate of Occupancy (CO). All terms and conditions of Design Review approval must be met at the time of issuance of the Certificate of Occupancy.

C. Temporary Certificate of Occupancy. A Temporary Certificate of Occupancy (TCO), with a maximum one-year duration, may be issued where an improvement cost estimate, prepared by a Colorado-licensed civil engineer, is submitted along with a *Development Improvement Agreement* secured by corporate surety bond, irrevocable letter of credit, cash and/or other means acceptable to the Community Development Director. The collateral amount for the agreement shall equal 125 percent of the cost as determined to be satisfactory by the Community Development Director.

§14.4 APPLICATION, REVIEW, AND DECISION

A. Preapplication Conference. Prior to the submission of development applications, applicants shall attend a preapplication conference as set forth in §6.4, Stage 1: Preapplication Conference. The purpose of the conference is to respond to questions the applicant may have regarding application procedures, standards, or regulations required by this chapter.

FIGURE 37 DESIGN REVIEW PROCEDURE

B. Submittal Requirements. A complete application for Design Review shall be submitted to the Community Development Director as set forth in §6.6, Stage 3: Staff Review of Development Application. In addition to the minimum submittal requirements specified in §6.5 C, Minimum Application Contents, a complete, scaled site plan shall be submitted showing all the existing and proposed uses, lot dimensions for the specified property, and shall, at minimum, include the following:

1. a narrative addressing the proposed development explaining and tabulating the land uses for the entire site including: planned open spaces; potential traffic generation; overall character and architectural style; the relationship of the proposed development to existing developments within 700 feet of the proposed development's boundaries; and other related development features;

2. architectural elevations for all façades, a description and sample of building materials, and a description of design elements;

3. existing topographic contours at two-foot intervals;

4. final grades and grading plan, with topographic contours at two-foot intervals;

5. erosion control plans;

6. site information, including**:**

a. gross area of the site;

b. percent of area devoted to streets and vehicular circulation;

c. percent of area devoted to open space and common open space;

d. square footage of the building footprint of each structure;

e. percent of area devoted to each land use type proposed;

f. calculations of gross and net densities, including estimated total floor area for any nonresidential uses per acre;

g. bearing, distance and curve radii of property boundaries;

h. existing and proposed structures in relation to the exterior property lines, existing and proposed streets;

i. setbacks, including corner setbacks and intersection visibility triangles;

j. curb lines and sidewalks;

k. floodplains, drainageways, and any proposed detention/retention locations;

l. drainage plan prepared by Colorado-licensed engineer;

m. landscaping and screening plan established by a landscape architect who is an active member of the American Institute of Architects;

n. fences and walls, in plan view and section;

o. loading and accessibility spaces;

p. ingress and egress points and intersection design, with sections showing turn lanes, etc;

q. off-street parking layout and internal circulation plan, in plan view;

r. refuse locations;

s. existing and proposed utility lines and fire hydrants;

t. a master sign plan consisting of five elements that shall govern all signs within the development: location, materials, size, color and illumination;

u. outdoor lighting plan including the tear sheets for all proposed fixtures, location, mounting height and shielding characteristics of each lighting fixture, both proposed and any already existing on the site;

v. location map relative to off-site streets and properties;

w. detailed traffic study per §4.10 G.1, Transportation Impact Study Requirements;

x. baseline automobile and truck traffic data for all adjacent neighborhoods within 700 feet of the development site served by local and minor collector streets that link to the development site;

y. proposed Waivers, calling out each Waiver using illustrative plans and elevations, and describing in narrative form how each proposed Waiver complies with the provisions of

§14.5, Waivers; and

z. any additional information requested on a Community Development Department checklist or that may be necessary as requested by the Director to clearly define the intended use of the property and compliance with the applicable standards.

C. Completeness Review. The application's completeness review shall be accomplished in accordance with the requirements of §6.6 A, Completeness Review.

D. Posting and Public Notification. Once the application is deemed complete by the Community Development Director, the required public notices shall be issued as set forth in §6.7, Stage 4: Provision of Public Notice.

E. Review and Decision. The Commission shall review each application for Design Review and act to approve, approve with conditions, remand back to the applicant, or deny the application pursuant to §6.8 C, Action by Decision-Making Body. Design Review applications that are being processed concurrently with rezoning or Conditional Use permits must be reviewed and approved concurrently with the other required approvals.

F. Notice of Decision. Within five working days of action by the decision-making body on a Design review application, the Community Development Director shall mail notice of the decision to the applicant.

G. Expiration of Approval. An approved Design Review application shall expire 12 months from the date of approval unless a complete building permit application has been submitted and all required fees paid. The applicant may request vesting of the approved site-specific development plan as described in §6.9, Stage 6: Actions Following Development Approval.

§14.5 DEVELOPMENT STANDARDS WAIVER

In order to provide flexibility in the administration of this *LDC* by the City, certain development standards contained in Section 4 may be considered for a waiver pursuant to the directives established in Section 9 of this *LDC*.

Submittals must comply with the provisions of §14.4 B, Submittal Requirements, those materials listed in §6.5 C. Minimum Application Contents.

§14.6 DESIGN REVIEW STANDARD OBJECTIVES

Approved Design Review applications shall comply with the applicable standards of the *LDC*, including those of §4.10, Large Scale Retail. In carrying out the purpose of this Section with respect to the external design and siting of the buildings, it is the intent of this Section that the City shall exercise the minimum control necessary to achieve the overall objectives thereof. Approval shall be considered in accordance with the following objectives:

A. Architecture. Encourage architectural design features that mitigate the visual impacts of the size and scale of large retail sales establishments.

B. Neighborhood Compatibility. Assure that large retail development site planning promotes compatibility with surrounding residential, commercial areas, and other areas in the city.

C. Pedestrian Friendly. Promote pedestrian-friendly design and public transit access.

D. Environmental Sustainability. Encourage best development practices for energy conservation, watershed management, and air quality protection.

E. Efficient Transportation Design. Advance transportation design elements that provide safe and efficient internal circulation and are integrated with the external transportation system.

F. Master Plan Compliance. Require that the development design elements and location are in compliance with the *City of Gunnison Master Plan*.

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Section 15. Violations, Penalties and Enforcement

§15.1 ENFORCEMENT BY DIRECTOR

The Director shall have the authority to enforce this *LDC*. Under the powers of this Section, the Director shall have the authority to enter onto property within the City limits to inspect or to investigate suspected violations of this *LDC*.

A. Premises Occupied. If the building or premises upon which the suspected violation is located is occupied, the Director shall present proper identification and request access. If access is denied, the Director may obtain a search warrant from a court of competent jurisdiction.

B. Premises Unoccupied. If the building or premises upon which the suspected violation is located is unoccupied, the Director shall make reasonable efforts to locate persons having charge of the premises. If entry is refused, the Director shall have recourse to every remedy provided by law to secure entry.

§15.2 ENFORCEMENT PROCEDURES

A. The City may enforce the requirements of the *LDC* by withholding building permits. It is unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure without approval of a site development plan and a building permit. The City may not issue a building permit unless the plans for the proposed erection, construction, reconstruction, alteration, or use fully conform to the provisions of this *LDC*.

B. Any person aggrieved by a violation or apparent violation of the provisions of this *LDC* may file a written complaint with the Director, who shall investigate such complaint and take the appropriate action to have the violation penalized or removed, if such violation is found to exist. When it is determined that there has been a violation of any provision of the *LDC*, the Director shall serve written legal notice of violation in the following manner:

1. determine and include a list of violations, refer to the section(s) of the *LDC* violated;

2. specify a time for compliance with relevant *LDC* provisions 21 days from the service of the notice; and

3. serve the notice on the owner, occupant, operator, lessee, agent or other responsible party in person, provided that such notice and requirement shall be deemed to be properly served on such responsible party if a copy thereof is delivered to, posted on, or sent by registered or certified mail to his/her last known mailing address, residence or place of business.

§15.3 PENALTIES FOR VIOLATION

A. Misdemeanor. Violation of the provisions of this *LDC* or any order issued by the Director shall constitute a misdemeanor. Upon conviction, the misdemeanor shall be punishable by a fine of up to $1,000, imprisonment for a period of 90 days, or both, such fine and imprisonment for each offense.

B. Each Day a Separate Offense. Each day that a violation continues to exist shall be considered a separate offense.

C. Each Lot a Separate Offense. Each lot or parcel offered for sale, agreed to be sold, sold, or transferred in violation of the provisions of this *LDC* shall be considered a separate and distinct offense.

§15.4 REMEDIES FOR VIOLATIONS

Whenever the Director shall find a violation of any of the provisions of this *LDC*, the Director shall be authorized to order the following remedies.

A. Discontinuance of Use Violation. The Director may order any use of land, buildings or structures which violates the provisions of this *LDC* to be discontinued or abated. The Director shall order the immediate repair or removal of hazardous conditions, including hazardous signs. If a use, sign or structure poses an immediate threat to life, property or the environment, the Director may take whatever actions necessary to have it removed.

B. Removal of Buildings. The Director may order any buildings, structures or additions, alterations or structural additions thereto which violate the provisions of this *LDC* to be removed. Any sign placed upon or over City property or a public right-of-way may be impounded as evidence.

C. Stoppage of Illegal Development. The Director may order any development activities being accomplished which violate the provisions of this *LDC* to be stopped.

D. Enjoin Illegal Transfers. The Director may notify the City Attorney, who may enjoin, by action for injunction brought in any court of competent jurisdiction, any offer to sell, agreement to sell, sale, or transfer of any subdivided property before a Final Plat has been approved by the City and recorded or filed in the office of the County Clerk and Recorder.

E. Other Actions. The Director may order such other actions to be taken as are necessary and as are authorized by the *Gunnison Municipal Code*, by statute, or by law to ensure compliance with, or to abate violation of, the provisions of this *LDC*.

F. Remedies Are Cumulative. All remedies provided for in this Section are cumulative, are not exclusive, and shall be in addition to any other remedies provided by law.

§15.5 APPLICATION OF THE LAWS

If any of the provisions of this Section are inconsistent with the provisions of any other law or laws, presently existing or enacted in the future, of the City or the State, in that the requirements regarding signs or the respective provisions differ, the provisions containing the more restrictive requirements will apply.

Section 16. Definitions

§16.1 ABBREVIATIONS

BMPs	Best Management Practices
CDOT	Colorado Department of Transportation
dBa	Decibels Above Reference Noise, adjusted
DBH	Diameter at Breast Height
FAA	Federal Aviation Administration
FCC	Federal Communications Commission
ft.	Feet
LDC	*Land Development Code*
LID	Low Impact Development
LOD	Limits of Disturbance
LOS	Level of Service
sq. ft.	Square Feet
TIA	Traffic Impact Analysis
UDFCD	Urban Drainage and Flood Control District
USGS	United States Geologic Survey

§16.2 GENERAL TERMS DEFINED

Terms used shall have the following meanings as used throughout this *LDC*:

Definitions

Abutting	The property directly touches another piece of property.
Accessory building, structure or use	A detached building, structure, or use on the same lot with, or of a nature customarily incidental or subordinate to, and of a character related to the principal use or structure. See §3.12.
Accessway	Developed strips or sections which provide pedestrian access to private property. See §4.5B.
Adjoining	A lot or parcel of land which shares all or a part of a common boundary line with another lot or parcel of land. Parcels shall also be considered adjoining when they are only separated from each other by an alley, easement, or right-of-way.
Agriculture	The use of land for agricultural purposes, including: farming; dairying; pasturage; apiculture; horticulture; floriculture; viticulture; and animal and poultry husbandry; and, the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation, of any such accessory uses shall be secondary to that of the principal use.
Alley	A single lane that provides alternative vehicular and service access.
Allowed use	Use which is allowed in a zone district, subject to all of the restrictions applicable to that zone district and all of the standards of this *LDC*.
Alteration	Any change, addition, or modification in construction or occupancy of an existing structure or sign; any change, grading or construction within a regulated floodplain.
Antenna	A system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals. Such shall include, but not be limited to radio, television, cellular, paging, personal telecommunications services (PCS), microwave telecommunications and services not licensed by the FCC, but not expressly exempt from the City's siting, building and permitting authority.
Applicant	The owner of land submitting a development application or the legal authorized representative.
Apron (driveway)	That portion of the driveway that may extend from the curb-cut to the building face or garage.
Architectural projection	Non-functional or ornamental building feature.
As-built plans	A set of detailed plans and document specifying how required public improvements were actually constructed.

Definitions

Assisted Living	A residential building occupied by not more than 8 persons who are 60 years of age or older who do not require skilled or intermediate care facilities; or a residential building containing a state-licensed facility for the exclusive use of not more than 8 developmentally disabled person having such illnesses as cerebral palsy, multiple sclerosis, mental retardation, autism or epilepsy.
Automobile repair garage	Any building or structure where motorized vehicles are stored, repaired, painted, or equipped for compensation.
Average Slope	The average measurement of a hillside slope as calculated in §5.2 of this *LDC*. See Figure 30.
Awning	A movable shelter supported entirely from the exterior wall of a building and of a type which can be retracted, folded or collapsed against the face of the supporting building; or a covered space frame structure.
Base flood	The flood having a 1% chance being equaled or exceeded in any given year.
Basement	A story partly or wholly underground.
Bathroom	Separate room containing a water closet, lavatory, and bathtub, or shower.
Bedroom	Room in a dwelling unit that is marketed and designed for sleeping, or otherwise has the potential to function primarily for sleeping.
Best management practices, water	Effective, practical, structural or nonstructural methods which prevent or reduce the movement of sediment, nutrients, pesticides and other pollutants from the land to surface or ground water. (§3.10 E.2.)
Bicycle lane	That portion of a roadway set aside and designated for the use of bicycles.
Bicycle path	A paved facility that physically separates bicycle riders from motor vehicle traffic.
Bike route	A facility designated by signing to help make motorists aware of the presence of bicycles, which share the right-of-way with motor vehicles.
Block	A parcel of land entirely surrounded by public streets or highways, public walks, public green strips, rural land or drainage channels, boundaries of a municipality, or a combination thereof.
Boarding or rooming house	Building, other than a hotel, cafe, or restaurant, where for direct or indirect compensation, lodging and/or meals are provided for 3 or more boarders and/or roomers, exclusive of the occupant's family. (§3.2 B.)
Buffer	Screening that is intended to help mitigate the physical, visual and environmental impacts created by development on adjacent properties. (§4.6.E.)
Building	Any structure used or intended for supporting or sheltering any use or occupancy within the purview of the *International Building Code* as adopted by the City.
Building coverage	The maximum portion of the lot that is covered by buildings, including both principal structures and accessory buildings. (§1.7.)
Building line or setback line	A line designating the area in which buildings may be erected, except as otherwise provided by this *LDC*.
Building official	The designated official responsible for enforcement of building codes and the supervision of building inspections in the city of Gunnison.
Building separation	The required separation between any two buildings located on the same lot or parcel of land. (§1.7 E.)
Building, principal	A building in which is conducted the principal use of the lot on which it is situated. In any residential zone district, any dwelling is deemed to be a main building on the lot on which it is situated.
Caliper	The diameter of plant material, measured at six inches above grade for calipers of up to four inches, and 12 inches above grade for larger calipers.
Campground	Parcel of land used or intended to be used, let, or rented for overnight or short term occupancy by campers, trailers, tents, or recreational vehicles.
Canopy	Permanent roofed shelter covering a sidewalk, driveway or other similar area, which may be wholly supported by a building or may be wholly or partially supported by columns, poles or braces extending from the ground.
Carport	A permanent roofed structure open on at least two sides, and designated for or occupied by "private" passenger vehicles.
Cemetery	A place used or to be used and dedicated or designated for interments of human remains or pet animal remains.

Definitions

City	The incorporated City of Gunnison, Colorado.
City Council	The governing or legislative authority of the City of Gunnison, Colorado.
City Engineer	City Engineer of the City of Gunnison.
City Manager	City Manager of the City of Gunnison.
City Property	Any dedicated public right-of-way or property owned by the City of Gunnison.
Club	Membership organization, catering exclusively to members and their guests, whose facilities are limited to use by the membership, except on occasion, and whose activities may or may not be conducted principally for monetary gain.
Colorado Medical Marijuana Code	Article 43.3 of Title 12, Colorado Revised Statutes
Columbarium	A place for the respectful and usually public storage of cinerary urns (cremated remains of the deceased).
Commercial Lodging	Hotels, motels, lodges, or convention centers with sleeping accommodations and similar commercial facilities that provides temporary lodging in guest rooms; which have common facilities for reservations, reception and maintenance: and in which meals, entertainment, and various personal services for the public may or may not be provided for remuneration.
Common interest community	Real estate described in a declaration with respect to which a person, by virtue of such person's ownership of a unit, is obligated to pay for real estate taxes, insurance premiums, maintenance or improvement of other real estate described in a declaration.
Congregate Living	Occupancy of a structure by a group of people who do not comply with the standards for Households. Including, but not limited to: boarding houses, dormitories; fraternities and sororities; homeless shelters; monasteries and convents; nursing and convalescent homes.
Conditional Use	Land uses which are generally compatible with the permitted uses in a zone district, but which require site-specific review of their location, design, intensity, density, configuration, and operating characteristics, and which may require the imposition of appropriate conditions, in order to ensure compatibility of the use at a particular location and mitigate its potentially adverse impacts. (Section 7.)
Condominium	Common interest community in which portions of real estate are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate ownership portions. A common interest community is not a condominium unless the undivided interests in the common elements are vested in the unit owners.
Consumer (Medical)	A person twenty-one years of age or older who purchases marijuana or marijuana products for personal use by persons twenty-one years of age or older, but not for resale to others.
Construction	On-site erection, fabrication, installation, alteration, demolition or removal of any structure, facility, or addition thereto, and all related activities; including, but not restricted to, clearing of land, earthmoving, blasting and landscaping.
Construction plan	Maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of these regulations.
Convenience Store	A building used for the sale of prepackaged food items and tangible consumer goods, primarily for self-service by the consumer. A convenience store may or may not have gasoline pumps.
County	Unincorporated Gunnison County, Colorado.
County Clerk and Recorder	The Gunnison County Clerk and Recorder of Gunnison County, Colorado.
Covenant	A private legal restriction on the use of land contained in the deed to the property or otherwise formally recorded.
Crematorium	A building used for the cremation of human remains.
Cut-off angle	The angle, measured up from the nadir, between the vertical axis and the first line of sight at which the bare source (the bulb or lamp) is not visible.
Day care center	Residence, facility, or pre-school which provides regular care and supervision for more than 12 children at any one time during the day for compensation.
Day care home	A residence, facility or pre-school which provides regular care and supervision for more than 3 but not more than 8 children at any one time during the day for compensation. The care and

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	supervision of 3 or less children at any one time during the day shall be considered to be in-home babysitting, and not subject to this *LDC*.
Day care school	A residence, facility or pre-school which provides regular care and supervision for more than 8 but not more than 12 children at any one time during the day for compensation.
Density	The total number of dwelling units permitted on any parcel of property planned for residential development. Density is calculated based on the total area of a lot and the zoning district of said lot. (§1.7 K.)
Developer	A person or firm that improves raw land with labor and capital, and arranges for utilities and essential services in order to sell subdivided parcels of land or to build structures for rent and/or sale.
Development	The subdivision of land into two or more parcels, the construction or reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, land disturbance; and any use or extension of the use of land.; any activity which requires a development application under this *LDC*, including but not limited to: site development plan, rezoning, planned development review, conditional use permit review, subdivision review, or site plan review.
Development application	Any application for development under this *LDC*, including but not limited to: site development plan, rezoning, planned development review, conditional use permit review, subdivision review, or site plan review.
Director	The Community Development Director of the City of Gunnison, Colorado; the City employee primarily responsible for administering the provisions of this *LDC*, or his or her designee.
Drilling, mining, or excavation	Commencement of drilling (except for a water well or to obtain soil samples), mining, excavation, or deposit of refuse, solid or liquid waste on a parcel of land.
Drive-in facility	An establishment providing such products and services as, but not limited to: food, beverages, or financial services, to customers in vehicles.
Driveway	A private residential or nonresidential roadway located on a parcel or lot used for vehicle access.
Dwelling	Building or a portion of a building containing one room, or several rooms connected together, including a separate bathroom and a single kitchen, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a monthly or longer basis, physically separated from any other rooms or dwelling units which may be in the same structure, and served by no more than one gas meter and one electric meter. Dwellings include: alley-loaded house, multi-family dwelling, single-family detached, townhouse, two-family house, upper story residential and zero lot line houses. (§2.3.)
Easement	A grant of one or more of the property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.
Essential Services	Essential Services are the activities, utilities, and infrastructure necessary to provide and maintain the public health, safety and general welfare of the residents of the city. These services are provided by public utilities, private utilities or municipal departments. Specifically excluded as essential services are overhead towers, poles, wires and similar equipment where not an upgrade, rebuild, replacement or already in existence on a property; and operation and maintenance facility buildings.
Family	One or more persons related by blood, marriage, adoption, or between whom there is a legally recognized relationship, or not more than five unrelated persons who occupy a single dwelling unit.
Fence	Any constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
Fire Marshal	The Fire Marshal of the City of Gunnison.
Flood Insurance Rate Map (FIRM)	Official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones. (GMC §14.60.)
Flood insurance study	Official report provided by the Federal Emergency Management Agency that includes flood profiles, the flood rate insurance rate map, and the water surface elevation of the base flood.
Flood or flooding	A general and temporary condition of partial or complete inundation of two or more acres of normally dry land area or of two or more properties (at least one of which is the policyholder's

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	property) from overflow of inland waters, unusual and rapid accumulation or runoff of surface waters from any source, mudflow; or: collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels that result in a flood as defined above. (GMC §14.60.)
Floodplain	That ground covered by water in the case of the flood of 100 year frequency, as delineated by Federal flood insurance maps and the Floodplain Ordinance of the City of Gunnison. (GMC §14.60.)
Floodway	Channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one-half foot. (GMC §14.60.)
Floor area	A gross calculation measured from the exterior wall plane or the centerline of the common wall (party wall) separating two units in a building, but shall not include mechanical rooms, closet or storage areas less than 20 square feet, and mechanical chases. (§1.7 F.)
Frontage	The dimension of a property that is adjacent to a street.
Full cutoff fixture	A luminary that, by design of the housing, has a cutoff angle of less than 90 degrees. Full cutoff fixtures must be installed in a manner which maintains a cutoff angle of less than 90 degrees.
Funeral home	A building used for the preparation of the deceased for burial and display of the deceased before burial or cremation. A funeral home, as defined in this *LDC*, includes a funeral chapel.
Governing body	The City Council of the City of Gunnison.
Government administrative facilities, services and buildings	Office buildings, maintenance facilities and operations centers owned and operated by a governmental agency.
Grade, finished	Final elevation of the ground surface after development.
Grade, natural	Elevation of the ground surface in its natural state, prior to man-made alterations.
Ground cover	Any natural vegetative growth or other material which renders the soil surface stable against accelerated erosion.
Guest room	A room or suite used as living accommodations for one or more paying visitors.
Height	The vertical distances between the average grade of a structure and the highest point of the structure or to the coping of a flat roof, to the deck line of a mansard roof, or to the highest ridge of a sloping roof. (§1.7 G.)
Home Business	The conduct of a business, occupation or trade as an accessory use entirely within a residential building or accessory structure for gain or support by residents of the dwelling and employees residing off-premises, which may serve patrons on the premises. (§3.3 L.)
Home Occupation	The conduct of a business, occupation or trade as an accessory use entirely within a residential building or accessory structure for gain or support, only by residents of the dwelling, which does not serve patrons on the premises, except in an incidental manner. (§3.3 L.)
Homeowners' Association	An incorporated non-profit organization operating under recorded covenants for the purpose of maintaining any physical facilities, structures, improvements, systems, areas or grounds held in common.
Household	The residential occupancy of a dwelling unit by a single family. (§3.2 A.)
Impervious Surface	The maximum portion of the lot covered by buildings, paved areas, or other features that inhibit percolation of water into the soil. (§1.7 C.)
Improvement	Grading, paving and curbing of streets; the installation of fire hydrants, water mains, sanitary sewers, storm sewers and drains and irrigation ditches; pedestrian ways, crosswalks, and such other construction as may be designated by the City Council.
Indoor amusement and entertainment establishment	Bowling alleys, game rooms/video arcades, pool/billiard halls, skating rinks, theaters and similar establishments. Not including sexually oriented businesses.
Indoor and outdoor eating and drinking establishment	Permanent building containing a restaurant, bar or tavern which serves food and/or beverages, prepared or consumed on the premises within a building or on an outdoor patio, served to the customer at tables or counters.

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Industrial Hemp	The plant of the genus cannabis and any part of such plant, whether growing or not, with Delta-9 Tetrahydrocannabinol concentration that does not exceed three-tenths percent on a dry weight basis.
Junk yard	Building, structure, or parcel of land, or portion thereof, used for the collection, storage, or sale of wastepaper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage, salvaging, or demolition of vehicles, appliances, machinery, or other materials.
Kennel	An establishment for the keeping or breeding of dogs for profit, or having four dogs or more on any premises. This term does not mean veterinary clinic.
Kitchen	Kitchen sink, cooking appliance, and refrigeration facilities, each having a clear working space of not less than 30 inches in front.
Land disturbance	Land disturbance done in preparation for or in conjunction with construction, including clearing or removal of vegetation, soil grading or filling, or paving.
Land surveyor, registered	A professional land surveyor licensed and registered in the State of Colorado.
Landscape area	Area which has been improved through the planting and maintenance of living plants such as trees, shrubs, plants, vegetables, vegetative ground cover and turf grasses. Landscape area may include natural nonliving elements such as rock, stone and bark, as well as structural features, including but not limited to walks, trail connections, fences, benches, works of art, reflective pools or fountains and outdoor recreation facilities, such as swimming pools, tennis courts and the like, but shall not include areas covered by buildings, parking or access areas. In subdivisions, PUDs, mobile home and RV parks, landscape area may mean an unimproved natural area, including land under water, wetlands, floodplains and similarly sensitive lands when approved by the Commission.
Large scale retail establishment	A building containing a store or stores, with a floor area greater than 50,000 square feet, in which retail sales of goods and services are transacted between a commercial outlet and the ultimate consumer.
Loading, off-street	A completely off-street space on the same lot for the loading or unloading of materials with ingress and egress to a street or alley (§4.4 K.).
Lot	A portion or parcel of land occupied or intended to be occupied by a building or use and its accessories. A buildable lot is subject to zone district minimum lot sizes (§2.6). A lot shall be an integral unit of land held under unified ownership in fee or under legal control tantamount to such ownership, which may be intended for transfer of ownership or for development. The word "lot" shall include: plot, parcel or tract. (§1.7 H.)
Lot frontage	That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.
Lot lines	The lines bounding a lot.
Lot lines, front	The property line dividing a lot from a street right-of-way. On a corner lot, both lot lines along the street right-of-way shall be considered front lot lines.
Lot lines, rear	The property line opposite the front lot line. On a corner lot adjacent to an alley, the rear lot line shall be that line contiguous with the alley right-of-way. On a corner lot where no alley exists, the rear lot line shall be the property line opposite the longer of the front lot lines.
Lot lines, side	Any lot line other than a front or rear lot line.
Lot, corner	A lot located at the intersection of abutting two or more streets.
Lot, double frontage	A lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.
Lot-of-record	A lot which is part of a subdivision recorded in the office of the County Clerk and Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
Manufactured housing	Factory-built dwelling units manufactured or constructed to comply with the standards of the National Manufactured Housing Construction and Safety Standards Act of 1974. Manufactured homes shall meet the standards of §3.3, Residential Use Standards. Any manufactured home which does not meet any of the standards of §3.3 shall be considered a mobile home, and shall comply with all standards of this *LDC* applicable to such use.

Definitions

Marijuana or Marihuana	All parts of the plant of the genus *cannabis*, whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. "Marijuana" or "Marihuana" does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topic or oral administration, food, drink or other product.
Marijuana Accessories	Any equipment, products, or material of any kind which are used, intended for use, or designed for the use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.
Marijuana Club	A place of private assembly, operated for purposes of inviting members to use or consume marijuana on-site.
Marijuana Cultivation Facility	An entity licensed to cultivate, prepare, and package marijuana and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.
Marijuana Establishment	Marijuana cultivation facility, marijuana testing facility, marijuana product manufacturing facility, or retail marijuana store.
Marijuana Product Manufacturing Facility	An entity licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and to sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.
Marijuana Products	Concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.
Marijuana Testing Facility	An entity licensed to analyze and certify the safety and potency of marijuana.
Medical Marijuana Center	An entity licensed by a state agency to sell marijuana and marijuana products pursuant to Article XVII, Section 14 of the *Colorado Constitution* and the *Colorado Medical Marijuana Code*.
Massage Parlor	A commercial establishment or place primarily in the business of providing massage services, but not licensed pursuant to the *Colorado Massage Parlor Code* (§12, Article 48.5 *C.R.S.*)
Master Plan	The *City of Gunnison Master Plan*; the long-range comprehensive physical development plan for the City of Gunnison, Colorado, as adopted by the City Council to provide long-range development policies for the area subject to urbanization in the foreseeable future and which includes, among other things, the plan for land use, land subdivision circulation, transportation, and community facilities.
Medical marijuana	Marijuana that is grown and sold for a purpose authorized by Section 14 of Article XVIII of the *Colorado Constitution*.
Medical marijuana center	A person authorized to be licensed to operate a business as described in the *Colorado Medical Marijuana Code* that sells medical marijuana to registered patients or primary caregivers, as defined in Section 14 of Article XVIII of the *Colorado Constitution*, but is not a primary caregiver, and which a municipality is authorized to prohibit as a matter of law.
Medical marijuana-infused products manufacturer	A person licensed pursuant to the *Colorado Medical Marijuana Code* to operate a business known as a Medical Marijuana-Infused Products Manufacturing License, and which a municipality is authorized to prohibit as a matter of law.
Mobile home	A dwelling eight feet or more in width and 40 feet or more in body length, designed to be transported on its own permanent chassis after fabrication, and which is designed to be used as a dwelling, with or without permanent foundation, when the required plumbing, heating, and electrical facilities are connected. Mobile homes shall comply with one of the following circumstances: 1. **Comply with *HUD Code*.** New or used mobile homes installed after the effective date of this LDC shall comply with the standards of the National Manufactured Housing Construction and Safety Standards Act of 9174 (hereinafter referred to as the *HUD Code*).

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	2. **Pre-date *HUD Code*.** Mobile homes built prior to the *HUD Code* shall have a roof capable of bearing a minimum 30-pound snow load.
Mobile home park	A plot of ground upon which two or more mobile homes, either occupied or intended to be occupied for dwelling or sleeping purposes, is located, regardless of whether a charge is made for such accommodations.
Mobile home space	The area of a mobile home park allotted and designed for the location of one mobile home.
Multi-use trails	Multi-use trails are minimum 15-foot wide rights-of-way or easements dedicated for public use and have a minimum 8 foot wide tread way surface centered on the easement center line. (§4.5 B.3.)
Nonconforming lot	Any lot lawfully established pursuant to the zoning and building regulations in effect at the time of its development, but which does not conform to the standards of this *LDC* for the zone district in which the lot is located regarding minimum lot size or minimum lot frontage. (§11.4.)
Nonconforming sign	Any sign lawfully established pursuant to the zoning and building regulations in effect at the time of its development, but which does not conform to the standards of this *LDC* for the zone district in which the sign is located regarding sign type, maximum sign area and sign standards. (§11.5.)
Nonconforming structure	Any structure lawfully established pursuant to the zoning and building regulations in effect at the time of its development, but which does not conform to the standards of this *LDC* for the zone district in which the structure is located regarding minimum setbacks, maximum height, maximum lot coverage, maximum density, minimum landscape area, minimum building width, minimum floor area or the applicable standards for off-street parking, landscaping, or improvements. (§11.3.)
Nonconforming use	Any use of a structure or land lawfully established pursuant to the zoning and building regulations in effect at the time of its development, but which use is not designated in this *LDC* as a permitted or conditional use in the zone district in which the use is located. (§11.2)
Nudity or state of nudity	The appearance of the human bare buttock, anus, male genitals, female genitals, or the areola or nipple of the female human breasts; or, a state of dress which fails opaquely and fully to cover human buttocks, anus, male or female genitals, pubic region, or areola or nipple of the human breast.
Nursing home	A facility, however named, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for three or more persons unrelated to the licensee. A nursing home is a home for chronic or convalescent patients, who, on admission, are not as a rule, acutely ill and who do not usually require special facilities such as an operating room, X-ray facilities, laboratory facilities, and obstetrical facilities. A nursing home provides care for persons who have remedial ailments or other ailments, for which medical and nursing care are indicated; who, however, are not sick enough to require general hospital care.
Office	A room, group of rooms, or building whose primary use is the conduct of a business, professional service, or governmental activity of a non-retail nature; including administration, record keeping, clerical work, and similar functions. This definition is not meant to include manufacturing, processing, repair, or storage of materials or products.
Optional Premises Cultivation Operation	A person licensed pursuant to the Colorado Medical marijuana Code to operate a business known as an optional premises grow facility in order to grow and cultivate marijuana for a purpose authorized by Section 14 of Article XVIII of the *Colorado Constitution*, and which a municipality is authorized to prohibit as a matter of law.
Outdoor Display	The outdoor display of merchandise readily available for sale. See §4.7 B.
Outdoor Storage	Merchandise or material in boxes, crates, on pallets or other kinds of shipping containers; fleet vehicles; and other similar merchandise, material or equipment. See §4.7 C.
Owner	Person, firm, association, syndicate, joint venture, partnership, governmental unit or corporation having charge of any real property according to the records held by the County Clerk and Recorder.
Parcel	Means “lot” as defined herein. (§1.6 H 3.)
Parks and open space	An area open to the general public and reserved for recreational, education or scenic purposes.

Definitions

Parking lot	An area not within a building, where motor vehicles may be stored for the purpose of temporary, daily, or overnight off-street parking (§4.4).
Parking space	A designated off-street area designed to accommodate the parking of one vehicle. (§4.4 C.).
Parking, off-street	Parking area located wholly within the limits of a parcel of land.
Patient	Has the meaning provided in Section 14(1)(c) of Article XVIII of the *Colorado Constitution*.
Pedestrian-friendly design	Those commercial developments which can demonstrate a high capacity to encourage pedestrian and bicycle traffic to and from the development and inter connectivity with adjacent land uses.
Place of worship	A building primarily used by a non-profit organization for organized religious services and supporting uses.
Plan, sketch	A map of a proposed subdivision or other development, drawn and submitted in accordance with the requirements of this *LDC* to evaluate feasibility and design characteristics at an early stage in the planning. (§12.5.)
Plat, final	The map or maps of a proposed subdivision drawn and submitted in accordance with the requirements of this *LDC* as an instrument for recording real property interests with the County Clerk and Recorder. (§12.7.)
Plat, preliminary	The map or maps of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with the requirements of this LDC to permit the evaluation of the proposal prior to detailed engineering and design. (§12.6.)
Primary caregiver	Has the meaning provided in Section 14(1)(f) of Article XVIII of the *Colorado Constitution*.
Primary façade	The building wall plane that faces the primary street frontage, faces parking lots meant to be used by consumers, or is within 200 feet of a public street. Any wall plane that faces either Highway 50 or Highway 135 shall be considered a primary façade.
Primary residence	The place that a person or family member, by custom and practice, makes his or her principle domicile and address and to which the person or family member intends to return, following any temporary absence, such as vacation. Residence is evidenced by actual daily physical presence, use, and occupancy of the primary residence and the use of the residential address for domestic purposes, such as, but not limited to, slumber, preparation of and partaking of meals, regular mail delivery, vehicle and voter registration, or credit, water and utility billing. A person or family member shall have only one primary residence.
Professional engineer	An engineer licensed and registered in the State of Colorado.
Public facility	A building or area owned or used by any department or branch of the City of Gunnison, the State of Colorado, or the Federal Government.
Public use	Any area building or structure held and/or controlled exclusively for public purposes by department or branch of any government, without reference to the ownership of the building or structure.
Public utility	A business or service which is in the business of regularly supplying the public with some commodity or service which is of public consequence and need, such as electricity, gas, water, sewage disposal, transportation or communications.
Radio or television studio	A building used for radio (audio) or television (visual) recording and production.
Recreational vehicle	A pickup camper, motor home, travel trailer, tent trailer, vehicle and tent or similar mobile unit which has wheels, is intended to be transported over streets, roads and highways as a motor vehicle or attached to a motor vehicle, and is designed primarily for use as a temporary unit for human occupancy.
Recreational Vehicle (RV) park	Land used or intended to be used, let, or rented for occupancy by vacationing transient campers traveling by automobile or otherwise, or for occupancy by tents, or other movable or temporary sleeping quarters of any kind, together with automobile parking spaces and incidental utility structures and facilities required and provided in connection with the use. This definition shall not include trailer sales lots where unoccupied trailers are parked for inspection and sale.
Resort	Group of buildings designed for recreational purposes and used to accommodate individuals on a temporary or term occupancy basis.

Definitions

Retail marijuana store	An entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.
Retail sales establishment	A store selling retail items in which sales of goods are transacted between a commercial outlet and the ultimate consumer.
Rights-of-way	All streets, roadways, sidewalks, alleys and all other areas reserved for present or future use by the public as a matter of right, for the purpose of vehicular or pedestrian travel or for other public purposes.
Roadway	The improved or unimproved portion of a street intended for the accommodation of vehicular traffic.
Roof line	The top edge of the roof or the top edge of the parapet, whichever forms the top line of the building silhouette, but not including equipment structures.
School, public or private	A public or private institution offering a curriculum of education authorized by the State of Colorado giving regular instruction at the primary, secondary level, or a school for the mentally or physically disabled. Included in this definition are preschool programs. However, this definition does not include day care facilities, individual instruction, or classes in a specialized subject.
School, trade, or business	An institution offering instruction beyond high school level with a course of study in vocational, technical or other special subjects.
Screening	The method by which a view of one site from another abutting site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.
Secure Area	An area within the primary residence or associated accessory structure accessible only to the person possessing, growing or processing the marijuana plant for personal use. Secure areas shall be partitioned space with doors, walls, ceilings and floors constructed with rigged wood, sheet rock or other typical construction materials and locked to prevent access by children, visitors, casual passersby, vandals, or anyone not authorized to possess marijuana.
Self-storage facility	A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.
Setback	The required distance between the nearest lot line and the furthermost projection of the building wall-plane along a line at right angles to setback lines. See §1.7 L.
Sexually-oriented business	Sexually-oriented businesses shall be those listed herein, as defined: a. *Adult bookstore* means an establishment having as a significant portion of its stock in trade books, films, magazines and other periodicals which are distinguished or characterized by an emphasis on depicting or describing sexual conduct or specific anatomical areas. b. *Adult mini motion picture theater* means an enclosed building with a capacity of less than 50 persons used for presenting material distinguished or characterized by an emphasis on depicting or describing sexual conduct or specific anatomical areas. c. *Adult motel* means a motel wherein material is presented which is distinguished or characterized by an emphasis on depicting or describing sexual conduct or specific anatomical areas. d. *Adult motion picture arcade* means any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing sexual conduct or specific anatomical areas. e. *Adult motion picture theater* means an enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on depicting or describing sexual conduct or specific anatomical areas. f. *Cabaret* means a nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, “go-go” dancers, exotic dancers, strippers or similar

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	entertainers, where such performances are distinguished or characterized by an emphasis on depicting or describing sexual conduct or specific anatomical areas. g. *Massage parlor* means any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with sexual conduct, or where any person providing such treatment, manipulation or service related thereto exposes specific anatomical areas. h. *Model studio* means any establishment or business which provides, as a substantial or significant part of its business, the service or modeling of adults distinguished or characterized by emphasis on depicting sexual conduct or specific anatomical areas by means of photography, painting, sketching, drawing or sculpture by persons paying any form of consideration or gratuity. h. *Sexual encounter center* means any business, agency or person who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in sexual conduct or exposing specific anatomical areas.
Sidewalk	Strips or sections of concrete or stone a minimum of four feet in width, typically parallel to adjacent streets, intended for use as a public walkway for pedestrians. Sidewalks are located within dedicated road rights-of-way or public easements. (§4.5 B.1.)
Signs	Any writing, pictorial representation, decoration (including any material used to differentiate sign copy from its background), form, emblem or trademark, flag or banner, or mural to attract business, or any other display of similar character which: 1. is a structure or any part thereof (including the roof or wall of a building; 2. is written, printed, projected, painted, constructed or otherwise placed or displayed upon or designed into a building, board, plate, canopy, awning, vehicle, or upon any material object or device whatsoever; and, 3. by reason of its form, color, wording, symbol, design, illumination, motion or other feature attracts or is designed to attract attention to the subject thereof or is used as a means of identification, advertisement or announcement.
Site plan	A plan prepared to scale, showing accurately and with complete dimensions, the boundaries of the site and the location of all buildings, streets, uses, and principal site development features proposed for a specific parcel of land.
Site-specific development plan	A plan of land development submitted to the City pursuant to Title 24, Article 68, *Colorado Revised Statutes*, for purpose of obtaining approval on the creation of vested property rights through one of the following zoning or land use permits or approvals: subdivision plat, zoning amendment, conditional use permit, variance, large scale retail design review or common interest communities.
Solar access	Access which protects reasonably placed solar energy systems from shadow blocking exposure to the sun during hours of high insolation which are between 10:00 A.M. and 3:00 P.M. local time on December 21.
Specified anatomical area	1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the areola; or 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
Specified sexual activities	1. Human genitals in a state of sexual stimulation or arousal, or tumescence; 2. Masturbation, actual or simulated; 3. Sex Acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; and 4. Fondling or other erotic touching of human genitals, pubic region, anus, buttocks, or female breasts.
Street	A dedicated and accepted public right-of-way for vehicular traffic and pedestrian use. Includes the following street classifications. 1. **Arterial.** The major street in the street hierarchy, which has a high traffic volume and is not intended to be a residential street. An Arterial provides connections with, or is a major state or

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	interstate roadway and is often the location of significant community facilities as well as retail, commercial and industrial facilities. Main Street/Highway 135 and Tomichi Avenue/Highway 50 are Arterial streets. 2. **Collector.** A street whose function is to conduct traffic between Arterial streets and/or activity centers. It is a principal traffic artery within residential areas and carries relatively high volume. A Collector can sustain minor retail or other commercial establishments along its route which will influence the traffic flow. Major Collectors include streets such as Virginia Avenue and Colorado Street; minor collectors include Boulevard Street and Wisconsin Street. 3. **Local.** A street whose primary purpose is to conduct traffic to and from dwelling units to other streets within the hierarchy. Occasionally a Local street will connect with two or three small places or other Local streets. 4. **Sub-local.** A street whose primary purpose is to conduct traffic to and from dwelling units to other Local streets. Sub-local streets have a 60-foot right-of-way width and must be approved by City Council. See §4.2 B.2. 5. **Cul-de-sac.** A Local street with only one outlet, which is terminated at the other end by a vehicular turnaround. The length of the cul-de-sac is measured from the Center of the nearest intersection to the center of the Cul-de-sac turnaround. (§4.2 C.) 6. **Alley.** A strip of land dedicated to public use, located at the side or rear of lots and providing a secondary means of vehicular access to the property.
Street frontage	Portion of the boundary of a parcel of land that is parallel with any single public street or way. (Corner lots are deemed to have 2 street frontages.)
Street frontage, primary	Street frontage on which the residential or business address applies.
Street, public	Any county road dedicated to the public annexed to the City of Gunnison or any street or road dedicated to the City of Gunnison for public purposes.
Structure	Any building, carport, deck, fence, gazebo, pole, antenna, satellite reception or transmission device, storage tank, tower, bridge, dam, pier, or any other construction or erection, except porches, slabs, patios, decks, walks, or steps that are uncovered and do not exceed 30 inches above grade.
Subdivider	Any person, firm, partnership, corporation or other entity, acting as a unit, subdividing or proposing to subdivide land as herein defined.
Subdivision	Any parcel of land which is to be used for condominiums, multi-family dwellings, or any other multiple-dwelling units, unless such land was previously subdivided and the filing accompanying such subdivision complied with municipal regulations applicable to subdivisions of substantially the same density, or the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes resubdivision and when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. It includes mobile home subdivisions which is a parcel of land intended to be used exclusively for and occupied solely by mobile homes and within which the homes and the land are owned by occupants. (§12.3 A.)
Telecommunications facility	A signal distribution system used or operated by a telecommunications carrier under a license from the FCC consisting of a combination of improvements and equipment including (i) one or more antennas; (ii) a supporting structure and the hardware by which antennas are attached; (iii) equipment housing; and, (iv) ancillary equipment such as signal transmission cables and miscellaneous hardware. (§3.10 B. and §3.11 B.)
Temporary commercial activity	Temporary commercial activity" means a general retail sales or other commercial use operated outside of a building on a seasonal basis. Conditional Use permits are required for all "temporary commercial activities" excluding farm stands, farmers' markets, holiday tree sales, rafting and similar recreational operations, carnivals, circus, temporary private events, construction field office, and model homes units.
Use	Purpose for which any land, structure, or building is designed, maintained, or occupied. (§2.4.)
Utilities Major	Any facility or equipment, including but not limited to electrical power plant, substation, pump stations, or community wells.

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Utilities Minor	Minor utilities include but are not limited to electrical transformers, powers and poles, water valves, and home energy production facilities.
Variance	A deviation from the literal terms of this *LDC* that would not be contrary to the public interest in cases where the literal enforcement of the provisions of this LDC would result in undue or unnecessary hardship. (Section 8.
Veterinary clinic	Building or area in which animals requiring special medical care are treated, or temporarily housed. The term shall not be construed to include kennel.
Waiver	Authorizations to differ from the literal terms of established standards. (Section 9.
Wetland Boundary	The line delineating a jurisdictional wetland as administered by the Army Corps of Engineers.
Yard	The portion of a lot which does not have a structure located thereon and which is unobstructed form the ground to the sky, except for the permitted projections in §1.7 L.
Yard, front	A yard extending across the width of the lot and measured from the front line of the lot to the nearest line of the building. (§1.7 L.)
Yard, rear	A yard extending across the width of the lot and measured between the rear line of the lot or street frontage and the nearest line of the building. (§1.7 L.)
Yard, side	A yard on each side of the building between the building and the side line of the lot and extending from the front yard to the year yard. (§1.7 L.)
Zone District, base	The base zone district dimensional standards which establish maximum density and intensity, lot sizes, height standards, and lot coverage criteria for all development applications. (§2.6.)
Zone District, planned	A land area such that varying land uses and innovative design and layout of the development provide significant benefits to both the developer and the City over those land use patterns developed and regulated under conventional zoning districts and development standards. (§2.2 D.)
Zone District, special purpose	Western State Colorado University (WSCU). (§2.2 C.)

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Section 17. Appendices

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APPENDIX A – PREFERRED PLANTING LIST

PREFERRED PLANTING LIST FOR GUNNISON RECOMMENDED BY THE CSU EXTENSION

HARDINESS RATINGS:	WATER:	SUN:
1. Good	M – Moist	○ = Full Sun
2. Acceptable	A – Adaptable	◑ = Partial Shade
3. May be tolerant	D – Dry	● = Shade

TREES – CONIFERS						
Botanical Name	**Common Name**	**Hardiness**	**Water**	**Sun**	**Spread/Height**	**Comments**
Abies concolor	White Fir	1	M/A	○	20'/30'	Native to CO
Juniperus scopulorum	Common Juniper (upright)	1	D	○	12'/30'	Native to Gunnison County
Picea pungens	Colorado Blue Spruce	1	A	○/◑	30'/60'	Native to Gunnison County
Pinus arustata	Bristlecone Pine / Foxtail Pine	1	D	○/◑	20'/40'	Native to Gunnison County
Pinus engelmannii	Englemann Spruce	1	M/A	○/◑		Native to Gunnison County
Pinus flexilis	Limber Pine	1	D	○	30'/50'	Native to Gunnison County
Pinus nigra	Austrian Pine	2	A/D	○	40'/60'	
Pinus ponderosa	Ponderosa Pine	1	D	○	25'/60'	Native to Gunnison County
Pseudotsuga menziesii	Douglas Fir	1	A	○/◑	25'/80'	Native to Gunnison County
TREES – DECIDUOUS						
Botanical Name	**Common Name**	**Hardiness**	**Water**	**Sun**	**Spread/Height**	**Comments**
Acer ginnala	Amur Maple	2	M/A	○	20'/20'	
Acer tataricum	Tatarian Maple	2	M/A	A	20'/25'	
Alnus incana	Gray Alder	1	M	○/◑	20'/30'	Native to Gunnison County
Betula occidentalis	Western River Birch	1	M	○	25'/25'	Native to CO
Fraxinus pennsylvanica	Green Ash	2	A/D	○	40'/50'	"Patmore" and "Marshall" seedless
Malus cultivars	Crabapple	2	A	○	25'/25'	Choose cold-hardy cultivars
Populus alba	White Poplar	2	A	○	40'/50'	
Populus angustifolia	Narrow Leaf Cottonwood	1	M/A	○	30'/60'	Native to Gunnison County
Populus deltoids	Plains Cottonwood	1	M/A	○	40'/60'	Native to CO
Populus tremuloides	Aspen	1	M/A	○	30'/50'	Native to Gunnison County
Prunus virginiana	Chokecherry	1	A	○	25'/30'	Cultivar "Canada Red"
Sorbus acuparia	European Mountain Ash	2	A	○	25'/25'	
SHRUBS - EVERGREEN						
Botanical Name	**Common Name**	**Hardiness**	**Water**	**Sun**	**Spread/Height**	**Comments**
Cytissus purgans	"Spanish Gold" Broom	2	A/D	○	3'/5'	
Juniperus chinensis cultivars	Chinese Juniper	1	A/D	○	12'/3'	Choose cold-hardy cultivars
Juniperus horizontalis cultivars	Creeping Juniper	2	A	○	8'/1'	Choose cold-hardy cultivars
Juniperus Sabina cultivars	Savin Juniper	2	A/D	○	8'/2'	Choose cold-hardy cultivars
Pinus mugo	Mugo Pine	1	A/D	○	10'/10'	
SHRUBS - DECIDUOUS						
Botanical Name	**Common Name**	**Hardiness**	**Water**	**Sun**	**Spread/Height**	**Comments**
Acer glabrum	Rocky Mountain Maple	1	D	○	10'/15'	Native to Gunnison County
Amelanchier alnifolia	Saskatoon Serviceberry	1	A/D	○/◑	12'/12'	Native to Gunnison County
Amelanchier Canadensis	Canadian Serviceberry	1	A	○	12'/12'	
Artemisia tridentate	Big Sagebrush	1	D	○	4'/4'	Native to Gunnison County

SHRUBS – DECIDUOUS (CONTINUED)						
Botanical Name	**Common Name**	**Hardiness**	**Water**	**Sun**	**Spread/Height**	**Comments**
Caragana arborescens	Siberian Peashrub	1	D	○	12'/15'	
Cercocarpus intricatus	Little Leaf Mountain Mahogany	1	D	○	4'/4'	Native to CO
Cercocarpus ledifolius	Curlleaf Mountain Mahogany	1	D	○	8'/8'	Native to CO
Cercocarpus montanus	Mountain Mahogany	1	D	○/◑	6'/6'	Native to Gunnison County
Cornus sericea	Red-osier Dogwood	1	M/A	A	3'/3'	Native to Gunnison County
Cotoneaster acutifolia	Peking Cotoneaster	1	D	○/◑	6'/3'	
Ericameria nauseosus	Rabbit Brush	1	D/A	○	4'/4'	Native to Gunnison County
Fallugia paradoxa	Apache plume	1	D/A	○	4'/4'	Native to Gunnison County
Holodiscus dumosus	Rock Spiraea	1	A/D	○/◑	5'/5'	Native to Gunnison County
Lonicera involucrate	Twinberry Honeysuckle	1	M/A	○/◑	6'/8'	Native to Gunnison County
Lonicera tartarica	Honeysuckle	1	A/D	○/◑	8'/8'	
Philadelphus microphyllus	Little Leaf Mock Orange	1	A	○	6'/6'	Native to CO
Physocarpus opulifolius	Common Ninebark	2	A	○	8'/8'	Native to CO
Potentilla fruticosa	Potentilla	1	A	○	3'/3'	Native to Gunnison County
Prunus besseyi	Sand Cherry	1	A/D	○	6'/6'	Native to CO
Prunus tomentosa	Nanking Cherry	1	A	○	12'/10'	
Prunus x cistena	Purple Leaf Sand Cherry	1	A	○	6'/8'	
Quercus gambelii	Gambel Oak	2	D	○/◑	12'/20'	Native to Gunnison County
Rhus glabra	Smooth Sumac	1	A/D	○	8'/10'	
Rhus trilobata	Three-leaf Sumac	1	D	○	6'/6'	Native to Gunnison County
Rhus typhina	Staghorn Sumac	2	A	○	10'/10'	Nice fall color, yellow, orange, red
Ribes alpinum	Alpine Currant	1	A	○/◑	6'/6'	
Ribes Aureum	Golden Currant	1	A/D	○/◑	8'/8'	
Ribes cereum	Wax Currant	1	D	○	4'/4'	Native to Gunnison County
Robina neomexicana	New Mexican Locust	2	D	○	12'/20'	
Rosa foetida bicolor	Copper Rose	1	A/D	○	8'/10'	
Rosa rugosa	Rugosa Rose	1	A/D	○	6'/4'	
Rubus cultivars	Cultivated Raspberries	1	A/M	○	5/10'	
Rubus deliciosus	Thimbleberry	1	A	○	6'/6'	Native to Gunnison County
Salix purpurea	Dwarf Arctic Willow	1	M/A	○/◑	6'/6'	
Sambucus canadensis	Black Elderberry	2	M/A	○	12'/12'	
Sambucus racemosa	Red Elderberry	1	M/A	○/◑	12'/12'	Native to Gunnison County
Sheperdia argentea	Silver Buffaloberry	1	D	○	12'/15'	
Chepherdia Canadensis	Buffaloberry	1	A/D	○	4'/6'	Native to Gunnison County
Spirea nipponica	Nippon Spiraea	2	A	○/◑	5'/5'	
Spirea x bumalda	Hybrid Japanese Spiraea	2	A	○/◑	4'/3'	
Spirea x vanhouttei	Vanhoutte Spiraea	2	A	○/◑	8'/6'	
Symphoricarpos rotundifolius	Snowberry	2	A/D	○/◑	6'/3'	Native to Gunnison County
Syringia vulgaris	Common Lilac	1	A/D	○	12'/20'	
Viburnum opulus var. americanum	American Cranberry Bush Viburnum	1	M/A	○	6'/6'	

FLOWERS - PERENNIALS								
BOTANICAL NAME	COMMON NAME	HARDINESS	WATER	SUN	SPREAD/HT.	FLOWER COLOR	BLOOM TIME	NATIVE
Achillea filipendulina	Yarrow, tall yellow	1	D	○	2'/5'	yellow	summer	
Achillea millefolium	Yarrow, common white	1	D	○	3'/2'	white	Summer	
Aguilegia chrysantha	Golden Columbine	1	A	○/◑	18"/36"	Yellow	summer	X
Aquilegia caerulea	Rocky Mt Columbine	1	A	◑/●	18"/24"	blue w/ white center	summer	X
Alcea rosea	Hollyhocks	1	D/A	○	3'/6'	various	early summer-fall	
Alyssum montanum	Basket of Gold	1	A	○	18'/12'	mustard yellow	mid spring	
Artemisia frigid	Fringed Sage	1	D	○	1'/2'	Gray/blue foliage	Summer	X
Campanula rotundiflora	Harebell (Bluebell Bellflower)	1	D	○/◑	18"/18"	Blue	Late spring-summer	X
Cerastium tomentosum	Snow in Summer	1	A	○/◑	10"/10"	White	Spring-summer	X
Chamerion angusifolim	Fireweed	1	A	○	2'/2'	Pink	Summer	X
Chrysanthemum coccineum	Painted Daisy	1	A	○	18"/24"	Various	Late spring-summer	
Chrysanthemum maximum	Shasta Daisy	1	A	○	2'/3'	White	Summer	
Convallaria majalis	Lily of the Valley	1	M	◑/●	15"/12"	White	Late spring	
Coreopsis lanceolata	Lance-leaf Coreopsis	1	A	○	2'/2'	Yellow	Early-mid summer	
Coreopsis tinctoria	Plains Coreopsis	1	A	○	15"/15"	Yellow w/ red center	Mid-summer	
Delphinium spp. and cultivars	Larkspur	1	A	○	3'/5'	Various	Summer	
Dianthus spp. and cultivars	Dianthus	1	A	○	12"/12"	Various	Mid-summer	
Dicentra spectabillis	Bleeding Heart	1	A	●	2'/3'	Pink	Late spring early summer	
Digitalis grandiflora	Floxglove	1	M/A	○/◑	18"/30"	Yellow, pink, white	Late spring–early summer	
Echinacea purpurea	Purple Coneflower	1	A/D	○	2'/3'	Lavender-purple	Mid-late summer	
Erigeron speciosus	Fleabane	1	A	○	2'/2'	White	Summer	X
Eroigonum umbellatum	Sulfur Flower / Buckwheat	1	D	○	6"/2'	Yellow	Summer	X
Erythrocoma triflora	Prairie Smoke	1	M/A	○/◑	9"/10"	Pink	Early summer	X
Gaillardia aristata	Blanketflower	1	D	○	2'/2'	Yellow w/ red center		X
Hemerocallis cultivars	Daylily	1	D	○	3'/3'	Orange, yellow	Mid-summer	
Hosta cultivars	Plantain Lily	2	A	●	2'/2'	White	Late summer	
Iberis sempervirens	Candytuft	1	A	○	2'/1'	White	Late spring early summer	
Ipomopsis aggregate	Scarlet Gilia	1	D/A	○	1'/2'	Red	Summer	X
Iris cultivars	Iris	1	M	○	18"/36"	Many	summer	
Liatris punctata	Dotted Blazing Star	1	A/D	○	18"/24"	Lavender-purple	Mid-late summer	
Linum lewisii	Blue Flax	1	D	○	18"/24"	Blue	Late spring-mid summer	
Lupinus cultivars	Lupine	1	A	○	2'/3'	Various	Spring-summer	
Lychnis chalcedonica	Maltese Cross	1	A	○	18"/24"	Scarlet	Mid-summer	
Monarda fistulosa	Beebalm	1	D/A	○	1'/1'	Pink	Summer	
Oenothera caespotosa	Evening Primrose	1	D	○	1'/3'	White/yellow	Summer	
Papaver nudicaule	Iceland Poppy	1	A	○	18"/24"	Various	Spring-summer	
Papaver orientalis	Oriental Poppy	1	M/A	○	18"/18"	Orange	summer	

FLOWERS - PERENNIALS								
BOTANICAL NAME	**COMMON NAME**	**HARDINESS**	**WATER**	**SUN**	**SPREAD/HT.**	**FLOWER COLOR**	**BLOOM TIME**	**NATIVE**
Penstemon spp and cultivars	Penstemon	1	A	○	2'/3'	Many	Spring-summer	
Perovskia atriplicifolia	Russian Sage	2	D/A	○	4'/4'	Purple	Summer	
Phlox paniculata	Phlox	1	A	○	2'/3'	Various	Mid-late summer	
Physostegia virginiana	Obedient Plant	1	A	○/◑	2'/3'	White	Late summer-fall	
Polemonium caeruleum	Jacob's Ladder	2	A	◑/●	18"/24"	Blue	Late spring-summer	X
Pulsatilla patens	Pasque Flower	1	D/A	○/◑	9"/9"	Purple	Spring	X
Ratibida columnifera	Mexican Hat	1	A	○	2'/3'	Golden	Summer	X
Ruidbeckia fulgida	Black-Eyed Susan	1	A/D	○	2'/2'	Yellow w/ green eye	Summer	
Rudibeckia hirta	Black-Eyed Susan	1	A/D	○	2'/3'	Yellow w/ brown eye	summer	X
Solidago canadensis	Goldenrod	1	A	○	24"/24"	Yellow	Late summer	X
Thermopsis Montana	Golden Banner	1	A	○/◑	2'/3'	Golden	Spring	X
Tradescantia andersoniana	Spiderwort	1	A	○/◑	2'/2'	Magenta pink	Early summer	
Veronica spicata	Speedwell	1	A	○	18"/18"	Various	summer	
Viola Corsica	Corsican Violet	1	A	○	6"/12"	Purple	Spring and summer	
Yucca harrimanaea	Yucca	1	D	○	3'/3'	White	Summer	X

BULBS						
BOTANICAL NAME	**COMMON NAME**	**HARDINESS**	**WATER**	**SUN**	**FLOWER COLOR**	**BLOOM TIME**
Chionodoxa lucilae	Chionodoxa	1	A	○	Various	Spring
Crocus	Crocus	1	A	○	Purple & white	Early spring
Hyacinthus orientalis	Hyacinth	1	A	○	Blue	Spring
Narcissus	Daffodils	1	A	○	Various	Spring
Tulipa	Tulips	1	A	○	Various	Spring

GROUND COVERS						
BOTANICAL NAME	**COMMON NAME**	**HARDINESS**	**WATER**	**SUN**	**SPREAD/HT.**	**NATIVE**
Ajuga reptans	Bugleweed	2	A/D	◑	6"/3'	
Antennaria sp.	Pussytoes	1	D	○	3"/3'	Native to Gunnison County
Arctostaphylos uva-ursi	Kinnikinnick	1	A/D	◑	6"/3'	Native to Gunnison County
Cerastium tomentosum	Snow in Summer	1	D/A	○	6"/3'	
Fragaria Americana	Wild Strawberry	1	A/D	○	6"/3'	
Galium odoratum	Sweet William	2	A	◑/●	6"/10"	
Geranium cultivars	Cranesbill	2	A	○/◑	6"/4'	
Heuchera cultivars	Coral Bells	1	A	◑/●	1'/2'	
Mahonia repens	Creeping Barberry	1	A/D	○/◑	1'/3'	Native to Gunnison County
Nepeta x faassenii	Catmint	1	D	○	2'/3'	
Paxistima myrsinites	Mountain Lover	2	A	◑/●	2'/2'	Native to Gunnison County
Phlox subulata	Creeping Phlox	2	A/D	○/◑	6"/3'	
Sedum cultivars	Stonecrop	2	D/A	○/◑	6"/3'	
Thyumus pseudolanuginosis	Wooly Thyme	2	A/D	○	3"/3'	
Veronica liwanensis	Turkish Veronica	1	A	○/◑	3"/3'	
Vinca minor	Periwinkle	2	A	○/◑	6"/10'	

VINES					
BOTANICAL NAME	**COMMON NAME**	**HARDINESS**	**WATER**	**SUN**	**COMMENTS**
Clematis x jackmanil	Purple Clematis	2	A	○	
Euonymus fortune	Wintercreeper	1	A/D	A	
Parthenocissus quinquifolia	Virginia Creeper	1	A	○/◑	
Quinquefoia englemannii	Engleman Ivy	1	A	○/◑	

APPENDIX B - LANDSCAPE SUBMITTAL REQUIREMENTS

Landscaping and Buffering Plan drawings (scale of 1" = 20') shall show the following:

1. Location and character of existing and proposed landscaping, including types of surfaces to be used for specific areas. Include planting schedule and species, sizes and quantities of planting material.

2. Location, character and species of all individual trees measuring eight (8) inches DBH and larger located inside of and within twenty-five (25) feet of the proposed limits of disturbance. All trees greater than eight (8) inches DBH that are proposed to be removed shall be noted on the plan.

3. Location, dimensions and materials to be used for fences, walls, berms, screening (where applicable) and retaining walls. Include proposed typical designs for all fencing.

4. Location and dimensions of all buffer areas from zone district boundaries, wetlands and stream/river corridors.

5. Cost estimate of proposed landscaping improvements.

6. Proposed maintenance plan for landscaping improvements.

7. Location, height and type of exterior lighting fixtures.

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APPENDIX C - PROTECTION OF TREES AND VEGETATION DURING CONSTRUCTION ACTIVITIES

A. Fencing

Within the limits of disturbance, fencing, at a minimum, should be placed around each significant tree and around stands of more than 12 trees, and at a distance equal to the size of the individual or outermost tree's drip zone.

For purposes of this subsection, the drip zone is calculated by measuring the diameter of the tree at breast height; every inch of diameter is equal to one and one-half feet of drip zone. For example, a 12 inch diameter tree will require a minimum 18 foot wide drip zone.

No construction, grading, equipment or material storage, or any other activity shall be allowed within this area, and the fencing shall remain in place until all land alteration, construction and development are completed.

B. Root Protection

If it is necessary to fill over the root zone, compacted soils shall be avoided by sandwiching fabric, rocks and more fabric under the area to be filled.

Fill placed directly on the roots shall not exceed a maximum of six inches in depth.

The topography adjacent to trees or shrubs shall be drained so that the vegetation is not drowned by the pooling of rainfall or irrigation.

Utility trenches near trees should be avoided. If a line must be near a tree, tunneling, auguring or other mitigation measures shall be used. Cutting more than 30 percent of the roots endangers the health of the tree, and over 40 percent affects the tree's stability.

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