

PLANNING AND ZONING COMMISSION  
NOVEMBER 28, 2012 MEETING PACKET  
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For those using a hard copy, please bring your copies of Sections 4, 5, and 9 of the draft *Land Development Code* that were distributed at the November 14<sup>th</sup> meeting. These sections are included with the electronic version of the packet.

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**AGENDA  
CITY OF GUNNISON  
PLANNING & ZONING COMMISSION  
REGULAR MEETING  
Rev 11/20//2012**

**DATE: WEDNESDAY, NOVEMBER 28, 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 NOVEMBER 14, 2012 MEETING MINUTES**
- V. STREET DEVIATION REQUEST FROM HABITAT FOR HUMANITY, FOR THEIR PROJECT LOCATED AT 6<sup>TH</sup> STREET AND WEST NEW YORK AVENUE.**
- VI. COUNCIL UPDATE**
- VII. COMMISSIONER COMMENTS**
- VIII. PLANNING STAFF UPDATE**
- IX. ADJOURN TO WORK SESSION**

**WORK SESSION**

**DISCUSSION OF THE DRAFT LAND DEVELOPMENT CODE  
Section 9 – Development Standard Waivers**

**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](http://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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<b>MEMBERS</b>	<b>PRESENT</b>	<b>ABSENT</b>	<b>EXCUSED</b>
Carolyn Riggs, Chair	X		
Erik Niemeyer	X		
Erich Ferchau	X		
Andy Tocke	X		
Bob Beda	X		
Greg Larson	X		
Councilor Ellen Harriman	X		

OTHERS PRESENT: Community Development Director Steve Westbay and Planner Andie Ruggera, Jon Hauser, and Will Schoemaker.

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

**II. PLEDGE OF ALLEGIANCE TO THE FLAG**

**III. UNSCHEDULED CITIZENS.** There were none.

**IV. CONSIDERATION OF THE OCTOBER 24, 2012 MEETING MINUTES.** Commissioner Greg Larson moved and Commissioner Bob Beda seconded to approve the October 24, 2012 meeting minutes as presented.

Roll Call Yes: Erich, Andy, Carolyn, Ellen, Bob and Greg

Roll Call No:

Roll Call Abstain: Eric – was not present at the October 24<sup>th</sup> meeting.

Motion carried

**V. PUBLIC HEARING – SB 12-5, AN APPLICATION BY DRAKE GUNNISON PARTNERS, LLC, TO SUBDIVIDE ONE LOT (4.8 ACRES) INTO FOUR LOTS, LOCATED IN THE COMMERCIAL ZONE DISTRICT**

**Open Public Hearing.** Chair Riggs opened the public hearing at 7:05 p.m.

**Proof of Publication** was shown for the record.

**Application Process Review.** Planner Andie Ruggera summarized the process for a Major Subdivision which is an application proposing more than eight lots or which subdivides a parent parcel of four acres or greater. Major Subdivisions are subject to a four step process:

1. review of Sketch Plan by the Planning and Zoning Commission at a public hearing;
2. review of the Preliminary Plat by the Planning and Zoning Commission at a public hearing;
3. review and recommendation of the Final Plat by the Planning and Zoning Commission (with no public hearing); and
4. action on the Final Plat by City Council (with no public hearing).

The applicant, Drake Gunnison Partners, LLC, represented by Jon Hauser, is requesting a Major Subdivision (sketch plan) application to subdivide 4.8 acres into four lots. The legal description of the site is Lot 80, Re-plat of Lot 80, VanTuyl Village Subdivision (reception number 580957).

Director Steve Westbay began reviewing the application stating the proposed subdivision is located south of VanTuyl Circle and bordered by Sydney Street and Highway 135. He continued stating

the application was straight forward with a basic concept and basic circulation for its pad sites. The internal private roads will be enforced through a declaration of covenants. The key piece in reviewing this application is the access at VanTuyl Circle and Highway 135. The City and the applicant have been working on an application to CDOT for a full movement intersection at this location. The City will be meeting with CDOT on December 5<sup>th</sup> to discuss the access permit application. The access permit application does not mandate this subdivision application. Director Westbay continued his review and discussed the review standards for subdivision approval.

**Applicant Presentation.** The applicant, Jon Hauser, addressed the Commission. He stated that he would like to develop the site into four parcels and has two specific uses for the site: the Tractor Supply Store and O'Reilly Auto Parts. Mr. Hauser continued stating the subdivision would be enforced by a declaration of covenants. Each site must meet the dimensional standards of the City's *Land Development Code* as there will not be shared parking between lots.

Mr. Hauser expressed that the access is very important to them [the developer] and the challenge will be to see CDOT's point of view. He discussed undeveloped Bowman Street and stated the original plan was to utilize the street, however, because of the expense to improve the street, other options are being explored.

**Public Input.** Chair Riggs asked for public comments. There were none.

**Staff Presentation.** Director Steve Westbay stated he didn't have anything further to present.

**Commission Discussion.** Commissioner Eric Niemeyer inquired on the landscaping on the lots and stated he noticed Lot 1 was proposed with only seven percent landscaping. Director Westbay responded, asking the Commission to not get too hung up on the proposed use and dimensional standards for the site as those site specific items will be reviewed at the staff level, when a building permit application is submitted.

The Commission discussed the estimated timeframe for the Highway Access Permit through CDOT. Director Westbay stated if issues can be settled at the December 5<sup>th</sup> meeting the permit could be completed within four weeks.

The Commission discussed the lot layout, access points and Bowman Street. Mr. Hauser stated they [the developer] would love to use Bowman Street for circulation; however, he doesn't think they can afford to improve it. Mr. Hauser told the Commission he appreciated their time and they will move forward in good faith.

**Close Public Hearing.** Chair Riggs closed the public hearing at 7:38 p.m.

#### **ACTION**

During the Planning and Zoning Commission meeting of November 14, 2012 Commissioner Greg Larson moved, Commissioner Eric Niemeyer seconded and the Planning and Zoning Commission voted to approve the Major Subdivision Sketch Plan, SB 12-5, Blue Mesa Shopping Center with the following findings of fact and conditions:

#### **Findings of Fact:**

1. The Planning and Zoning Commission finds that the record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public

Hearing record; and provisions of the *City of Gunnison Land Development Code* and the *City of Gunnison Master Plan*.

2. The Planning and Zoning Commission finds that this application is for a Major Subdivision of a 4.8 acre parcel into four lots and the proposed lot configurations comply with minimal lot size and frontage standards established by the *LDC*.
3. The Planning and Zoning Commission finds that the property is located in the Commercial zone district and that the applicant intends to follow the City development standards for this district.
4. The Planning and Zoning Commission finds that all lots are required to be served by all utilities and proper utility line sizes, and that appropriate easements for utilities and access will have to be established at Preliminary and Final subdivision review.
5. The Planning and Zoning Commission finds that an irrigation ditch that is located on the eastern portion of the property will have to be buried within the existing 15 foot easement adjoining the eastern property line.
6. The Planning and Zoning Commission finds that the applicant desires a full movement intersection at VanTuyl Circle and Highway 135 and a Highway Access Permit application has been submitted to CDOT.
7. The Planning and Zoning Commission finds that Bowman Street, located on the south boundary of the proposed subdivision, is a deed restricted parcel with the restriction mandating the real property for use as public right-of-way functions. The Planning and Zoning Commission further finds that the access as conceptually illustrated does not have appropriate alignment with Sydney Street.
8. The Planning and Zoning Commission finds that the 15 foot easement and the Highway 135 right-of-way improvements must allow for an eight foot wide sidewalk, utilities, a landscape buffer and the irrigation ditch.
9. The Planning and Zoning Commission finds that the nine review standards for subdivisions have been or will be met based on the following Conditions:

**Conditions**

1. The Preliminary Plat application shall comply with all provisions of the City's *Land Development Code*.
2. Use of Bowman Street shall comply with restrictions set forth by the deed and approved by the City Council.
3. The center of the proposed Bowman Street access way shall align with the east/west centerline of VanTuyl Circle.
4. Preliminary Plat submittal shall include plan details (plan view, sections, and profiles) as needed to adequately assess the design and development components along the Highway 135 frontage.

Roll Call Yes: Erich, Andy, Carolyn, Bob, Ellen, Eric and Greg

Roll Call No:

Roll Call Abstain:

Motion carried

**VI. COUNCIL UPDATE.** Councilor Harriman updated the Commission on recent Council business. The Council:

- approved a letter of support for the Gravity Gromm Indoor Freestyle Gravity Center Business Proposal;

- approve a letter of support for the Cement Creek/Deadman’s Gulch Trail Bridge;
- discussed the 3013 Budget, specifically grants and contracts for service;
- discussed the wireless internet connection for the Community Center;
- approved a letter of support for the 2013 USA Pro Challenge race event;
- set a public hearing for a utility rate increase for January 8, 2013 at 7:00 p.m.;
- approved a statement of opposition for the water rights on the Vista Business Center property; and,
- accepted a letter of resignation from Mayor Houck, effective January 1, 2013 and appointed Ellen Harriman as the new mayor when the resignation is effective.

**VII. COMMISSIONER COMMENTS.**

- Commissioner Ferchau thanked the Commission for excusing him at the last regular meeting; and,
- Chair Carolyn Riggs thanked staff for the copy of Chapters 4 and 5 of the draft *LDC*.

**VIII. PLANNING STAFF UPDATE.** Director Westbay updated the Commission on recent activity in the Community Development Department:

- Steve has completed the annual performance appraisals for his staff and it is a good reflection period—the staff works hard and has completed a lot of work;
- the City will meet with CDOT on December 5<sup>th</sup> regarding the Highway 50 Access Control Plan;
- the VanTuyl Ranch Eligibility Hearing will be held on Nov 27<sup>th</sup> to determine if the VanTuyl Ranch is eligible for annexation—the initial zoning hearing will be held on December 12<sup>th</sup>;
- Pam and Andie have been working on the *Non-Motorized Transportation Plan*—they conducted a survey at WSCU regarding modes and routes of travel and Andie has been doing outreach at the coffee shops; and,
- staff is processing a street deviation request submitted by Habitat for Humanity regarding their project at New York Avenue and 6<sup>th</sup> Street.

**IX. ADJOURN TO WORK SESSION.** Chair Riggs adjourned the meeting to a work session at 8:05 p.m.

\_\_\_\_\_  
Carolyn Riggs, Chair

Attest:

\_\_\_\_\_  
Andie Ruggera, Secretary

STAFF REPORT AND RECOMMENDATION  
HABITAT FOR HUMANITY

TO: Planning and Zoning Commission  
FROM: Community Development Staff  
DATE: November 28, 2012  
RE: Alley Construction Deviation Request – Habitat for Humanity

CODE PROVISIONS

The *City of Gunnison Land Development Code (LDC)*, Section 15.110.020.D, defines the regulatory criteria and standards for streets and alleys. Table 15.110.020 of the City's *Improvement Standards* requires alleys to have a minimum 12-foot-wide pavement surface.

Section 15.110.020.F (Deviations) states that “...*Deviations from the road and sidewalk standards may be granted by the city, considering the development's proposed traffic generation, its functional classification and provisions for pedestrian safety and emergency vehicle access, and the design of its off-street parking, snow storage, and public improvements, including but not limited to, water supply, sewage treatment, electricity, irrigation water, solid waste disposal and storm drainage.*”

The *LDC* does not define a formal process to follow for a Street Deviation request, but the *LDC* phase – “*may be approved by the city*” is interpreted as requiring the City Council to make a final determination of a deviation request. To ensure an appropriate due process the City staff has chosen to forward this deviation request to the Planning and Zoning Commission (P&Z) so that the P & Z can establish a formal recommendation to City Council. Furthermore, written notices were sent by regular mail to all property owners whose boundary is directly adjacent to the alley deviation.

A deviation from street and sidewalk standards is a legislative action, not affecting any individual property rights, and therefore the final determination by the City is considered to be discretionary action under the Home Rule Powers of the City of Gunnison.

APPLICATION

The applicant, Habitat for Humanity, submitted a road deviation request that they not be required to improve a platted north/south alley directly adjacent to a future residential development project they intend to initiate. The alley under consideration is adjacent to property described as Lots 32-49, Block 120, *Guerrieri Addition to the Town of Gunnison* (County Record Reception No. 614430). The applicant's narrative states:

*We are returning with a request that you allow us to exclude the development of an alley at the west end of our new Habitat property at 6<sup>th</sup> & New York. To date we are on schedule with the 2012 development goals of our newly acquired property... Thanks to your dedication to our efforts the sewer and water lines are being installed and we are working on a fund raising plan to support the construction of our first home...*

*The development of the alley is our current challenge. We are requesting that we not be required to develop the alley for the following reasons:*

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HABITAT FOR HUMANITY

- *Alley construction is expensive. A conservative estimate of \$64/foot would cost about \$21,000. Bringing the alley out to the street to provide drive through capability would add another 145 feet costing \$10,000. We were aware of this requirement when we purchased the property but have redesigned the community to include garages at the front of the properties. Our property access and subsequent garages will be located off of 6<sup>th</sup> Street instead of at the rear of the properties.*
- *Locating property access at 6<sup>th</sup> Street will minimize the accumulation of junk and salvage materials at the rear of these properties and help to maintain a positive environmental appearance.*
- *Snow removal will be difficult in the alleys and will require unnecessary maintenance.*
- *The West Haven Condominiums to the west have some of their electrical transformers and one of their telephone pedestals slightly encroaching in the alley right-of-way.*
- *Elimination of the alley will enable property owners to access parking and garages from 6<sup>th</sup> Street on paved surfaces. Trash disposal will occur at the property fronts as is common to some of the new developments within the City.*

*In summary, we feel that we can accomplish the essential aspects of access and trash removal while providing for more green space and minimizing objectionable visible environmental factors. The estimated \$31,000 price tag for an unnecessary physical access has motivated us to use better design features to accomplish essential ends.*

SITE ASSESSMENT

The Habitat for Humanity project site is in the West Gunnison neighborhood. Access to this site is from 6<sup>th</sup> Street, New York Avenue and the unimproved alley adjoining on the west. Sixth Street is paved to a point just south of the vacated Gunnison Avenue and the right-of-way (ROW) width is 60 feet.

This area of the West Gunnison Neighborhood is Zoned R-3 with a mixture of uses existing in the vicinity. Aspen Acres Mobile Home Park is directly to the east of the proposed development site, the Westhaven Condominiums are to the west, the Diamond K Resort PUD is located to the north and unimproved lots are south of the site.

The project is located in the *Guerrieri Addition to the Town of Gunnison*. This plat was recorded in 1981, but development improvements never occurred. This subdivision plat incorporated traditional lot and block configuration, with alleys and streets that extends the



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city's grid system. The platted alley in question extends from New York Avenue (north end) to Bidwell Avenue (south end).

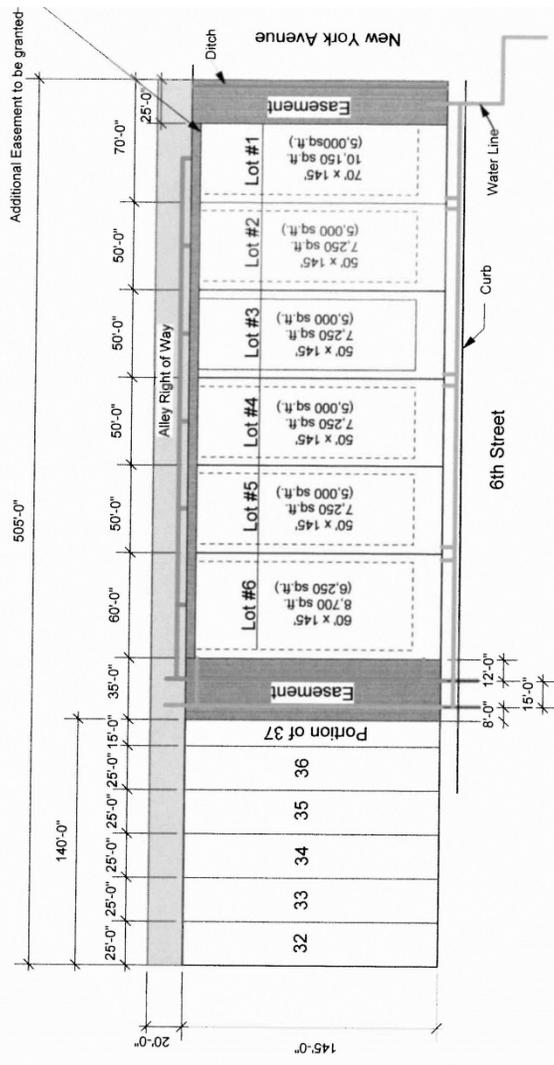
The applicant is proposing to develop Lots 37 through 49 in the first phase. Lot 32, located on the southern fringe of the development site, will be developed in the future. The development will include single family and duplex development.

UTILITIES

The property includes two utility easements: 1) a 25 foot-wide utility easement adjacent to the New York Avenue ROW, and 2) a 35 foot-wide utility easement within vacated Gunnison Avenue. The applicant is proposing a five-foot utility easement along the western boundary of the property adjoining the north/south alley.

The City has installed sewer and water extensions for this project at the City's expense. The sewer line has been extended in the north/south alley and a water line has been extended in 6<sup>th</sup> Street from New York Avenue to the sewer line in vacated Gunnison Avenue.

In addition, the City will be installing and paying for a buried irrigation ditch adjoining the property to the east within the 6<sup>th</sup> Street right-of-way. A minimum width of 15 feet is necessary to accommodate all utility and pedestrian functions on the 6<sup>th</sup> Street frontage. Consequentially, a five foot easement may be required on the east boundary of the property to allow for these functions.



WEST GUNNISON NEIGHBORHOOD PLAN

The *West Gunnison Neighborhood Plan* (2008) is a City adopted sub-area master plan intended to direct the development of this neighborhood. The plan includes a detailed assessment of the infrastructure needs including road design and storm water management. The *West Gunnison Neighborhood Plan* contemplates the full-length development of this alley.

CITY STAFF COMMENTS

Ken Coleman, City Manager: Alleys serve many functions for our community. Access for vehicles is typically served from the street side, although many properties have garages accessing alleys. This is not a major concern since both options work. Refuse collection on the street is an issue, yet this service is allowed in areas where alleys are not available. Comments have been received from citizens about the West Haven dumpsters on 5<sup>th</sup> Street being unsightly. Alley

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development would allow a relocation of these devices, yet that is not a sole reason to require alley development.

The utility access issue is important for repair, maintenance and operation issues. If the alley is not developed it would be incumbent on the City to create the necessary infrastructure for sewer and electric maintenance. Another matter is circulation of traffic and alternative ingress/egress from the area. Alleys provide access to adjacent properties and to adjacent blocks as development occurs. The suggestion that having no alley “*will minimize the accumulation of junk and salvage materials at the rear of these properties and help to maintain a positive environmental appearance*” is speculative. Back yards are where storage of unused items usually occurs even without alley access.

Additionally, it should be considered how the area to the south will be developed at a later date. The Guerrieri Addition is platted with alleys and this request could impact future build-out. If the alley is not constructed at this time, it sets the stage for that entire subdivision to be built without alleys. This is an issue in my mind.

I believe the cost estimates Jerry Kowal included in the request should be analyzed to determine more exact numbers. In a previous report from our City Engineer, there was a determination that structural fill is needed prior to surface development, so there may be other items to include in the final expense.

Finally, there was approval of the West Haven condominium project that did not include the alley development. Since there may be shared benefit of this infrastructure for existing residential structures is there an opportunity for a different approach in sharing costs?

With all of these reasons outlined above, I believe there are reasons that the development of the alley is an important piece of basic infrastructure to consider.

Terry Zerger, City Engineer: Comments during development review: With all of the development north of vacated Gunnison Avenue sewer should not be a problem. Storm water will have to comply with no change in historic runoff amounts. With low impact development and drainage to the alley this should not be hard to accomplish. A wetlands delineation has not been completed on this property. The alley will have to be stripped of topsoil and rebuilt with structural fill.

A buried irrigation ditch will be placed adjacent to the property in the 6<sup>th</sup> Street ROW. A minimum width of 15 feet is needed to provide for utility and pedestrian functions. A five foot easement may be required on the east boundary of the property to allow for these functions.

Greg Summers, Street Superintendent: Agrees with Ken Coleman that the alley is an important function for the City.

Joe Doherty, Water and Sewer Superintendent: A sewer line has been placed in the north/south alley and a water line has been extended in 6<sup>th</sup> Street from New York Avenue to the sewer line in

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the vacated Gunnison Avenue. A buried irrigation ditch will be placed adjacent to the property in the 6<sup>th</sup> Street ROW. These utility construction costs have been provided and paid by the City.

Dennis Spritzer, Fire Marshal: From a Fire Department response perspective I prefer this alley is constructed the full length of the property. Alleys are a tactical response function for the Fire Department for access and fire exposure protection. Depending on the severity of the fire, alleys eliminate the need to pull long hose lays between structures. Our current tactical positioning of trucks includes Ladder 1 and City 2 on the street side and City 1 on the alley side of the structure.

STAFF OBSERVATIONS & RECOMMENDATION

1. The request is to exempt Habitat for Humanity from developing a north/south alley adjacent to real property they have acquired and intend to develop as residential dwellings.
2. While the property is intended for a moderate density development, it is within the R-3 district, and if higher density developed were sought, which is allowed in the R-3 district, the alley services will be necessary.
3. The Deviation application notes that driveway curb-cuts and refuse collection will occur on 6<sup>th</sup> Street without the development of an alley.
4. The application states that the deviation is sought in order to save on construction costs, minimize the collection of personal items stored outdoors and preserve open space.
5. The platted alley in question extends from New York Avenue (north end) to Bidwell Avenue (south end).
6. The *West Gunnison Neighborhood Plan* contemplates the full-length development of this alley.
7. Past developments (Palisade Condominiums) on South 6<sup>th</sup> were denied street deviation requests in order to ensure orderly future development of the area.
8. Alleys are critical for City operation, utility and emergency functions.
9. Gunnison Avenue has been vacated in this area leaving half block configurations 700 feet in length. The alley provides access and City service functions to the undeveloped lots to the south.
10. Street Design Standards (LDC §15.110.020) provide the following directives considered to be relevant to the consideration of this deviation request:
  - **Street Plan.** Streets shall generally conform to the City's street plan adopted as a component of the *City's Master Plan* and any amendment thereto;

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- **Neighborhood Plan.** If a plan has been adopted by the City for the neighborhood of the proposed development, the development's street system shall generally conform to that plan.
11. The *LDC* states deviations may be granted considering the proposed traffic generation; functional street classification and provisions for pedestrian safety and emergency vehicle access; design of off-street parking; snow storage; and, public improvements including domestic water supply, sewage treatment, electricity, irrigation water, solid waste disposal and storm drainage.
  12. If this deviation is granted the alley will not be vacated, but if the alley is deemed necessary in the future, related improvement costs will be borne by all city residents and not the developer.
  13. If this deviation is granted it would set precedent for future development in the West Gunnison Neighborhood.
  14. The Community Development Director recommends denial of this deviation request.

PLANNING AND ZONING COMMISSION RECOMMENDATION

During their regular Planning and Zoning Commission meeting of November 28, 2012 Commissioner \_\_\_\_\_ moved and Commissioner \_\_\_\_\_ seconded this recommendation to DENY the Habitat for Humanity Road Deviation Request (received November 9, 2012) with the following findings:

1. The Planning and Zoning Commission finds that this deviation request is to exclude development of the north/south alley adjacent to the Habitat for Humanity Project.
2. The Planning and Zoning Commission finds that the Habitat for Humanity project is located in the *Guerrieri Addition to the Town of Gunnison* and is part of the *West Gunnison Neighborhood Plan*.
3. The Planning and Zoning Commission finds that the *LDC* Street Design Standards (Section 15.110.020.D) require streets to generally conform to the city's street plan adopted as a component of the *City's Master Plan*, and if a plan has been adopted by the City for the neighborhood of the proposed development, the development's street system shall generally conform to that plan.
4. The Planning and Zoning Commission finds that the *West Gunnison Neighborhood Plan* contemplates the full-length development of this alley.
5. The Planning and Zoning Commission finds that the alley is necessary for access to the undeveloped parcels of land to the south and for City utility, service and emergency functions.

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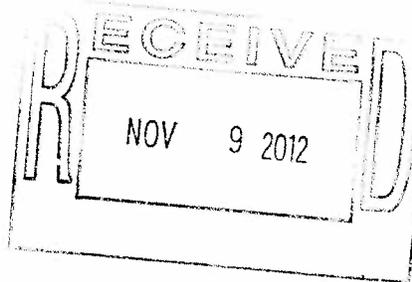
6. The Planning and Zoning Commission finds that public rights-of-way are limited in the West Gunnison Neighborhood [due to many street and alley vacations] and that development must be considered for the long-term improvement and growth of the West Gunnison Neighborhood.
7. The Planning and Zoning Commission finds that allowing the deviation request would set precedent for future development of the West Gunnison Neighborhood.



*Now More Than Ever,  
Help Build It!*

November 1, 2012

Gunnison City Council  
City Hall  
Gunnison, Colorado



Dear City Council Members:

We are returning with a request that you allow us to exclude the development of an alley at the west end of our new Habitat property at 6<sup>th</sup> & New York. To date we are on schedule with the 2012 development goals of our newly acquired property. We have redrawn the lots and our surveyor will be replatting the lots in late November. Thanks to your dedication to our efforts the sewer and water lines are being installed and we are working on a fund raising plan to support the construction of our first home. Ken Coleman and the city crews have been great to work with and we are working with our attorney to refine the covenants.

The development of the alley is our current challenge. We are requesting that we not be required to develop the alley for the following reasons:

- Alley construction is expensive. A conservative estimate of \$64/foot would cost about \$21,000. Bringing the alley out to the street to provide drive through capability would add another 145 feet costing \$10,000. We were aware of this requirement when we purchased the property but have redesigned the community to include garages at the front of the properties. Our property access and subsequent garages will be located off of 6<sup>th</sup> Street instead of at the rear of the properties.
- Locating property access at 6<sup>th</sup> Street will minimize the accumulation of junk and salvage materials at the rear of these properties and help to maintain a positive environmental appearance.
- Snow removal will be difficult in the alleys and will require unnecessary maintenance.
- The West Haven Condominiums to the west have some of their electrical transformers and one of their telephone pedestals slightly encroaching in the alley right-of way.
- Elimination of the alley will enable property owners to access parking and garages from 6<sup>th</sup> Street on paved surfaces. Trash disposal will occur at the property fronts as is common to some of the new developments within the City.

In summary, we feel that we can accomplish the essential aspects of access and trash removal while providing for more green space and minimizing objectionable visible environmental factors. The estimated \$31,000 price tag for an unnecessary physical access has motivated us to use better design features to accomplish essential ends.

We are not asking that this dedicated alley be vacated but that it continues to be a utility access for sewer, electric, gas, and communications systems. In addition, it was necessary for us to grant the City of Gunnison a five foot utility easement at the rear of the Habitat property to accommodate the sewer line. This 20 foot alley easement and 5 foot additional easement recently agreed upon will provide for a generous access to utilities. If these utility easements are left unpaved, a cleaner and less expensive access to future utility needs will be possible.

We are asking you to consider this request to enable us to continue our development plans in a more efficient manner.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Kowal". The signature is fluid and cursive, with a large initial "J" and "K".

Jerry Kowal  
President, Habitat for Humanity of Gunnison Valley

Encl: Habitat property layout revised 10/24/2012

Improvement Location Certificate 7/25/2012





The attached notice was mailed to the following individuals:

- |   |                                                                                                                                                                                                                                                                                      |   |                                                                                                                                                                                                                                                         |
|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Michelle Kettle<br>P.O. Box 7097<br>Gunnison, CO 81230<br><br>Maria Villanueva, Etal<br>P.O. Box 2697<br>Crested Butte, CO 81224<br><br>Julie Wiggin<br>125 N. Main St., Suite D<br>Gunnison, CO 81230                                                                               | 3 | Westhaven Condominium Association<br>P.O. Box 466<br>Gunnison, CO 81230<br><br>Parker Wiggin III<br>496 County Road 818<br>Gunnison, CO 81230<br><br>Leslie Channell<br>254 Bedford Road, Apt 2A<br>Bedford Hills, NY 10507-1326                        |
| 2 | Randall Pool<br>11521 County Road 730<br>Gunnison, CO 81230<br><br>James Pratt<br>5434 Botanical Avenue<br>St. Louis, MO 63110<br><br>Heidi Daughan Trust Etal<br>8255 Hwy 15<br>Gunnison, CO 81230<br><br>Mary Morseth, Etal<br>294 S. 5 <sup>th</sup> Street<br>Gunnison, CO 81230 | 4 | Janie Kelley<br>P.O. Box 1268<br>Gunnison, CO 81230<br><br>Eric Fullmer<br>520 Rio Vista Road<br>Gunnison, CO 81230<br><br>Allison Jones<br>310 S. 5 <sup>th</sup><br>Gunnison, CO 81230<br><br>Hughes Glantzberg<br>P.O. Box 926<br>Gunnison, CO 81230 |



## NOTICE OF PUBLIC MEETING

Westhaven Condominium Owner:

Please note that a public meeting will be held with the Planning and Zoning Commission regarding a street deviation request from Habitat for Humanity, for their project located at 6<sup>th</sup> Street and West New York Avenue. The request is to not make required paving improvements to the north/south alley to the west of their property. This alley is located to the east of your property.

The meeting is scheduled for Wednesday, November 28<sup>th</sup> at 7:00 p.m. in the City Council Chambers, Gunnison Municipal Building, 201 West Virginia Avenue, Gunnison, Colorado. The Planning and Zoning Commission will make a recommendation to the City Council and Council will make a decision regarding the deviation request at a date to be determined.

The City wanted to make sure you were informed of this request by Habitat for Humanity.

Please don't hesitate to contact me at [andie@cityofgunnison-co.gov](mailto:andie@cityofgunnison-co.gov) or 970-641-8154 with any questions you may have.

Sincerely,

Andie Ruggera  
City Planner



## Section 4. General Development Standards

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### §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 communities 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 a 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.



**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 City 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, are 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 *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 American Disabilities Act (ADA). Where such standards do not specifically address a design or construction issue, the 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 7 and Figure 8 on the pages that follow.

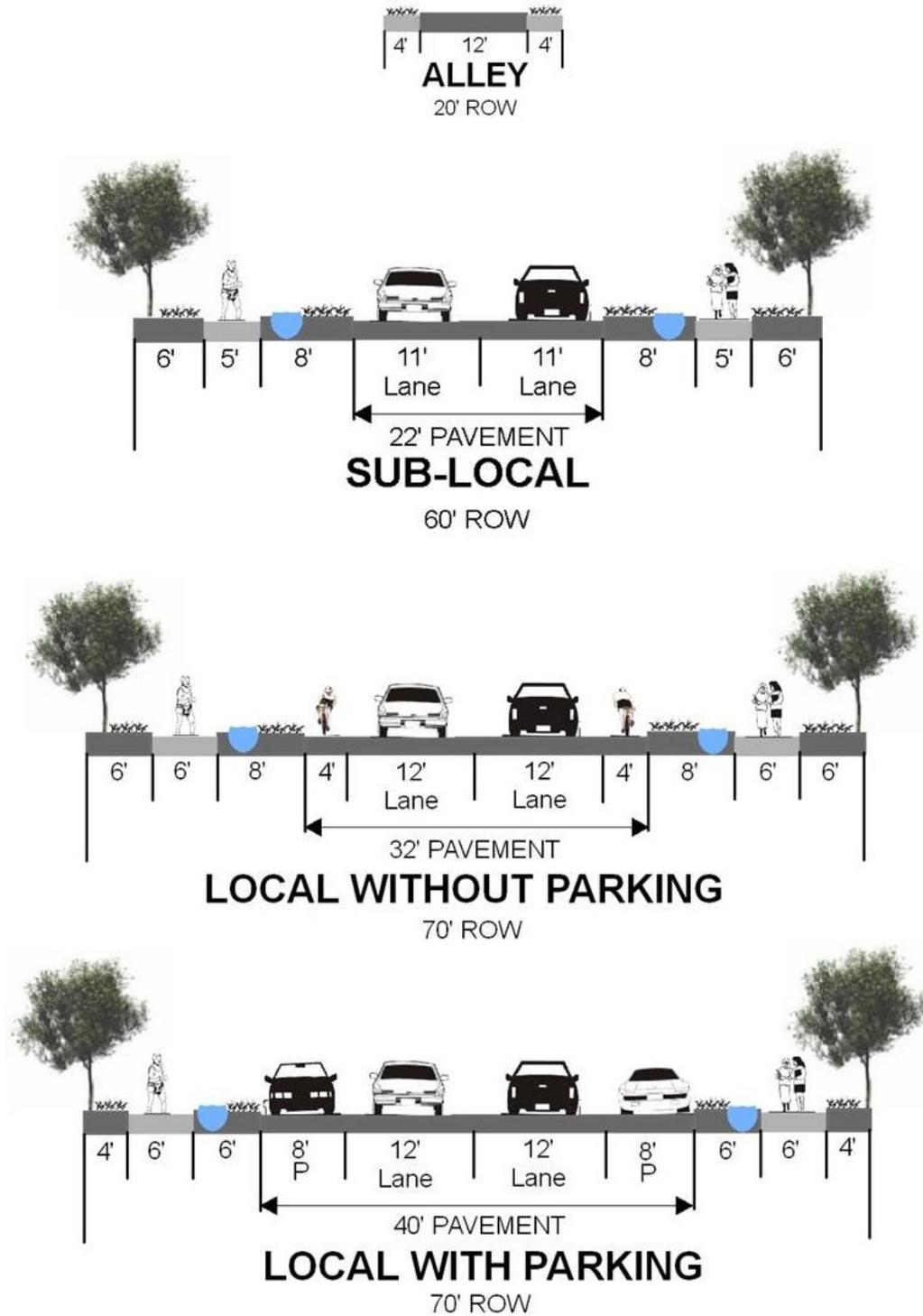


FIGURE 7 ROAD CONSTRUCTION STANDARDS

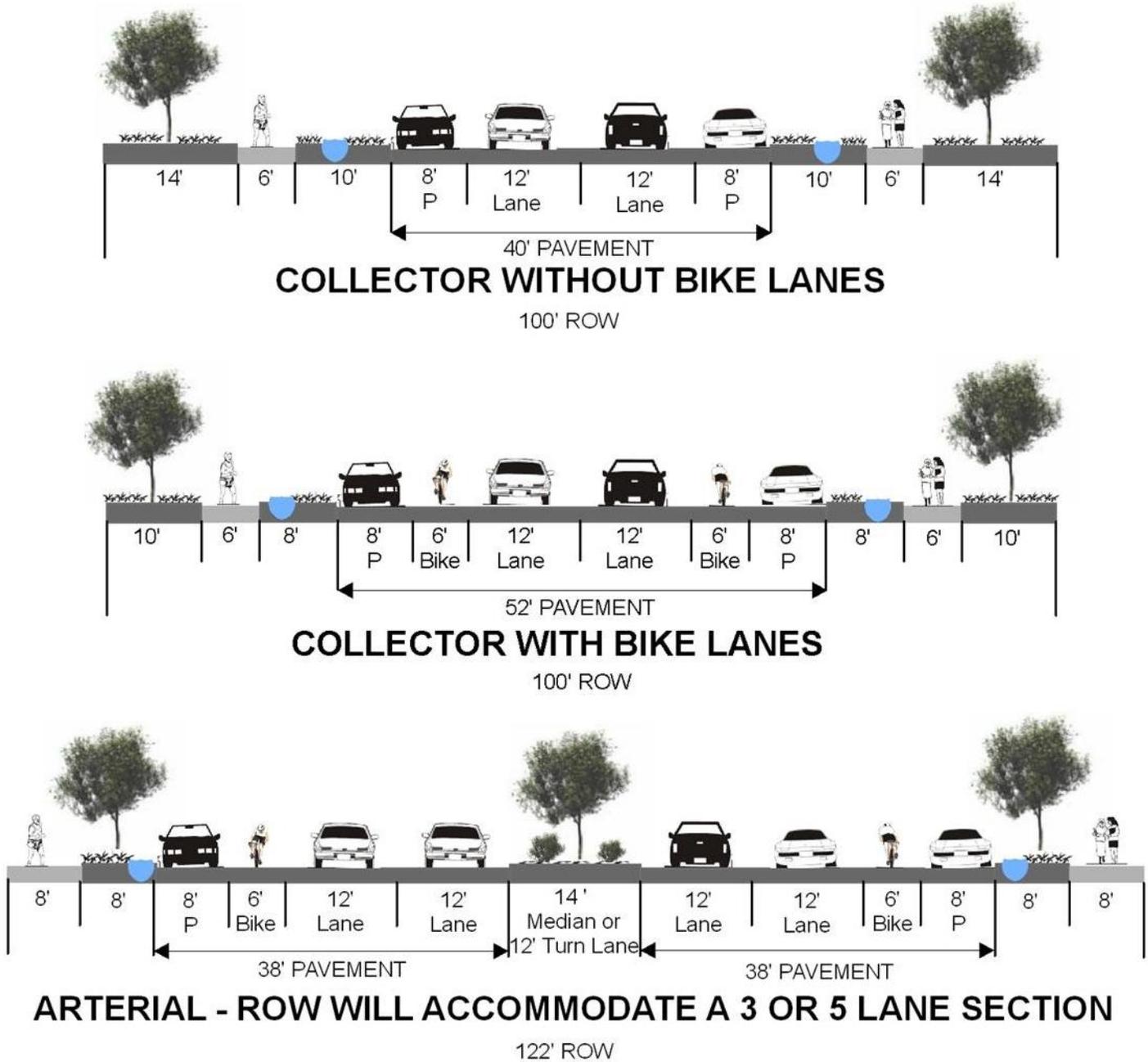


FIGURE 8 ROAD CONSTRUCTION STANDARDS (CONTINUED)

- 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 Planning and Zoning 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 Planning and Zoning 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 alley 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
	w/2 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, surfaced 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 Planning and Zoning 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**

- 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.
- 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.
- 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. 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 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 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 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 intersection 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 development requiring development plan review. Asphalt curb shall not be allowed. Permanent storm water 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. 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. All subdivisions shall provide for street construction and right-of-way connections to adjoining properties.
3. 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. The City shall not accept street and utility improvements for maintenance between November 1<sup>st</sup> and May 1<sup>st</sup> since deficiencies noted on inspection cannot usually be determined or corrected during this period.
2. 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. 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. 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 specification and receipt of reproducible as built drawing 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 were 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. To the maximum extent feasible, the number of new curb cuts shall be minimized by consolidation, shared driveways or other means.
- b. 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. 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. Refer to Table 4-5 for guidelines for vehicular access.

<b>TABLE 4-5 VEHICULAR ACCESS AND CIRCULATION GUIDELINES</b>					
	Zoning District				
	“A” = Applicable “-” = Not Applicable				
	CBD	B-1	C	R-2M	R-3
<b>Curb Cuts</b>					
No new mid-block curb cuts should be permitted along Tomichi Avenue between Adams Street and 10 <sup>th</sup> 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
Lot widths of more than 200 feet shall be limited to no more than 2 driveway curb cuts per lot.	A	A	-	A	A
<b>Driveway Spacing</b>					
Arterial Streets: All driveways accessed from an	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
<b>Curb Cuts</b>					
arterial street should be spaced at least 250 feet from the pavement edge or any other driveway or public street intersection.					
Collector Streets (Major & 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
<b>Requirement for the Location of Service and Loading Docks</b>					
Loading and service docks shall be developed in accordance with §4.4	A	A	A	A	A
<b>Non-Residential Uses-Driveways and Interconnected Access for Shared Parking</b>					
Parking lot 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 multifamily 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 be 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 are strongly encouraged.
2. Shared driveways may be used on adjoining properties and be on or directly adjacent to a property line.
3. Shared driveways require submittal of a maintenance agreement for recordation.
4. Single-family driveways may be shared by up to four single-family residential units.
5. Nonresidential. 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 exceed two feet in height. If there is a conflict between the specified the 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. 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. 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. To the maximum extent feasible, all driveways shall be spaced at least 150 feet from the pavement edge of any other driveway.
- b. 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. Residential driveways shall be spaced at least 20 feet from adjacent driveways.
- b. Driveway 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**

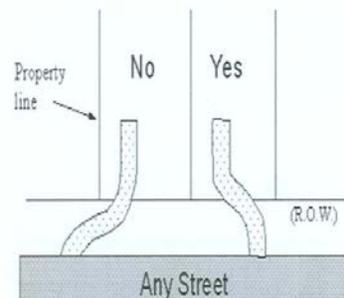
- a. All driveways serving five or more parking spaces shall be paved and constructed with a minimum edge radius of five feet on both sides, and shall be surfaced with at least two inches of bituminous paving material or four inches of concrete. Porous pavement material designed specifically for storm water infiltration may be allowed at the discretion of the City Engineer.
- b. All driveways serving 20 or more parking spaces shall be paved, designed and constructed meeting the standards applicable to a public street.
- c. 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. 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. Driveways serving nonresidential uses shall have a maximum grade of six percent.
- c. 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. Driveways shall to the maximum extent feasible follow natural contour lines.
- e. 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. 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 9.
- b. Whenever possible driveways shall intersect streets at right angles.



**FIGURE 9 OTHER DRIVEWAY CONSTRUCTION STANDARDS**

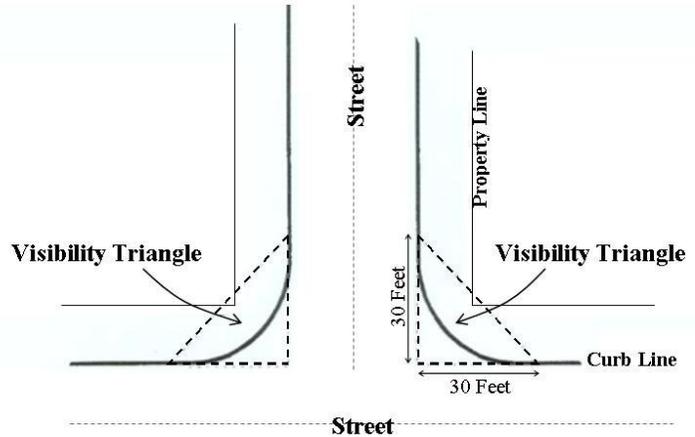
- c. Driveway openings shall be graded and drainage facilities provided where necessary to prevent stormwater from ponding or running across any sidewalk or other pedestrian way.
  - d. All driveways shall be constructed in a manner that shall not cause water to enter onto the street and shall not interfere with the drainage system within the right-of-way.
  - e. Where curbs exist, or are required, driveways shall be paved for their full width from curb to property lines.
  - f. Where curb and gutter exist, a concrete pan shall be provided to carry the flow line.
  - g. Where a single-family driveway crosses a sidewalk, the sidewalk shall be a minimum depth of four inches of concrete.
  - h. Where a multi-family or commercial driveway crosses a sidewalk, the sidewalk shall be a minimum of four inches of concrete.
  - i. Driveways serving parking areas with eight or more stalls are subject to these driveway access standards; such parking facilities shall not be designed back onto any street or alley rights-of-way.
  - j. 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. 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. 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. 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. 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 10. 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 10.

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 10 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. 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. 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. 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. 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. 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. Uses in the CBD 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. Developments containing more than one use shall provide parking spaces in an amount equal to the total of the requirements for all uses.
2. The method of measuring floor area shall be as described in §1.7 F.
3. Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.
4. 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. 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 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	
<b>Residential Use Categories (§3.2)</b>			
Household Living	Single family Dwellings, Townhouses, Two-family Dwellings, Manufactured Home and Mobile Home	2.0 per dwelling unit	
	Multifamily Dwellings, and Upper Floor Residential	1 <sup>st</sup> 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	
	Group Homes	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	
<b>Public, Civic and Institutional Use Categories (§3.4)</b>			
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 (§4.4D2a)	
	Parks and recreational facilities	To be determined by Director (§4.4D2a)	
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
<b>Accommodation, Retail, Service - Commercial Use Categories (§3.6)</b>		
Entertainment Event, Major	Auditoriums	1 space per every 4 seats
	Fairgrounds	To be determined by Director (§4.4D2a)
Office	Banks and Financial Institutions	1.0 per 300 sq. ft. + vehicle stacking see §4.4J
	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 (§4.4D2a)
	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 (§4.4D2a)
	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 (§4.4D2a)
	Theaters	1.0 per 4 seats

TABLE 4-7 (CONTINUED)		
USE CLASSIFICATION	SPECIFIC USE	MINIMUM NUMBER OF SPACES REQUIRED
<b>Industrial Use Categories (§3.8)</b>		
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
<b>Other Use Categories (§3.10)</b>		
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:

<b>TABLE 4-8 DISABLED ACCESS PARKING</b>			
<b>TOTAL PARKING SPACES IN LOT</b>	<b>MINIMUM ACCESSIBLE SPACES</b>	<b>MINIMUM VAN- ACCESSIBLE SPACES</b>	<b>MINIMUM CAR- ACCESSIBLE SPACES</b>
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. 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. 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. 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. 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 11).

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

<sup>1</sup>Designed fire lanes and emergency vehicle access mandated by the International Fire Code may require additional aisle width dimensions.

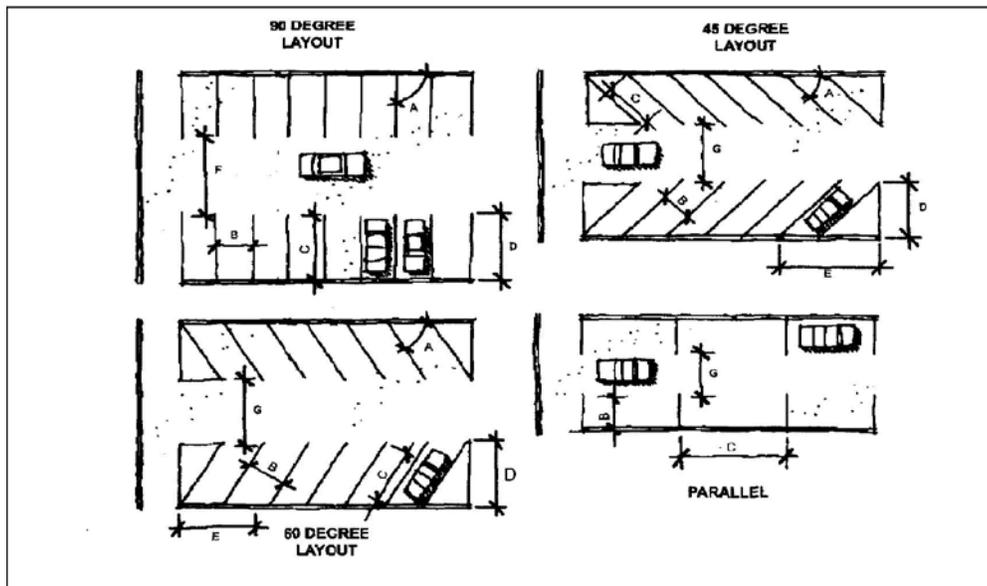


FIGURE 11 PARKING STALL DIMENSIONS

**E. Location**

1. Except as otherwise expressly proved in this Section, required off-street parking stalls and aisles shall be located on the same lot or parcel as the principal use.
2. In all nonresidential districts except the Industrial 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. 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. See §5.4 E.1.b. for required parking area setbacks from delineated river/stream corridors and wetlands.
  5. 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. 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 areas with eight or more stalls subject to these driveway access standards; such parking facilities shall not be designed back onto any street or alley rights-of-way.

**1. Dimensions**

- a. The maximum grade permitted for any required parking shall not exceed six percent.
- b. 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. 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. 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 multifamily 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 districts shall be located in nonresidential districts. Off-site parking areas serving uses located in residential districts may be located in residential or nonresidential 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 record owners shall be required. An attested copy of the agreement between the owners of record must be submitted to the Community Development Director 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 the 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. **Zoning Classification.** Shared parking areas serving uses located in nonresidential districts shall be located in nonresidential districts. Shared parking areas serving uses located in residential districts may be located in residential or nonresidential 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 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.

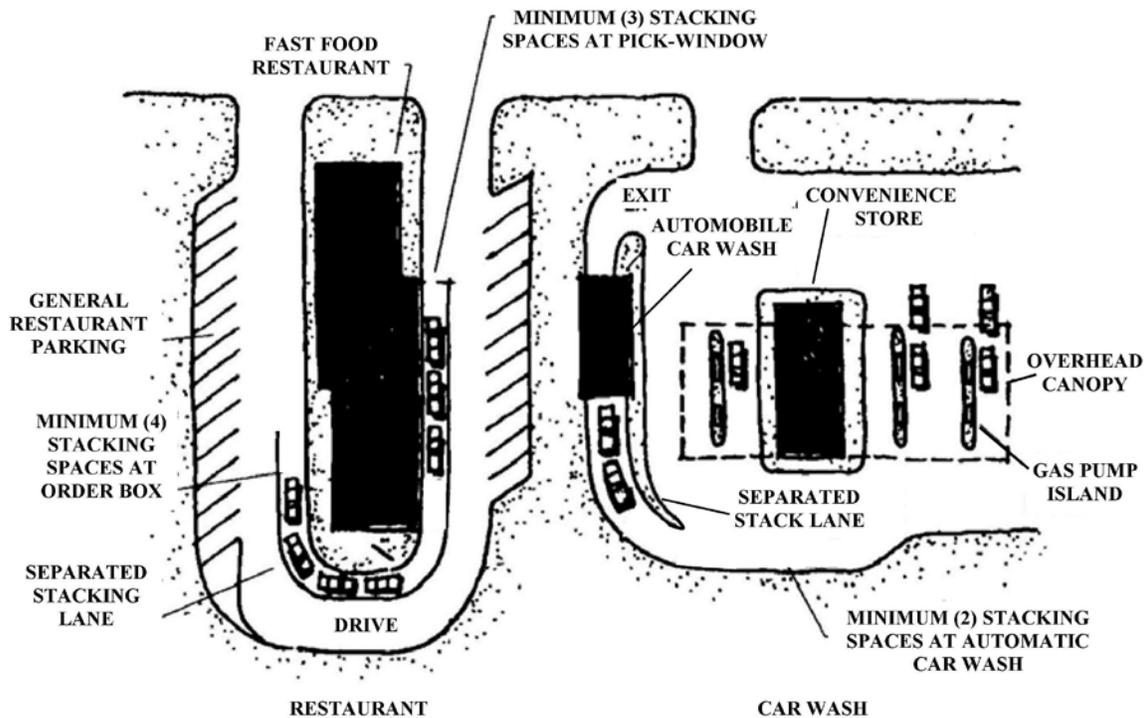


FIGURE 12 VEHICLE STACKING AREAS

**K. Off-Street Loading Requirements**

1. **Off-Street Loading.** Off-street loading docks may be proved with the following dimensions.
  - a. **Loading Dock Dimensions**
    - i. Type A: 10 foot minimum width, 20-foot minimum length and 10 foot minimum vertical clearance.
    - ii. Type B: 12 foot minimum width, 35-foot minimum length and 14 foot minimum vertical clearance.

**2. Location and Layout**

- a. Off-street loading docks shall be on the site of the use served by the facility.
- b. A loading area shall not be located in required setback.
- c. No loading bay may intrude into any portion of a required parking aisle or access dimension.
- d. Loading areas shall be screened in accordance with §4.6 I.3.
- e. 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. 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. 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. 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 strips or sections of concrete or stone 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 10 foot wide treadway surface centered on the easement center line.

### C. Pedestrian Linkage Requirements

1. 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, *City of Gunnison Master Plan* and *Trails Master Plan*.
2. All subdivisions established after the adoption of this *LDC* shall provide pedestrian circulation improvements.
3. 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. 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. In R-1, R-1M, and R-2 residential districts sidewalks at least four feet wide shall be provided on both sides of any rights-of-way. Multi-family districts (RMU and R-3) are subject to the provisions of §4.5 D.3.
3. Unless otherwise specified, sidewalks are required according to one of the following placement alternatives:
  - a. **Attached Facilities.** In the Commercial, CBD, and Multi-Family 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. Sidewalks and multi-use trails shall be placed within the rights-of-way as determined by the Director and as specified below.
2. 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. All pedestrian facilities shall be designed in accordance with *American Disabilities Act* (ADA) regulations and the requirements of this *LDC*, whichever is safer for pedestrians.
4. 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. 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. 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. 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. 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. 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. All new subdivisions and exempt subdivision plats shall be required to dedicate and install trails where trail alignments, as depicted in the *City of Gunnison Non-Motorized Transportation Plan*.
2. 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 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. No development plan required under this Code 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. 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. 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 multifamily, 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 G 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 Districts**

1. The minimum number of trees and shrubs shall be provided per required landscaped area in zone districts according to Table 4-11.

<b>TABLE 4-11 MINIMUM TREE AND SHRUB PLANTINGS</b>	
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.
Multifamily 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. The landscape area in all zone districts except the CBD and Industrial 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. The 10 percent landscaped area in the Industrial District, as required by Table 2-4 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**

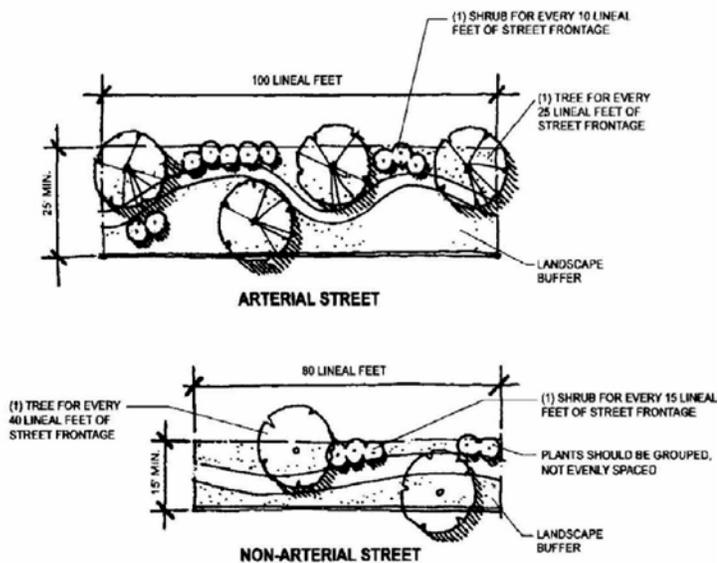
1. **Purpose.** Buffering is intended to help mitigate the physical, visual and environmental impacts created by development on adjacent properties. Buffering and screening creates a visual buffer between incompatible or differing land uses.
2. **Waivers.** A waiver from these buffer and screening standards may be granted by the Planning and Zoning 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 Planning and Zoning Commission may consider other site specific circumstances not contemplated herein, and are not the result of a previous development constraints initiated by the applicant.
3. **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. 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 district boundary.
- c. A minimum buffer consisting of eight evergreen trees and 10 shrubs per one hundred linear feet of district boundary shall be installed between the following zoning districts:
  - i. an industrial district and any other zoning district;
  - ii. a commercial district and any residential district; or
  - iii. all multi-family residential districts (RMU/R-3) and any other residential 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 district; but parking lots developed in the CBD shall comply with Parking Lot Landscape Standards (§4.6 0.).
  - ii. development in the Industrial 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 13)



**FIGURE 13 BUFFERING REQUIREMENTS**

- d. 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 13.
  - e. 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 13).
    - 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.2.
  - 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 14 shall serve as a guide for the calculation of buffer requirements.

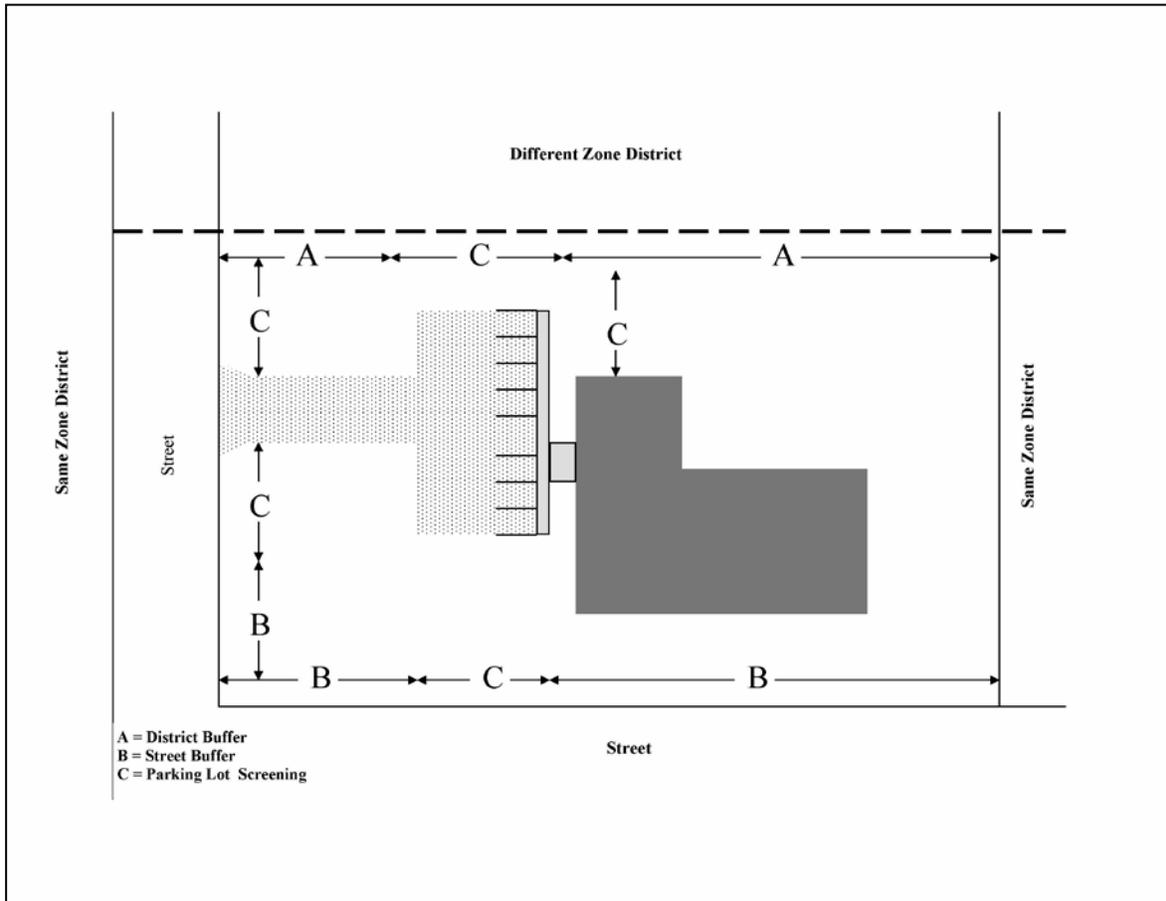


FIGURE 14 GUIDE FOR BUFFER CALCULATION

**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 districts shall be exempt from these Perimeter Landscaping standards (see Figure 15).

**b. General Requirements** (see Figure 15)

- 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 15).
  - 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 district boundary is subject to District buffer standards.

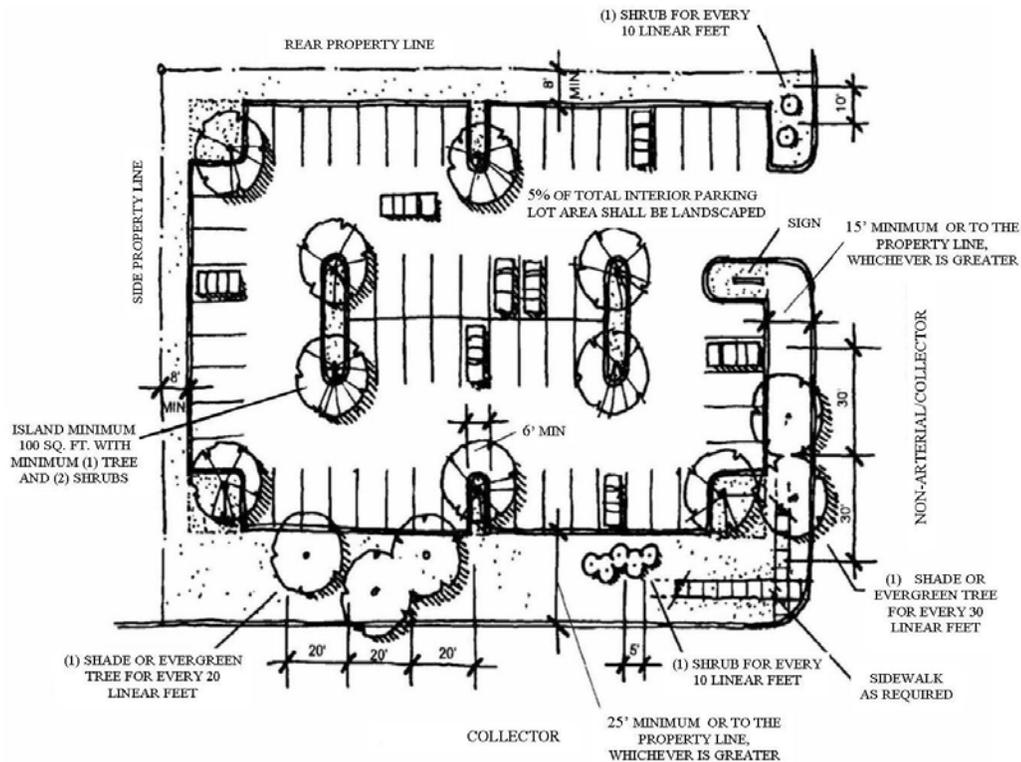
### 3. Parking Lot Interiors

- a. **Applicability.** All parking lots with 30 or more parking places 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 15).

**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 storm water 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 15).
- 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 15 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**

- a. 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.
- b. In all non-residential districts except the Industrial, all fencing shall be finished on all sides that are visible from off-site.
- c. 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.
- d. 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.
- e. Barbed-wire and similar fence materials may only be used in conjunction with a permitted agricultural and security uses.

**2. Fence and Wall Standards**

- a. A fence or wall in any residential district front yard shall not exceed four feet in height.
- b. Fences and walls over six feet in height require a building permit and must be constructed in conformance with the adopted *International Building Code*.
- c. Excluding lots in the Industrial and Commercial Districts not abutting another zone district, all fences and walls greater than eight feet shall comply with the setback requirements for structures in the various zoning districts.
- d. The construction and maintenance of fences and walls shall comply with §4.3 J.4, Intersection and Driveway Visibility.
- e. 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.
- f. Fences or walls located on City rights-of-way are subject to a license agreement which is authorized by City Council.
- g. 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.
- h. **Plantings in Conjunction with Fences/Walls.** Where opaque or solid fencing/walls continue for more than forty 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 forty 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 forty 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.** 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 15).
  - b.** No drive-thru window shall be permitted on the side of a building adjacent to any residential district without a six foot opaque fence or wall and shall comply with District Boundary buffers (§4.6 §4.6F.3.).
- 2. Service Areas**
  - a.** In all non-residential and multi-family 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.** 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.** Provide a minimum 100 percent year-round screen of all Type B loading areas visible from residential properties or public rights-of-way.
  - b.** 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.** All Type B loading docks not in the Industrial 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.** 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 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 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 and shrubs that fail to produce leaves on more than fifty percent of the plant by July 1<sup>st</sup> of the calendar year.
  - b. Evergreen trees and shrubs with needle loss or browning over more than 50 percent of the tree.
  - c. 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, insect-infested or parasite-infested plants that cannot be adequately treated to prevent premature death or to prevent contamination of other plant materials.
  - e. 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 period 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

1. Any merchandise, material or equipment stored outside of a fully-enclosed building shall be subject to the requirements of this section.
2. 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.
3. 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. 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. The extent of outdoor display permitted adjacent to the building façade shall be depicted on the development plan submittal.
3. 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.
4. Outdoor display shall be located no closer than six feet from any public entrance.
5. Outdoor display shall not impair the ability of pedestrians to use the accessways or parking areas.
6. The display area shall not encroach upon or interfere with on-site access, required parking, circulation, or required landscaping.
7. The display area shall, at all times, be kept neat, clean, and free of litter and debris.

##### C. Outdoor Storage

1. 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. The extent of outdoor storage shall be depicted on the development plan submittal and shall meet the standards cited in this Section.
  3. 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. 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.
  5. Outdoor storage shall comply with the Intersection and Driveway Visibility Standards found in §4.3 J.4.
  6. Outdoor storage may be located in the rear yard setback.
  7. 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. *Dissolve* 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  $cd/m^2$ , 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. *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.
- v. *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.
- w. *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.
- x. *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.
- y. *Revolving, Rotating or Spinning sign* is a sign that has the capability to revolve three

hundred and sixty degrees (360°) about an axis. See also: *Animated Sign, Mechanically Activated Sign*.

- z. *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*).
  - aa. *Sale sign* means a temporary sign advertising a special sale of merchandise.
  - bb. *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.
  - cc. *Suspended sign* means a sign suspended from the ceiling of an arcade, marquee or canopy.
  - dd. *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.
  - ee. *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.
  - ff. *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.
  - gg. *Vending Machine sign* means a sign that is incorporated into and designed as a part of a vending machine.
  - hh. *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.
  - ii. *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.
  - jj. *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 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 districts and a maximum size of 60 square feet in all other districts.
3. **Real Estate Signs.** Real Estate signs are exempt under §4.8.38 D.
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:  $(LF \times 2) + 20$  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 ( $H \times W$ ;  $\pi r^2$ ; etc).

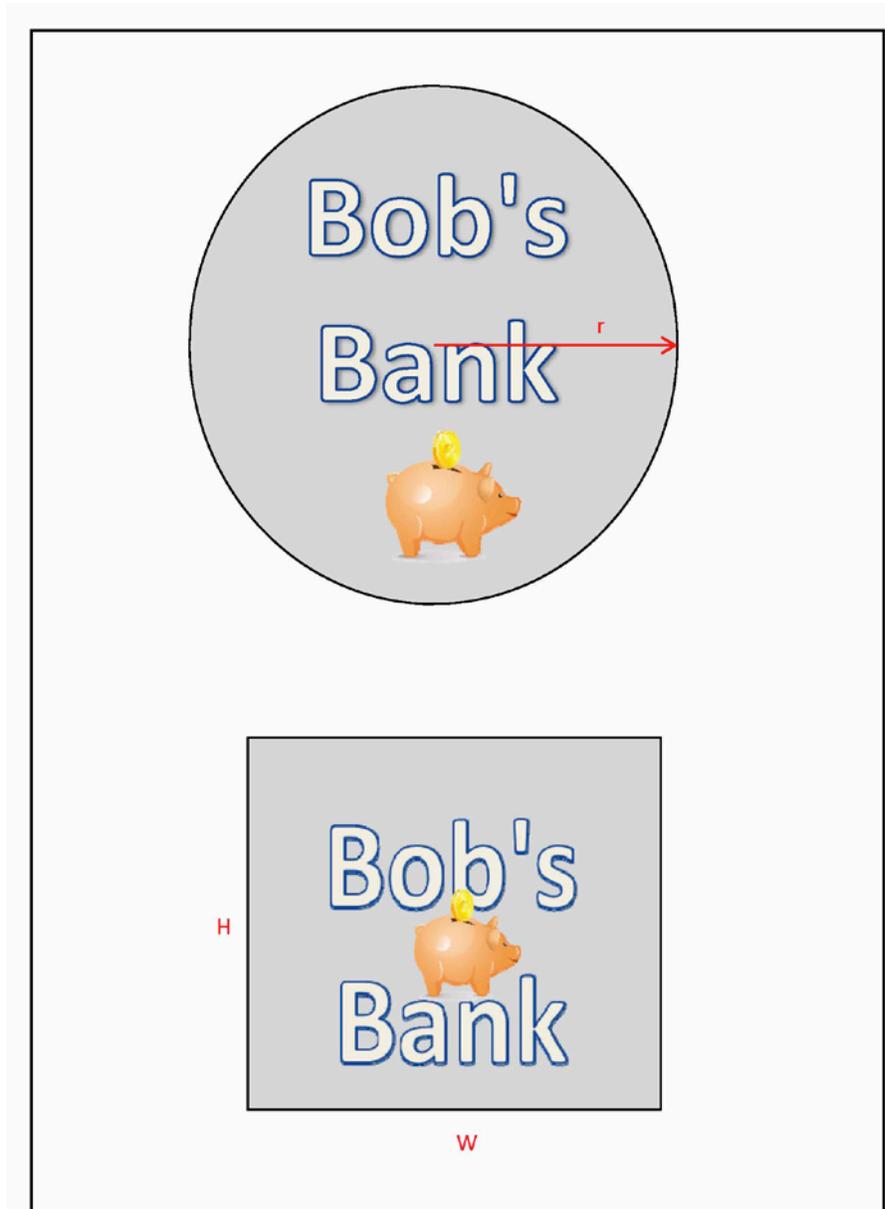
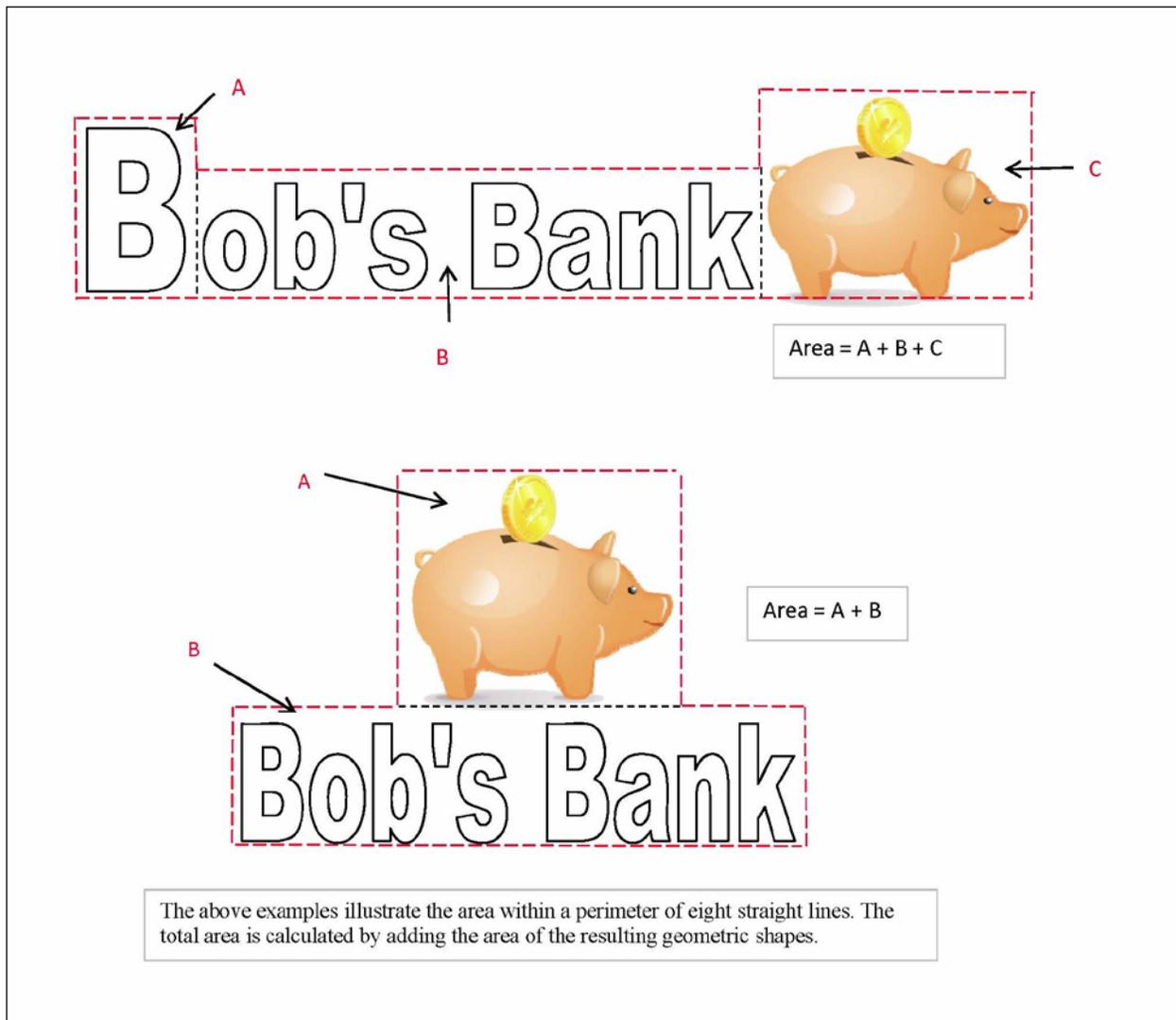


FIGURE 16 GEOMETRIC SIGNS

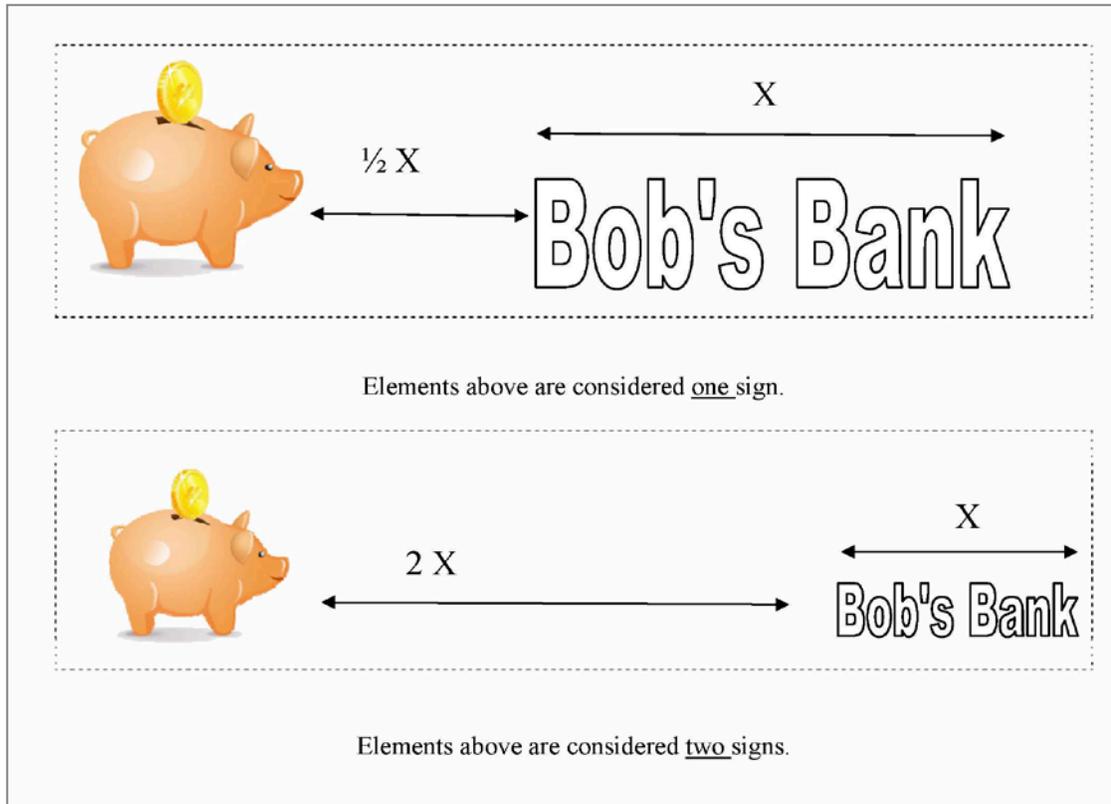
- b. In the case of an irregularly shaped sign or a sign with letters and/or symbols directly affixed to or painted on the wall of a building, the area of the sign shall be the entire area within a single continuous perimeter of not more than eight straight or radial lines enclosing the extreme limits 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 17 IRREGULAR 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 18 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 18 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 to 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/m<sup>2</sup> 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 districts except for schools, churches or other community buildings that are located in a residential 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.J.4.
  - 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.

## 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 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 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	<b>Awning signs</b> (§4.8 C 38 c), <b>Canopy signs</b> (§4.8 C 38 f), or <b>signs on Architectural Projections:</b> 30% of the width multiplied by the vertical height of the projection	1 per building face or per business storefront	
	<b>Free Standing signs</b> (§4.8 C 38 n): calculated PSA up to a maximum of 60 square feet. <b>EMC</b> (§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.9 for additional standards associated with freestanding signs.
	<b>Joint Identification signs</b> (§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: <b>Marquees</b> (§4.8 C 38 t), <b>Roof signs</b> (§4.8 C 38 z), or <b>Wind signs</b> (§4.8 C 38 ii) – 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
	<b>Projecting signs</b> (§4.8 C 38 w): 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
	<b>Standard Brand-Name signs:</b>	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
	<p><b>Suspended signs</b> (§4.8 C 38 cc): 1.5 square feet per face (3' total). Does not count toward the total PSA.</p>	<p>1 per building face or per business storefront</p>	<p>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.</p>
	<p><b>Temporary signs</b> (§4.8 C 38 dd and §4.8 F): 36 square feet</p>	<p>1 per street frontage</p>	<p>12 feet</p>
	<p><b>Time/Temperature/Community Announcement signs:</b> 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.</p>	<p>1 per building face or per business storefront</p>	
	<p><b>Wall signs</b> (§4.8 C 38 hh): calculated PSA. <b>EMC</b> (§4.8 C 38 k): 25% of sign area in Commercial; 12 square feet in CBD and Industrial</p>	<p>1 per building face or per business storefront</p>	<p>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.</p>

**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
<p>In addition to §4.8 E., the following signs are prohibited:</p> <p><b>Bulletin Board</b> signs (§4.8 C 38 e)</p> <p><b>Marquee</b> signs (§4.8 C 38 t)</p> <p><b>Portable</b> signs (§4.8 C 38 v)</p> <p><b>Roof</b> signs (§4.8 C 38 z)</p> <p><b>Vending Machine</b> signs (§4.8 C 38gg)</p>	<p><b>Awning signs</b> (§4.8 C 38 c), <b>Canopy signs</b> (§4.8 C 38 f), or <b>signs on architectural projections:</b> 30% of the width multiplied by the vertical height of the projection</p>	<p>1 per building face or per business storefront</p>	<p>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 those provisions.</p>
	<p><b>Free Standing signs</b> (§4.8 C 38 n): calculated PSA or 12 square feet maximum. <b>EMC</b> (§4.8 C 38 k): 15% of sign area</p>	<p>1 per general access point</p>	<p>6 feet</p>
	<p><b>Joint Identification signs</b> (§4.8 C 38 s): PSA depends upon the sign type.</p>	<p>1 per building face or per business storefront</p>	<p>May be freestanding, projecting, or wall. Where a joint identification sign is used, there shall be no other freestanding signs permitted on the premises.</p>
	<p><b>Projecting signs</b> (§4.8 C 38 w): 12 square feet per sign face <b>EMC</b> (§4.8 C 38 k): 25% of sign area</p>	<p>1 per building face or per business storefront</p>	<p>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</p>
	<p><b>Suspended signs</b> (§4.8 C 38 cc): 1.5 square feet per face (3 feet total). Does not count toward the total PSA. <b>EMC</b> (§4.8 C 38 k): 25% of sign area.</p>		<p>8 feet from the ground to the bottom edge of the sign.</p> <p>Minimum horizontal separation: 15 feet between suspended signs.</p> <p>Projection: shall not project beyond the outside limits of the arcade, canopy, or marquee to which they are attached.</p>

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
	<b>Standard Brand-Name signs:</b> 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.	
	<b>Temporary signs</b> (§4.8 C 38 dd and §4.8 F): 36 square feet	1 per street frontage	12 feet
	<b>Time/Temperature/Community Announcement signs:</b> 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	
	<b>Wall signs</b> (§4.8 C 38 hh): calculated PSA up to 75 square feet maximum. <b>EMC</b> (§4.8 C 38 k): 12 square feet of sign area.		

TABLE 4-14 SCHEDULE OF REQUIREMENTS FOR SINGLE-FAMILY AND DUPLEX 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: <b>Awning</b> signs (§4.8 C 38 c) <b>Canopy</b> signs (§4.8 C 38 f)  <b>Changeable</b> signs (§4.8 C 38 g)  <b>Electronic Message Centers</b> (§4.8 C 38 k and §4.8H 3b)  <b>Joint Identification</b> signs (§4.8 C 38 s)  <b>Marquee</b> signs (§4.8 C 38 t)  <b>Portable</b> signs (§4.8 C 38 v)  <b>Roof</b> signs (§4.8 C 38 z)  <b>Vending Machine</b> signs (§4.8 C 38 gg)  <b>Wind</b> signs (§4.8 C 38 ii)	<b>Identification signs</b> (§4.8 C 38 q): 4 square feet	1 per building	6 feet
	<b>Temporary Signs</b> (§4.8 C 38 dd and §4.8 F): 36 square feet	1 per street frontage	12 feet
	<b>EMC</b> (§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 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:  <b>Awning signs</b> (§4.8 C 38 c)  <b>Bulletin Board signs</b> (§4.8 C 38 e)  <b>Canopy signs</b> (§4.8 C 38 f)  <b>Electronic Message Centers</b> (§4.8 C 38 k and §4.8 H 3b)  <b>Marquee signs</b> (§4.8 C 38 t)  <b>Portable sign</b> (§4.8 C 38 v)  <b>Roof signs</b> (§4.8 C 38 z)  <b>Vending Machine signs</b> (§4.8 C 38 gg)  <b>Wind signs</b> (§4.8 C 38 ii)	<b>Free Standing signs</b> (§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
	<b>Projecting signs</b> (§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
	<b>Suspended signs</b> (§4.8 C 38 cc): 1.5 square feet per face (3' total)		
	<b>Wall signs</b> (§4.8 C 38 hh): calculated PSA up to 75 square feet maximum		
	<b>Temporary signs</b> (§4.8 C 38 dd and §4.8F): 36 square feet	1 per street frontage	12 feet
	<b>EMC</b> (§4.8 C 38 k and §4.8H 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, 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 illuminaries (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 ie: Gunnison-Crested Butte Regional Airport and Western State College of Colorado.
- 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, 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 Multifamily 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 multifamily 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 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 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 completed in accordance with the following requirements.

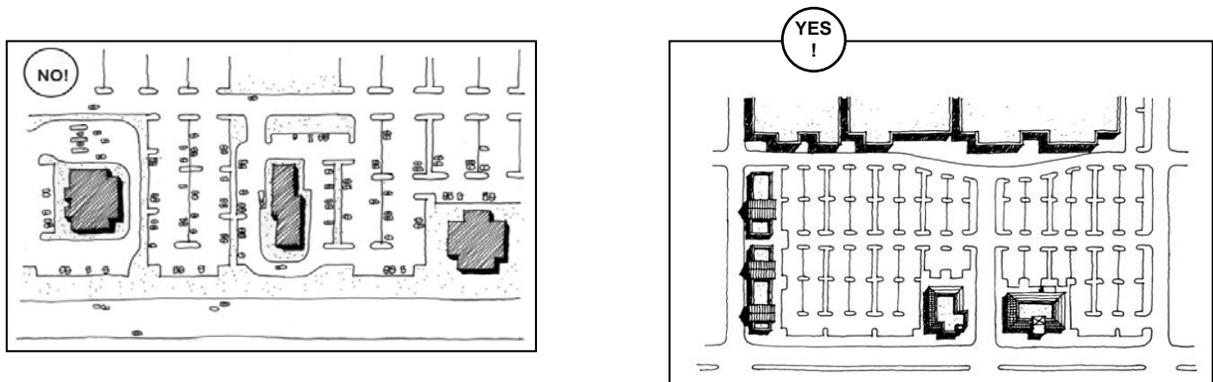
1. **Location Standards.** Pad sites shall be clustered together to define street edges and entry points or to enclose and create community amenities and visual interest between buildings. Pad site building wall planes shall be no more than 100 feet from primary street frontages, major collector streets, 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.
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.



**FIGURE 19 BUILDING ORIENTATION FOR MULTIPLE BUILDING DEVELOPMENT**

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.

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.

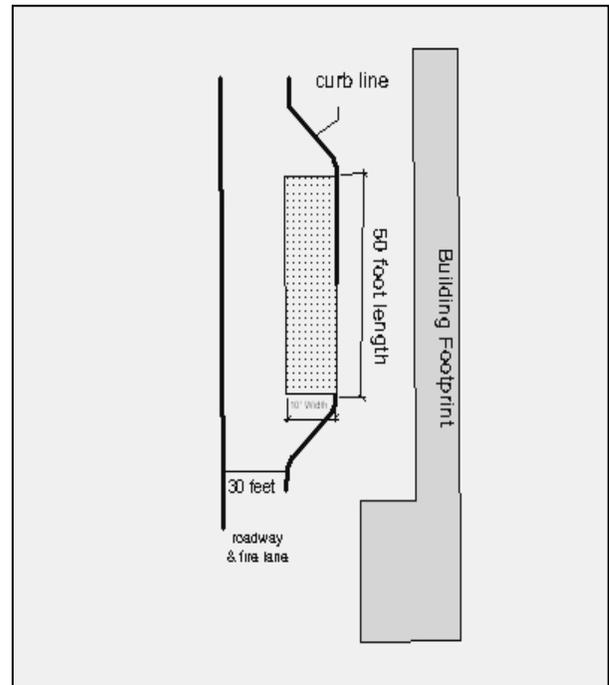


FIGURE 20 PASSENGER LOADING ZONES

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 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 §4.5 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 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 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.

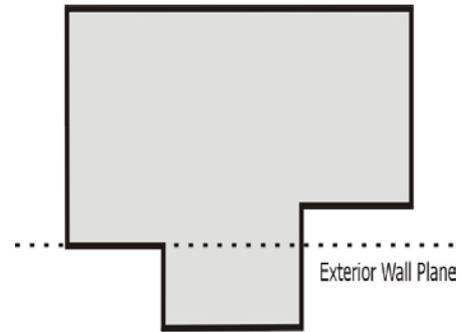
**b.** Liner and pad site buildings shall have separate, exterior customer/resident entrances. Such entrances are preferred on both street and parking lot sides. The street level façade of liner or pad site buildings shall have transparent fenestration, entry areas, awnings or other features eight feet above the walkway grade for no less than 60 percent of the horizontal length of the building façade of such additional stores.



**FIGURE 21 GROUND FLOOR FAÇADES**

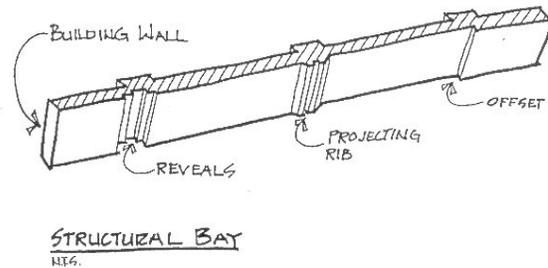
**3. Articulation**

- 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.
- 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:



**FIGURE 22 EXTERIOR WALL PLANE**

- 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:



**FIGURE 23 SECONDARY FAÇADE**

- 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;
- 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 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;
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;
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



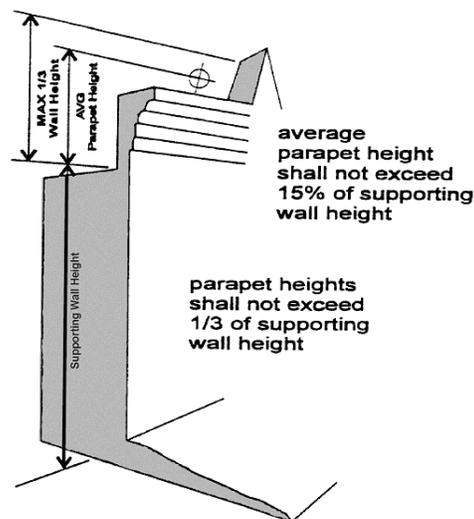
**FIGURE 25 BUILDINGS ENTRANCES**

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;
- 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;



**FIGURE 26 PARAPETS**

- 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*.

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## Section 5. Natural Resource Protection Standards

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### §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 §16.2 of this LDC (See Figure 27).

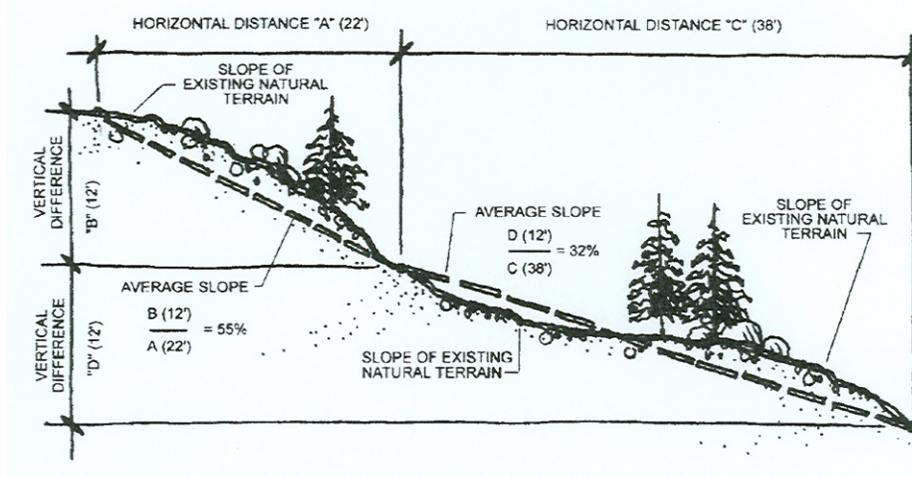


FIGURE 27 SLOPE PROTECTION STANDARDS

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%	>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 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 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 ten 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).

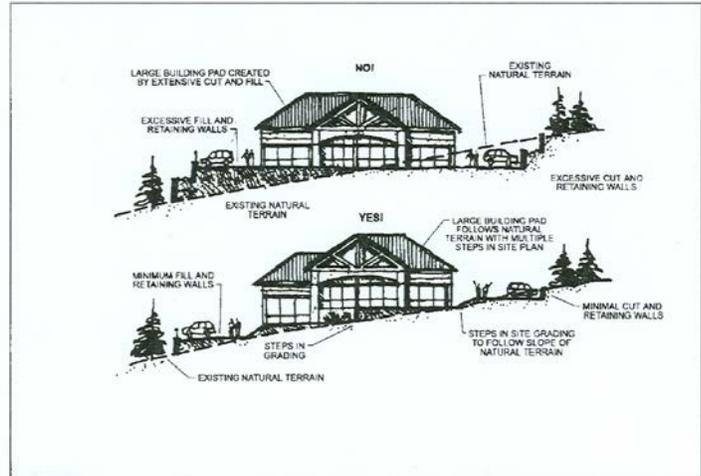
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**§5.3 GRADING AND EROSION CONTROL**

- 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 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, 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 28).



**FIGURE 28 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. Retaining wall use 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.

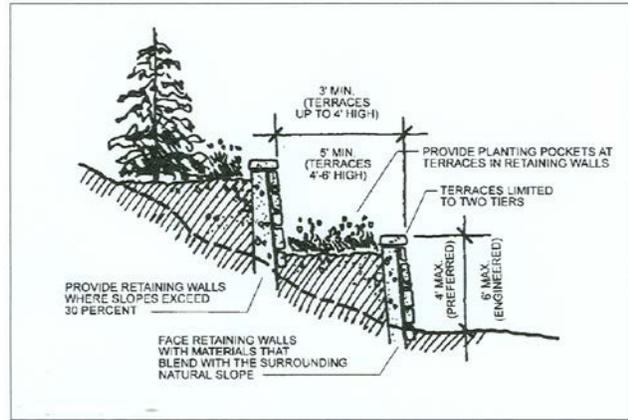


FIGURE 29 RETAINING WALLS

- 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.

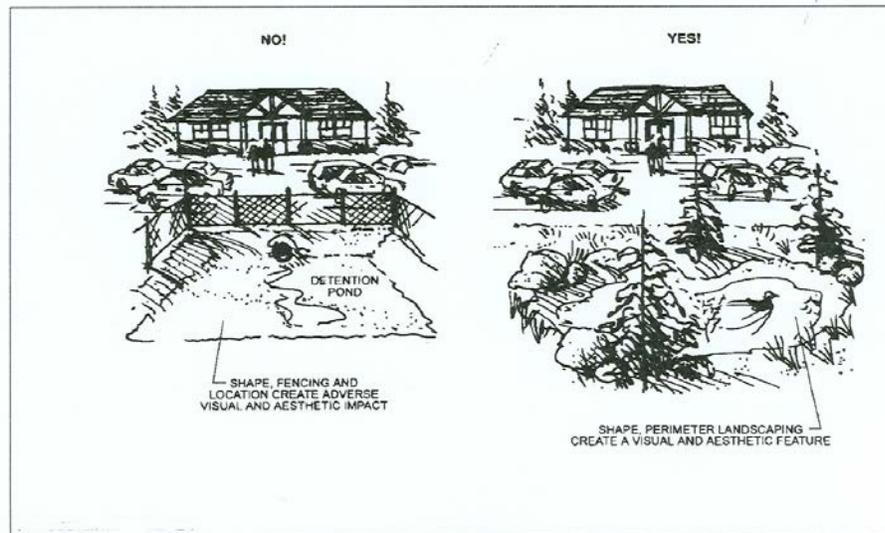


FIGURE 30 DETENTION AND STORMWATER FACILITIES

## 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 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

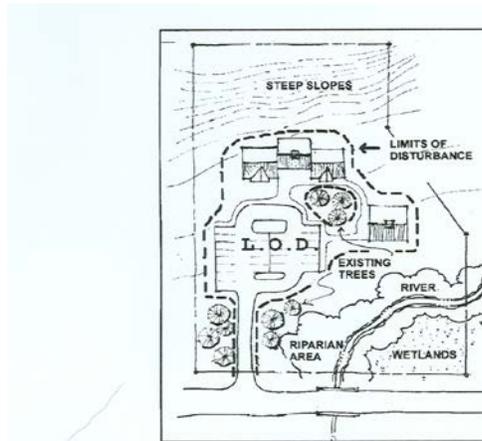
construction shall be stockpiled and conserved for later use on areas requiring revegetation or landscaping, such as cut-and-fill slopes.

## 8. Limitations of Disturbance

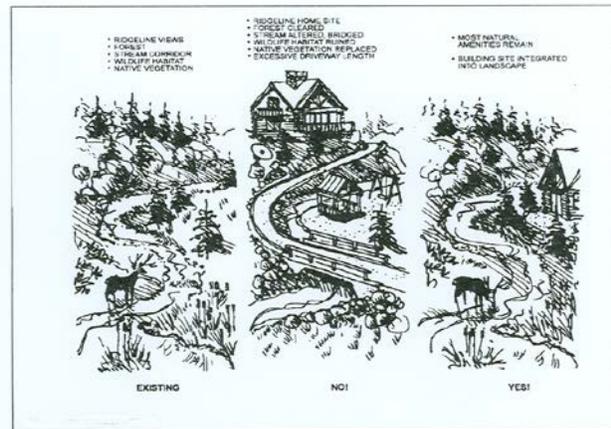
- a. Defined.** Limits of Disturbance (LOD) means the areas of a site that may be disturbed by earth movement (grading), or cleared of vegetation, including disturbance or clearance to provide space for construction of principal and accessory uses and structures, driveways, parking areas, roads, drainage and stormwater management facilities or utilities.
- b. Establishment of Limits of Disturbance.** 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 31 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.cdphe.state.co.us/wg/PermitsUnit/stormwater](http://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 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](http://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 33 Wetland/Stream Setback).

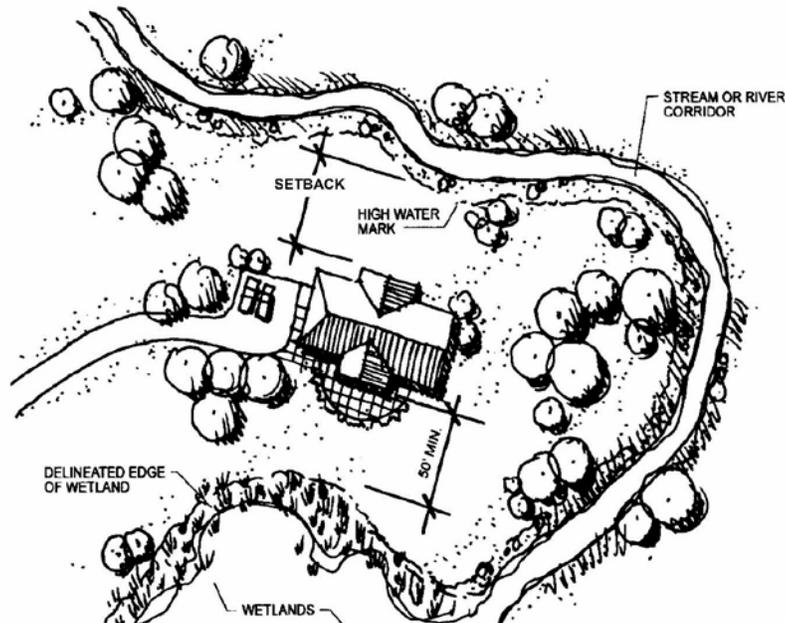


FIGURE 32 WETLAND/STREAM SETBACK

## 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 33).
- 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 33). Development on lots that were approved for single-family residential use prior to the adoption of this *LDC* shall be exempt.
- 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 9. Development Standard Waivers

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### §9.1 GENERAL

- A. Purpose.** This Section defines the procedures and required showing to obtain waivers from the standards established in Section 4, 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 in either Section 4 or Section 5 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 Planning and Zoning Commission (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. 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. Waivers that are determined by the Planning and Zoning Commission and/or administratively by City staff are related to Site Development Applications. Waivers considered by the Planning and Zoning Commission are acted upon as a public hearing agenda item at a meeting. The application 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, to include subdivision applications, as defined in §6.2.A of this *LDC*.

### §9.2 APPLICATION CONTENTS

Formal requests for waivers 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 depicts 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 to the decision-making body which summarizes the application’s compliance with the conditions outlined in §9.4. 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 Planning and Zoning Commission shall require public notice that the Commission will conduct a hearing to consider the application for a variance as specified in §6.7, Stage 4: Provision of Public Notice.
- E. **Action by Decision-Making Authority.** The Commission 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 minimum review criteria set forth in §9.4 or is found not to be in the best interest of the health, safety, or welfare of the City and its residents.
- 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.

**§9.4 REVIEW CRITERIA**

All waiver applications 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 area for landscaping and buffers.
7. The development of pedestrian 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 on all 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 precludes 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 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 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*.

**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 application of the ridgeline standards renders the site undevelopable.
2. Application of the ridgeline standard will result in substantial economic hardship and the economic hardship is not created by the applicant or otherwise self imposed.
3. 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. Waiver 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 BODY AUTHORITY**

The decision-making body 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 Planning and Zoning 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 to establish the waiver authorized, or if the waiver does not require a site development permit, unless the waiver is established, ongoing, and in operation. Such time period shall not be altered by transfer of ownership.
- B. 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 body 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 may be appealed by the applicant to the Planning and Zoning 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 Planning and Zoning Commission may affirm, modify, reverse or remand the application back to the decision making body with specific directions.

§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. Sewage Disposal			rec	√	
§4.1 D.1 Level of Service	√				
§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	√				
§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 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. Modifications and Waivers					PW Director
§4.2 B. Streets					

**TABLE 9-1 DECISION-MAKING FOR WAIVERS**

<b>CODE SECTION</b>	<b>NO WAIVER ALLOWED</b>	<b>CD DIRECTOR</b>	<b>P&amp;Z</b>	<b>CC</b>	<b>OTHER / COMMENTS</b>
§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	√	
§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					
§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			rec	√	
§4.2 M. Street Paving and Signs			rec	√	
§4.2 O. Erosion Control			rec	√	
§4.2 P. Clustered Mail Box			rec	√	

TABLE 9-1 DECISION-MAKING FOR WAIVERS					
CODE SECTION	NO WAIVER ALLOWED	CD DIRECTOR	P&Z	CC	OTHER / COMMENTS
§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 Number of Driveway Curb Cuts		√			
§4.3 B.1.b. No driveway openings on State Highways		√			
§4.3 B.1.c Arterial street-one driveway opening per lot.			√		
§4.3 C. Backing Prohibited			√		
§4.3 D. Shared Driveways			√		
§4.3 D.2. Shared Driveways may be on property line	√				
§4.3 D.3. Maintenance Agreement Required	√				
§4.3 D.4. Multi-family Access Threshold	√				Consider revising this standard
§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					
§4.3 J.1 Surface Material Standards		√			
§4.3 J.1.a. Driveway construction for 5+ parking spaces		√			
§4.3 J.1.b. Driveways construction 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. Driveways shall to the maximum extent feasible follow natural contour lines.		√			
§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. Whenever possible driveways shall intersect streets at right angles.		√			

TABLE 9-1 DECISION-MAKING FOR WAIVERS					
CODE SECTION	NO WAIVER ALLOWED	CD DIRECTOR	P&Z	CC	OTHER / COMMENTS
§4.3 J.3.c. Driveway grading and drainage		√			
§4.3 J.3.d. Driveways shall not interfere with drainage in the right-of-way		√			
§4.3 J.3.e. When paving is required	√				
§4.3 J.3.f. When concrete pan is required	√				
§4.3 J.3.g. Sidewalk depth where driveway crosses for single-family drive		√			
§4.3 J.3.h. Sidewalk depth where driveway crosses for multi-family or commercial		√			
§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.	√				
§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. 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					
§4.4 D.1.a Disabled Access Parking	√				ZBAA or CD Director if 20% reduction is OK

TABLE 9-1 DECISION-MAKING FOR WAIVERS					
CODE SECTION	NO WAIVER ALLOWED	CD DIRECTOR	P&Z	CC	OTHER / COMMENTS
§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 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		√			
§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			√		

TABLE 9-1 DECISION-MAKING FOR WAIVERS					
CODE SECTION	NO WAIVER ALLOWED	CD DIRECTOR	P&Z	CC	OTHER / COMMENTS
§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.1 Applicability			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	√	
§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 approved by CD Director		√			
§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					
§4.5 F.1. Subdivisions required to dedicate and install trails			rec	√	

TABLE 9-1 DECISION-MAKING FOR WAIVERS					
CODE SECTION	NO WAIVER ALLOWED	CD DIRECTOR	P&Z	CC	OTHER / COMMENTS
§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. CO requires final landscaping inspection		√			
§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. selection and arrangement shall create visual appeal, provide screening, define circulation		√			
§4.6 D.3.b. landscaping shall be located on the property they serve			√		
§4.6 D.3.c. landscaping outside R-O-W unless it is associated with street buffer		√			
§4.6 D.3.d. Trees planted without the need for pruning		√			
§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 Plantings with mature height of 25' not planted under utility lines	√				
§4.6 D.3.h Plantings with mature height of 6 inches not within 3' of fire hydrant	√				
§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 Districts					Variance
§4.6 E.1. Minimum Tree and Shrub Plantings					Variance
§4.6 E.2 Living Plant Material ≥50% required		√			

**TABLE 9-1 DECISION-MAKING FOR WAIVERS**

<b>CODE SECTION</b>	<b>NO WAIVER ALLOWED</b>	<b>CD DIRECTOR</b>	<b>P&amp;Z</b>	<b>CC</b>	<b>OTHER / COMMENTS</b>
landscape area except CBD and Industrial					
§4.6 E.3 10% landscape area in Industrial Zone District		√			
<b>§4.6 F. Buffering and Screening</b>					
§4.6 F.2 Waivers			√		
§4.6 F.3 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 (Figure 13)			√		
§4.6 F.4.d Buffer Width			√		
§4.6 F.4.e. 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.	√				
<b>§4.6 G. Parking Lot Landscaping.</b>					
§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	√				
<b>§4.6 H. Fences and Walls</b>					
§4.6 H.1. Materials for fences or walls	√				
§4.6 H.1.a 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 not allowed for screening or buffering	√				
§4.6 H.1.e Barbed wire only for agricultural use	√				
§4.6 H.2.a Less than 4' in height in residential 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'	√				

TABLE 9-1 DECISION-MAKING FOR WAIVERS					
CODE SECTION	NO WAIVER ALLOWED	CD DIRECTOR	P&Z	CC	OTHER / COMMENTS
§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 Opaque fence or wall required for drive-thru adjacent to residential 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 for loading areas visible 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 Mechanical equipment shall be screened from view from residential properties and public rights-of-way at ground level		√			
§4.6 I.4.b Screening of roof-mounted mechanical equipment		√			
§4.6 I.4.c Material for wall or ground-mounted equipment		√			
§4.6 I.5. Utilities screened by landscaping					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.3. 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.	√				
§4.7 B.4. Outdoor display shall be located no closer than six feet from any public entrance.	√				
§4.7 B.5 Outdoor display shall not impair the ability of pedestrians to use the accessways or parking areas.	√				
§4.7 B.6 The display area shall not encroach upon or interfere with on-site access, required parking, circulation, or required landscaping.			√		
§4.7 B.7 The display area shall, at all times, be kept neat, clean, and free of litter and debris.	√				

TABLE 9-1 DECISION-MAKING FOR WAIVERS					
CODE SECTION	NO WAIVER ALLOWED	CD DIRECTOR	P&Z	CC	OTHER / COMMENTS
§4.7.C. Outdoor Storage					
§4.7 C.2. The extent of outdoor storage shall be depicted on the development plan submittal and shall meet the standards cited in this Section.	√				
§4.7 C.3. 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.	√				
§4.7 C.4. 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.	√				No Waiver
§4.7 C.5. Outdoor storage shall comply with the Intersection and Driveway Visibility Standards found in §4.3 J.4.	√				
§4.7 C.6. Outdoor storage may be located in the rear yard setback.		√			
§4.7 C.7. Outdoor storage may be located to the side of a building, provided it is not located within the side yard setback.	√				Not Applicable
§4.8 Signs – Sign Standards are omitted from this review					
§4.9 Outdoor Lighting					
§4.9 B.1	√				
§4.9 B.2	√				
§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.2 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 Multifamily 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			√		

TABLE 9-1 DECISION-MAKING FOR WAIVERS					
CODE SECTION	NO WAIVER ALLOWED	CD DIRECTOR	P&Z	CC	OTHER / COMMENTS
§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			√		
§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. 142 Exterior 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.1. City Stormwater Manual incorporated by reference			rec	√	

TABLE 9-1 DECISION-MAKING FOR WAIVERS					
CODE SECTION	NO WAIVER ALLOWED	CD DIRECTOR	P&Z	CC	OTHER / COMMENTS
§5.1 B.2. Design and construction of stormwater facilities in accordance with <i>Stormwater Manual</i>	See <i>City of Gunnison Stormwater Management Manual</i> Table 8-1 below:				
<b>TABLE 8-1 DRAINAGE REPORT SUBMITTAL REQUIREMENTS</b>					
	<b>Submittal Type</b>	<b>Drainage Submittal Requirements</b>	<b>Review Body</b>		
	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.				
CODE SECTION	NO WAIVER ALLOWED	CD DIRECTOR	P&Z	CC	OTHER / COMMENTS
§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	√				
§5.1 C. Floodplain	√				
§5.2 Slope Protection Standards					
§5.2 A.1. Applicability. All map amendments proposed after the adoption date of this <i>LDC</i> shall be subject to these Slope Protection Standards.	√				
§5.2A.3. Dimensional Standards for Slope Protection Areas	√				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. Site Disturbance shall be minimized to the maximum extent practicable (§5.2 D., Grading Standards).		√			
§5.2 B.2.b.ii. Cuts for utilities and access driveway shall be shared to the maximum extent feasible;		√			

TABLE 9-1 DECISION-MAKING FOR WAIVERS					
CODE SECTION	NO WAIVER ALLOWED	CD DIRECTOR	P&Z	CC	OTHER / COMMENTS
§5.2 B.2.b.iii. No new construction in areas of instability		√			
§5.2 B.b.iii. 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 D.1.Grading Prohibited without Prior Approvals/Permits		√			
§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		√			
§5.3 D.6.a.i. Retaining walls shall be used to provide breaks in manmade slopes exceeding 30 percent and to provide planting pockets.		√			
§5.3 D.6.a.ii. Retaining walls may be permitted to support steep slopes but shall not exceed six feet in height from the finished grade except <b>for:</b> a) a structure’s foundation wall; b) as necessary to construct a driveway from the street to a garage; or, c) as otherwise expressly allowed by this Section.		√			
§5.3 D.6.a.iii. Retaining walls higher than 4’ require engineering.	√				
§5.3 D.6.iv. Horizontal terraces required		√			
§5.3 D.6.v. Screening or facing material required		√			
§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	√				

TABLE 9-1 DECISION-MAKING FOR WAIVERS					
CODE SECTION	NO WAIVER ALLOWED	CD DIRECTOR	P&Z	CC	OTHER / COMMENTS
§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. Limits to Disturbance– Development Standards and Guidelines					
§5.3 D.8.d.i Approval of erosion and sedimentation control required prior to construction activity.		√			
§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 supercede 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) General Rule			√		
§5.4 E.1.a.ii. b) Exception for Lots Developed Prior to Adoption of this Code.			√		
§5.4 E.1.b. Parking Lot Setbacks			√		
§5.4 E.2.a. Wetlands not included as part of platted development lot.			rec	√	
§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		√			

TABLE 9-1 DECISION-MAKING FOR WAIVERS					
CODE SECTION	NO WAIVER ALLOWED	CD DIRECTOR	P&Z	CC	OTHER / COMMENTS
§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			√		