

PLANNING AND ZONING COMMISSION
OCTOBER 24, 2012 MEETING PACKET
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**AGENDA
CITY OF GUNNISON
PLANNING & ZONING COMMISSION
REGULAR MEETING
Rev 10/19/2012**

**DATE: WEDNESDAY, OCTOBER 24, 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 OCTOBER 26, 2012 MEETING MINUTES**
- V. COUNCIL UPDATE**
- VI. COMMISSIONER COMMENTS**
- VII. PLANNING STAFF UPDATE**
- VIII. ADJOURN TO WORK SESSION**

WORK SESSION

**DISCUSSION OF THE DRAFT LAND DEVELOPMENT CODE
Section 8 – Variances and Development Standard Waivers
Appendix D. Development and Protection Standards 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. Work sessions are not recorded and formal action cannot be taken. For further information, contact the Community Development Department at 641-8090.

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

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MEMBERS	PRESENT	ABSENT	EXCUSED
Carolyn Riggs, Chair	X		
Erik Niemeyer			X
Erich Ferchau	X (arrived during Public Hearing for CU 12-6)		
Andy Tocke	X		
Bob Beda	X		
Greg Larson			X
Councilor Ellen Harriman	X		

OTHERS PRESENT: Community Development Director Steve Westbay, Planner Andie Ruggera, Dan Pilon, Michele Pilon, Canon Leatherwood, Hannah McKee, Adam McKee, and Pat McKee.

I. CALL TO ORDER AT 7:04 PM BY CHAIR CAROLYN RIGGS

II. PLEDGE OF ALLEGIANCE TO THE FLAG

III. UNSCHEDULED CITIZENS. There were none

IV. EXCUSE COMMISSIONERS LARSON AND NIEMEYER

Councilor Harriman moved to excuse Commissioners Larson and Niemeyer from the October 10 meeting. Commissioner Tocke seconded the motion.

Roll Call Yes: Riggs, Beda, Tocke and Harriman

Roll Call No:

Roll Call Abstain:

Motion carried

V. CONSIDERATION OF THE SEPTEMBER 26, 2012 MEETING MINUTES. Councilor Harriman moved and Commissioner Tocke seconded to approve the September 26, 2012 meeting minutes as presented.

Roll Call Yes: Riggs, Tocke and Harriman

Roll Call No:

Roll Call Abstain: Beda

Motion carried

VI. PUBLIC HEARING AND POSSIBLE ACTION, CONDITIONAL USE APPLICATION CU 12-6, submitted by Dan and Michele Pilon to operate a food service within a trailer as a temporary commercial activity in the Commercial (C) Zone district and in the Central Business District (CBD).

Open Public Hearing. Chair Riggs opened the public hearing.

Proof of Publication was shown for the record.

Planner Ruggera gave an overview of the Conditional Use process. The applicants, Dan and Michele Pilon, propose the operation of a food service trailer (The Big Burrito) as a temporary commercial activity at three alternative locations. The proposed locations are 1000 North Main Street (True Value), 811 North Main Street (Mountain Mutts) and 301 West Tomichi Avenue (north of Safeway) located within the Commercial Zone district and the Central Business District. The legal description of 1000 North Main Street is Lots 5 through 7, Gunnison Center Phase 1C,

City and County of Gunnison. The site at 811 North Main Street is legally described as Lot D, Block 2, Mountain View Addition 1 (reception #572902). The legal description of 301 West Tomichi Avenue is Lots 21 through 24, Block 147, West Gunnison Amended, City and County of Gunnison.

Applicant Presentation. The applicant, Dan Pilon, addressed the Commission. He stated that the purpose of the application is to operate as a mobile food service vendor. He read the application letter to the Commission and stated that the applicants look forward to serving the town.

Public Input. Chair Riggs asked for public comments. Adam McKee addressed the Commission and stated that he is in favor of the application. Canon Leatherwood, operator of the Lucky Dog hotdog stand, said that he is here in support of the applicant and local food vending that provides good healthy food and options for the community.

Staff Presentation. Planner Ruggera gave an overview of the application, the proposed locations, staff observations and the review standards.

Commission Discussion. Commissioner Ferchau stated he is surprised the applicants and the owners of Lucky Dog haven't talked to each other [previously]. The applicant stated that he would like to ultimately be located at the 811 N. Main site (Mountain Mutts). Cannon Leatherwood stated that the more options people have, the better they are served. He said that having different food options at locations with a variety of fresh ingredients is a perfect use. Commissioner Ferchau asked if The Big Burrito was required to have a letter from the property owners [at the two locations]. Director Westbay explained the Authorization of Agent [that is required from property owners to allow someone to apply to use property that is owned by someone else].

Commissioner Tocke stated that he recognizes the applicants' intention is to locate at Mountain Mutts, but he feels it is likely the Big Burrito will end up at the same location as the Lucky Dog (at Safeway). The applicant stated they would like to be at the north of Safeway site for the winter ski season.

Commissioner Beda recommended a correction to Review Standard F to strike the word "seasonal".

Close Public Hearing. Chair Riggs closed the public hearing at 7:16.

Commission Action. During the regular Planning and Zoning Commission meeting held on October 10, 2012, Councilor Harriman moved, and Commissioner Beda seconded, and the Commission voted to APPROVE Conditional Use Application CU 12-6, submitted by Dan and Michele Pilon for the operation of a seasonal food service trailer at 1000 North Main Street, 811 North Main Street and 301 West Tomichi Avenue, based on the following findings of fact and condition:

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 Conditional Use application is for a temporary commercial activity of a food service trailer in the Commercial district and in the Central Business District.
3. The Planning and Zoning Commission finds that two of the three sites (1000 North Main Street and 301 West Tomichi Avenue) are locations where another food service trailer (Lucky Dog) is operating under Conditional Use approval that was granted in May 2012.
4. The Planning and Zoning Commission finds that the hours of operation are Monday through Sunday 7 a.m. to 3 p.m. but hours may change as needs of the business change through time.
5. The Planning and Zoning Commission finds that the food service trailer will alternate between locations, to determine the optimal location for the customer and business, and will participate with planned summer events.
6. The Planning and Zoning Commission finds that the food service trailer use is compatible with neighborhood uses at all three locations.
7. The Planning and Zoning Commission finds that the food service trailer will be operated under a License to Operate a Retail Food Establishment by the Colorado Department of Public Health and Environment.
8. The Planning and Zoning Commission finds that the applicant has State and City sales tax licenses.
9. The Planning and Zoning Commission finds that a food service trailer will not be a detriment to the community's health, safety and welfare.

CONDITION:

1. The applicant must provide Community Development staff written confirmation that a State food service has been issued prior to commencing operation.

Roll Call Yes: Ferchau, Tocke, Riggs, Beda and Harriman
 Roll Call No:
 Roll Call Abstain:
 Motion carried

VII. PEDESTRIAN AND NON-MOTORIZED TRANSPORTATION PLAN

At the meeting on September 26th the *Pedestrian and Non-Motorized Transportation Plan* was introduced to the Commission and Commissioners were given an opportunity to provide input. The plan is a draft and staff will discuss ways to gather additional public input.

Commissioner Tocke stated that the signage seems mostly to be painted on the streets and temporary signage and the question was raised how signage will be dealt with in the winter. Director Westbay responded that is a good question, but the signage section is consistent with accepted sign standards. He stated that a more important aspect of signage has to do with the trailheads such as at VanTuyl Ranch and Signal Peak. Obviously having the bike lanes covered with snow is a safety issue, but cars, bicycles and pedestrians must co-exist, which make education important.

Chair Riggs stated that her concern is in the winter and asked if there is a plan for snow removal. Director Westbay responded that snow will be plowed to the center of the streets then hauled off.

Commissioner Tocke asked about the sidewalk plan. He observed that on Iowa, Denver and half a block of Ruby the sidewalk is missing. He asked if this could be considered in the implementation plan.

The Commission and staff discussed how the sidewalk routes were chosen for the implementation plan. Commissioner Tocke observed that the plan calls for sidewalks on the east side of North Boulevard and on the west side of South Boulevard.

Commissioner Ferchau stated that the “stop for pedestrians in crosswalk” signs on Main Street and Tomichi give pedestrians a false sense of security because often one lane stops and the other lane doesn't. He stated that flashing lights would be better.

Director Westbay responded that planning is the first step, and that the document provides a good starting point for implementation.

Commissioner Ferchau asked about the status of buildout for the trails. Discussion followed. Director Westbay explained that the City will fulfill the obligation for the bond in 2013. The revenue will continue for another 20 years, but the funds will be available for other recreation amenities as well. At this time the trails are about one-third built out, but the City will continue to keep working on trails.

Commissioner Ferchau stated he would like to see wider, elevated sidewalks in the school zones. He said that the sidewalks are not adequate on 8th, 11th, and Denver.

Chair Riggs asked about the county-wide trail system. Director Westbay responded that Dan Ampietro is on the County Trails Commission and keeps the dialogue open between the City and the Trails Commission.

Director Westbay stated that the estimated costs included in the plan are provided for planning purposes.

The Commission discussed the on-street parking and bike lanes on Spencer Street. Commissioner Ferchau stated that he is amazed there aren't more situations where bikes get hit by car doors, etc. He said he likes the solid paint that is recommended in the plan. He said that the concept seems to be different now. Discussion followed. Councilor Harriman said she is much happier with the painted bike lanes and feels safer using streets with bicycle lanes.

Commissioner Tocke said he feels it is advantageous to use Taylor Street as a bike route. Commissioner Beda said that Taylor Street is a designated emergency route. He said he would like to see more enforcement of bicycles not obeying laws. Director Westbay said that the recent bike rodeo addressed education of young riders and the police are hitting the university campus more.

Director Westbay stated that staff will start doing more public outreach and may present the plan again to the City Council if they wish.

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

- was given an update for the last time from retiree Jane Cheney of the Gunnison-Crested Butte Tourism Association and in-coming Executive Director Pam Loughman will be at the next regular meeting;
- heard a staff presentation on the City budget;
- approved a Challenge Grant application for the Gunnison Getaway program;
- changed the special events permit policy so that businesses being affected by street closures will be notified;
- discussed a letter regarding Eagle Net Service and the problems with the internet fiber issues;
- discussed a letter of support for Ballot Issue 1A regarding the Gunnison Valley Land Preservation Fund Reauthorization;
- authorized the City Water Attorney to sign a cooperative agreement regarding Taylor Park Reservoir water rights; and,
- determined that the *VanTuyl Ranch Annexation Petition* is complete.

IX. COMMISSIONER COMMENTS

- Commissioner Beda:
 - saw an ad in the paper for a property in the R-1 to rent the basement level;
 - saw a sandwich board sign downtown advertising “place your ad here” for \$5 (staff will follow up); and
 - thanked the Commission for excusing him from the last meeting.
- Commissioner Ferchau apologized for being late and discussed the R-1 property Commissioner Beda was referring to.

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

- City Council signed the resolution for the VanTuyl Annexation, setting the eligibility public hearing for November 27th;
- staff has been discussing a sketch plan for a commercial property in VanTuyl Village, which will be on the P&Z agenda in November; and,
- the old Bank of the West drive-thru on North Main has been purchased for an outfitter business.

XI. FURTHER DISCUSSION. The Commission discussed Initiative 64.

XII. ADJOURN. Chair Riggs adjourned the meeting at 8:28 p.m.

Carolyn Riggs, Chair

Attest:

Andie Ruggera, Secretary

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MEMORANUM

TO: Planning and Zoning Commission
FROM: Steve Westbay
DATE: October 24, 2012
RE: Variances and Waivers

The draft amendments to this section of the LDC are substantial and it may take some time to finalize the review. This proposed code section has two distinct components: 1) Variances and 2) Waivers. The Zoning Board of Adjustments and Appeals would be responsible for all variance applications. Waivers are considered by the City Council, Planning and Zoning Commission or Community Development Director, depending upon the specific waiver request.

Section 8 was provided in the last packet. However, Appendix D is directly tied to the waiver process and must be reviewed in conjunction with Section 8.

I have mixed feelings about the waiver provisions being considered. The core struggle is determining a balance between flexibility and consistency in applying development standards. While flexibility is important, maintaining consistency in the application of development standards is equally important.

This week's packet includes both LDC Section 8 and Appendix D. Feel free to contact me if you have any questions about these materials.

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Section 8. Variances and Development Standard Waivers

§8.1 GENERAL

- A. Purpose.** This Section defines the procedures and required showing to obtain a variance from the standards of this *LDC*. Variances are authorizations to deviate from the literal terms of this *LDC* that would not be contrary to the public interest in cases where the literal enforcement of the provisions of this *LDC* would result in undue or unnecessary hardship. A variance shall not be granted solely because of the presence of nonconformities in the zone district or adjoining districts.
- B. Use Variances Not Authorized.** Establishment or expansion of a use otherwise prohibited in a zone district shall not be allowed by variance.
- C. Dimensional Standards Variances Authorized.** Variance from the dimensional standards of the underlying zone district shall be authorized only for maximum height, minimum floor area, minimum building width, maximum lot coverage, minimum setbacks, maximum setbacks, parking requirements, and minimum landscape area, and buffer width.
- D. Sign Variances Authorized.** The City of Gunnison Zoning Board of Adjustments and Appeals shall have jurisdiction to hear all applications for variance from the Sign Standards (§4.8). In addition to the application contents in §8.3, the application shall contain the following data:
1. specific citation of the criteria from which the applicant is seeking variance;
 2. narrative and/or technical data justifying the reason for not complying with the criteria;
 3. narrative and/or technical data explaining the alternative standard being proposed.
- E. Stormwater Management Variances Authorized.** Variances from the provisions of the Stormwater Management Criteria will be considered on a case-by-case basis. Formal requests for variances from the standards, policies or submittal requirements of these Criteria shall be submitted with appropriate documentation and justification to the Board of Zoning Adjustments and Appeals (Board) through the Director of Community Development. Variance requests will be forwarded to the Board for review and action. In addition to the application contents in §8.3, the application shall contain the following data:
1. a specific citation of the criteria from which the applicant seeks a variance;
 2. narrative and/or technical data justifying the reason for not complying with the Criteria;
 3. narrative and/or technical data explaining an alternative criteria or standard that is proposed to comply with the intent of the Criteria;
 4. supporting documentation, including mapping, technical literature, necessary calculations, etc.

§8.2 PROCEDURES

An applicant requesting a variance shall follow the stages of the City of Gunnison land development process outlined below.

- A. Preapplication Conference.** Attendance at a preapplication conference is optional, but recommended, for an applicant intending to submit an application for a variance.
- B. Submit Application.** The applicant shall submit a complete application to the Community Development Director containing those materials listed in §8.3, Application Contents.
- C. Staff Review.** The Community Development Director shall review the application to determine whether it is complete, as specified in §6.6 A., Completeness Review. The Community Development Director shall forward a report to the board of adjustment which summarizes the application’s compliance with the conditions outlined in §8.4, Required Showing. The Community Development Director may solicit the assistance of other agencies and organizations in drafting the report.
- D. Public Notice.** Public notice that the board of adjustment will conduct a hearing to consider the application for a variance shall be provided as specified in §6.7, Stage 4: Provision of Public Notice.
- E. Public Action by Board.** The board of adjustment shall hold a public hearing to review the conformance of the application with all applicable provisions of this land development code. The board may approve, approve with conditions, or deny the application or remand it to the applicant with instructions for modification or additional information or action. The board shall deny any application that does not demonstrate the required showing set forth in §8.4, Required Showing.
- F. Actions Following Approval.** The applicant may apply for a building permit following approval of the variance and the filing and, if applicable, recordation of any documents required by the variance approval.

§8.3 APPLICATION CONTENTS

The development application for a variance shall contain the following information:

- A. Minimum Contents.** The minimum contents for all applications specified in §6.5 C, Minimum Application Contents.
- B. Site Plan.** A site plan of the subject property, showing existing and proposed features, buildings, etc., which are relevant to the review of the variance application.

§8.4 REQUIRED SHOWING – DIMENSIONAL STANDARDS VARIANCE

The applicant shall demonstrate the following to the Board before a variance may be authorized:

- A. Special Circumstances Exist.** There are special circumstances or conditions which are peculiar to the land or building for which the variance is sought that do not apply generally to land or buildings in the neighborhood; and
- B. Not Result of Applicant.** The special circumstances and conditions have not resulted from any

act of the applicant; and

- C. Strict Application Deprives Reasonable Use.** The special circumstances and conditions are such that the strict application of the provisions of this *LDC* would deprive the applicant of reasonable use of the land or building; and
- D. Variance Is Necessary to Provide Reasonable Use.** The granting of the variance is necessary to provide the applicant a reasonable use of the land or building; and
- E. Minimum Variance.** The granting of the variance is the minimum necessary to make possible the reasonable use of the land or building; and
- F. Not Injurious to Neighborhood.** The granting of the variance will not be injurious to the neighborhood surrounding the land where the variance is proposed, and is otherwise not detrimental to the public welfare or the environment; and
- G. Consistent with Land Development Code.** The granting of the variance is consistent with the general purposes and intent of this *LDC*.

§8.5 REQUIRED SHOWING – SIGN VARIANCE

- A. Variances.** In every case in which a request for a variance from the requirements of this Section has been filed, the Board shall not grant a variance unless it specifically finds each and every one of the following conditions to exist:
 - 1. There are special circumstances or conditions, such as the existence of buildings, topography, vegetation, sign structures or other matters or adjacent lots or within the adjacent public right-of-way, which would substantially restrict the effectiveness of the sign in question; provided, however, that such special circumstances or conditions must be particular to the particular business or enterprise to which the applicant desires to draw attention and do not apply generally to all businesses or enterprises.
 - 2. The variance would be in general harmony with the purposes of this Section, and specifically would not be injurious to the neighborhood in which the business or enterprise to which the applicant desires to draw attention is located.
 - 3. The variance is the minimum necessary to permit the applicant to reasonably draw attention to this business or enterprise.
 - 4. The variance would not interfere with site distance requirements for street and driveway intersections or create pedestrian or vehicle movement hazards.
- B. No variance for maximum sign area on a lot or building.** The Board shall not have any jurisdiction to hear, nor the authority to grant, any variance which increases the maximum permitted sign area on a single lot or building.
- C. Conditions.** The Board may grant a variance subject to any conditions which it deems necessary or desirable to make the device which is permitted by the variance compatible with the purposes of this Section.

§8.6 REQUIRED SHOWING – STORMWATER MANAGEMENT VARIANCE

- A. Variances.** In every case in which a request for a variance from the requirements of this Section has been filed, the Board shall not grant a variance unless it specifically finds each and every one of the following conditions to exist:
1. there is adequate area for construction and long-term maintenance of stormwater management facilities;
 2. the variance 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 variance will not jeopardize channel stabilization;
 4. the variance does not violate state or federal laws; and,
 5. the variance is the minimum necessary and does not jeopardize the community's health, safety or welfare.

§8.7 BOARD AUTHORIZED TO IMPOSE CONDITIONS

The Board, in approving the variance, may impose such restrictions and conditions on such approval, and the premises to be developed or used pursuant to such approval, as it determines are required to prevent or minimize adverse effects from the proposed variance on other land in the neighborhood and on the general health, safety, and welfare of the City. All conditions imposed upon any variance shall be set forth in the granting of such variance.

§8.8 EXPIRATION OF APPROVED VARIANCE

- A. Time Limit.** All variances shall expire 12 months from the date of issuance if no site development permit has been issued to establish the variation authorized, or if the variation does not require a site development permit, unless the variation is established, ongoing, and in operation. Such time period shall not be altered by transfer of ownership.
- B. Extension.** Upon written request, the Board may grant an extension of the variance for a period not to exceed six months for good cause shown. No request for an extension shall be considered unless a written application requesting the extension is submitted to the Community Development Director prior to the date the variance is to expire. The variance shall be deemed extended until the Board has acted upon the request for extension. Failure to submit an application for an extension within the time limits established by this Section shall render the variance null and void.

§8.9 AMENDMENT OF APPROVED VARIANCE

Amendment of an approved variance shall only be approved by the Board by repetition of the procedures and required showing of this Section.

§8.10 DEVELOPMENT AND NATURAL RESOURCES PROTECTION STANDARDS WAIVERS

- 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*. A waiver shall not be granted solely because the alternative design is more cost effective to implement.
- B. Applicability.** Waivers may be granted pursuant to the development and natural resource protection list found in Appendix D – Development and Natural Resource Protection Standards 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.
- C. Decision Making Body and Development Review.** The decision-making body for waivers of specific standards is assigned in Appendix D – Development and Natural Resource Protection Standards Waivers 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 in conformance with the subdivision review process. Waivers from subdivision related standards must be submitted at preliminary plan application and pursuant to §11.6.B. 25. 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 an agenda item at a regular meeting. The application follows all of the procedures set forth in §8.10.D, with the exception of item 3, Public Notice.
 3. 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*.
- D. Procedures.** An applicant requesting a waiver shall follow the stages of the City of Gunnison land development process outlined below.
1. **Preapplication Conference.** Attendance at a preapplication conference is optional, but recommended, for an applicant intending to submit an application for a waiver.
 2. **Submit Application.** The applicant shall submit a complete application to the Community Development Director containing those materials listed in §8.10.E, Application Contents.
 3. **Staff Review.** The Community Development Director shall review the application to determine whether it is complete, as specified in §6.6.A., Completeness Review. The Community Development Director shall either forward a report to the decision making body or in the case of staff authorized determination, take action on the application after an assessment of relevant review criteria (§8.10.F) has been completed.

4. **Public Notice.** If a waiver request is part of a subdivision or any other Land Use Development Application as defined in §6.2.A (Development Review Categories), the waiver shall be considered in conjunction with the public hearing and public notice of the decision making body.
 5. **Action by Decision Making Body.** The decision making body, as established by Appendix D 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 decision making body shall deny any application that does not demonstrate compliance with all relevant review criteria set forth in §8.10.F (Review Criteria).
 6. **Actions Following Approval.** The applicant may apply for a Site Development Plan in conjunction with, or following approval of the waiver request and the filing and, if applicable, recordation of any documents required by the waiver approval.
- E. Additional Application Materials.** In addition to the application contents required by Section §6.5.C of this *LDC*, the waiver application shall include the following information.
1. 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;
 2. definition of alternative(s) being proposed for the waiver, if applicable;
 3. citation of the reasons, site conditions or issues with the required standard and how an alternative design meets the purposes of the *LDC*;
 4. any engineering or site plan design data that graphically or analytically depicts the alternative standards to be applied, and provides justification for the waiver request.
- F. Review Criteria.** All waiver applications shall be found to be in compliance with the General Criteria (§8.10.F.1) and the criteria established for the relevant code sections applicable to the waiver request.
1. **General Criteria**
 - a. consistent with the *City of Gunnison Master Plan*;
 - b. approval of the waiver will not jeopardize the community's health safety and welfare;
 - c. the developer is responsible for the all development costs;
 - d. no waiver shall be approved that is in conflict with any prevailing State or Federal law or regulation;
 - e. granting of a waiver will not diminish the use and enjoyment of an adjacent lot;
 - f. other properties with similar physical conditions and constraints will be afforded the same waiver opportunity.

2. Adequate Public Facilities (§4.1)

- a. The design, materials, and construction methods are equal or superior to existing standards.
- b. The long term maintenance and facility design-life will not be diminished by approval of the waiver.
- c. The level of service provided by the waiver is consistent with existing standards.

3. Road Construction Standards (§4.2)

- a. The design, materials, and construction methods are equal or superior to existing standards.
- b. The long term maintenance and utility/facility design-life will not be diminished by approval of the waiver.
- c. The level of service provided by the waiver is consistent with existing standards.
- d. Adequate rights-of-way and easements are established for the installation and maintenance of public utilities and services.
- e. Transportation system functions will be efficient and safe.
- f. The resulting streetscape will provide adequate light, air area for landscaping and buffers.
- g. The development of pedestrian circulation facilities will not be diminished by approval of the waiver.

4. General Site Access (§4.3)

- a. Waivers from general site access standards shall not create an unsafe design for the ingress or egress of vehicles and non-motorized transportation functions.
- b. 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.
- c. Waivers shall not be approved if the result requires vehicles to back onto arterial or collector streets.
- d. Waivers will not diminish the function of sidewalks, accessways or multi-use trails.
- e. Waivers will not result in a situation that precludes access to an adjacent property.

5. Off-Street Parking and Loading (§4.4)

- a. 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.

- b. Waivers shall not be approved that reduce the minimum requirements for disabled accessibility.
- c. Waivers that affect the location of parking and reduce the required buffer setback shall only be allowed if an alternative landscape design provides adequate buffering, or the use of the property is significantly diminished without a waiver.
- d. Waivers will not diminish the function of sidewalks, accessways or multi-use trails.

6. Pedestrian Circulation Facilities (§4.5)

- a. 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.
- b. Alternative design, specifications and layout provide safe, efficient and functional pedestrian circulation.
- c. The waiver precludes the extension of major sidewalk systems and multi-use trails designed in the *City of Gunnison Trails Master Plan*.
- d. The waiver is not contrary to requirements established by the American with Disabilities Act.

7. Landscaping, Buffer and Screening (§4.6)

- a. 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.
- b. 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.
- c. 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.
- d. 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.
- e. Waiver from plant species types do not permit or create situations causing the proliferation of noxious weeds.
- f. Waivers that preclude required site restoration or revegetation of disturbed areas shall not be granted.
- g. Waivers from fences and walls shall not interfere with street or driveway site distance requirements required by the *LDC*.

- h. Fence and wall waivers shall not result in the use of plywood or sheet metal.
- i. Waivers from service area screening shall not create a visual detriment to adjacent residential uses or from view of any public street.

8. Outdoor Storage and Display (§4.7)

- a. Waivers shall not impede ingress, egress or access for fire and emergency response personnel.
- b. Waivers shall not impede access and circulation or reduce the required number of parking spaces.
- c. Outdoor displays on the required landscape areas shall not result in the damage of vegetation.
- d. Waivers shall not interfere with intersection site distance requirements established in the *LDC*.
- e. Waivers shall not permit the display or storage of any feature in the public rights-of-way.
- f. 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.

9. Outdoor Lighting (§4.9)

- a. 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.
- b. 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.
- c. Unique security or public safety may warrant approval of a waiver, but mitigating impact to adjacent residential lots must be provided.

10. Large Scale Retail (§4.10)

- a. Any waiver associated with a single building site development plan shall meet the intent statements found in §4.10C of the *LDC*.
- b. Any waiver associated with multiple building site development plan shall meet the intent statement found in §4.10 E of the *LDC*.
- c. Any waiver associated with building design shall meet the intent statement found in §4.10 K of the *LDC*.

11. Stormwater Management (§5.1)

- a. There is adequate area for construction and long-term maintenance of stormwater management facilities.

- b. 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.
- c. The waiver will not jeopardize channel stabilization.
- d. The waiver does not violate State or Federal laws.
- e. The waiver is the minimum necessary and does not jeopardize the community's health, safety or welfare.

12. Slope Protection Standards (§5.2)

- a. The application of the ridgeline standards renders the site undevelopable.
- b. 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.
- c. The development conforms to the other development, site design and environmental standards set forth in the *LDC*.

13. Grading and Erosion Control (§5.3)

- a. Waivers that increase the limit of natural grade change shall not create unstable slopes or slopes prone to excessive erosion.
- b. Waivers that increase the limit of natural grade change shall only occur if it is determined that adequate emergency access is provided.
- c. 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.
- d. 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.
- e. Waivers from the Limits of Disturbance shall include a program for the complete restoration of the disturbed area in a timely manner.

14. Wetland and Stream Corridor Protection (§5.4)

- a. 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.
- b. Waivers from ditch setbacks are subject to written approval of all ditch owners.
- c. 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.

G. Decision Making Body Authorized to Impose Conditions. The decision making body 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.

H. Expiration of Approved Waiver

1. **Time Limit.** All waivers shall expire 12 months from the date of waiver approval.
2. **Extension.** Upon written request, the decision making body may grant extension of the waiver for a period of six months for good cause shown. 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.

I. Appeals

1. Waivers that are determined administratively by the Community Development Director may be appealed by the applicant to the Planning and Zoning Commission.
2. Waivers that are determined by the Planning and Zoning Commission may be appealed by the applicant to the City Council.
3. 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 or City Council may affirm, modify, reverse or remand the application back to the decision making body with specific directions.

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APPENDIX D – DEVELOPMENT AND NATURAL RESOURCE PROTECTION STANDARDS WAIVERS

§4.1 ADEQUATE PUBLIC FACILITIES		
Code Section	Description of Standard	Decision Making Body
§4.1 C. General Requirements		
§4.1 C.1. Approval Conditioned Upon Adequate Public Facilities		
§4.1 C.2.b Minimum Level of Service		
§4.1 D Sewage Disposal	All development shall meet established LOS standards	C.C. w/ P&Z Rec
§4.1 D.1 Level of Service	All development served per Chapter 12.10 (Sewer System)	No Waiver
§4.1 D.3 Minimum Approval Requirements	All necessary are services are in place at the time of issuance of any building permit.	No Waiver
§4.1 E. Water		
§4.1 E.1 Level of Service	All development served per Chapter 12.20 (Water Works System)	C.C. w/ P&Z Rec
§4.1.E.2 Minimum Approval Requirements	All necessary are services are in place at the time of issuance of any building permit.	No Waiver
§4.1.F. Drainage/Water Quality		
§4.1.F.1 Level of Service	All development served per <i>Stormwater Mang. Plan</i>	C.C. w/ P&Z Rec
§4.1.F.2 Minimum Approval Requirements	All necessary are services are in place at the time of issuance of any building permit.	No Waiver
§4.1.G. Fire Protection		
§4.1. G.1 Level of Service	All development served per Chapter 12.20 (Water Works System) and International Fire Code	No Waiver
§4.1.G.2 Minimum Approval Requirements	All necessary are services are in place at the time of issuance of any building permit.	No Waiver
§4.1 H. Transportation		
§4.1 H.1.a Level of Service-General Standard	developments must demonstrate 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	C.C. w/ P&Z Rec
§4.1 H.1.a Level of Service-Waiver		Waiver Provision
§4.1 H.1.c. Access to Development in all Districts	All development shall have safe and adequate access to the nearest paved road.	C.C. w/ P&Z Rec
§4.1 H.3.a –e Traffic Impact Analysis Contents	The TIA shall contain the following information	CD Director
§4.1 H. 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 required.	Revise this sentence
§4.1 H.5. Pedestrian Circulation		
§4.1 H.5.a. Level of Service	All development shall provide adequate and functional circulation facilities for non-motorized transportation	No Waiver
§4.1 H.5.b. Criteria for New Development or Redevelopment	Any development or redevelopment within the City shall meet current standards defined in §4.5 of this <i>LDC</i> .	C.C. w/ P&Z Rec
§4.1 H.5.c. Minimum Approval Requirements	Adequate walkways, accessways, and multi-use trails shall be available concurrently with the impact of development.	C.C. w/ P&Z Rec
§4.1 I. Electricity		
§4.1 I.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 <i>City of Gunnison Municipal Code</i> , as it may be amended.	C.C. w/ P&Z Rec
§4.1 I.3. Minimum Approval Requirements	All necessary services are in place at the time of issuance of any building permit.	No Waiver

Code Section	Description of Standard	Decision Making Body
§4.1 J. Irrigation System		
§4.1 J.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.	Existing Waiver by staff: may only be granted if the extension of the irrigation is impractical
§4.1 J.3. Minimum Approval Requirements	The irrigation system shall be designed to be compatible with adjacent irrigation systems, and shall comply with the <i>City of Gunnison Construction Standards</i> . The developer shall provide sufficient capacity in existing ditches or additional right-of-way as required by the City	C.C. w/ P&Z Rec
§4.2 ROAD CONSTRUCTION STANDARDS		
§4.2 A. General Road Construction Standards		
§4.2 A.4. Other Standards of Construction	All required improvements shall be constructed in accordance with the <i>City of Gunnison Construction Standards (Construction Standards)</i> , Title 14, <i>Municipal Code (Technical Codes)</i> , the <i>City of Gunnison Stormwater Management Plan</i> , and the American Disabilities Act (ADA).	C.C. w/ P&Z Rec
§4.2 A.5. Construction Approval	Construction plans for subdivisions shall be approved in conjunction with final plat approval.	C.C. w/ P&Z Rec
§4.2 A.6. Typical Cross-Sections	Road construction shall conform to the typical cross sections as portrayed in Figure 7 and Figure 8 and Code Standards	C.C. w/ P&Z Rec
§4.2 A.8. Street Designations	Local, Collector, et al. streets shall be in accordance with the <i>City of Gunnison Master Plan</i> as it may be amended	C.C. w/ P&Z Rec
§4.2 A.9. Modifications and Waivers	The Public Works Director, or designee, shall have authority to grant modifications and/or waive standards set forth in this Section in conjunction with a site specific development plan. NOTE: This should be CC and P&Z decision	The Public Works Director, or designee, shall have authority to grant modifications and/or waive standards
§4.2 B. Streets		
§4.2 B.1. Street Construction and Design Specifications.	All new development or subdivisions shall comply with the street construction and design specifications contained herein.	C.C. w/ P&Z Rec
§4.2 B.2. Sub-local Streets	Sub-local streets are subject to development review by the Planning and Zoning Commission	C.C. w/ P&Z Rec
§4.2 B.3. Street Sections and Rights-of-Way Width	Table 4-1 Defines ROW and surface widths standards	C.C. w/ P&Z Rec
§4.2 B.4. Shoulders	Shoulders on streets without curb and gutter shall have a minimum of three inches of compacted road base that matches finished grade.	PW Director
§4.2 B.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,	C.C. w/ P&Z Rec
§4.2 B.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 <i>City of Gunnison Construction Standards</i>	P W Director, allow a design professional engineer registered report
§4.2 B.8. Private Streets	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.	C.C. w/ P&Z Rec

Code Section	Description of Standard	Decision Making Body
§4.2 ROAD CONSTRUCTION STANDARDS (continued)		
§4.2 C. Cul-de-sacs and Dead End Streets		
§4.2 C.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.	C.C. w/ P&Z Rec
§4.2 C.2. Length	The maximum length of a cul-de-sac or dead-end street shall be 400 feet	C.C. w/ P&Z Rec
§4.2 C.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.	C.C. w/ P&Z Rec
§4.2 D. Street Intersections		
	Whenever possible, streets shall intersect at right angles. Minimum centerline offset shall be 150 feet. Edge	C.C. w/ P&Z Rec
§4.2 D.1. Curb Radii	Minimum Required Radii per Table 4-2	C.C. w/ P&Z Rec
§4.2 D.2. Sight Distance	Intersection sight distance standards in Table 4-3	C.C. w/ P&Z Rec
§4.2 D.3. Intersection Grade Standards	Maximum street grade at interSection must be less than four percent for a distance of at least 50 feet approaching all intersections	C.C. w/ P&Z Rec
§4.2 E. Street Vertical Alignment		
§4.2 E.2. Street Grades	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.	C.C. w/ P&Z Rec
§4.2 E.3. Street Grade Changes	Grade changes shall be connected by curves of such length to provide for the following minimum stopping site distance	C.C. w/ P&Z Rec
§4.2 F. Street Horizontal Alignment		
§4.2 F. Street Horizontal Alignment	Horizontal alignments shall be directed in large measure by the intended or existing land use of adjacent properties.	C.C. w/ P&Z Rec
§4.2 F. 2. Minimum radii of curvature	Minimum radii of curvature: Table 4-4	
§4.2 F. 3. Clear visibility measure	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	C.C. w/ P&Z Rec
§4.2 F. 4. Reverse curve Tangent	Curves shall be separated by tangent sections as follows: Local and sub-local streets 50 feet; Arterial and collector streets 100 feet	C.C. w/ P&Z Rec
§4.2 G. Cross Slope. All street pavement sections shall	All street pavement sections shall have a normal crown with a typical cross slope of two (2) percent.	C.C. w/ P&Z Rec
§4.2 H Curb and Gutter	When curb and gutter is proposed it shall be required on both sides of the street	C.C. w/ P&Z Rec
§4.2 I. Street Dedication		
§4.2 I.1. dead-end street dedicated to the property line	All dead-end streets shall be dedicated to public use to the property line.	C.C. w/ P&Z Rec
§4.2 I.2. Street construction and right-of-way will connect to adjoining properties.	All subdivisions shall provide for street construction and right-of-way connections to adjoining properties.	C.C. w/ P&Z Rec
§4.2 I.3. Rights-of-way abutting unincorporated property.	Rights-of-way unincorporated Gunnison County shall be established in accordance with all City standards	C.C. w/ P&Z Rec
§4.2 J. Acceptance of Public Dedicated Streets and Other Public Utilities		
§4.2 J.1. Acceptance Timing and Season	The City shall not accept street and utility improvements for maintenance between November 1st and May 1s	P.W. Director
§4.2 K. Partial-Width Street	Partial-width street, require 50 feet ROW dedication along and adjacent to a boundary of the subdivision	C.C. w/ P&Z Rec
§4.2 L. Additional Rights-of-Way	A public need, such as instances were geometric road design, utilities, trail alignments, irrigation ditches, shall require additional ROW	C.C. w/ P&Z Rec

Code Section	Description of Standard	Decision Making Body
§4.2 ROAD CONSTRUCTION STANDARDS (continued)		
§4.2 M. Street Paving and Signs	The subdivider shall install and pave all streets in accordance with design and construction requirements established by the City	C.C. w/ P&Z Rec
§4.2 O. Erosion Control	An erosion control plan sheet shall be required with the construction plan for subdivision or development.	C.C. w/ P&Z Rec
§4.2 P. Clustered Mail Box	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.	C.C. w/ P&Z Rec
§4.3 GENERAL SITE ACCESS		
§4.3 A. Access to Public Roads	All new lots, however created, shall have access to a dedicated public road.	No Waiver
§4.3 B. Driveway Access - General Standards		
§4.3 B.1. Limits on Number of Driveway Curb Cuts		
§4.3 B.1.b. No driveway openings on State Highways	No driveway openings or curb cuts shall be allowed on State Highways except with an approved access permit	CD Director
§4.3 B.1.c Arterial street-one driveway opening per lot.	Direct access onto arterial streets shall be permitted only when no other reasonable access is available	ZBAA
§4.3 C. Backing Prohibited	All multifamily and nonresidential off-street parking spaces shall be accessible without backing into a public right-of-way.	ZBAA
§4.3 D. Shared Driveways		
§4.3 D.5. Multi-family Access Threshold	Multi-family developments. Each driveway may provide access for not more than 120 vehicle trips per day.	Consider revising this standard
§4.3 E. Corner Lots	A driveway or curb cut on a corner lot shall be setback	ZBAA
§4.3 F. Property Lines	Curb cut on a corner lot shall be setback a minimum of 15 feet	ZBAA
§4.3 H. Driveway Opening Requirements	Driveways opening shall comply with Table 4-6	CD Director
§4.3 I. Driveway Spacing	following driveway spacing requirements shall apply.	CD Director
§4.3 I.1. Arterial Streets	To the maximum extent feasible, all driveways shall be spaced at least 250 feet	CD Director
§4.3 I.2. Collector Streets	To the maximum extent feasible, all driveways shall be spaced at least 150 feet from the pavement edge	CD Director
§4.3 I.3. Local and Sub-Local Streets	Residential driveways shall be spaced at least 20 feet	CD Director
§4.3 I.3.a. Residential Drive Spacing	Driveways shall be setback a minimum of four feet from property line	ZBAA
§4.3 I.3.b. Driveways for 20+ parking spaces	Driveways serving 20 or more parking spaces shall be paved, designed and constructed meeting the standards applicable to a public street.	CD Director
§4.3 J. Driveway Design Standards		
§4.3 J.1. Surface Material Standards		
§4.3 J.1.a. Surface Material Type	All driveways serving four or more parking spaces shall be paved	ZBAA
§4.3 J.1.b. Driveways construction for 20+ parking spaces	All driveways serving 20 or more parking spaces shall be paved, designed and constructed meeting the standards applicable to a public street.	CD Director
§4.3 J.1.c. Apron Length	Where garages are used to satisfy parking requirements, the driveway apron shall be at least 20 feet in length	CD Director
§4.3 J.2. Geometric Design Standards		
§4.3 J.2. a.	Residential driveways shall have a maximum grade of eight percent	CD Director

Code Section	Description of Standard	Decision Making Body
§4.3 GENERAL SITE ACCESS (continued)		
§4.3 J.2. b.	Driveways serving nonresidential uses shall have a maximum grade of six percent.	CD Director
§4.3 J.2. c.	Driveway grades within 20 feet of any intersection with streets and roads shall not exceed six percent	CD Director
§4.3 J.2. e.	Non-residential driveways shall have unobstructed stacking space to accommodate four vehicles.	P&Z
§4.3 J.3. Other Driveway Construction Standards		
§4.3 J.3.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.	ZBAA
§4.3 J.3.c.	Driveway openings shall be graded and drainage facilities provided where necessary to prevent stormwater from ponding	CD Director
§4.3 J.3.d.	All driveways shall be constructed in a manner that shall not cause water to enter onto the street	CD Director
§4.3 J.3.e.	Where curbs exist, or are required, driveways shall be paved for their full width from curb to property lines.	PW Director
§4.3 J.3.f.	Where curb and gutter exist, a concrete pan shall be provided to carry the flow line.	PW Director
§4.3 J.3.g.	Where a single-family driveway crosses a sidewalk, the sidewalk shall be a minimum depth of four inches of concrete.	CD Director
§4.3 J.3.h.	Where a multi-family or commercial driveway crosses a sidewalk, the sidewalk shall be increased to a minimum of four inches of concrete.	CD Director
§4.3 J.3.i.	Driveways crossing a drainage ditch, require a culvert	PW Director
§4.3 J.3.j.	Sidewalks removed shall be replaced	CD Director
§4.3 J.3.k.	Curbs are removed shall be replaced	PW Director
§4.3 J.3.m.	Gated access shall have adequate staking distance	ZBAA
§4.3 J.4. Intersection and Driveway Visibility	Intersections and driveways shall maintain unobstructed safe visibility	CD Director
§4.3 J.4. a. Intersection.	No fence, wall hedge landscaping, sign or other material or structure that will obstruct vision	No Waiver
§4.3 J.4. b. Driveway Sight Visibility	No fence, wall, hedge, landscaping, sign or other material or structure that will obstruct vision	CD Director may waive if visibility is not restricted
§4.3 J.4. c.	Driveways serving 20 or more parking spaces shall have not less than 250 feet of visibility	
§4.4 OFF-STREET PARKING AND LOADING		
§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	The following minimum schedule establishes the minimum number of off-street parking spaces to be provided for the use categories Table 4-7	ZBAA or CD Director if 20% reduction is OK
§4.4 D.1.a Disabled Access Parking	Parking spaces for disabled persons shall be provided per the following schedule:	No Waiver
§4.4 D.1.b Disabled Access Parking	All spaces designated as being for the disabled shall have a raised standard identification sign.	No Waiver

Code Section	Description of Standard	Decision Making Body
§4.4 OFF-STREET PARKING AND LOADING		
§4.4 D.2. Maximum Requirement and Shared Use Reduction		
§4.4 D.2.a.	No use shall provide more than 110 percent of the required parking	ZBAA
§4.4 D.4. Parking Stall and Aisle Dimensions.	Standard parking spaces shall conform to the dimensions shown on Table 4-9	CD Director
§4.4 0. Location		
§4.4 0.1.	Required off-street parking spaces shall be located on the same lot or parcel as the principal use	Exceptions allow for shared parking
§4.4 0.2.	In all nonresidential districts except the Industrial district, off-street parking shall not be located within the required yard setback area.	ZBAA
§4.4 0.3.	Off-street parking for multi-family developments may encroach on the rear yard only.	ZBAA
§4.4 0.6.	Off-street parking areas shall be separated from the street edge by a street buffer area	ZBAA
§4.4 F. Design Standards		
§4.4 F. 1.a Dimensions	The maximum grade permitted for any required parking shall not exceed six percent.	CD Director
§4.4 F. 1.b.	Alternative parking spaces design may be approved	Parking facility design, subject to a determination by the Director
§4.4 F. 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	No Waiver
§4.4 F. 3.a Curbs and Wheel Stops	All landscaping in or adjacent to a vehicular use area shall be protected from vehicular damage	CD Director
§4.4 F.3.b.	Areas adjacent to parking areas shall be landscaped	ZBAA
§4.4 F.4. Separation from Walkways and Streets	In the event any parking area abuts an accessway, sidewalk, or street, the parking area shall be separated	ZBAA
§4.4 F.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	ZBAA
§4.4 F.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	CD Director
§4.4 F.9.a Snow Storage Area	A minimum area of 15 percent of the total required off-street parking	ZBAA
§4.4 F.9.b. Storage in Parking Spaces Prohibited	Snow shall not be stored within required parking spaces, except on an emergency basis	CD Director
§4.4 F.9.d. Drainage	Adequate drainage shall be provided for the snow storage area to accommodate snow melt.	CD Director
§4.4 F.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	CD Director
§4.4 G. Prohibited Uses of Required Spaces		
§4.4 G.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:	No Waiver
§4.4 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	P&Z

Code Section	Description of Standard	Decision Making Body
§4.4 OFF-STREET PARKING AND LOADING (continued)		
§4.4 I. Off-site and Shared Parking Standards		
§4.4 I.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 approve
§4.4 I.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.	CD Director
§4.4 I.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.	CD Director Waiver
§4.4 J. Vehicle Stacking Requirements		
The vehicle stacking requirements of this subsection shall apply unless otherwise expressly approved by Staff.		
§4.4 J.2. Design and Layout	Required stacking spaces are subject to the following design and layout standards: a. Size; b. Location; c. Design.	ZBAA
§4.4 K. Off-Street Loading Requirements		
§4.4 K.1. Off-Street Loading Schedule	Off-street loading docks shall be proved in accordance with the off-street parking schedule. See Table 4-11	CD Director
§4.4 K.1.a. Loading Dock Dimensions		
§4.4 K.2. Location and Layout		
§4.4 K.2.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.	ZBAA
§4.4 K.2.b.	A loading area shall not be located in required setback	ZBAA
§4.4 K.2.c.	No loading bay may intrude into any portion of required parking spaces parking aisles or access dimension.	CD Director
§4.4 K.2.d.	Loading areas shall be screened	ZBAA
§4.4 K.2.e.	A required loading dock shall be accessible without backing a truck across a street property line	No Waiver
§4.4 K.2.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	No Waiver
§4.5 PEDESTRIAN CIRCULATION FACILITIES		
§4.5 A. Applicability		
§4.5 A.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.	CC
§4.5 B. Types of Pedestrian Circulation Facilities	N.A.	

Code Section	Description of Standard	Decision Making Body
§4.5 PEDESTRIAN CIRCULATION FACILITIES (Continued)		
§4.5 C. Pedestrian Linkage Requirements		
§4.5 C.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, <i>City of Gunnison Master Plan</i> and <i>Trails Master Plan</i> , unless the City Zoning Board of Adjustment	ZBAA
§4.5 C.2.	All subdivisions established after the adoption of this LDC shall provide pedestrian circulation improvements.	CC
§4.5 C.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 C.3.	CC Subdivision or ZBAA site plan review
§4.5 D. Pedestrian Circulation Amenities.	All developments that are subject to pedestrian circulation facilities. This sentence makes no sense	.
§4.5 D.2.	In all 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 §4.5C.3.	P&Z
§4.5 D.3.	Unless otherwise specified, sidewalks are required according to one of the following placement alternatives:	CD Director
§4.5 D.3a. 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 six feet.	CD Director
§4.5 D.3b. Detached Six Foot Minimum.	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.	CD Director
§4.5 E. Design and Construction Standards		
§4.5 E.1.	Sidewalks and multi-use trails shall be placed within the rights-of-way	CC
§4.5 E.2.	The slope, curve, vertical clearance, pedestrian crossing, under walk drains and other design elements shall be in accordance with the <i>City of Gunnison Construction Standards</i> .	PW Director
§4.5 E.3.	All pedestrian facilities shall be designed in accordance with <i>American Disabilities Act</i> (ADA) regulations and the requirements of this <i>LDC</i> , whichever is safer for pedestrians.	No Waiver
§4.5 E.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.	CD Director
§4.5 E.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	No Waiver
§4.5 E.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.	CD Director
§4.5 E.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.	PW Director

Code Section	Description of Standard	Decision Making Body
§4.5 PEDESTRIAN CIRCULATION FACILITIES (Continued)		
§4.5 F. Multi-Use Trails Design Standards		
§4.5 F.1.	All new subdivisions and exempt subdivision plats shall be required to dedicate and install trails where trail alignments, as depicted in the <i>City of Gunnison Trails Master Plan</i>	CC P&Z Rec
§4.5 F.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 <i>Trails Master Plan</i> .	CC or CD Director
§4.5 F.3.	Design and construction of multi-use trails shall be in accordance with the specifications defined in the <i>Trails Master Plan</i> , as it may be amended.	PW Director
§4.6 LANDSCAPING, BUFFERING AND SCREENING		
§4.6 B. Applicability	These landscape and buffer standards shall apply to subdivisions created after the adoption of this <i>LDC</i> , and to all development where development plan review is required by Section 6.	P&Z or CD Director if applicable
§4.6 C. Approval of Landscaping and Buffering Plan		
§4.6 C.1.	No development plan required under this Code shall receive final approval unless a landscaping and buffering plan meeting the requirements	P&Z
§4.6 C.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.	CD Director
§4.6 C.3.	No certificate of occupancy shall be issued unless the following criteria are fully satisfied with regard to the approved landscaping and buffering plan:	CD Director
§4.6 C.3.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	CD Director
§4.6 D. Landscaping Design Standards and Guidelines	The following minimum standards shall apply to all landscaped areas developed under the requirements of this Section.	P&Z or CD Director if applicable
§4.6 D.1. Aesthetic Enhancement Guidelines		
§4.6 D.2. Plant Materials		
§4.6 D.2.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	CD Director
§4.6 D.2.b. Existing Plant Materials	Healthy, existing trees, grasses and shrubs shall be incorporated into the landscape	CD Director
§4.6 D.2.b.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.	CD Director

Code Section	Description of Standard	Decision Making Body
§4.5 PEDESTRIAN CIRCULATION FACILITIES (Continued)		
§4.6 D.2.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.	CD Director
§4.6 D.3. Location and Arrangement of Required Landscaping		
§4.6 D.3.a.	The selection and arrangement of new plantings shall be planned to create visual appeal, to provide effective screening,	CD Director
§4.6 D.3.b.	All required landscaping elements shall be located on the property they serve.	P&Z
§4.6 D.3.c.	All required landscaping shall be located outside of any adjacent right-of-way unless it is associated with a street buffer.	CD Director
§4.6 D.3.d.	Trees shall be planted to allow for normal growth in height and shape without the need for excessive pruning.	CD Director
§4.6 D.3.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.	CD Director
§4.6 D.3.f.	No trees shall be planted within five feet on either side of water or sewer main lines	No Waiver
§4.6 D.3.g.	Plantings with a mature height of more than 25 feet shall not be planted under utility lines.	No Waiver
§4.6 D.3.h.	Plantings that will exceed six inches in height shall not be planted within three feet of a fire hydrant.	No Waiver
§4.6 D.3.i.	No trees shall be located within 25 feet of street intersections or 10 feet from fire hydrants and utility poles.	No Waiver
§4.6 D.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	CD Director
§4.6 D.5. Irrigation	All newly installed landscapes shall include a properly functioning watering system.	CD Director
§4.6 E. Landscaping Requirements for all Districts		
§4.6 E.1	The following minimum number of trees and shrubs shall be provided per required landscaped area in zone districts (See Table 4-12)	P&Z
§4.6 E.2	The landscape area in all zone districts except the CBD and Industrial districts must contain living plant materials. Living materials shall comprise no less than 50 percent of the required landscape area.	P&Z
§4.6 E.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.	C.D. Director Approval
§4.6 F Buffer and Screening		
§4.6 F.2 Waivers	A waiver from these buffer and screening standards may be granted by the Planning and Zoning Commission. A waiver application shall include a site plan showing the building footprint, driveways, parking, landscaping and utility lines.	Waiver by P&Z
§4.6 F.3 District Boundaries	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.	Staff Waiver

Code Section	Description of Standard	Decision Making Body
§4.5 PEDESTRIAN CIRCULATION FACILITIES (Continued)		
§4.6 F.4 Street Frontage Buffer		
§4.6 F.4.b	The following shall be exempt from these street frontage buffer requirements: ii. all development in the CBD district; and iii. development in the Industrial district fronting on a local street	Not Applicable
§4.6 F.4.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.	Not Applicable
§4.6 F.4.e Arterial and Collector Street Frontage Buffers		
§4.6 F.4.e.i	All development on property abutting an arterial and collector street shall provide a landscaped buffer with a minimum width of 25 feet	P&Z
§4.6 F.4.e.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	P&Z
§4.6 F.4.f. Local Street Frontage	One tree shall be planted for each 50 lineal feet of street frontage and one shrub for each 20 lineal feet of street frontage.	P&Z
§4.6 F.4.g. No Development in Street Frontage Buffer	Within the street frontage buffer, there shall be no development, parking or drives, except for access to the portion of the site not in the buffer,	P&Z
§4.6 F.6. Responsibility for Buffering.	Buffering shall be the responsibility of new development.	Not Applicable
§4.6 G. Parking Lot Landscaping		
§4.6 G.2.a. Applicability	All parking lots containing four or more spaces shall provide perimeter landscaping pursuant to the General Requirements	ZBAA
§4.6 G.2.b. General Requirements (Figure 15)	i. All parking areas shall be 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. iv. Perimeter landscaping shall provide a semi-opaque screen during the winter season.	ZBAA
§4.6 G.2.d. Walls/Fences.	Where walls or fences are used, a minimum of one evergreen tree or three shrubs is required for every 40 lineal feet of wall or fence	P&Z
§4.6 G.2.e. Perimeter Planting Requirements	i. one tree per 20 lineal feet and one shrub per 10 lineal feet shall be planted along the perimeter adjacent to an arterial or collector street. One shrub per 10 lineal feet shall be planted along the perimeter of local streets (see Figure 15). ii. Side or rear lot line-one tree per 30 lineal feet and one shrub per 10 feet	P&Z
§4.6 G. 3. Parking Lot Interiors		
§4.6 G. 3.a Applicability	All parking lots with 30 or more parking places shall comply with these interior parking lot landscaping requirements.	ZBAA
§4.6 G. 3.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	ZBAA
§4.6 G. 3.c. Landscaped Islands	i. 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; iii. Islands shall be arranged to maximize shading; iv. Plantings shall be arranged so as not to interfere with driver vision, vehicle circulation or pedestrian circulation.	CD Director

Code Section	Description of Standard	Decision Making Body
§4.5 PEDESTRIAN CIRCULATION FACILITIES (Continued)		
§4.6 H. Fences and Walls		
§4.6 H. 1. Materials		
§4.6 H.1.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	CD Director
§4.6 H.1.b	In all non-residential districts except the Industrial, all fencing shall be finished on all sides that are visible from off-site	CD Director
§4.6 H.1.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.	No Waiver
§4.6 H.1.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. No slats shall be allowed with chain-link fencing.	No Waiver
§4.6 H.1.e.	Barbed-wire and similar fence materials may only be used in conjunction with a permitted agricultural use or in conjunction with the permitted keeping of horses or livestock or security fencing needs.	No Waiver
§4.6 H.2.a	A fence or wall in any required front yard shall not exceed four feet in height.	No Waiver
§4.6 H.2.b	Fence greater than 8’ must be constructed in conformance with the adopted <i>International Building Code</i> .	No Waiver
§4.6 H.2.c	Excluding lots in the Industrial District not abutting another zone district, all fences and walls greater than six feet shall comply with the setback requirements	No Waiver
§4.6 H.2.d	The construction and maintenance of fences and walls shall comply with §4.3 J.4, Intersection and Driveway Visibility.	No Waiver
§4.6 H.2.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	PW Director
§4.6 H.2.f	Fences or walls located on public property are subject to a license agreement	No Waiver
§4.6 H.2.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	PW Director
§4.6 H.2.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.	No Waiver
§4.6 I. Screening		
§4.6 I.1.a	Drive-thru windows and lanes placed adjacent to the right-of-way and/or alley shall comply with parking lot separation distance requirements	ZBAA
§4.6 I.1.b	Screening shall be a continuous hedge or other type of dense foliage.	CD Director
§4.6 I.1.c	No drive-thru window shall be permitted on the side of a building adjacent to any residential district	ZBAA
§4.6 I.2. Service Areas		
§4.6 I.2.a	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 from view	CD Director
§4.6 I.2.b	Enclosures shall be fully screened by six foot high opaque walls or solid fences	No Waiver

Code Section	Description of Standard	Decision Making Body
§4.5 PEDESTRIAN CIRCULATION FACILITIES (Continued)		
§4.6 I.2.c	All service areas shall be limited to the area shown on an approved site plan.	No Waiver
§4.6 I.2.d	All service areas shall be located a minimum of 50 feet away from any residentially zoned property	ZBAA
§4.6 I.3. Loading Areas		
§4.6 I.3.a	Provide a minimum 100 percent year-round screen of all Type B loading areas	CD Director
§4.6 I.3.b	This screen shall consist of berms, walls, fences, plant material or combination totaling eight feet in height at installation or completion of construction	CD Director
§4.6 I.3.c	All Type B loading docks not in the Industrial district shall be located at the side or rear of buildings	P&Z
§4.6 I.4. Mechanical Equipment		
§4.6 I.4.a	All 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	CD Director
§4.6 I.4.b	Roof-mounted mechanical equipment shall be shielded from view on all sides	CD Director
§4.6 I.4.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.	CD Director
§4.6 I.5. Utilities	Required accessways to these utilities are exempt from the screening provisions.	Not Applicable
§4.6 I.6. Trash Receptacles	Screening shall be provided for all trash receptacles of two cubic yards in volume or greater.	CD Director
§4.6 J. Maintenance Requirements		
§4.6 J.1. Maintenance Required	Required landscaping shall be maintained in a healthy, growing condition at all times.	CD Director
§4.6 J.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	CD Director
§4.6 J.3. Replacement	a. Deciduous trees and shrubs that fail to produce leaves on more than fifty percent of the plant by July 1st of the calendar year. b. Evergreen trees 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.	CD Director

Code Section	Description of Standard	Decision Making Body
§4.7 OUTDOOR STORAGE AND DISPLAY		
§4.6 J.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 <i>LDC</i>	CD Director
§4.7 A. Applicability	<ol style="list-style-type: none"> 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. 	Not Applicable
§4.7 B.3. Outdoor Display	In order to protect the health, safety and welfare of citizens, outdoor display shall not impede any ingress or egress from the building or access for fire and emergency personnel.	No Waiver
§4.7 B.3.a	Outdoor display shall be permitted adjacent to the primary façade and shall extend no more than eight feet from such façade.	P&Z
§4.7 B.3.b	Outdoor display shall be located no closer than six feet from any public entrance.	No Waiver
§4.7 B.3.c	Outdoor display shall occupy no more than 30 percent of the horizontal length of the façade.	P&Z
§4.7 B.3.d	Outdoor display shall not impair the ability of pedestrians to use the accessways or parking areas.	No Waiver
§4.7 B.3.e	The display area shall not encroach upon or interfere with on-site access, parking, circulation, or required landscaping.	P&Z
§4.7 B.3.f	The display area shall, at all times, be kept neat, clean, and free of litter and debris.	CD Director
§4.7 C. Outdoor Storage		
§4.7.C. 2.a Limited Outdoor Storage	Limited outdoor storage shall be defined as the overnight outdoor storage of vehicles awaiting repair (includes the storage of vehicles at self-storage facility), merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers, shopping carts, garden supplies, building supplies, plants, fleet vehicles and other similar merchandise, material or equipment	Not Applicable
§4.7 C.2.c	Limited outdoor storage shall not be more than 12 feet in height and shall be fully screened from view (Exempt in the Industrial zone dist).	P&Z
§4.7 C.2.d	All limited outdoor storage shall be located at least 15 feet from the back edge of the curb and any abutting residential use or residentially-zoned district.	P&Z
§4.7 C.2.e	Limited outdoor storage shall comply with the Intersection and Driveway Visibility Standards	No Waiver
§4.7 C.2.g	Limited outdoor storage may be located to the side of a building, provided it is not located within the side yard.	P&Z Waiver
§4.7 C.2.h	Vehicles awaiting repair may be stored up to 14 days within the required screened storage area.	CD Director
§4.7 C.3. General Outdoor Storage	General outdoor storage shall be defined as salvage yards, vehicle storage yards, overnight outdoor storage of shipping containers, lumber, pipe, and steel, junk and other similar merchandise, material or equipment.	Not Applicable
§4.7 C.3.b.	General outdoor storage shall only be permitted in the Industrial district	P&Z
§4.7 C.3.c.	General outdoor storage shall screened by 100 percent opaque, eight foot high visual barrier or screen	P&Z

Code Section	Description of Standard	Decision Making Body
§4.7 OUTDOOR STORAGE AND DISPLAY (continued)		
§4.7 C.3.d.	All general outdoor storage shall be located at least 15 feet from the back edge of the curb and any abutting residential use or residential district.	P&Z
§4.7 C.3.e.	No general outdoor storage shall be permitted adjacent to a street right-of-way or otherwise forward of the front building line.	P&Z
§4.7 C.4. Outdoor storage for Industrial Use Categories.	The following standards shall apply to all outdoor storage yards that abut an arterial street, a residential use	No Waiver
§4.7.C.4.a	Such uses shall be screened with a solid (100 percent opaque) wall or fence with a minimum height of eight feet.	P&Z
§4.7 C.4.b	No outdoor storage area shall be placed or maintained within a required building or yard setback.	P&Z
§4.7 C.4.c	Stored items shall not project above the fence or wall	P&Z
§4.7 C.4.d	Stored vehicles, excluding farm equipment, shall have current license plates and registration.	P&Z
§4.8 Signs - Signs Standards are omitted from this review		
§4.9 OUTDOOR LIGHTING		
§4.9 A Applicability		
§4.9 A.2	If an existing 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.	No Waiver
§4.9 A.3 Exemption	The following shall be exempt from the outdoor lighting requirements of this section: a. Fixtures (luminaries) utilizing incandescent lamps (bulbs) with less than 1,000 initial lumen output. b. Public recreational playfield lighting; and c. Lighting with more than 1000 initial lumen may be allowed with an active or activated motion sensor.	Not Applicable
§4.9 B. 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. low-pressure sodium and mercury vapor light sources; 2. cobra-head-type fixtures having dish or drop lenses or refractors which house other than incandescent sources; and 3. searchlights and other high-intensity narrow-beam fixtures.	P&Z
§4.9 E. Design Requirements		
§4.9 E.1 Fixture (Luminaire)	all lighting fixtures shall be full cutoff fixtures.	P&Z
§4.9 E.2 Fixture Height.	Lighting fixtures shall be a maximum of 20 feet in height	P&Z
§4.9 E.3 Light Source (Lamp).	Only incandescent, fluorescent, metal halide, or color corrected high-pressure sodium may be used.	P&Z
§4.9 E.4 Mounting	Fixtures shall be mounted in such a manner that the cone of light is contained on-site	P&Z
§4.9 E.5 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.	CD Director Determination
§4.9 F Specific Standards		
§4.9 F.1 Street Lighting.	A street light standard of 25 feet mounting height shall be installed at all street intersections,	CC
§4.9 F.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.	P&Z

§4.9 F.3 Accent Lighting	Only lighting used to accent architectural features, landscaping or art may be directed upward. Add USA & Colorado Flags	Not Applicable
§4.9 F.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.	CD Director
Code Section	Description of Standard	Decision Making Body
§4.9 OUTDOOR LIGHTING (continued)		
§4.9 F.5 Entrances 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.	CD Director
§4.9 F.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.	CD Director
§4.9 F.1	Lighting within any lot that unnecessarily illuminates and interferes with the use or enjoyment of any other lot is prohibited.	P&Z
§4.9 F.2	The maximum light trespass originating from exterior lighting shall be 0.5 foot-candles of light at a point 25 feet outside the property line	P&Z
§4.9 F.3	Lighting shall not be oriented so as to direct glare or excessive illumination onto streets	P&Z
§4.9 F.4	All lighting, including any exterior floodlights, shall be shielded so that substantially all emitted light falls within the property	P&Z
§4.9 F.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.	P&Z
§4.9 F.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.	P&Z
§4.9 F.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	P&Z
§4.10 LARGE SCALE RETAIL		
§4.10 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 of commercial floor area in any one structure	P&Z
§4.10 D. Single Building Site Development Standards		
§4.10 D.1. General	Site development shall be designed and constructed in accordance with all of the provisions of Section 4. General Development Standards	P&Z
§4.10 D.2. Orientation	Building wall planes shall be oriented parallel to primary street frontages	
§4.10 D.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	P&Z
§4.10 F. Multiple Building Site Development Standards	Multiple building layouts shall be completed in accordance with the following requirements.	P&Z

Code Section	Description of Standard	Decision Making Body
§4.10 LARGE SCALE RETAIL		
§4.10 F.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	P&Z
§4.10 F.2. Orientation	Buildings shall be oriented parallel or perpendicular to primary street frontages or entrance driveways.	P&Z
§4.10 F.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.	P&Z
§4.10 F.4. Phasing	If a large retail sales development is built in phases, the phasing shall be established as part of the design review. Site improvements for phased developments 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	P&Z
§4.10 G. Vehicular Circulation		
§4.10 G.1. Transportation Impact Study Requirements	A detailed Transportation Impact Analysis (TIA) shall be prepared in accordance with §4.1 H. of this <i>LDC</i> .	P&Z
§4.10 G.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	P&Z
§4.10 G.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	P&Z
§4.10 G.4. Passenger Loading Zones	In addition to passenger loading zones required by the <i>International Building Code</i> 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. The loading zone length shall be a minimum 50 feet	P&Z
§4.10 G.5. Traffic Control	All accesses shall be designed and constructed with appropriate traffic control and signage conforming to the Federal Highway Administration <i>Manual on Uniform Traffic Control Devices</i> , latest edition.	P&Z
§4.10 G.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 <i>Colorado State Highway Access Code</i> .	P&Z
§4.10 G.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.	P&Z
§4.10 H. Pedestrian Circulation Facilities		
§4.10 H.1 Connectivity	New developments shall be laid out and designed to provide sidewalks, accessways, bikeways, and multi-use trails that connect with existing or planned sidewalks,	P&Z

Code Section	Description of Standard	Decision Making Body
§4.10 LARGE SCALE RETAIL		
§4.10 H.2 Easements and Multi-use Trails	Multi-use trails, where required, shall have a minimum 15 foot wide, public right-of-way or easement dedicated to the Public and a 10 foot wide treadway shall be constructed	P&Z
§4.10 H.3 Multi-Use Trail Location Guidelines		
§4.10 H.4 Bike Racks	Bike racks shall be provided at the rate specified in §4.4 F.10.	P&Z
§4.10 H.5 Internal Pedestrian Design Standards.	Unless otherwise modified herein, pedestrian circulation facilities shall comply with §4.5, Pedestrian Circulation Facilities	P&Z
§4.10 H.5.a.	Detached sidewalks at least eight feet in width shall be provided along all lot boundaries that abut public streets.	P&Z
§4.10 H.5.b.	Multi-use trails shall be constructed in accordance with the adopted provisions of the <i>Gunnison Trails Master Plan</i> as amended	P&Z
§4.10 H.5.c.	Continuous internal accessways, no less than eight feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance	P&Z
§4.10 H.5.d.	Snow shedding from roof structures adjacent to sidewalks or accessways is prohibited.	P&Z
§4.10 H.5.e.	Any large scale retail establishment development sharing a common lot line with another nonresidential district parcel shall provide an internal pedestrian walkway to the common property boundary.	P&Z
§4.10 H.5.f.	Any large scale retail establishment development sharing a common lot line with another nonresidential district parcel shall provide an internal pedestrian walkway to the common property boundary.	P&Z
§4.10 H.5.g.	Accessways, no less than eight feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas.	P&Z
§4.10 H.5.h.	All internal accessways shall be distinguished from driving surfaces through the use of durable, low-maintenance, surface materials	P&Z
§4.10 I. Central Features and Community Space		
§4.10 J. Residential Protection		
§4.10 J.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.	P&Z
§4.10 J.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	P&Z
§4.10 K. Building Design Standards		

Code Section	Description of Standard	Decision Making Body
§4.10 LARGE SCALE RETAIL (continued)		
§4.10 K. 2. Ground Floor Façades		
§4.10 K. 2.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.	P&Z
§4.10 K.2.b	Liner and pad site buildings shall have separate, exterior customer/resident entrances. Such entrances are preferred on both street and parking lot sides. The street level façade of liner or pad site buildings shall be transparent between the height of three feet and eight feet above the walkway grade	P&Z
§4.10 K.3.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.	P&Z
§4.10 K.3.b Primary Façades.	Any primary façade shall include projections or recesses (articulation) in accordance with this subsection. 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.	P&Z
§4.10 K.3.c Secondary Façades.	Any façade, other than a primary façade, shall include no less than three of the following elements: i. an expression of architectural or structural bays through a change in plane of no less than 12 inches in width, such as an offset, reveal or projecting rib, as shown in Figure 221; i. 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; ii. material module change; iii. color change; or iv. textural change.	P&Z
§4.10 L. Architectural Elements.	Primary facades of large scale retail establishments shall have clearly defined architectural detail featuring no less than three of the following: 1. canopies or porticos; 2. overhangs; 3. recesses and projections; 4. arcades; 5. raised, corniced parapets over the door; 6. peaked roof forms; 7. arches; 8. outdoor patios; 9. display windows; 10. architectural details such as tile work, architectural banding, and moldings, which are integrated into the building structure and design; or 11. integral planters or wing walls that incorporate landscaped areas and/or places for sitting.	P&Z

Code Section	Description of Standard	Decision Making Body
§4.10 LARGE SCALE RETAIL (continued)		
§4.10 M Building Entrances	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; or 11. integral planters or wing walls that incorporate landscaped areas and/or places for sitting.	P&Z
§4.10 N. Materials and Colors		
§4.10 N.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 stone; tinted/textured concrete masonry units; brick, stone or native veneer;	P&Z
§4.10 N.2	2. Color shades shall be used to unify the development. Façade colors shall be low reflectance, subtle, neutral, earth tone colors.	P&Z
§4.10 N.4	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.	P&Z
§4.10 N.6	6. Use of neon as an architectural building accent is prohibited.	P&Z
§4.10 O. Roofs		
§4.10 O.1	Roofs shall comply with the provisions of §4.6.I.4., and shall have no less than two of the following features: parapets, the average height of which shall not exceed 15 percent of the height of the supporting wall,	P&Z
§4.10 O.2	overhanging eaves, extending no less than three feet past the supporting walls;	P&Z
§4.10 O.3	sloping roofs that do not exceed the average height of the supporting walls	P&Z
§4.10 O.4	three or more roof slope planes.	P&Z
§4.10 P 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: 1. The building shall remain fully illuminated inside within 100 feet of all public entrances, and outside including all parking lot areas, consistent with the historic practice. 2. Glazing shall not be boarded and broken windows shall be replaced immediately. 3. Vegetated landscaping shall be watered, trimmed and mowed during the growing season. Dead vegetation shall be replaced immediately. 4. Graffiti shall be immediately removed from the site. 5. Painted or stained building surfaces shall be painted or stained at least every three years or when the surface starts to peel, crack, or fade. 6. Snow removal shall occur within 24 hours after all snow storms.	P&Z

Code Section	Description of Standard	Decision Making Body																														
§5.1 STORMWATER MANAGEMENT																																
§5.1 B. Stormwater Design and Construction Standards																																
§5.1 B. 1.	The <i>City of Gunnison Stormwater Management Manual</i> shall be incorporated herein by reference.	C.C. w/ P&Z Rec																														
§5.1 B. 2.	<p>Design and Construction of all stormwater water facilities shall be in accordance with the <i>City of Gunnison Stormwater Management Manual</i> as it may be amended. See <i>City of Gunnison Stormwater Management Manual</i> Table 3-1 below:</p> <table border="1" data-bbox="505 569 1300 1283"> <thead> <tr> <th colspan="3" data-bbox="505 569 1300 632" style="text-align: center;">TABLE 3-1 DRAINAGE REPORT SUBMITTAL REQUIREMENTS</th> </tr> <tr> <th data-bbox="505 632 683 695">Submittal Type</th> <th data-bbox="683 632 951 695">Drainage Submittal Requirements</th> <th data-bbox="951 632 1300 695">Review Body</th> </tr> </thead> <tbody> <tr> <td data-bbox="505 695 683 758">Map Amendment</td> <td data-bbox="683 695 951 758">Determined by the City Engineer</td> <td data-bbox="951 695 1300 758">P&Z and City Council</td> </tr> <tr> <td data-bbox="505 758 683 852">Planned Development PDO or PD</td> <td data-bbox="683 758 951 852">Transitional Phase II Drainage Report</td> <td data-bbox="951 758 1300 852">P&Z and City Council</td> </tr> <tr> <td data-bbox="505 852 683 915">Development Application</td> <td data-bbox="683 852 951 915">Determined by City Engineer</td> <td data-bbox="951 852 1300 915">Staff</td> </tr> <tr> <td data-bbox="505 915 683 978">Conditional Use</td> <td data-bbox="683 915 951 978">Determined by City Engineer</td> <td data-bbox="951 915 1300 978">P&Z</td> </tr> <tr> <td data-bbox="505 978 683 1062">Preliminary Subdivision Plat</td> <td data-bbox="683 978 951 1062">Phase II Drainage Report</td> <td data-bbox="951 978 1300 1062">P&Z</td> </tr> <tr> <td data-bbox="505 1062 683 1157">Final Subdivision Plat/Replat</td> <td data-bbox="683 1062 951 1157">Phase III Drainage Report</td> <td data-bbox="951 1062 1300 1157">P&Z and City Council</td> </tr> <tr> <td data-bbox="505 1157 683 1220">Minor Subdivision</td> <td data-bbox="683 1157 951 1220">Determined by City Engineer</td> <td data-bbox="951 1157 1300 1220">P&Z and City Council</td> </tr> <tr> <td data-bbox="505 1220 683 1283">Exempt Subdivision</td> <td data-bbox="683 1220 951 1283">Determined by City Engineer</td> <td data-bbox="951 1220 1300 1283">Staff</td> </tr> </tbody> </table>	TABLE 3-1 DRAINAGE REPORT SUBMITTAL REQUIREMENTS			Submittal Type	Drainage Submittal Requirements	Review Body	Map Amendment	Determined by the City Engineer	P&Z and City Council	Planned Development PDO or PD	Transitional Phase II Drainage Report	P&Z and City Council	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	See <i>City of Gunnison Stormwater Management Manual</i> Table 3-1
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§5.1 STORMWATER MANAGEMENT (continued)																																
§5.1 B. 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.	C.C. w/ P&Z Rec																														
§5.1 B. 4.	The drainage system shall comply with applicable state and federal requirements.	No Waiver																														
§5.1 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 <i>City of Gunnison Municipal Code</i> .	No Waiver																														
§5.2 SLOPE PROTECTION STANDARDS																																
§5.2 A. 1. a.	All Map Amendments proposed after the adoption date of this <i>LDC</i> shall be subject to these Slope Protection Standards.	ZBAA																														
§5.2A. 1. b.	Non-residential development districts shall be prohibited on slopes greater than 10 percent.	No Waiver																														
§5.2 A. 3.	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	ZBAA																														

Code Section	Description of Standard	Decision Making Body
§5.2 SLOPE PROTECTION STANDARDS (continued)		
§5.2 B. Development Restriction on Steep Slopes		
§5.2 B. 2. a.	New development proposed to be built on any portion of a site containing a 10 percent or greater shall be subject to review and approval pursuant to Section 6. This provision applies to development that would otherwise be exempt from the development plan review process.	P&Z
§5.2 B. 2.b.i.	Site Disturbance shall be minimized to the maximum extent practicable (§5.2 D., Grading Standards).	CD Director
§5.2 B. 2.b.ii.	Cuts for utilities and access driveway shall be shared to the maximum extent feasible	CD Director
§5.2 B. 2.b.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.	CD Director
§5.2 B. 2.b.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.	CD Director
§5.2 B. 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 <i>Building Code</i> provisions.	CD Director
§5.2 B. 4. Grading, Clearing and Excavation–Slope in Excess of Ten Percent.	Clearing, excavation and grading on slopes greater than 10 percent shall not be allowed, unless expressly approved through a site development application.	CD Director
§5.2 B. 5. Roads/Driveway – Slopes in Excess of 10 Percent.	Shared driveway and access to site or lots containing slopes in excess of 10 percent shall be utilized to the maximum extent feasible (also see §4.3, General Site Access).	CD Director
§5.2 C. Ridgeline Protection Standards		
§5.2 C.2. Building/Roof Design for Ridgeline Protection Guidelines.	Development subject to this subsection will be designed and sited to minimize the visible intrusion of building and structures above the designated ridgelines or above existing ridge top trees or vegetation, and thus preserve scenic view across or through the site.	CD Director
§5.2 C.2. Development Plan	All development subject to these ridgeline protection standards shall submit a development plan, including a visual analysis of the proposed development, for staff review and approval. The required visual analysis shall include a photographic simulation of the development from viewpoints as determined by staff.	CD Director
§5.2 D. Staff Waivers for Ridgeline Protection Standards		
§5.2 D. 1.	Staff may grant such waivers or modifications to the ridgeline protection standard only if it finds based on substantial evidence presented by the applicant, that the following conditions are satisfied: a. Application of the ridgeline standard renders the site undevelopable; b. Application of the ridgeline standards will result in substantial economic hardship and the economic hardship is not created by the applicant or otherwise self imposed; and c. The development conforms to all other development, site design and environmental standards set forth in this Section and in all other applicable ordinances and codes.	CD Director

Code Section	Description of Standard	Decision Making Body
§5.2 SLOPE PROTECTION STANDARDS (continued)		
§5.2 D. 2.	In granting a waiver from or modification of the ridgeline protection standards set forth in this section, staff may impose conditions if the effect of the conditions is to reduce the adverse impact of the development, including but not limited to a reduction in a maximum building height below what would otherwise be permitted in the applicable zoning district.	CD Director
§5.3 GRADING AND EROSION CONTROL		
§5.3 B. Grading Plan	The applicant shall submit a grading plan which illustrates the extent of the land disturbance which is to occur on the property. The grading plan shall illustrate existing site features and shall depict existing and proposed contours, using a contour interval of two feet. Where slopes are greater than 20 percent, five foot contours may be depicted.	Subdivision: C.C. w/ P&Z Rec Site Development: CD Director
§5.3 D. Grading Standards		
§5.3 D. 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.	CD Director
§5.3 D. 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.	CD Director
§5.3 D. 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.	CD Director
§5.3 D. 4. Grading For Accessory Building Pads Discouraged.	Separate pad for accessory buildings and structures other than garages, such as tennis courts, swimming pools, outbuildings, and similar facilities, shall be discourage except where the average natural slope is 15 percent or less, as measured from the points with the highest and lowest elevation within five feet of any portion of the proposed accessory building structure or building.	CD Director
§5.3 D. 5. 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.	Subdivision: C.C. w/ P&Z Rec Site Development: CD Director
§5.3 D. 5. 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 (2:1slope), but shall be subject to City review and approval.	Subdivision: C.C. w/ P&Z Rec
§5.3 D. 6. b.	Retaining walls shall be used to provide breaks in manmade slopes exceeding 30 percent and to provide planting pockets.	CD Director

Code Section	Description of Standard	Decision Making Body
§5.3 GRADING AND EROSION CONTROL (continued)		
§5.3 D. 6. c.	Retaining walls may be permitted to support steep slopes but shall not exceed six feet in height from the finished grade except for: i. a structure’s foundation wall; ii. as necessary to construct a driveway from the street to a garage or parking area; or, iii. as otherwise expressly allowed by this Section.	CD Director
§5.3 D. 6. d.	Any retaining wall or multiple retaining wall design greater than four feet in height shall be designed by an engineer registered in the State of Colorado and the engineer design shall be based on recommendations from a geotechnical engineer soils report. The engineer design shall be submitted to staff for review and approval prior to construction.	No Waiver
§5.3 D. 6. e.	A three foot minimum horizontal terrace shall be required for any multiple retaining walls that are less than four feet in height. A minimum five foot horizontal terrace shall be required for any multiple retaining walls that are four feet or greater in height. Terraces created between retaining walls shall be permanently landscaped with vegetation.	CD Director
§5.3 D. 6. f.	Retaining walls visible from a collector street, arterial street or highway, or from public open areas or parks, shall be screened by vegetation or faced with wood, stone or other earth-colored materials that blend with the surrounding natural landscape.	CD Director
§5.3 D. 6. g.	All retaining walls shall comply with applicable <i>Building Code</i> provisions, except that when any provision of this Section conflicts with any provision set forth in the <i>Building Code</i> , the more restrictive provision shall apply.	No Waiver
§5.3 D. 6. h.	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.	No Waiver
§5.3 D. 6. i.	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.	No Waiver
§5.3 D. 7.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.	No Waiver
§5.3 D. 7.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.	CD Director

Code Section	Description of Standard	Decision Making Body
§5.3 GRADING AND EROSION CONTROL (continued)		
§5.3 D. 7.c. Timeline	Overlot grading projects affecting an area greater than one acre in size that has been wholly or partially grubbed or wholly or partially graded, construction shall commence and shall be continuous within 60 days after grubbing. Should construction or grading not commence or be continuous within the required 60 day period, the site shall be native seeded within 30 days following the expiration of the required 60 day period. When approved by the Community Development Director, a time extension may be granted for conditions beyond the control of the permittee for items such as flooding or discovery of historic artifacts.	CD Director
§5.3 D. 7.d. Surety	In order to insure conformance with the requirement of paragraph c (Timeline) above, a performance bond or other suitable security in an amount of 125% of the cost to accomplish ground preparation, native seeding fertilizer application, and mulching of the site shall be posted prior to the issuance of a grading permit. Any surety provided pursuant to this subsection shall be returned upon completion of an approved final inspection for the building site; the Community Development Director may require up to a 12 month plant establishment period before releasing surety.	CD Director
§5.3 D. 7.e. Man-made Slopes Greater than 25 Percent	On man-made slopes of 25 percent or greater, plant materials with characteristics that minimize erosion and reduce surface runoff shall be selected.	CD Director
§5.3 D. 7.f. Man-made Slopes Greater than 50 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.	CD Director
§5.3 D. 7.g. Topsoil Stockpiled	To the maximum extent feasible, topsoil that is removed during construction shall be stockpiled and conserved for later use on areas requiring revegetation or landscaping, such as cut-and-fill slopes.	CD Director
§5.3 D. 8.d.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.	CD Director
§5.3 D. 8.d.ii.	To the maximum extent feasible, no development, grading or vegetation removal or alternation shall occur as part of the development project or associated construction activity outside the LOD except as provided in subsection iii.c) below.	CD Director
§5.3 D. 8.d.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.	CD Director
§5.3 D. 8.e.	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.	C.C. w/ P&Z Rec
§5.3 D. 8.f.	LOD shall be designated in the field prior to commencement of excavation, grading or construction.	CD Director

Code Section	Description of Standard	Decision Making Body
§5.4 WETLAND AND STREAMS CORRIDOR PROTECTION		
§5.4 C. Other Regulations		
§5.4 C. 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.	C.C. w/ P&Z Rec
§5.4 C. 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.	No Waiver
§5.4 E. Buffer/Setback Areas		
§5.4 E.1.a.i. Major Ditches	All buildings and accessory structures shall be setback at least 30 feet horizontally (plan view) from the outside edge of adjacent ditch banks. Where defined banks are not readily discernible, the setback shall be measured from the center of the ditch (See Figure 31 Wetland/Stream Setback).	P&Z
§5.4 E.1.a.ii. a)	All buildings and accessory structures shall be setback at least 50 feet horizontally (plan view) from the annual high-water mark of river corridors, or, if not readily discernible, from the delineated floodway.	P&Z
§5.4 E.1.a.ii. b)	All buildings and accessory structures shall be setback at least 30 feet horizontally (plan view) from the annual high-water mark of river corridors or, if not readily discernible, from the defined floodway	P&Z
§5.4 E.1.b. Parking Lot Setbacks	Parking lots shall be setback at least 50 feet horizontally (plan view) from the annual high-water mark of stream or river corridors, or not readily discernible, from the defined floodway of the stream or river.	P&Z
§5.4 E.2.a.	To the maximum extent feasible, wetlands shall not be included as part of a platted development lot.	C.C. w/ P&Z Rec
§5.4 E.2.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 31).	P&Z
§5.4 E.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.	CD Director
§5.4 F. Development Standards		
§5.4 F. 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.	CD Director

Code Section	Description of Standard	Decision Making Body
§5.4 WETLAND AND STREAMS CORRIDOR PROTECTION (continued)		
§5.4 F. 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.	CD Director
§5.4 F. 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.	CD Director
§5.4 G. Preservation of Vegetation	All existing vegetation within the stream/river corridor or wetland buffer/setback area shall be preserved, and where necessary to provide adequate screening or to repair damaged riparian areas, supplemented with additional native planting and landscaping.	CD Director
§5.4 H. Wetland Mitigation Requirements		
§5.4 H.1.	Restoration shall be required according to an approved wetland mitigation plan when a wetland or its buffer is altered in violation of law or without specific permission or approval by the Decision-Making Body.	No Waiver
§5.4 H.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.	P&Z