AGENDA
CITY OF GUNNISON
PLANNING & ZONING COMMISSION
REGULAR MEETING
Rev 8/10/2012

DATE: **WEDNESDAY, AUGUST 15, 2012**
TIME: **7:00 P.M.**
PLACE: **CITY HALL, COUNCIL CHAMBERS, 201 WEST VIRGINIA AVE.**

7:00pm **I. CALL TO ORDER**

II. PLEDGE OF ALLEGIANCE TO THE FLAG

III. UNSCHEDULED CITIZENS

IV. CONSIDERATION OF THE JULY 25, 2012 MEETING MINUTES

V. COUNCIL UPDATE

VI. COMMISSIONER COMMENTS

VII. PLANNING STAFF UPDATE

VIII. ADJOURN TO WORK SESSION

WORK SESSION

I. DISCUSSION OF THE DRAFT LAND DEVELOPMENT CODE –

- Natural Resource Protection

TO COMPLY WITH ADA REGULATIONS, PEOPLE WITH SPECIAL NEEDS ARE REQUESTED TO CONTACT THE CITY OF GUNNISON COMMUNITY DEVELOPMENT DEPARTMENT AT 641.8090

This agenda is subject to change, including the addition or deletion of items at any time. Regular Meetings and Special Meetings are recorded and action can be taken. Minutes are on the City website at www.cityofgunnison-co.gov. Work sessions are not recorded and formal action cannot be taken. For further information, contact the Community Development Department at 641-8090.

ALL PLANNING & ZONING COMMISSION MEETINGS ARE USUALLY BROADCAST LIVE ON LOCAL CABLE CHANNEL 15

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MEMBERS	PRESENT	ABSENT	EXCUSED
Carolyn Riggs, Chair	X		
Erik Niemeyer	X		
Erich Ferchau	X		
Andy Tocke	X		
Bob Beda	X		
Greg Larson	X		
Councilor Ed Seymour	X		

OTHERS PRESENT: Community Development Director Steve Westbay, Planning Technician Pam Cunningham.

I. CALL TO ORDER AT 7:03 PM BY CHAIR CAROLYN RIGGS

II. PLEDGE OF ALLEGIANCE TO THE FLAG

III. CONSIDERATION OF THE JUNE 27, 2012 MEETING MINUTES

Commissioner Larson moved and Commissioner Niemeyer seconded to approve the June 27, 2012 meeting minutes as presented.
Roll Call Yes: Ferchau, Tocke, Riggs, Beda Seymour Niemeyer, Larson
Roll Call No:
Roll Call Abstain:
Motion carried

IV. UNSCHEDULED CITIZENS

There were none

V. COUNCIL UPDATE

Councilor Seymour updated the Commission on recent Council business. The Council:

- took action on the agreement with Western State Colorado University for the paving of Escalante drive;
- signed letters:
  - accepting the City audit;
  - supporting the Governmental Entities Center in Gunnison Rising;
  - supporting the RTA air program;
  - to the Tourism Association regarding voting rights of elected representatives; and,
  - signed the Annexation Reimbursement Agreement for the Gunnison Rising Highway Access Control Plan.

The Council also:

- Took action on funding issues for the ProCycling Challenge. Discussion followed on whether or not the ProCycling Challenge has resulted in economic benefit to the community as much as was expected. Commissioner Ferchau stated that increased revenue wasn't realized last year in restaurants and retail stores and that closure of streets didn't generate revenues. Councilor Seymour responded that there is a long-term bigger picture and that he thinks there will be more value this year. There will be a lot more international exposure because NBC will be covering the race daily. Also the race will go around the campus and Western will get their name out on international television. Another big draw is that the ProCycling Challenge will be the last race for George Hincapie. Commissioner

Ferchau said that "We need to have a forward thinking vision and we should convey that." He said that the ski area does that successfully but the City, County and Western don't. Council Seymour said that the City has a lot more events this year that people can participate in. He also said that Gunnison is in competition with other host communities that are spending a lot more money to get people from the Front Range to visit their towns.

- In response to a question from Commissioner Larson, Councilor Seymour explained the changes that Crested Butte and Mt. Crested Butte want on the Tourism Association Board.

VI. COMMISSIONER COMMENTS

- Commissioner Ferchau said that "We need to get away from the idea of generating a subsidy for seasonal airline travel and figure out how we have a community that can support year round travel to multiple hubs? We need to change the focus from the constant battle of everyone supporting big flights to Gunnison to how to make it sustainable."
- Commissioner Beda said he would like to see the Tourism Association work with the County to market the airport and have someone to pay us to use the facility. He said that the military and high altitude and cold weather testing contributed a lot to the local economy.
- Commissioner Larson said he just completed the Region 10 Stronger Economies Together training and he was nominated by the County Commissioners for regional economic development.

VII. PLANNING STAFF UPDATE

Director Westbay updated the Commission on recent activity in the Community Development Office:

- Management Staff met this week on the capital improvement plan;
- The County is considering lifting the fire ban next Tuesday;
- He met with the Library Board to work out an Annexation Agreement for realignment of Quartz and Spencer; and
- Staff has been working on the Highway Access Control Plan Reimbursement Agreement.

VIII. ADJOURN. Chair Riggs adjourned the meeting to Work Session at 7:28 p.m.

_____
Carolyn Riggs, Chair

Attest:

_____
Pam Cunningham, Secretary

MEMORANDUM

TO: Planning and Zoning Commission
FROM: Steve Westbay
DATE: June 27, 2012
RE: LDC Update – Section 5, Natural Resource Protection

Discussion of the draft *Land Development Code* (*LDC*) Section 5, Natural Resource Protection Standards, will be initiated during the work session. This memorandum provides an overview of Section 5 and the specific components and standards proposed for natural resource protection. There are five resource components addressed in this section:

- Stormwater Management
- Slope Protection Standards
- Grading and Erosion Control
- Wetland and Streams Corridor Protection

Stormwater Management

The City has existing stormwater facilities that serve the historically developed neighborhoods. Stormwater from these historic neighborhoods drains into curbs and gutters that directed stormwater into buried pipes. These pipes discharge stormwater into two primary basins with one basin discharging into Mergleman Pond adjacent to Dos Rios and the other the other discharging into a pond located within the airport boundary. On-site detention stormwater management systems have been designed in newer neighborhoods such as Sun Spot, Rainbow Meadows Estates, VanTuyl Village and the Meadows Subdivision; fort the most part these developments do convey into the historic stormwater utility system.

Existing City stormwater standards are found in Chapter 15.110, Improvement Standards of the *LDC*. The City's existing standards contain four paragraphs. The existing City stormwater standards require a plan developed by a registered engineer and the major design parameter requires that the system convey off-site flow at the pre-development rate.

Federal and state governments have enacted stormwater quality standards that apply to small urban areas. Presently, municipalities with populations greater than 10,000 must comply with Phase II of the National Pollutant Discharge Elimination System (NPDES) Program Requirements of the Federal Clean Water Act. Smaller jurisdictions may be subject to these federal regulations, at the discretion of federal and/or state water quality regulators.

Contemporary engineering and science practices of stormwater management, which have been driven by federal mandates of the Clean Water Act, are vast in scope and complexity. Modern engineering standards documents are comprehensive and address a broad range of technical detail. City staff has developed a draft document containing policies and minimum technical criteria for the planning, analysis and design of storm drainage systems within the boundaries of the City of Gunnison. The city's existing stormwater utilities serving the historic Gunnison neighborhoods are, for the most part, adequate for existing and future development within these the historic geographic bounds. New developments outside historic Gunnison will be served by more contemporary designs that focus on detention at both the site level and drainage basin scale.

Slope Protection Standards

Historically, there was no need to consider design and grading standards on hillsides, but the Gunnison Rising annexation contains more complex slope terrain. Additionally, the city boundary encompasses a portion of Tenderfoot Mountain; this real property is owned by the State of Colorado.

The proposed slope protection standards incorporate a table specifying increased lot area and frontage length and reduced density for multi-family development as the slope of the terrain increases. Increased lot frontages are necessary on steeper slopes in order accommodate building-pad grading and driveway design.

The staff is developing a digital slope model for the city limits. Figure 1 is preliminary, and it is anticipated that the model detail can be improved.

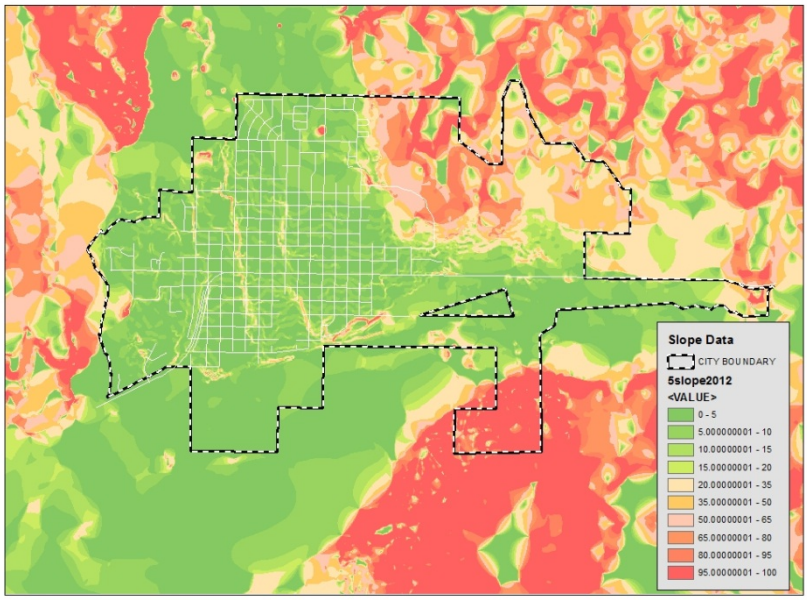

FIGURE 1 SLOPE MODEL

Grading and Erosion Control

Grading standards have a direct relationship to site stormwater drainage design and slope development. Good grading plans tend to fit street and lot layouts into the natural topography. This approach reduces cut and fill work, resulting in lower development costs and easier maintenance. Proposed grading standards establish criteria for the maximum grade change across the slope; defines contemporary retaining wall design standards; and requires restoration of sites after dirt work is complete to mitigate erosion impacts.

Wetland and Streams Corridor Protection

Development of wetland regulations was a Planning and Zoning desire dating back several years. The proposed standards would require that developments along the Gunnison River and Tomichi Creek maintain a 50 foot setback from river corridors and jurisdictional wetlands; lots established prior to the new LDC adoption would be exempt from these standards.

Waivers

The draft LDC incorporates a waiver provision for all natural protection standards. The Council is proposed to be the authorizing authority for all waiver applications.

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 water 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.

a. All Map Amendments proposed after the adoption date of this *LDC* shall be subject to these Slope Protection Standards.

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b. Non-residential development districts shall be prohibited on slopes greater than 10 percent.

2. **Definition**. For the purposes of this Section "average slope" shall be measured as set forth in §15.2 of this *LDC* (See Figure 27).

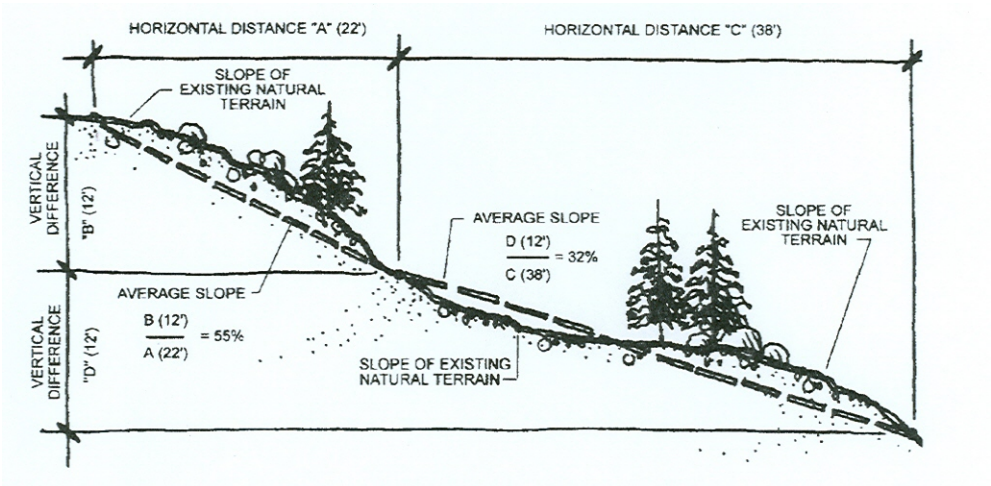

FIGURE 27 SLOPE PROTECTION STANDARDS

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%	30%	35+%
R-1	8,000	12,000	20,000	32,000	64,000	128,000	256,000
R-1M	6,250	12,000	20,000	32,000	64,000	128,000	256.000
R-2	6,250	12,500	25,000	50,000	75,000	Not Permitted	Not Permitted
RMU	6,250	16,250	32,500	Not Permitted	Not Permitted	Not Permitted	Not Permitted
R-3	6,250	16,250	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Front Lot Length		75	75	80	80	100	100
Density Reduction R-2M Max Units Per Acre		-25%	-50%	NA	NA	NA	NA
Density Reduction R-3 Max Units Per Acre		-25%	NA	NA	NA	NA	NA

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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*.

2. **New Structures—Existing Slopes in Excess of Ten Percent**

   a. New development proposed to be built on any portion of a site containing a 10 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 10 Percent**. Shared driveway and access to site or lots containing slopes in excess of 10 percent shall be utilized to the maximum extent feasible (also see §4.3, General Site Access).

C. Ridgeline Protection Standards

1. **Applicability**. This Section shall apply to all new development in the city boundary proposed on slopes greater than 30 percent.

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2. **Building/Roof Design for Ridgeline Protection Guidelines**. Development subject to this subsection will be designed and sited to minimize the visible intrusion of building and structures above the designated ridgelines or above existing ridge top trees or vegetation, and thus preserve scenic view across or through the site. Techniques to meet this standard should include but are not limited to, careful consideration of architectural design, building massing, siting, building colors and roofing materials, and the use of native landscaping or other permitted screening materials. Stepping the building mass and form with the natural grade is encouraged.

3. **Development Plan**. All development subject to these ridgeline protection standards shall submit a development plan, including a visual analysis of the proposed development, for staff review and approval. The required visual analysis shall include a photographic simulation of the development from viewpoints as determined by staff.

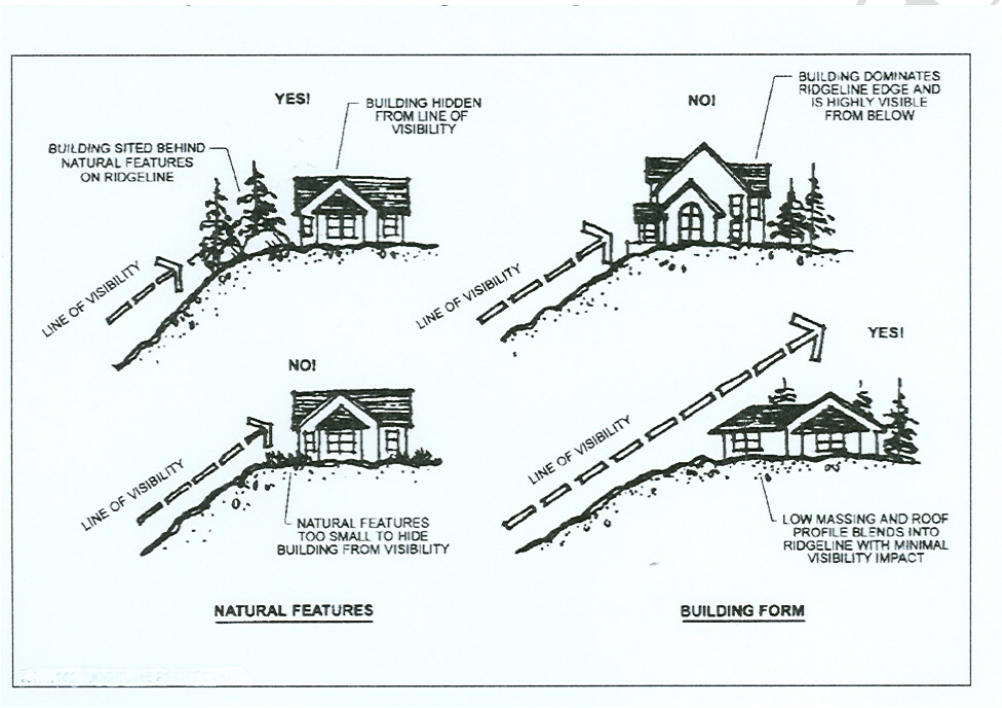

FIGURE 28 RIDGELINE PROTECTION STANDARDS

D. Staff Waivers of Ridgeline Protection Standards

1. Staff may grant such waivers or modifications to the ridgeline protection standard only if it finds based on substantial evidence presented by the applicant, that the following conditions are satisfied:

   a. Application of the ridgeline standard renders the site undevelopable;

   b. Application of the ridgeline standards will result in substantial economic hardship and the economic hardship is not created by the applicant or otherwise self imposed; and

   c. The development conforms to all other development, site design and environmental standards set forth in this Section and in all other applicable ordinances and codes.

2. In granting a waiver from or modification of the ridgeline protection standards set forth in this section, staff may impose conditions if the effect of the conditions is to reduce the adverse impact of the development, including but not limited to a reduction in a maximum building height below what would otherwise be permitted in the applicable zoning district.

§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 applicant shall submit a grading plan which 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,

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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 site's original grade 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 29).

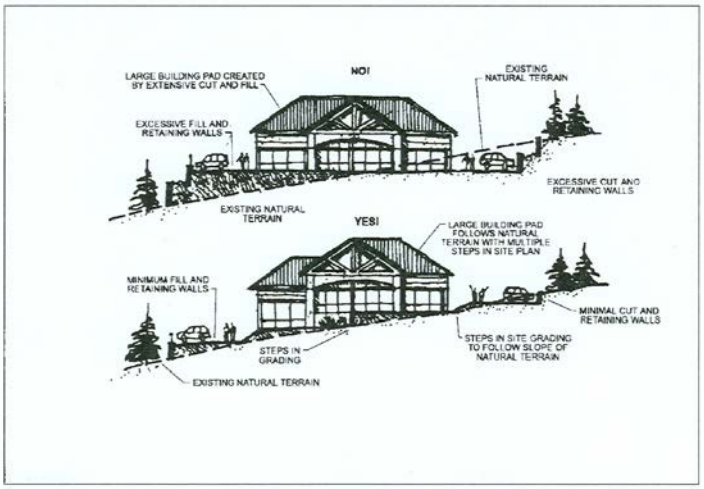

FIGURE 29 LIMITS ON CHANGING NATURAL GRADE

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 discourage except where the average natural slope is 15 percent or less, as measured from the points with the highest and lowest elevation within five feet of any portion of the proposed accessory building structure or building.

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.

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6. Retaining Walls

a. Limited use of retaining walls is encouraged to reduce the steepness of manmade slopes and to provide planting pockets on steep slopes conducive to revegetation, subject to the following standards:

b. Retaining walls shall be used to provide breaks in manmade slopes exceeding 30 percent and to provide planting pockets.

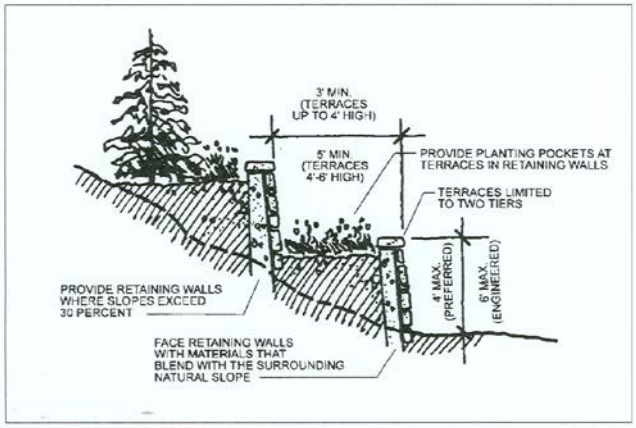

FIGURE 30 RETAINING WALLS

c. Retaining walls may be permitted to support steep slopes but shall not exceed six feet in height from the finished grade except for:

i. a structure's foundation wall;

ii. as necessary to construct a driveway from the street to a garage or parking area; or,

iii. as otherwise expressly allowed by this Section.

d. 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.

e. 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.

f. 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.

g. 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.

h. **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.

i. **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.

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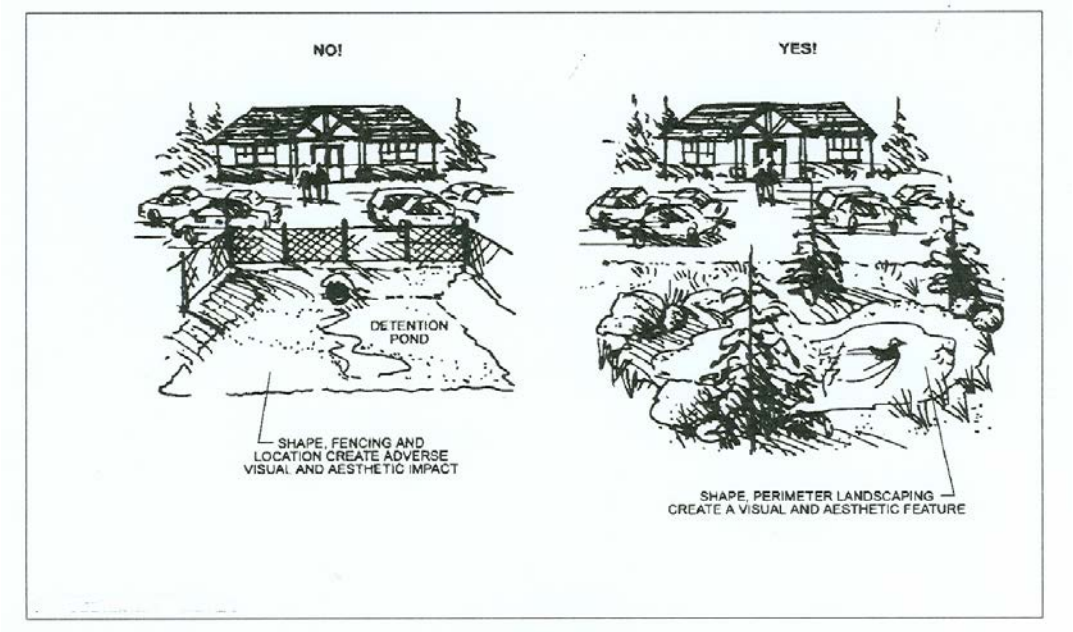

FIGURE 31 DETENTION / STORMWATER FACILITIES

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 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. 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 such as flooding or discovery of historic artifacts.

d. Surety. In order to insure conformance with the requirement of paragraph c (Timeline) above, a performance bond or other suitable security in an amount of 125% of the cost to accomplish ground preparation, native seeding fertilizer application, and mulching of the site shall be posted prior to the issuance of a grading permit. Any surety provided pursuant to this subsection shall be returned upon completion of an approved final inspection for the building site; the Community Development Director may require up to a 12 month plant establishment period before releasing surety.

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e. 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.

f. 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.

g. 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. 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 natal 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

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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 alternation shall occur as part of the development project or associated constriction activity outside the LOD except as provided in subsection iii.c) below.

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. 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.

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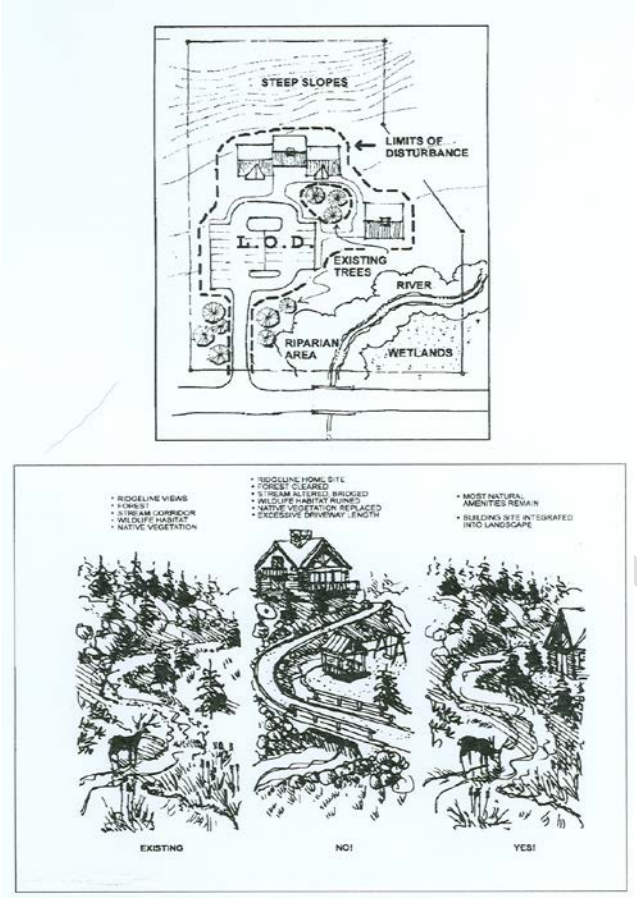

FIGURE 32 LIMITS OF DISTURBANCE

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.cdphe.state.co.us/wg/PermitsUnit/stormwater, 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 development or activities.

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 at the annual high-water mark, or if not readily discernible, 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.

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

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feet horizontally (plan view) from the outside edge of adjacent ditch banks. Where defined banks are not readily discernible, the setback shall be measured from the center of the ditch (See Figure 33 Wetland/Stream Setback).

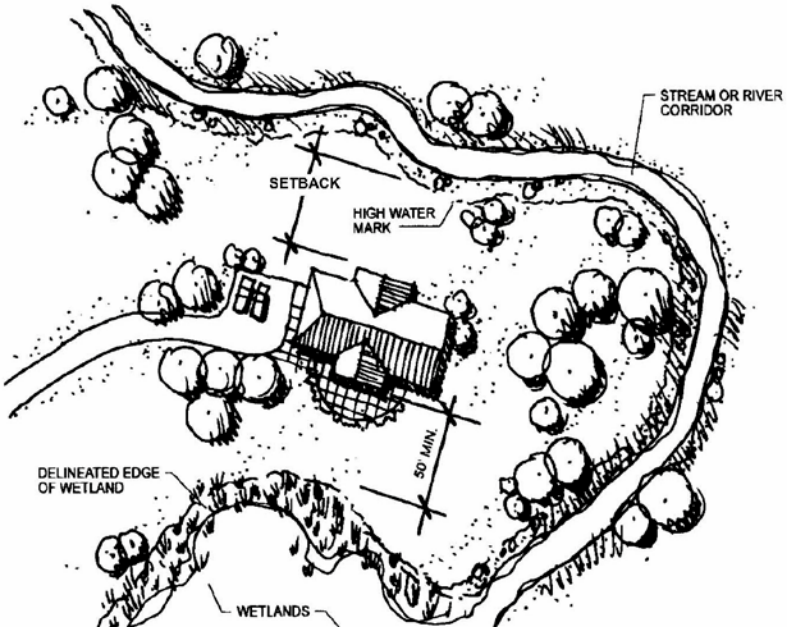

FIGURE 33 WETLAND/STREAM SETBACK

ii. Gunnison River and Tomichi Creek Corridors

a) **General Rule.** All buildings and accessory structures shall be setback at least 50 feet horizontally (plan view) from the annual high-water mark 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 30 feet horizontally (plan view) from the annual high-water mark of river corridors or, if not readily discernible, from the defined floodway (see Figure 33).

b. Parking Lot Setbacks. Parking lots shall be setback at least 50 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, 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 33). Development on lots that were approved for single-family residential use prior to the adoption of this *LDC* shall be exempt.

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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 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 Decision-Making Body.

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 §8.10 of this *Land Development Code*.

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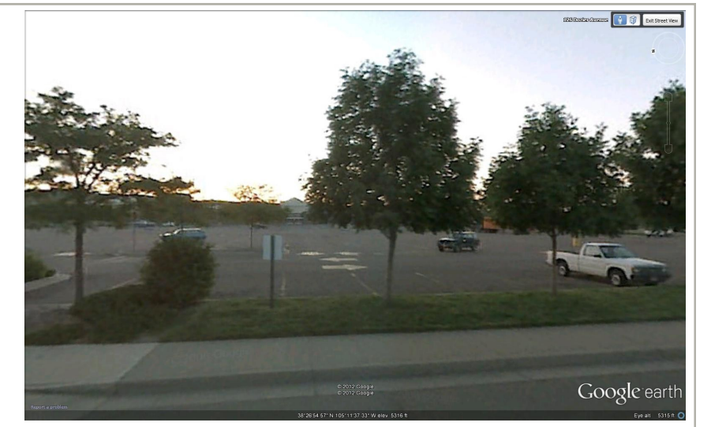
Alamosa, CO

Big Box Standards: facades, roofs, materials and colors, parking lot orientation, rear and sides of building, outdoor storage, trash collection and loading, pedestrian flows, delivery/loading operations, street planting. Design standards, parking standards, landscaping standards and street standards are contained in the large scale retail standards. (February 2008)

Canon City, CO

Has no big box standards or design standards. They do have parking, landscaping and street standards. (March 2007)



Cortez, CO

Has no big box standards or design standards. They do have parking, landscaping and street standards. (date unknown)

Craig, CO

Has no big box standards. Design standards: lots, blocks, streets, parking, sidewalks, easements, utilities, architecture, parks and public sites, landscaping, buffering, screening, fences, lighting, stormwater, potable water. They do have parking, landscaping and street standards. (March 2012)

Delta, CO

Has no design standards or big box standards. It may be that the information is just not available on their web site. (date unknown)

Durango, CO

Big box standards are covered by the overlay districts. Overlay Districts and design criteria for: downtown, historic district, river corridor, commercial use, PUD traditional neighborhoods. Their design standards address lots, blocks, streets, alleys, potable water, sewer, utilities, public improvements. Their parking, landscaping and street standards are covered in the General Design Standards. (September 2007)

Estes Park, CO

Does not have big box standards. They do have Downtown/Historic district standards. Also riverfront; viewsheds; blocks treated as an entity regarding color, building horizontal elements and height; facades; renovation to corner buildings should be more elaborate than other buildings; 60% transparent glass on frontage; franchise architecture is not allowed. Very specific guidelines. They have natural resource protection, parking, landscaping and street standards. (February 2012)

There is not a Walmart in Estes Park

Manitou Springs, CO

Does not have big box standards. They do have Downtown/Historic district standards. A Major Change of Appearance Certificate is required for renovations. They have general development, parking, landscaping and street standards.

There is not a Walmart in Manitou Springs, but there is one just a few miles away in Colorado Springs.

Montrose, CO

Large Retail Site Development Application required; development standards for highway corridors; supplemental development standards for large scale retail addresses facades, parking, landscaping, setbacks, roofs, entryways, buffers from residential areas, lighting. They have general development standards, parking, landscaping, and street standards. (August 2011)

Pagosa Springs, CO

Design Review Board reviews developments over 5,000 sq. ft. except residential. Commercial and mixed use design standards includes site layout, pedestrian environment, building desing, mass and form; materials; architectural style; 4-sided design; entrance; highway buffer; building orientation. They have Hot Springs, Town Center and River Frontage District standards. Their design standards include site development, sensitive area protection, access, parking, landscaping and street standards. (date unknown)

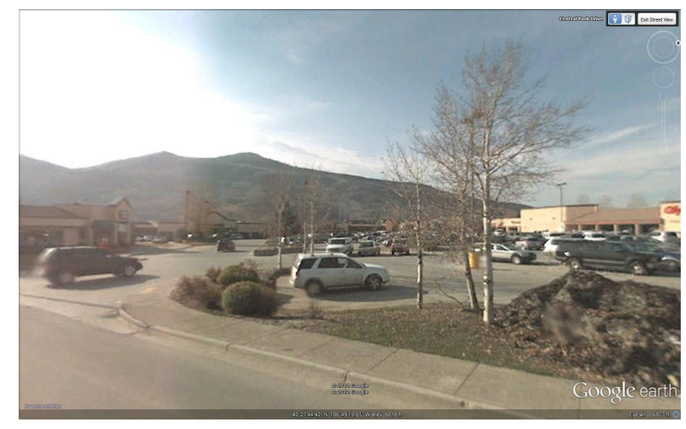
There is not a Walmart in Pagosa Springs

Salida, CO

The Highway Overlay District addresses facades and exterior walls, articulation, 360 degree architecture, cohesive design, façade treatments (pattern and color). (2005)

Steamboat Springs, CO

Their big box standards address impact assessment; bicycle and pedestrian facilities; building impact; color; landscaping; lighting; natural resource protection;. They have Design Standards for all districts which address: mass, character, frontage, height, yards, sidewalks, signs, parking, landscaping and streets. (June 2008)



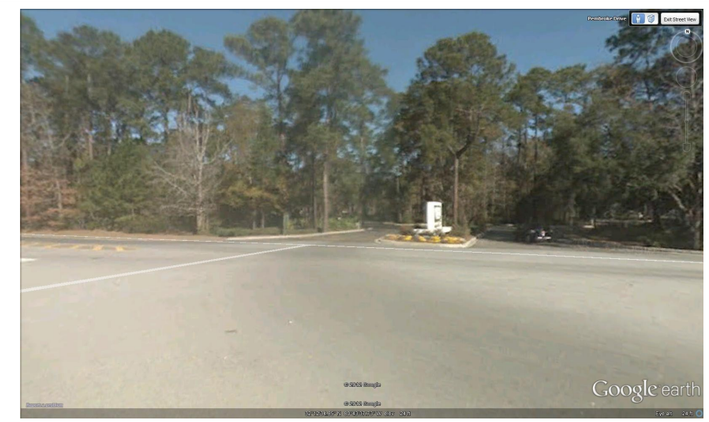
Woodland Park, CO

Design standards to encourage the use of materials that are compatible with the natural forested surroundings (mountain-western architecture). Design Standards for all districts address: frontage, height, yards, sidewalks, signs, pedestrian facilities, screening, parking, landscaping, and streets. (1995)

Below are contrasting examples of a master-planned community and a community that prides itself on having no zoning:

Hilton Head Island, SC

Hilton Head Island is a planned community with very strict design guidelines. The Island Character Vision Statement is that Development shall exhibit a harmonious relationship with the natural environment by blending the principles of sensitive site planning, skillful architectural design and an emphasis on landscaping that preserves and enhances the native vegetation.



Pahrump, NV

This town was originally developed with no zoning or land use guidelines. In about 2004 they finally adopted zoning codes. Until that time there was no central business district and there is no “downtown.” Commercial, industrial, agricultural and residential uses were mixed in a very non-coherent way. The Walmart, a casino, and large grocery store now form the central part of the town on the highway corridor.

§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.

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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 storm-water 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 project's apparent visual scale 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 development's aesthetic appeal 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

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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.

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 building's front elevation. 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 that building's front elevation.

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 each respective phase including, but not limited to landscaping, circulation, parking, and drainage shall be guaranteed by a development improvement agreement secured by 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.

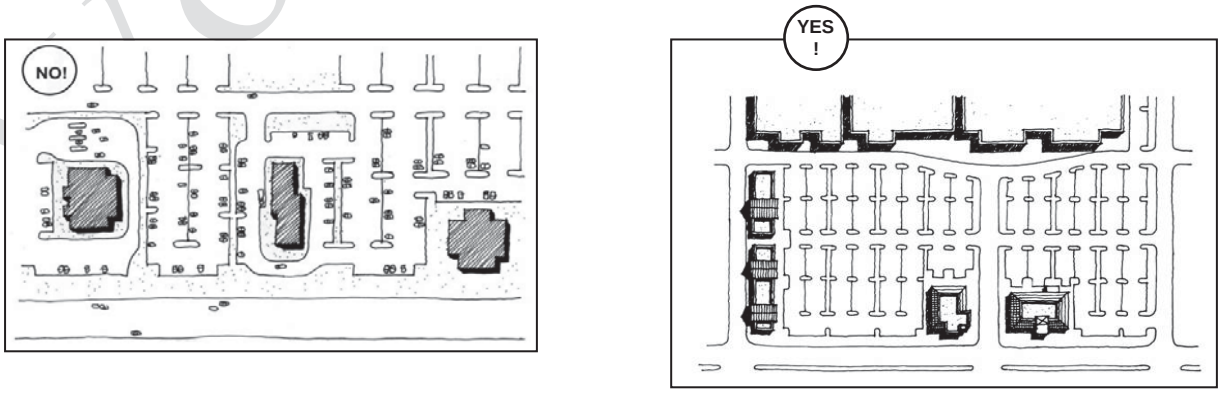

FIGURE 19 BUILDING ORIENTATION FOR MULTIPLE BUILDING DEVELOPMENT

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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 cut-through traffic study to be completed 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 City Fire Marshal.

   b. The loading zone length shall be a minimum 50 feet length and 10 feet width. The loading zone shall be signed as a physically disabled loading zone.

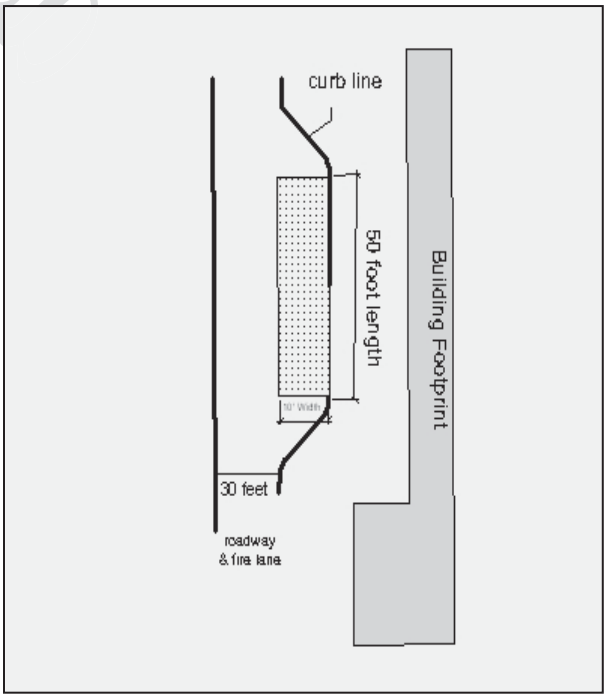

FIGURE 20 PASSENGER LOADING ZONES

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

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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 need 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 §4.5shall apply to all large scale retail developments.

1. ~~**Connectivity**. New developments shall be laid out and designed to provide sidewalks, accessways, bikeways, and multi-use trails that connect with existing or planned sidewalks, multi-use trails, and destinations such as parks, schools, and shopping areas. Accessways shall connect building fronts within a site, building fronts on adjacent sites where cross-site access is possible, and from public rights-of-way onto the large scale retail development.~~

2. ~~**Easements and Multi-use Trails**. Multi-use trails, where required, shall have a minimum 15 foot wide, public right-of-way or easement for bicycle and pedestrian uses dedicated to the public. A 10 foot wide treadway shall be constructed in the center of the right-of-way or easement conforming to the City standards.~~

3. ~~**Multi-Use Trail Location Guidelines**. Bikeways shall be located to integrate with the existing and future city street and park system. Important criteria used in determining facility types and locations follow.~~

   a. ~~compatibility with adopted plans, including, but not limited to, the *City of Gunnison Master Plan* and the *Parks, Recreation and Open Space Master Plan*;~~

   b. ~~safety in terms of existing street width;~~

   c. ~~existing and potential demand for use;~~

   d. ~~spacing in relation to other pedestrian circulation facilities;~~

   e. ~~location of schools and other public facilities frequented by bicycle riders; and~~

   f. ~~location of parks.~~

4. ~~**Bike Racks**. Bike racks shall be provided at the rate specified in §4.4 F.10. The location of required bike racks shall be based on consideration of the safety and convenience of users.~~

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~~Bicycle racks should be of the "Cora" type as depicted in the *Transportation Element of the Gunnison Master Plan* or as approved by the decision-making body. Cut sheets may be required prior to approval.~~

5. ~~**Internal Pedestrian Circulation Design Standards**. Unless otherwise modified herein, pedestrian circulation facilities shall comply with §4.5, Pedestrian Circulation Facilities. If there are any conflicts between these standards and §4.5, the more restrictive standard shall apply.~~

   a. ~~Detached sidewalks at least eight feet in width shall be provided along all lot boundaries that abut public streets. These sidewalks shall be detached a minimum of ten feet from all collector and arterial streets, and six feet from all other streets.~~

   b. ~~Multi-use trails shall be constructed in accordance with the adopted provisions of the *Gunnison Trails Master Plan* as amended. The City may also require multi-use trails along the front lot line or front yard of any large retail sales development along either Highway 50 or Highway 135 frontage, or in a configuration that connects with *City of Gunnison Trails Master Plan*.~~

   c. ~~Continuous internal accessways, no less than eight feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all large scale retail establishments and pad or liner buildings on the site. At a minimum, accessways shall connect focal points of pedestrian activity such as, but not limited to, street crossings, building, and store entry points.~~

   d. ~~Snow shedding from roof structures adjacent to sidewalks or accessways is prohibited. Cold roof designs that retain snow on the roof or avalanche guards are required on all roof planes that may shed snow on sidewalks or walkways. Additional mitigation may be required where icicles may form on eaves adjacent to walkways or sidewalks.~~

   e. ~~Any large scale retail establishment development sharing a common lot line with another nonresidential district parcel shall provide an internal pedestrian walkway to the common property boundary.~~

   f. ~~Continuous sidewalks in conjunction with walkways across the internal access roads shall connect internally and externally to all buildings (pad sites, liner buildings, and anchor buildings) proposed by the site development plan.~~

   g. ~~Accessways, no less than eight feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Additional sidewalk width shall be provided as needed to accommodate outdoor seating areas adjacent to restaurants to maintain an eight foot wide clear pedestrian circulation area.~~

   h. ~~All internal accessways shall be distinguished from driving surfaces through the use of durable, low-maintenance, surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.~~

~~I. Central Features and Community Space. Each retail sales establishment subject to these standards shall contribute to the establishment of community and public spaces by providing at least two of~~

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~~the following: patio/seating area, pedestrian plaza or pocket park with benches, commuter parking area, window shopping walkway, outdoor playground area, information kiosk area, water feature, clock tower, or other such deliverately shaped area, focal feature, or amenity that, in the judgment of the decision-making body, enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscaping.~~

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 districts (R-1, R-1M, R-2, RMU, or R-3 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 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 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 ~~be transparent between the height of three feet and~~ 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.

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FIGURE 21 GROUND FLOOR FACADES

3. Articulation

a. Exterior Wall Plane. No single exterior wall plane shall constitute more than 60 percent of any primary facade of 100 feet or more in length. Variations of less than one foot in depth are not considered to break the plane.

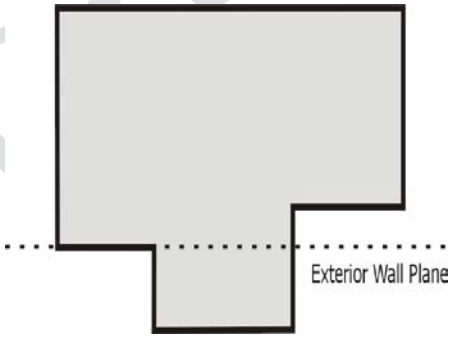

FIGURE 22 EXTERIOR WALL PLANE

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 facade 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 23;

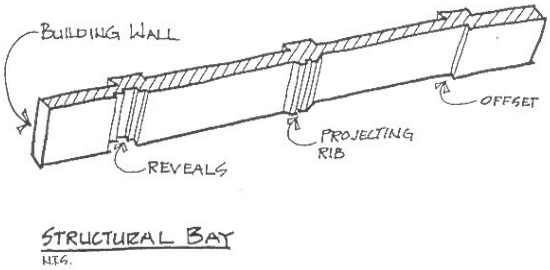

FIGURE 23 SECONDARY FAÇADE

ii. horizontal separation between projecting ribs, reveals and offsets may vary

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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 facades 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; ~~or~~

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 24 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;

FIGURE 25 BUILDINGS ENTRANCES

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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; ~~or~~

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.

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N. Roofs. Roofs shall comply with the provisions of §4.6.I.4., and shall have no less than two of the following features:

1. 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;

2. overhanging eaves, extending no less than three feet past the supporting walls;

3. 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;

4. three or more roof slope planes.

5. other elements proposed by the developer and accepted by the Community Development Director.

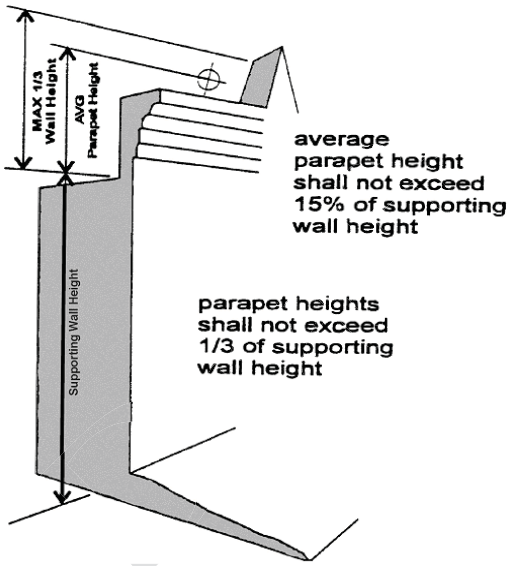

FIGURE 26 PARAPETS

O. 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. ~~the building shall remain fully illuminated inside within 100 feet of all public entrances, and outside including all parking lot areas, consistent with the historic practice;~~

2. glazing shall not be boarded and broken windows shall be replaced immediately;

3. vegetated landscaping shall be watered, trimmed and mowed during the growing season. In addition, dead vegetation shall be replaced immediately;

4. graffiti shall be immediately removed from the site;

5. 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;

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6. ~~snow removal shall occur within 24 hours after all snow storms~~ 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 §8.10 of this *Land Development Code*.

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