PLANNING AND ZONING COMMISSION
SEPTEMBER 12, 2012 MEETING PACKET
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AGENDA
CITY OF GUNNISON
PLANNING & ZONING COMMISSION
REGULAR MEETING
Rev 9/6/2012

DATE: **WEDNESDAY, SEPTEMBER 12, 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 AUGUST 22, 2012 MEETING MINUTES

V. PLANNING AND ZONING COMMISSION RULES AND REGULATIONS

VI. COUNCIL UPDATE

VII. COMMISSIONER COMMENTS

VIII. PLANNING STAFF UPDATE

IX. ADJOURN TO WORK SESSION

WORK SESSION

I. DISCUSSION OF THE DRAFT LAND DEVELOPMENT CODE –

A. Review of Changes
- Large Scale Retail
- Natural Resource Protection

B. Development Review Procedures

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

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

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

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

OTHERS PRESENT: Community Development Director Steve Westbay, Planner Andie Ruggera

I. CALL TO ORDER AT 7:00 PM BY CHAIR CAROLYN RIGGS

II. PLEDGE OF ALLEGIANCE TO THE FLAG

III. CONSIDERATION OF THE AUGUST 15, 2012 MEETING MINUTES

Commissioner Beda moved and Commissioner Niemeyer seconded to approve the August 15, 2012 meeting minutes as presented.
Roll Call Yes: Ferchau, Tocke, Riggs, Niemeyer and Beda
Roll Call No:
Roll Call Abstain: Larson and Seymour – were not present at the August 15th meeting.
Motion carried

Commissioner Larson apologized for missing the August 15th meeting and stated he never received the meeting packet.

Commissioner Tocke moved and Commissioner Beda seconded to excuse Commissioner Larson from the August 15th meeting.
Roll Call Yes: Niemeyer, Ferchau, Riggs, Larson, Seymour, Beda and Tocke
Roll Call No:
Roll Call Abstain:
Motion carried

IV. THREE MILE COUNTY REFERRAL, SKETCH PLAN FOR A MAJOR IMPACT – MINING OPERATION PROPOSED AS TOMICHI PIT.

Director Westbay gave an overview of the Three-Mile Review process and the Intergovernmental Agreement with the County for the benefit of the new Commissioners. He then gave an overview of the application and the draft letter to the County. Some of the concerns are related to the original Gunnison Rising proposal and some of the reasons the City didn't want to annex:

- extension of services was not cost effective;
- appearance of the entrance to the city;
- traffic generation; and,
- vehicle-dependent land use.

Director Westbay summarized the original boundary proposal. The Commission reviewed the draft letter and discussed the letter making reference to Gunnison Rising. Members voiced concern on restating issues City Council identified at this location during the Gunnison Rising Annexation

process. Commissioner Niemeyer suggested rewording the paragraph slightly. Director Westbay and the Commission made revisions to the letter.

Director Westbay summarized the Commission's role in reviewing Three-Mile projects. Commissioner Niemeyer asked if the County is obligated to hold a joint meeting if the City requests one and Director Westbay replied that they are, under the Intergovernmental Agreement.

Commissioner Ferchau stated that he believes this proposal is dramatically different from the annexation request and shouldn't be judged the same as the request isn't industrial. He stated the following should be considered:

- the Tomichi Creek area has quality gravel;
- United Companies currently has a monopoly on this type of production;
- we need to factor in that economically this is where the gravel is;
- we should not compare this request to the original Gunnison Rising Annexation request;
- he believes the letter sounds like we are in opposition and disagrees with the thoughts expressed in the letter; and
- the letter should be started with "The City recognizes the economic benefits, then list our concerns."

Councilor Seymour replied that the Commission should be careful weighing in on economic benefits and that it is important to mention economics but not drive the letter with economics.

The Commission and Director Westbay finished revising the letter. Commissioner Larson moved to authorize Chair Riggs to sign the revised letter and to submit the letter to the County Planning Commission. Commissioner Niemeyer seconded the motion.
Roll Call Yes: Ferchau, Tocke, Riggs, Beda, Seymour, Niemeyer and Larson
Roll Call No:
Roll Call Abstain:
Motion carried

V. UNSCHEDULED CITIZENS

There were none

VI. COUNCIL UPDATE

Councilor Seymour stated the Council meeting was canceled and does not have anything further to report.

Chair Riggs inquired if there was any feedback from the USA Pro Cycling Challenge. Councilor Seymour replied it seemed like the crowd was larger for the start day this year than last year. He stated that he visited with many individuals from out of town. Commissioner Ferchau stated the City did a great job and mentioned how the race takes many volunteers.

VII. COMMISSIONER COMMENTS

There were none.

VIII. PLANNING STAFF UPDATE

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

- Staff has been working with Tim Seibert on a Major Change to a PUD application to increase the Commercial/Mixed Use district allowed floor area within Gunnison Rising. Staff anticipates a complete application submittal within the coming week;
- Staff has been meeting with Habitat for Humanity regarding a project on south 6th Street; and
- Staff has been working on the Highway Access Control Plan.

IX. ADJOURN. Chair Riggs adjourned the meeting to Work Session at 8:35 p.m.

_____
Carolyn Riggs, Chair

Attest:

_____
Andie Ruggera, Secretary

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CITY OF GUNNISON
PLANNING AND ZONING COMMISSION
RULES AND REGULATIONS

ARTICLE I. Organization

1. Authority

The Planning and Zoning Commission of the City of Gunnison, Colorado, is governed by and has those duties and responsibilities authorized by the *City Charter*, Section 3.19, the *City of Gunnison Land Development Code*, as amended and the Colorado Revised Statues (*CRS*) §31-23-203 and §31-23-306 as amended.

2. Organization Title

The Planning and Zoning Commission is referred to herein as the Commission.

3. Council Reference

The City Council is referred herein as the Council.

ARTICLE II. Procedures

1. Regular Meetings

At least one (1) regular meeting shall be held each month of the year unless canceled by the Chairperson for lack of business. Regular meetings shall be open to the public and shall be for the purpose of conducting all business and performing all duties expressed in the *Gunnison City Charter*, Ordinances and pertinent portions of the *State Statutes*. Regular meetings will be held in the Council Chambers of the Municipal Building on the second (2nd) and/or fourth (4th) Wednesday of each month, unless a change in the regular meeting time and place shall be agreed upon by a majority vote, no less than one (1) week in advance of the meeting date. A record of all business actions shall be kept.

The order of business for each regular meeting of the Commission may include the following, so far as applicable, and not necessarily in the order listed:

a. Call to order and determination of quorum;

b. Meeting with unscheduled citizens about items which are not agenda items for that meeting;

c. Approval of minutes of previous regular meeting(s);

d. Scheduled development application(s), public hearings and work sessions. A public hearing may be continued to a time and date certain for a specific development application.

e. Work sessions on planning items unrelated to development applications.

f. Educational and training sessions by staff, and/or representatives of other local, state and federal agencies, video and audio conferences, or video tape presentations.

g. Reports by staff/Commission members.

h. Adjournment.

The Community Development Staff shall, within five days prior to a regular meeting, make its best effort to deliver to each Commission member copies of applications, reports, draft recommendations, and/or other materials related to agenda items scheduled for that meeting; members may also elect to pick up materials at the Community Development Department, or to receive the materials by telefax or electronic mail.

The Commission shall not consider new substantive material which is submitted by an applicant fewer than seven days prior to a regularly scheduled meeting, unless such material has been specifically requested by the Commission, or the Commission has otherwise specifically, and by majority vote, waived this requirement.

2. Special Meetings

Special meetings of the Commission may be scheduled from time to time as deemed necessary by the Chairperson of the Commission or by a majority of the Commission members. Such meetings shall have at least three (3) days' notice by e-mail, telephone, or hand delivery to each of the Commission members and shall be open to the public. Notice shall state the time, place, and item of business to be accomplished at the Special Meeting and the business transacted at the meeting shall not deviate from the notice. A record of all business actions shall be kept.

3. Work Sessions

Work sessions may be called from time to time as deemed necessary by a majority vote of the Commission at any time for the purpose of general discussion, preparation for regular or special meetings or other purposes as determined by the Commission. No official action may take place at these sessions.

4. Open Meetings

All Commission meetings shall be preceded by a notice and open to the public at all times in accordance with the *Colorado Sunshine Law*.

5. Communications Between Commission Members

Telephone or electronic mail message communications between Commission members shall not occur. A Commission member wanting to communicate to other members shall only communicate to the Community Development Department, who will disseminate the information to the Commission as part of a formal meeting packet. The discussion item may be addressed as a formal agenda item at a scheduled meeting.

6. Quorum and Voting

A quorum of the Commission shall consist of four (4) regular voting members. Each regular member appointed by the Council, shall have one (1) vote. For the purpose of conducting business, a majority vote of those members in attendance and qualified to vote shall be required, unless more stringent requirements for such business are specified in the Gunnison City Charter, Ordinances or pertinent portions of the *State Statutes*. A member shall refrain from voting if the member would stand to gain personally from the decision being acted upon. Once a member has disqualified himself/herself from voting on an issue, he/she must also refrain from participating in any discussion regarding the issue.

7. Meeting locations

Regular meetings of the Commission are conducted in the City Council chambers of the Gunnison Municipal Building, or at any other place agreed upon by the members or which the Community Development Department staff determines to be a site which can reasonably and most conveniently accommodate the public.

8. Adjournment

Meetings may be adjourned at any time by a majority vote of the members present.

ARTICLE III. Officers and Members

1. Officers

A Chairperson and a Vice Chairperson shall be elected by a majority vote of the Commission members at the first regular meeting in June and shall have all rights to voting as described in the by-laws. The terms of the Chairperson and Vice Chairperson shall be one (1) year with eligibility for reelection.

The Chairperson shall be the executive officer of the Commission and shall sign all documents that are voted upon or approved by a majority of the members present during a regular and/or special meeting.

The Vice Chairperson shall be empowered with the same duties and the authorities as the Chairperson in the absence of the Chairperson.

2. Secretary

A Secretary to the Commission shall be appointed by the Council and shall perform the following duties:

a. Issue notices and agendas in a timely manner for all Special and Regular meetings.

b. Record minutes of all regular and special meetings and maintain a record of the proceedings.

c. Maintain a file of all documents, correspondence, etc., pertaining to Commission business.

d. The Secretary may appoint an assistant or a substitute in case of absence.

All documents, minutes, and files shall be kept open to the public by the Secretary during the normal business hours at the Community Development Department.

3. Removals and Vacancies

Members serve at the pleasure of the Council and may be removed from the Commission by the Council for neglect of duties, malfeasance in office, or other due causes as determined by the Council. Vacancies shall be filled by the Council according to provisions in Section 3.17 of the *Gunnison City Charter*. Vacancies filled for unexpired terms shall terminate at the established expiration dates. Vacancies filled for expired terms shall be for five (5) years. The Commission shall advise Council and request a replacement, in writing, for any member(s) who is/are absent from three (3) consecutive regular, special or work session meetings.

4. Duties

The Commission shall perform all duties and possess all powers described in Section 3.19 of the *Gunnison City Charter*, the *City of Gunnison Land Development Code* and pertinent provisions of §31-23-203 and §31-23-306, *CRS* 2011 as amended.

5. Compensation

Commission members shall receive a nominal payment for each regular or special meeting and work sessions as determined periodically by the Council, and are compensated for necessary traveling and subsidence expenses related to occasional out-of-city workshops and meetings.

ARTICLE IV. Conduct of Public Hearings

1. Presiding Officer

The Chairperson shall preside over all meetings and hearings. The Vice Chairperson shall preside in the absence of the Chairperson. The presiding officer is responsible for the conduct of the meetings. A presiding officer, other than a Commission member, may be appointed by the Chairperson or Vice Chairperson after a majority approval of the Commission.

2. Procedures

The procedures for each meeting shall be announced by the presiding officer, who shall outline the rules and the agenda for the meeting. The Commission shall make the necessary findings of fact as required for a hearing within the time limit so specified and shall deliver the findings along with minutes of the hearing to the City Council**.**

The order of business for each public hearing conducted by the Commission includes, in order, the following:

Open public hearing.

Proof of public hearing publication.

Staff review of application process.

Applicant's summary of request.

Public comment.

Staff presentation of application request.

Commission discussion.

Close public hearing.

Commission action.

ARTICLE V. Amendments

Amendments to these by-laws shall be made by a majority of members during a regular meeting.

The above by-laws having been duly considered and reviewed are hereby adopted by the Planning and Zoning Commission of the City of Gunnison, Colorado, this ___ day of

CITY OF GUNNISON
PLANNING AND ZONING COMMISSION
RULES AND REGULATIONS

_____, 2012.

ATTEST:

_____
Chairperson, Planning Commission
City of Gunnison, Colorado

_____
Secretary, Planning Commission
City of Gunnison, Colorado

§4.10 LARGE SCALE RETAIL

A. Purpose. These standards are intended to ensure that large scale retail establishment development is compatible with its surrounding area and contributes to the unique community character of Gunnison.

B. Applicability. The standards of this Section shall apply to all retail uses in structures with more than 50,000 gross square feet, including single or multi-building developments with more than 50,000 square feet in any one structure. Large retail sales developments include;

1. single large retail sales buildings;
2. multiple large retail sales buildings; or
3. large retail sales building(s) with pad/liner sites comprising a complex that is planned, developed, owned, or managed as a single association.

C. Single Building Site Development Intent. The single building site design standards are intended to create an attractive building in an appealing and functional setting. The integration of structure, surfaces, and natural site features will:

1. respect the surrounding commercial and residential neighborhoods by appropriate buffering, screening, and lighting;
2. achieve defined edges with landscape, streetscape, and signage to frame a building that uses a variety of architectural features to reflect the character of the community;
3. establish a safe and coherent pedestrian and vehicular network within the site and between adjacent neighborhoods in accord with existing and projected traffic patterns;
4. provide for energy conservation and efficient use of utility services, minimizing adverse environmental impacts from such effects as storm-water runoff, light pollution, noise, odor, and waste; and
5. comply with the *City of Gunnison Master Plan***.**

D. Single Building Site Development Standards

1. **General**. Site development shall be designed and constructed in accordance with all of the provisions of Section 4, General Development Standards, as well as all other applicable standards of the *LDC*.
2. **Orientation**. Building wall planes shall be oriented parallel to primary street frontages and accessways.
3. **Front Parking**. No more than 50 percent of the required off-street spaces shall be located between the front lot line and a line segment parallel to the entire lot frontage and intersecting the closest point of the building front. All remaining off-street parking shall be located outside of the area delineated by this standard.

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E. Multiple Building Site Development Intent. The multiple building site design standards are intended to create attractive primary and secondary retail buildings in an appealing and functional setting. The integration of structures, surfaces, and natural site features will:

1. respect the surrounding commercial and residential neighborhoods by appropriate buffering, screening, and lighting;

2. achieve defined edges by the use of landscape, streetscape, signage, and siting of secondary buildings to frame the primary building. All buildings shall use a variety of architectural features in a common theme;

3. establish a safe and coherent pedestrian and vehicular network within the site and between adjacent neighborhoods in accord with existing and projected traffic patterns;

4. provide for energy conservation and efficient use of utility services, minimizing adverse environmental impacts from such effects as storm-water runoff, light pollution, noise, odor, and waste;

5. comply with the *City of Gunnison Master Plan*; and

6. provide that primary commercial buildings serve as "anchors" for commercial and mixed-use zones. Anchor buildings may be flanked by a variety of supporting, pedestrian-oriented retail storefronts and secondary commercial uses located on pad sites provided that they meet the following design elements:

a. The siting and design of smaller retail stores (pad sites or liner buildings) creates an inviting appearance along arterial and highway corridors and within the neighborhood by reducing the project's apparent visual scale and by expanding the range of activities and businesses found within the neighborhood.

b. The layout of pad site or liner buildings relate coherently to the public streets and surroundings (outward) as well as to the main center (inward), and specific siting decisions shall further the general intent of creating a sense of place, focal points, community amenities, and arrival into a commercial center.

c. The location, orientation of the entry, and architecture of pad site buildings frame the entry into the neighborhood and contribute to the development's aesthetic appeal by placing storefront spaces closer to the street and creating a street scene.

d. Smaller retail stores are sited in a liner building configuration or on discrete pads or building pad groups that complement overall site layout and function; they shall not be randomly sited inconsistently with other site plan elements.

e. The architecture of pad site structures or liner buildings is compatible with the development's anchor buildings.

F. Multiple Building Site Development Standards. Where multiple buildings are proposed, the building footprints may be configured as individual pads, pads wrapping the anchor(s), or contiguous liner buildings wrapping edges of the development. Multiple building layouts shall be

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completed in accordance with the following requirements.

1. **Location Standards**. Pad sites shall be clustered together to define street edges and entry points or to enclose and create community amenities and visual interest between buildings. Pad site building wall planes shall be no more than 100 feet from primary street frontages, major collector streets, or entrance driveway. Isolated pad buildings will be reviewed on a case-by-case basis but shall be adjacent to roads or entrance driveways as required herein.

2. **Orientation**. Buildings shall be oriented parallel or perpendicular to primary street frontages or entrance driveways.

3. **Front Parking**. No more than 20 percent of the required off-street spaces of any pad site building shall be located between the front lot line and the building's front elevation. All remaining off-street parking shall be located outside of the area delineated by this standard. Additionally, no more than 50 percent of the parking dedicated to the large scale retail establishment (anchor building) shall be located between the front lot line and that building's front elevation.

4. **Phasing**. If a large retail sales development is built in phases, the phasing shall be established as part of the design review. Site improvements each respective phase including, but not limited to landscaping, circulation, parking, and drainage shall be guaranteed by a development improvement agreement secured by corporate surety bond, irrevocable letter of credit, cash, and/or other means acceptable to the Director. The applicant shall submit to the Director estimates of the cost of completion of each required improvement, made by the applicant's engineer, along with the schedule of construction and completion thereof. The collateral amount shall equal 125 percent of the prescribed cost as determined to be satisfactory by the Director of Community Development**.**

G. Vehicular Circulation

1. **Transportation Impact Study Requirements**. A detailed Transportation Impact Analysis (TIA) shall be prepared in accordance with §4.1 H. of this *LDC*. Those guidelines include a description of all necessary procedures and analysis as well as steps to identify any transportation mitigation measures.

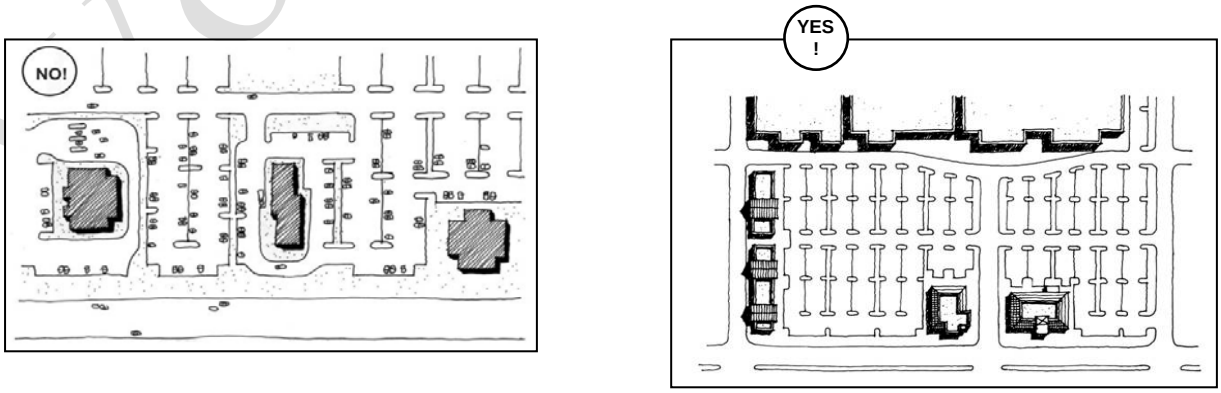

FIGURE 19 BUILDING ORIENTATION FOR MULTIPLE BUILDING DEVELOPMENT

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2. **Access to Collector Streets**. Access onto collector streets that serve adjacent residential areas is prohibited unless it can be shown that the site traffic will not have a negative impact on adjacent residential areas and the access is approved by the City. Additionally, the City may require a license plate cut-through traffic study to be completed after the project completion if residential neighborhood traffic is perceived to have significantly increased. Negative impacts on adjacent residential areas are defined to include but not be limited to:

   a. any increase in delivery truck traffic in the adjacent residential area (10 or more delivery truck trips per day serving the development); and

   b. an increase in cut-through traffic in the adjacent residential area by those that do not live within the adjacent residential area that exceeds the greater of: (a) 20 percent of the existing residential traffic volume on a given roadway or (b) 200 cars per day.

   c. Traffic impacts that exceed either of the thresholds in 1 and 2 above will require mitigation of the impact or the closure of the access in question. The costs of cut-through and/or truck monitoring study and any mitigating measures shall be the responsibility of the owner or owners of the large scale retail establishment.

3. **Internal Drive Connectivity**. Any building, lot, parcel, or other real property that is intended to serve the general public, and that is designed as part of the development plan for a large scale retail establishment, shall be provided with vehicular access from the internal circulation system.

4. **Passenger Loading Zones**

   a. In addition to passenger loading zones required by the *International Building Code* as amended and adopted by the city, each large scale retail establishment shall provide at least one pull-up space directly adjacent to the large scale retail establishment main entrance. Specific location shall be coordinated with the City Fire Marshal.

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

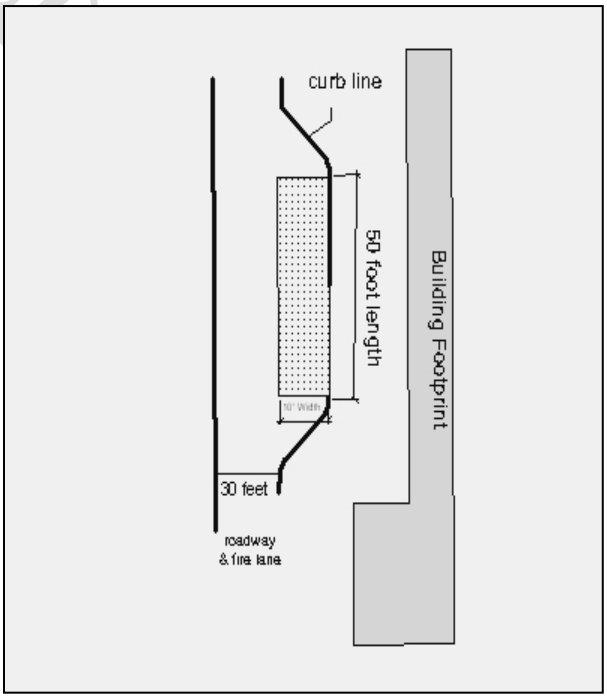

FIGURE 20 PASSENGER LOADING ZONES

5. **Traffic Control.** All accesses shall be designed and constructed with appropriate traffic control and signage conforming to the Federal Highway Administration *Manual on Uniform Traffic Control Devices*, latest edition.

6. **Speed Change Lanes**. Speed change lanes shall be required on collector or arterial roadways when the design hour traffic volume to or from the access will equal or exceed the standards

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in the *Colorado State Highway Access Code*, assuming the most appropriate access category. The design of any required speed change lanes shall also comply with the recommendations of the *Colorado State Highway Access Code*.

7. **Restricted Turning Movements**. Where a site driveway accesses an arterial roadway, left turning movements into and/or out of the driveway may need to be restricted based on the findings of the approved traffic study. The preferred method for restricting left turns is the construction of a median that limits the driveway to a one-half or three quarter access. Turn restriction islands in the throat of a driveway may only be considered if median construction is not possible (e.g., adequate right-of-way width is not available and cannot be acquired; adjacent mature trees would have to be removed). The decision to consider a turn restriction island instead of the construction of a median shall be made by the decision-making authority. If allowed, the design of a turn restriction island must be approved by a representative of the City who is a licensed civil engineer with a specialty in traffic engineering.

H. Pedestrian Circulation Facilities. The provisions of Section §4.5shall apply to all large scale retail developments.

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

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

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

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

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

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

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

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

   f. ~~location of parks.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

I. Residential Protection. The provisions of this Section are specifically designed to mitigate impact of large scale retail establishments and related development on existing residential uses and all residential districts (R-1, R-1M, R-2, RMU, or R-3 district).

1. **Building Location.** No building shall be erected within 100 feet of the lot line of property that is in a residential zone district or that contains a single-family, attached single-family or duplex use; provided, however, that this provision shall not apply across the street from a residential zone district.

2. **Buffering and Landscaping**. Buffers shall provide sufficient landscaping to protect adjacent land uses. Buffers may include walls, fences, and berms. Landscaping and buffering shall comply with the standards of §4.6 and shall be provided across the street from or adjacent to any property located in a residential district or containing a single-family, attached single-family or duplex dwelling.

J. Building Design Standards

1. **Intent.** Building design shall be tailored specifically to the site, the neighborhood and the physical context of the general area. The use of building wall and roof articulation, materials, architectural elements, color, and texture features shall ensure visual interest and compatibility with the surrounding neighborhood and comply with Section 6. , Development Review Procedures; §4.10 C, Single Building Development Intent; and, §4.10 E, Multiple Building Site Development Intent.

2. **Ground Floor Façades**

   a. Ground floor façades abutting public streets and/or parking lots shall have arcades, display windows, entry areas, awnings, or other such features. Animating features such as these must total no less than 60 percent of the horizontal length of the façade.

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

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FIGURE 21 GROUND FLOOR FACADES

3. Articulation

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

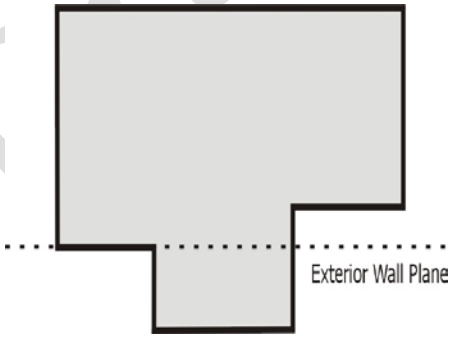

FIGURE 22 EXTERIOR WALL PLANE

b. Primary Façades. Any primary façade shall include projections or recesses (articulation) in accordance with this subsection. No uninterrupted horizontal length or uninterrupted curve of such facade shall exceed the lengths set forth below:

i. Buildings of less than 20,000 square feet in floor area shall require one articulation of not less than five feet in depth for every 50 feet in length. Such articulation shall extend at least five feet horizontally.

ii. Buildings 20,000 square feet or more in floor area shall require one articulation of not less than 10 feet in depth for every 100 feet in length. Such articulation shall extend at least 10 feet horizontally.

c. Secondary Façades. Any façade, other than a primary façade, shall include no less than three of the following elements:

i. an expression of architectural or structural bays through a change in plane of no less than 12 inches in width, such as an offset, reveal or projecting rib, as shown in Figure 23;

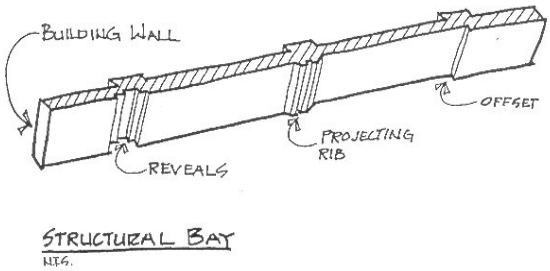

FIGURE 23 SECONDARY FAÇADE

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

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depending on the building wall manufacture specifications, but shall not be greater than 20 feet on center;

iii. material module change;

iv. color change; or

v. textural change.

K. Architectural Elements. Primary facades of large scale retail establishments shall have clearly defined architectural detail featuring no less than three of the following:

1. canopies or porticos;

2. overhangs;

3. recesses and projections;

4. arcades;

5. raised, corniced parapets over the door;

6. peaked roof forms;

7. arches;

8. outdoor patios;

9. display windows;

10. architectural details such as tile work, architectural banding, and moldings, which are integrated into the building structure and design; ~~or~~

11. integral planters or wing walls that incorporate landscaped areas and/or places for sitting; or

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

FIGURE 24 ARCHITECTURAL ELEMENTS

L. Building Entrances. The public access points of large scale retail establishments shall have clearly defined, highly visible entrances featuring at least three of the following elements:

1. canopies or porticos;

2. overhangs;

3. recesses and projections;

FIGURE 25 BUILDINGS ENTRANCES

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4. arcades;

5. raised, corniced, parapets over the door;

6. peaked roof forms;

7. arches;

8. outdoor patios;

9. display windows;

10. architectural details such as tile work, architectural banding, and moldings, which are integrated into the building structure and design; ~~or~~

11. integral planters or wing walls that incorporate landscaped areas and/or places for sitting; or

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

M. Materials and Colors

1. Predominant exterior building materials on all sides shall be of high quality, including the following or other materials of similar appearance and characteristics: brick, sandstone, other native stone; tinted/textured concrete masonry units; brick, stone or native veneer; architectural concrete with form, line, texture, mass, and space (negative and positive) elements that establish aesthetic quality; metal for beams, lintels, trim elements and ornaments; wood and log; and glass.

2. Color shades shall be used to unify the development. Façade colors shall be low reflectance, subtle, neutral, earth tone colors. The use of high-intensity colors, metallic colors, black, or fluorescent colors shall be prohibited.

3. Building trim and accent areas may feature brighter colors, including primary colors.

4. Wall surface materials shall not include smooth-faced concrete block, smooth-faced concrete panels or other similar products, aluminum or vinyl siding, or prefabricated steel panels.

5. Metal may be utilized as a roofing material and/or as an accent to other siding materials, provided that all such metal materials used shall have a non-metallic luster.

6. Use of neon as an architectural building accent is prohibited.

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

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

1. parapets, the average height of which shall not exceed 15 percent of the height of the supporting wall, shall not at any point exceed one -third of the height of the supporting wall, and shall feature three-dimensional cornice treatment;

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

3. sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one foot of vertical rise for every four feet of horizontal run and less than or equal to one foot of vertical rise for every one foot of horizontal run;

4. three or more roof slope planes.

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

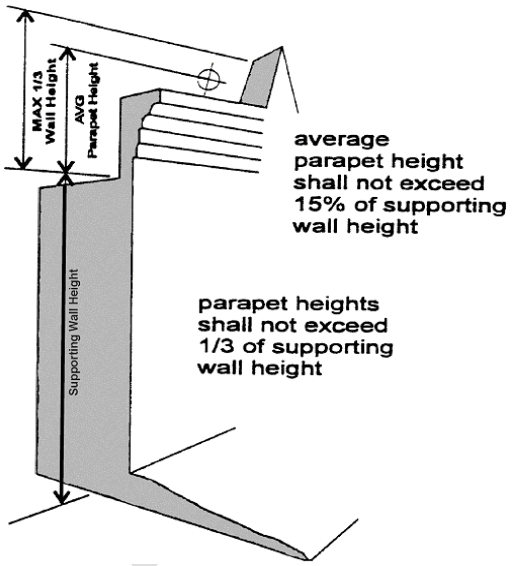

FIGURE 26 PARAPETS

O. Abandoned Buildings. No certificate of occupancy shall be issued for any new building or space that is subject to the provisions of this Section, without compliance with the following requirements. All properties developed for commercial purposes including those abandoned by the applicant in favor of new development regulated by this section, whether they are occupied or not, shall be regularly maintained so they are not allowed to fall into a state of disrepair or neglect. This maintenance requirement shall be established by a covenant or other document considered satisfactory to the City Attorney, memorializing this requirement. At a minimum the following maintenance functions shall occur:

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

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

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

4. graffiti shall be immediately removed from the site;

5. painted or stained building surfaces shall be painted or stained at least every three years or when the surface starts to peel, crack, or fade;

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6. ~~snow removal shall occur within 24 hours after all snow storms~~ Emergency vehicle access shall be maintained.

§4.11 DEVELOPMENT STANDARDS WAIVER

In order to provide flexibility in the administration of this *LDC* by the City certain development standards contained in this Section 4 may be considered for a waiver pursuant to the directives established in §8.10 of this *Land Development Code*.

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Section 5. Natural Resource Protection Standards

§5.1 STORMWATER MANAGEMENT

A. Purpose. The City recognizes the need and responsibility for adequate engineering standards to accommodate stormwater runoff. The need has become more apparent with the County goal to concentrate development adjacent to municipal boundaries and the *City of Gunnison Master Plan* goal to develop and concentrate urban land uses within its corporate boundary.

The *City of Gunnison Stormwater Management Manual* provides consistent and accurate engineering design management for all developments within the city boundary. The desire is to develop stormwater management and erosion control facilities by promoting Low Impact Design techniques that mimic natural fluvial dynamics found in the area.

The City has adopted stormwater design standards based on the Denver Urban Drainage and Flood Control District *Urban Storm Drainage Criteria Manuals* (*USDCM*), Volumes 1, 2 and 3, with appropriate revisions to address local conditions. These design standards for stormwater facilities are commonly used in the State of Colorado and provide consistency for engineer and design professionals.

B. Stormwater Design and Construction Standards

1. The *City of Gunnison Stormwater Management Manual* shall be incorporated herein by reference.

2. Design and Construction of all stormwater water facilities shall be in accordance with the *City of Gunnison Stormwater Management Manual* as it may be amended.

3. The drainage system shall be designed and constructed so that only historic runoff rates, not including historic irrigation, shall be released from the site. Drainage flows in excess of this amount shall be retained, detained or handled in a storm sewer system. All costs associated with handling runoff generated by a development shall be paid by the developer.

4. The drainage system shall comply with applicable state and federal requirements.

C. Floodplain. Lands within the City limits and located within an adopted 100 year floodplain are subject to the City's Flood Damage Prevention Regulations found in Chapter 14.60 of the *City of Gunnison Municipal Code*.

§5.2 SLOPE PROTECTION STANDARDS

A. Density Calculation for Residential Development on Steep Slopes in Excess of Ten Percent

a. Applicability. These density calculation provisions shall apply to all new residential development and subdivisions in the City of Gunnison. All Map Amendments proposed after the adoption date of this *LDC* shall be subject to these Slope Protection Standards.

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

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

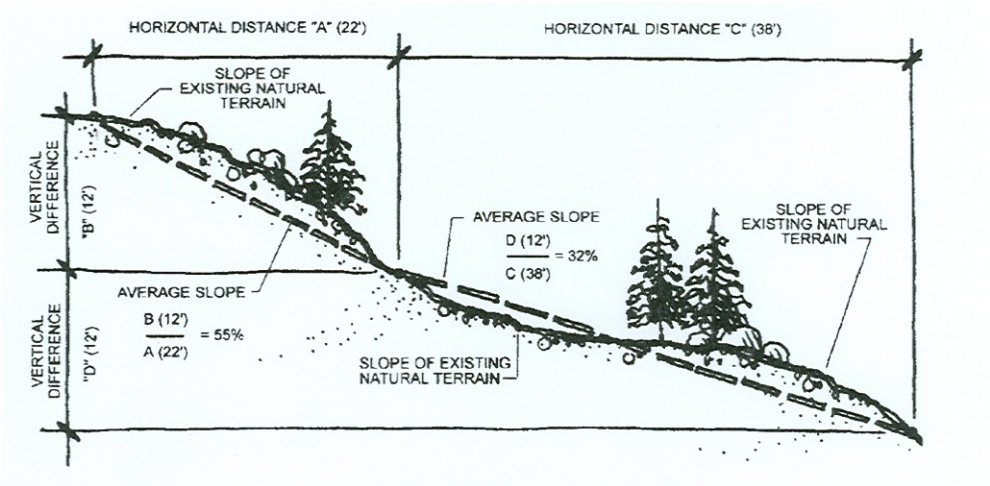

FIGURE 27 SLOPE PROTECTION STANDARDS

2. **General Rule**. Notwithstanding the maximum densities permitted by the underlying zoning district, the minimum lot area and front yard dimension for new residential development on parcels containing slopes 10 percent or greater shall be determined by the following factors presented in Table 5-1.

TABLE 5-1 AREA AND FRONT YARD DIMENSIONS IN SLOPE PROTECTION AREAS

Zone District	Base Minimum Lot Area	Adjusted Minimum Lot Area (Square Feet) at "x" % Slope					
		10 %	15%	20%	25%	~~30~~26%	35+%
R-1	8,000	12,000	20,000	32,000	64,000	128,000	256,000
R-1M	6,250	12,000	20,000	32,000	64,000	128,000	256.000
R-2	6,250	12,500	25,000	50,000	75,000	Not Permitted	Not Permitted
RMU	6,250	16,250	32,500	Not Permitted	Not Permitted	Not Permitted	Not Permitted
R-3	6,250	16,250	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Front Lot Length		75	75	80	80	100	100
Density Reduction R-2M Max Units Per Acre		-25%	-50%	NA	NA	NA	NA
Density Reduction R-3 Max Units Per Acre		-25%	NA	NA	NA	NA	NA

B. Development Restrictions on Steep Slopes

1. **Applicability.** These development restrictions shall apply to all new development in the City of Gunnison, except for subdivisions approved for single family residential use prior to the effective date of this *LDC*. Non-residential development districts shall be prohibited on slopes greater than 10 percent.

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

   a. New development proposed to be built on any ~~portion of a site~~ parcel containing an average slope of 10 percent or greater shall be subject to review and approval pursuant to Section 6. This provision applies to development that would otherwise be exempt from the development plan review process.

   b. Staff shall review all such development plans and evaluate them according to the following standards:

   i. Site Disturbance shall be minimized to the maximum extent practicable (§5.2 D., Grading Standards).

   ii. Cuts for utilities and access driveway shall be shared to the maximum extent feasible;

   iii. To the maximum extent feasible, new construction shall not take place on any portion of a parcel that shows evidence of slope instability, landslides, avalanche, flooding alluvial fan or other natural or manmade hazards.

   iv. The applicant shall demonstrate that the slope's ground surface and subsurface are not unstable, that the proposed development will not cause instability or increase the potential for slope failure, and that the development of the slope will not increase the degree of hazard both on-site and on adjacent properties.

   c. For purposes of this section, steepness of slope shall be measured from the points with the highest and lowest elevation within five feet of any portion of the proposed structure.

3. **Structure Clearance from Steep Slopes.** Structure clearance from ascending or descending slopes greater than 30 percent shall comply with the requirements set forth in the applicable *Building Code* provisions.

4. **Grading, Clearing and Excavation−Slope in Excess of Ten Percent.** Clearing, excavation and grading on slopes greater than ~~10~~ ten percent shall not be allowed, unless expressly approved through a site development application.

5. **Roads/Driveway – Slopes in Excess of ~~10~~ Ten Percent.** Shared driveway and access to site or lots containing slopes in excess of ~~10~~ ten percent shall be utilized to the maximum extent feasible (also see §4.3, General Site Access).

C. Ridgeline Protection Standards

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

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

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

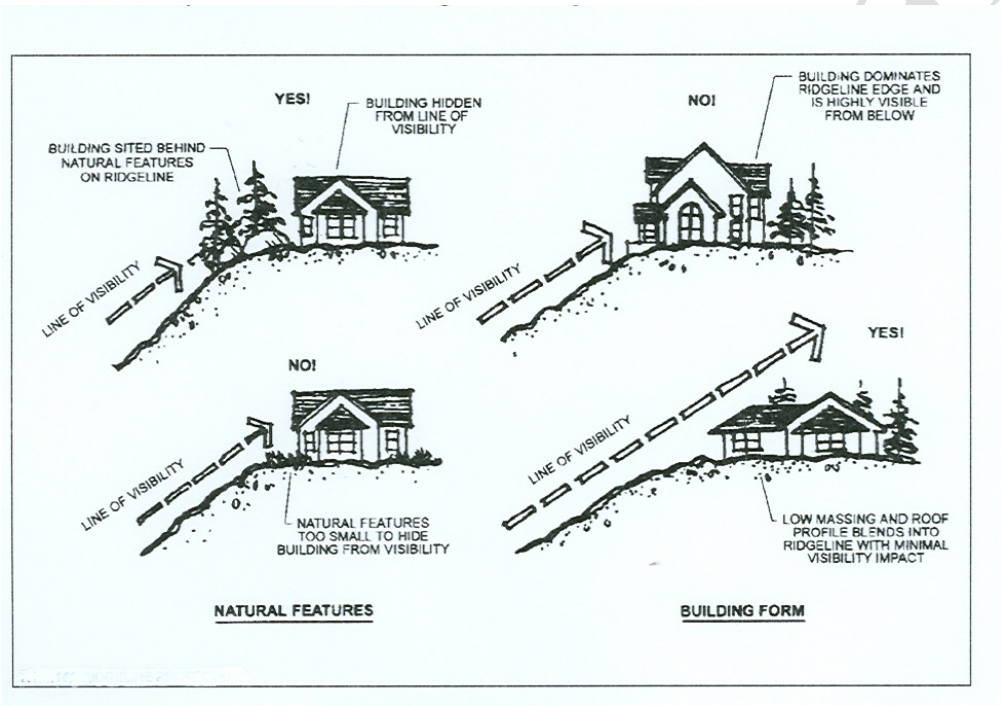

FIGURE 28 RIDGELINE PROTECTION STANDARDS

D. Staff Waivers of Ridgeline Protection Standards

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

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

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

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

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

§5.3 GRADING AND EROSION CONTROL

A. Applicability. The provisions of this Section apply to all residential and nonresidential development subject to subdivisions and/or site plan applications.

B. Grading Plan. The applicant shall submit a grading plan which illustrates the extent of the land disturbance which is to occur on the property. The grading plan shall illustrate existing site features and shall depict existing and proposed contours, using a contour interval of two feet. Where slopes are greater than 20 percent, five foot contours may be depicted.

C. Plan Preparation. Preparation of an effective grading plan and execution of proper grading involve certain basic steps pertaining to street layout, block grading and lot grading. The objective is to establish the street grades, floor elevations and lot grades in proper relation to each other and to existing topography, considering property protection, and use. The basic steps are as follows:

1. **Fit to Topography**. If the street layout is still subject to design or adjustment, fit it to the topography to obtain the most favorable types of block and lot grading which are compatible with other objectives.

2. **Block and Lot Grading**. Determine type of block grading for each block or portion of a block and, if possible, indicate the general lot grading for each lot by drainage arrows.

3. **Easements**. Determine any easements and other provisions needed for adequate block drainage and erosion control.

4. **General Limitations**. Determine general lot grading limitations for local conditions such as minimum gradients for grass swales and slopes and maximum for sidewalks and driveways.

5. **Specific Limitations**. For each type of house and lot determine the specific lot grading limitations along a typical lot grading control line from the street to the house and determine the minimum street-to-floor rise.

6. **Street Profiles**. If the street profiles are to be designed or adjusted, establish them so as to facilitate the provision of good drainage for both the lots and the streets, giving due consideration to existing topography and lot limitations.

7. **Elevations**. For each property, determine proposed elevations for key points on the lot and for the dwelling floor, giving due consideration to street elevations, existing topography and lot grading limitations.

D. Grading Standards

1. **Grading Prohibited Without Prior Approvals/Permits**. No cutting, filling, stockpiling, excavation, or vegetation removal shall be permitted, whether to provide for a building site,

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for on-site utilities, or services for any roads or driveway, prior to final approval of a grading and excavation plan submitted in conjunction with a site development plan application or the issuance of a building permit.

2. **Limits on Changing Natural Grade**. The original, natural grade of a lot shall not be raised or lowered more than 10 feet at any point for construction of any structure or improvement except:

   a. Foundation walls incorporated into the principal structure to allow the building mass step in response to natural grade; or

   b. The site's original grade may be raised or lowered to a maximum of twelve feet if a retaining wall or terracing is used to reduce the steepness or manmade slopes, provided that the retaining wall or terracing comply with the requirements set forth in this Section (see Figure 29).

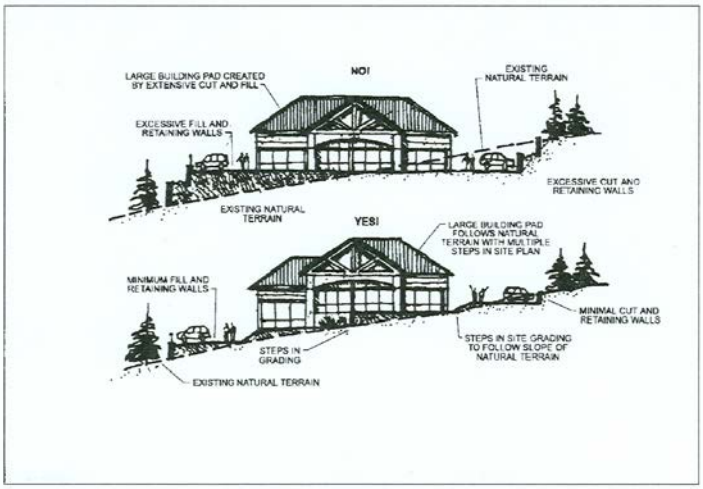

FIGURE 29 LIMITS ON CHANGING NATURAL GRADE

3. **Cutting and Creating Benches**. Cutting and grading to create benches or pads for additional or larger building sites or lawns shall be avoided to the maximum extent feasible.

4. **Grading For Accessory Building Pads Discouraged**. Separate pad for accessory buildings and structures other than garages, such as tennis courts, swimming pools, outbuildings, and similar facilities, shall be discouraged except where the average ~~natural~~ slope is 15 percent or less.~~, as measured from the points with the highest and lowest elevation within five feet of any portion of the proposed accessory building structure or building.~~

5. **Limits on Graded Filled Manmade Slopes**

   a. Slopes of 20 percent or less are strongly encouraged wherever feasible or practicable.

   b. Except as provided below, graded or filled manmade slopes shall not exceed a slope of 30 percent (3:1 slope) unless civil engineering plans incorporating recommendation from a geotechnical report, both of which shall be submitted by an engineer licensed in the State of Colorado, is furnished to the Community Development Director. The plans and reports shall include a written statement establishing that the site has been investigated and that, in the opinion of the qualified professionals, a cut at a steeper slope will be stable and not create a hazard to public or private property both on the site and directly adjacent to the affected site.

   c. If a steeper slope will result in less overall site disturbance, then graded or filled manmade slopes associated with road construction may exceed a slope of 50 percent (2:1 slope), but shall be subject to City review and approval.

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6. Retaining Walls

a. ~~Limited use of retaining walls is encouraged~~ Retaining wall use should be limited as much as feasible to reduce the steepness of manmade slopes and to provide planting pockets on steep slopes conducive to revegetation, subject to the following standards:

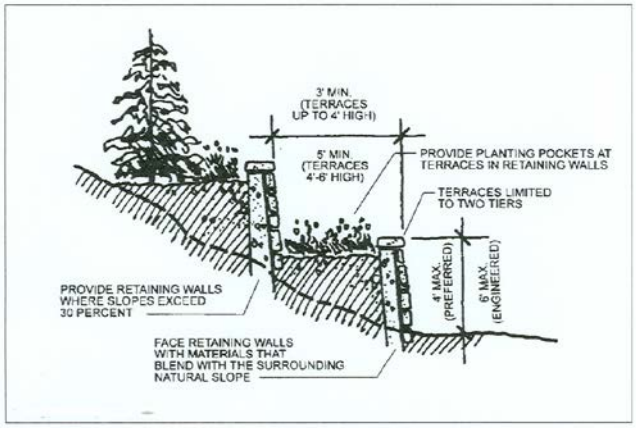

FIGURE 30 RETAINING WALLS

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

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

i. a structure's foundation wall;

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

iii. as otherwise expressly allowed by this Section.

d. Any retaining wall or multiple retaining wall design greater than four feet in height shall be designed by an engineer registered in the State of Colorado and the engineer design shall be based on recommendations from a geotechnical engineer soils report. The engineer design shall be submitted to staff for review and approval prior to construction.

e. A three foot minimum horizontal terrace shall be required for any multiple retaining walls that are less than four feet in height. A minimum five foot horizontal terrace shall be required for any multiple retaining walls that are four feet or greater in height. Terraces created between retaining walls shall be permanently landscaped with vegetation.

f. Retaining walls visible from a collector street, arterial street or highway, or from public open areas or parks, shall be screened by vegetation or faced with wood, stone or other earth-colored materials that blend with the surrounding natural landscape.

g. All retaining walls shall comply with applicable *Building Code* provisions, except that when any provision of this Section conflicts with any provision set forth in the *Building Code*, the more restrictive provision shall apply.

h. **Filling or Dredging of Waterways Prohibited**. Filling, draining or dredging of water courses, wetlands, gullies, stream beds or stormwater runoff channels is prohibited, except as authorized with a floodplain development permit or with an approved site development plan.

i. **Detention/Stormwater Facilities**. Where detention basins and other stormwater and

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erosion control facilities may be required, any diverse visual impact on the natural landscape and topography shall be minimized to the maximum extent feasible.

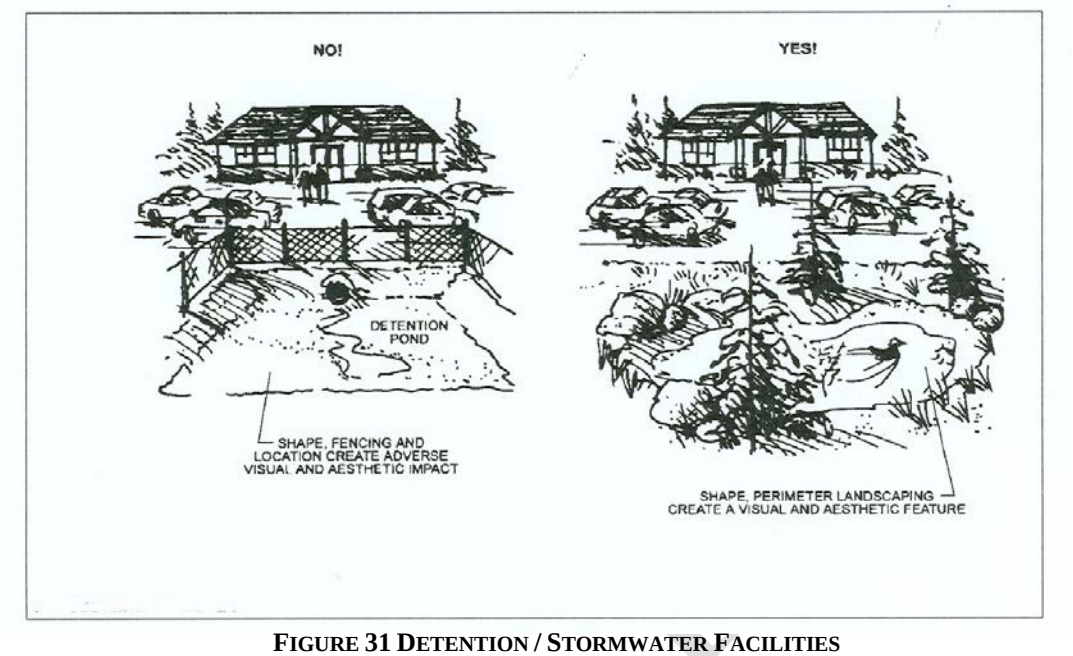

FIGURE 31 DETENTION / STORMWATER FACILITIES

7. Restoration of Disturbed Areas

a. Follow Natural Contours. All disturbed areas shall be restored as natural-appearing land forms, with curves that blend in with the adjacent undisturbed slopes. Abrupt angular transitions and linear slopes shall be avoided.

b. Revegetation Required. Areas disturbed by grading shall be contoured so they can be revegetated and shall be revegetated within one growing season after construction using native species seed mix (see Appendix A). Revegetation shall be sufficient to provide erosion control and prevent the invasion of weeds. Plans for revegetation of cut-and fill and graded slopes shall be included as part of the site development plan application.

c. Timeline. In addition to the requirements of §5.3 E., overlot grading projects affecting an area greater than one acre in size that has been wholly or partially grubbed or wholly or partially graded, construction shall commence and shall be continuous within 60 days after grubbing. Should construction or grading not commence or be continuous within the required 60 day period, the site shall be native seeded within 30 days following the expiration of the required 60 day period. When approved by the Community Development Director, a time extension may be granted for conditions beyond the control of the permittee for items ~~such as~~ including but not limited to flooding or discovery of historic artifacts.

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

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~~a 12 month plant establishment period before releasing surety.~~

e. Man-Made Slopes Greater than Twenty–five Percent. On man-made slopes of 25 percent or greater, plant materials with characteristics that minimize erosion and reduce surface runoff shall be selected.

f. Man-made Slopes Greater than Fifty Percent. On man-made slopes greater than 50 percent stabilization measures such as erosion netting, hydro mulching or other advanced slope stabilization technique shall be utilized.

g. Topsoil Stockpiled. To the maximum extent feasible, topsoil that is removed during construction shall be stockpiled and conserved for later use on areas requiring revegetation or landscaping, such as cut-and-fill slopes.

8. Limitations of Disturbance

a. Defined. Limits of Disturbance (LOD) means the areas of a site that may be disturbed by earth movement (grading), or cleared of vegetation, including disturbance or clearance to provide space for construction of principal and accessory uses and structures, driveways, parking areas, roads, drainage and stormwater management facilities or utilities.

b. Establishment of Limits of Disturbance. All site development, preliminary subdivision and final subdivision plans shall include a map clearly depicting the limits of disturbance according to the criteria set forth below. The LOD shall indicate the specific area(s) within a development project where the development activity shall be contained.

c. Criteria for Establishing LOD. While LOD may be multiple and noncontiguous on a site, the following criteria shall be taken into account:

i. avoidance of visual impact, including but not limited to ridgeline protection areas steep slopes and scenic views;

ii. avoidance of steep slopes in excess of 20 percent and provide erosion prevention and control measures including but not limited to protection of natural drainage channels and compliance with an approved stormwater drainage management plan;

iii. preservation of native vegetation, trees, rock outcroppings and formations, and other significant natural site conditions;

iv. wildfire preventions and safety, including but not limited to location of trees and vegetation near structures;

v. mitigation of other geologic hazards, including potential adverse impact down- slope and adjacent to properties;

vi. riparian habitat, stream corridors and wetland protection and buffering;

vii. floodplains, floodways, flood fringes and flood hazards;

viii. significant wildlife habitat areas; and

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ix. the practical need of approved construction activity in terms of ingress and egress to the developed project and necessary staging and operation areas.

d. Limits to Disturbance–Development Standards and Guidelines

i. No construction activity including, without limitation, grading excavation or stockpiling or fill material, shall be permitted within the limits of disturbance, whether to provide for a building site, on-site utilities or services or for any roads or driveway, prior to the approval of any required erosion and sedimentation control plan for the development.

ii. To the maximum extent feasible, no development, grading or vegetation removal or alternation shall occur as part of the development project or associated construction activity outside the LOD except as provided in subsection iii.c) below.

iii. Disturbance or construction activity may occur outside the LOD with the written consent of landowner and approval of the Staff for the following limited purposes:

a) mitigation of development activities;

b) restoration of previously disturbed or degraded areas;

c) utility installations and emergency public safety activities when such activities and installations cannot reasonably be contained within the LOD or other nearby developed areas;

d) construction of a trail or pedestrian walkway that will provide public access or education or recreational purposes when such trails or walkway cannot reasonably be contained within the LOD or other nearby developed areas; or

e) the enhancement of the habitat values and/or other natural resource values of an identified natural area.

e. Designation on Final Grading and Drainage Plans. Approved LOD shall be shown on the preliminary and final subdivision grading plan and/or on the development plan for each lot or development site. Respective LOD will be described as necessary to accurately define the boundary, as acceptable to the Community Development Director.

f. Standards for Protection during Construction. LOD shall be designated in the field prior to commencement of excavation, grading or construction.

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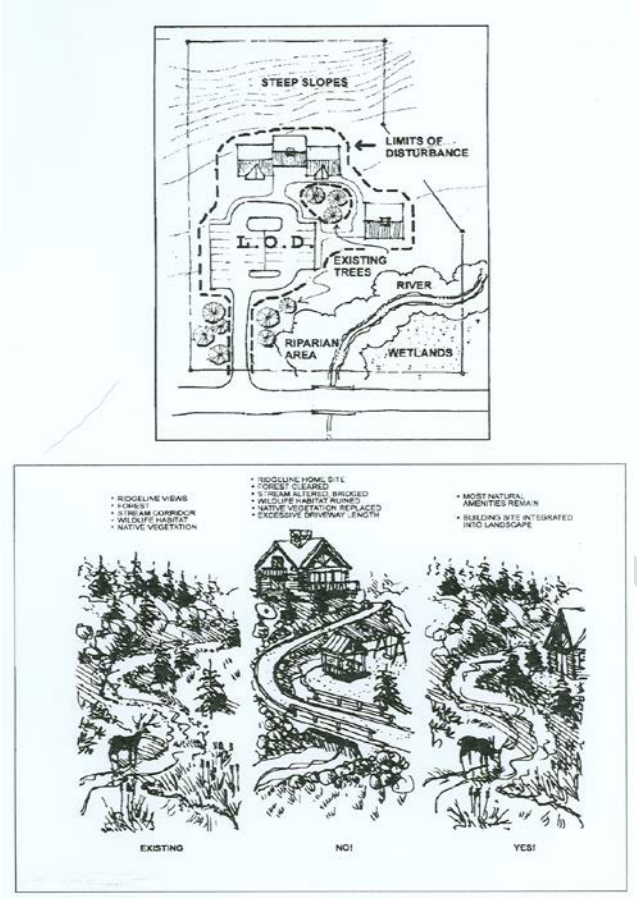

FIGURE 32 LIMITS OF DISTURBANCE

E. Construction Stormwater Management Plan. All grading plans will include the submittal of a Construction Stormwater Management Plan (CSWMP). At a minimum, the CSWMP must contain the requirements listed in the Colorado Department of Public Health and Environment document General Permit Application and Stormwater Management Plan Preparation Guidance available at www.cdphe.state.co.us/wg/PermitsUnit/stormwater, under the Stormwater Construction category. The Community Development Director is authorized to accept alternative plan submittals, waive submittal requirement determined not to be applicable or require additional data to ensure that an efficient construction sediment and stormwater control plan is submitted.

§5.4 WETLAND AND STREAMS CORRIDOR PROTECTION

A. Purpose and Intent. The following requirements and standards are intended to promote, preserve and enhance the important hydrologic, biological, ecological, aesthetic, recreational and educational functions that stream and river corridors, associated riparian areas and wetlands provide.

B. Applicability. This Section shall apply to all new development, except for the following development or activities.

1. Agricultural activities such as soil preparation, irrigation, planting, harvesting, grazing and farm ponds;

2. Maintenance and repair of existing public roads, utilities and other public facilities within an existing right-of-way or easement;

3. Removal of noxious weeds;

4. Maintenance and repair of flood control structures and activities in response to a flood emergency; and

5. Wetland and wildlife habitat restoration, creation and/or enhancement that improve the wetland function provided that the proposed activity is approved by the appropriate agency such as the U.S. Army Corps of Engineers or the Colorado Division of Wildlife.

C. Other Regulations

1. This Section does not repeal or supersede any existing federal, state or local laws; easements; covenants; or deed restrictions. When this Section imposes a higher or more restrictive standard than found in another applicable ordinance, statute or regulation, this Section shall apply.

2. No person shall engage in any activity that will disturb, remove, drain, fill dredge, clear, destroy or alter any area, including vegetation, within a wetland that falls in the jurisdiction of the federal government and its agencies, except as may be expressly allowed under applicable federal laws or regulations.

D. Boundary Delineation

1. **Stream and River Corridor Boundaries**. Stream and river corridors shall be delineated ~~at the annual high-water mark, or if not readily discernible,~~ by the defined floodway.

2. **Mapped Wetland Boundaries.** The initial boundary delineation of wetlands shall be established by reference National Wetlands Inventory prepared by the U.S. Department of the Interior, Fish and Wildlife Service (www.wetlands.fsw.gov), or other data provided by the applicant.

3. **Unmapped Wetlands.** The review of a development proposal may discover a potential wetland that has not been mapped or for which the boundaries have not been clearly established. In such instances, the Applicant shall retain a qualified wetland expert to delineate the boundaries of the wetland according to accepted professional standards for jurisdictional wetlands as defined by the Army Corps of Engineers.

E. Buffer/Setback Areas

1. Major Ditch and River Corridors

a. Building/Structure Setbacks

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i. **Major Ditches**. All buildings and accessory structures shall be setback at least 30 feet horizontally (plan view) from the outside edge of adjacent City irrigation ditch banks. Where defined banks are not readily discernible, the setback shall be measured from the center of the ditch (See Figure 33 Wetland/Stream Setback).

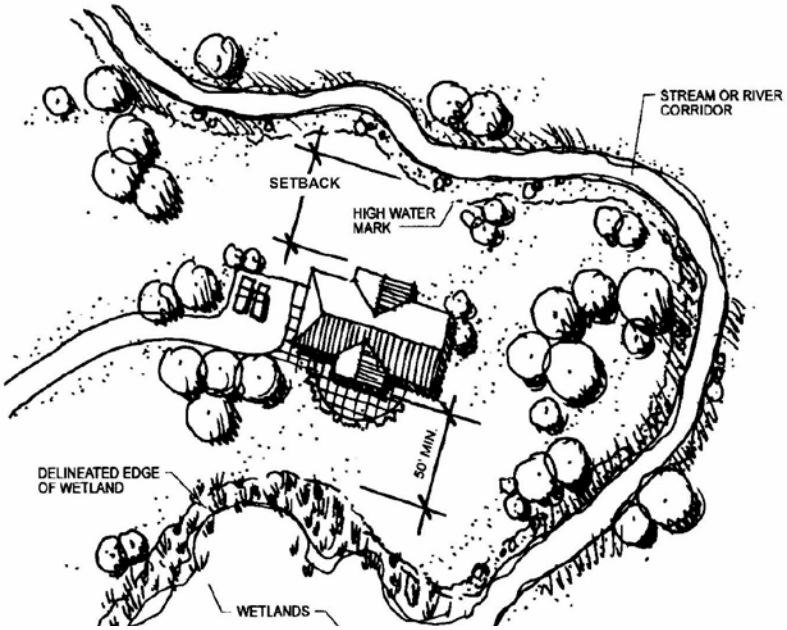

FIGURE 33 WETLAND/STREAM SETBACK

ii. **Gunnison River and Tomichi Creek Corridors**

a) **General Rule.** All buildings and accessory structures shall be setback at least ~~50~~ 25 feet horizontally (plan view) from the ~~annual high-water mark of~~ floodway of river corridors, or, if not readily discernible, from the delineated floodway.

b) **Exception for Lots Developed Prior to the Adoption of this Code.** All buildings and accessory structures shall be setback at least ~~30~~ 25 feet horizontally (plan view) ~~from the annual high-water mark of river corridors or, if not readily discernible,~~ from the defined floodway (see Figure 33).

b. Parking Lot Setbacks. Parking lots shall be setback at least ~~50~~ 25 feet horizontally (plan view) from the annual high-water mark of stream or river corridors, or not readily discernible, from the defined floodway of the stream or river.

2. Wetlands

a. To the maximum extent feasible, jurisdictional wetlands shall not be included as part of a platted development lot.

b. All buildings, accessory structures and parking lots shall be setback at least 50 feet horizontally (plan view) from the delineated edge of a wetland (see Figure 33). Development on lots that were approved for single-family residential use prior to the adoption of this *LDC* shall be exempt.

3. **Private Open Areas and Landscaping Credit.** All stream corridor and wetland setback areas shall be credited toward any relevant private open areas requirements or landscaping and buffer requirements.

F. Development Standards

1. **Prohibited Activities**. No person shall engage in any activity that will disturb, remove, fill, drain, dredge, clear, destroy or alter any area, including vegetation, within stream or river corridors wetlands and their associated buffer/setback areas, except as may be expressly allowed in this Section.

2. **Utilities.** Utilities may be allowed in a buffer/setback area only if the City determines that there is no practical alternative. Any disturbance of the buffer area shall be reclaimed by final grading and revegetation. Provisions for reclamation of the disturbed area shall be included in any development or improvements agreement for the project, with adequate collateral to guarantee that the reclamation will be completed. Utility corridors in buffer/setback areas shall be located at the outside edge of the area and access roads for maintenance of utilities shall be located outside the buffer/setback area. Access for maintenance of utilities in buffer/setback areas should be at specific points rather than parallel to the utility corridor.

3. **Recreation, Education or Scientific Activities**. Structures and improvement for recreational, educational or scientific activities such as trails, fishing access and wildlife management and viewing may be permitted in a buffer/setback area provided that a management plan that establishes long-term protection of the buffer/setback area is submitted and approved.

G. Preservation of Vegetation. All desireable existing vegetation within the stream/river corridor or wetland buffer/setback area shall be preserved, and where necessary to provide adequate screening or to repair damaged riparian areas, supplemented with additional native planting and landscaping.

H. Wetland Mitigation Requirements

1. Restoration shall be required according to an approved wetland mitigation plan when a wetland or its buffer is altered in violation of law or without specific permission or approval by the ~~Decision-Making Body~~ Community Development Director.

2. All approved alterations of wetlands must be mitigated by replacement or enhancement on the site or within the same drainage basin on a one-to-one basis with equivalent or better biologic and hydrologic functions.

§5.5 NATURAL RESOURCE PROTECTION STANDARDS WAIVER

In order to provide flexibility in the administration of this *LDC* by the City certain natural resource protection standards contained in this Section 5 may be considered for a waiver pursuant to the directives established in §8.10 of this *Land Development Code*.

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Section 6. Development Review Procedures

§6.1 PURPOSE

The purpose of this Section is to establish procedures for various development applications that are processed by the City.

§6.2 DEVELOPMENT REVIEW CATEGORIES

There are two types of development review applications: Land Use Development Application and Site Development Application.

A. Land Use Development Applications. Land Use Development Applications include conditional uses, variances, amendment to the *LDC* or Official Zoning Map, Subdivision/PUD, Vacations, and design review applications.

B. Site Development Applications. Site Development Applications are subject to administrative approval by the Community Development Director or their assignee. Site Development Applications include building and fire code permits, grading permits, and applications for development in special flood hazards. Site Development Applications include but, are not limited to: applications for the construction or reconstruction, structural alteration, relocation or enlargement of any structure; land disturbances including, but not limited to grubbing or grading; or any change in use to a conforming use. Site Development Applications may be processed if all of the following conditions are met:

1. The proposed site development application is not a Land Use Development Application.

2. The development is proposed on a legally subdivided lot that has adequate public facilities as defined in §4.1 of this *LDC*.

3. The proposed Site Development Application is in conformance with all provision of Section 1. through Section 5. of the *LDC*, and all technical codes adopted by the City (see Title 14 of the *City of Gunnison Municipal Code*).

4. Performance guarantees following the provisions of §7.7.D of this *LDC* to ensure that required public improvements, general and limited common elements, landscaping and other site development improvements are completed to City standards.

§6.3 STAGES OF THE DEVELOPMENT REVIEW PROCESS

Six designated stages comprise the Development Review Process. Land Use Development Applications are subject to the provision of every defined Stage described below. Site Development Applications are subject to Stages 1, 2, and 3, and 6 as set forth below.

A. Stage 1: Preapplication conference between the applicant and the community development director;

B. Stage 2: Submission of the development application by the applicant;

C. Stage 3: Staff review of the development application to determine whether it is complete and

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whether it complies with all applicable development review standards;

D. Stage 4: Provision of public notice of a public hearing, when applicable to the particular development process;

E. Stage 5: Public action on the development application by the appropriate decision-making body or bodies; and

F. Stage 6: Actions following development approval by the applicant prior to obtaining a site development permit.

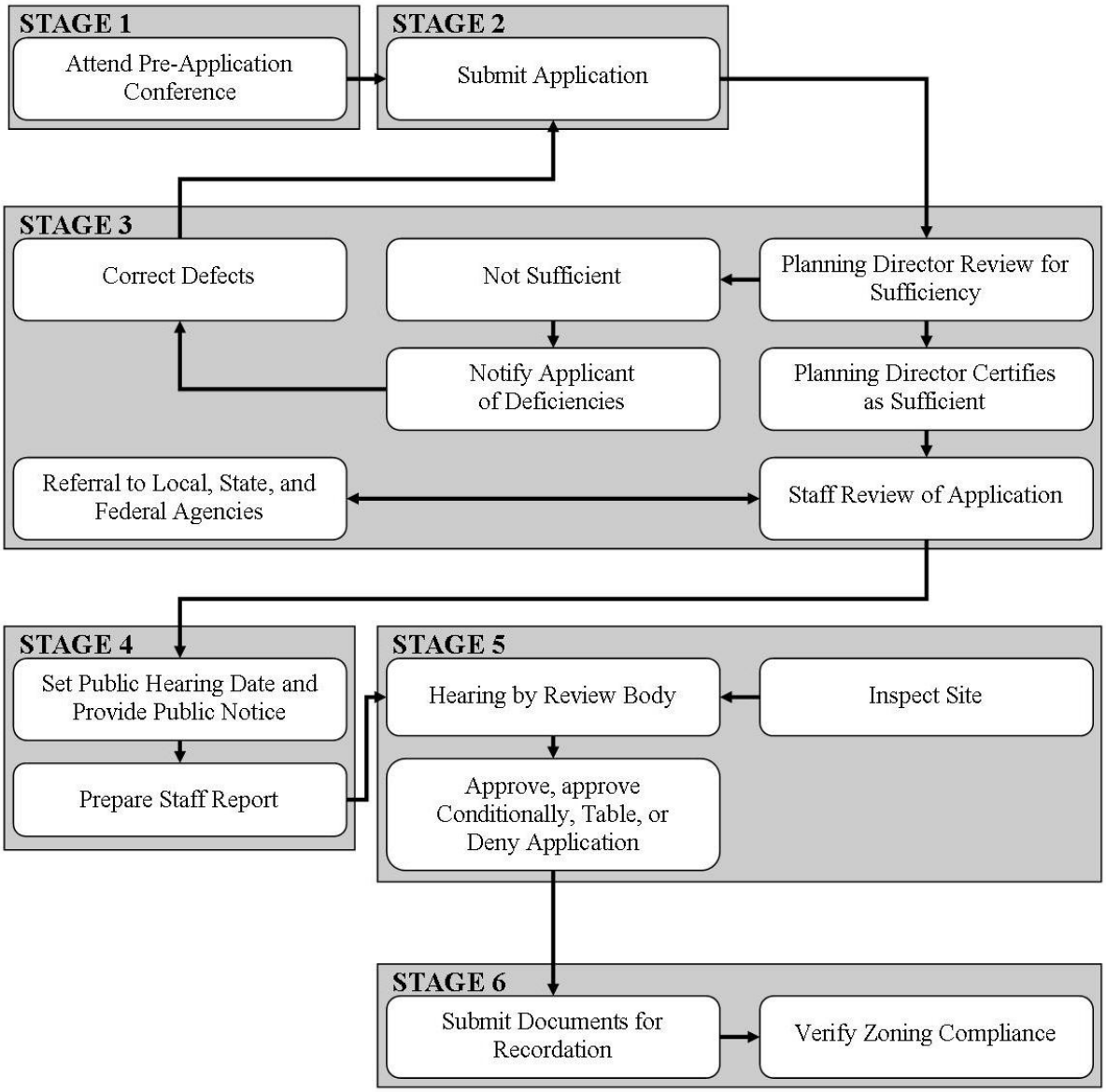

FIGURE 34 STAGES OF THE DEVELOPMENT REVIEW PROCESS

The subsequent sections of this Section are organized to sequentially describe these six stages of the development review process in complete detail. Figure 34 depicts the sequence of the actions which shall be accomplished by the applicant, the staff and the public review bodies to complete the six stages of the development review process. These actions are also explained in the remainder of this Section.

§6.4 STAGE 1: PREAPPLICATION CONFERENCE

A. Conference. Prior to filing a development application, the applicant may confer with the Community Development Director to obtain information and guidance as to the City's development procedures and standards. The preapplication conference is required prior to filing a sketch and preliminary subdivision or PUD application, and is optional, but recommended, for all other development application types.

1. **Purpose**. The purpose of the conference is to permit informal review of development concepts before substantial commitments of time and money are made in the submission of an application, so the applicant may decide how best to proceed in accomplishing the intended development.

2. **Not a Design Service**. The preapplication conference shall not be used as a design service by the applicant. The applicant shall be responsible for preparing an application which contains sufficient information to enable the City to determine its conformance with this *LDC*.

B. Content of Conference. Items to be discussed during the preapplication conference may include, but not be limited to, the following:

1. **Applicant's Proposal.** The applicant shall provide a verbal description of the proposed development, accompanied by a survey, site plan or other map illustrating the site's boundaries, and the applicant's development concepts.

   a. **Preliminary Evaluation**. The applicant may request that the Community Development Director provide a preliminary evaluation of the project's likely conformance with this *LDC* and the *City of Gunnison Master Plan*. The Director may provide a verbal, preliminary evaluation during the conference or in writing within 15 days thereafter.

   b. **No Reliance Provided**. The preliminary evaluation, and all other comments made by the Community Development Director during the preapplication conference shall not be deemed to provide the applicant with assurance or reliance as to the outcome of the formal development review process.

2. **Review Procedure.** The Community Development Director should explain the procedures and review standards which apply to the proposed development, including which decision-making body or bodies will review the application, whether public notice is required and the sequence of actions and approximate time required to complete the development review process.

3. **Review Agencies.** The Community Development Director should identify any city, county, special district, state, and federal agencies that will review the proposed development and provide the applicant with the names of persons at these agencies to contact.

4. **Application Contents.** The Community Development Director should:

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a. describe the materials required to be submitted as part of the application package;

b. provide any applicable City development forms;

c. identify the number of copies of the application to be submitted; and

d. indicate the applicable processing fee.

§6.5 STAGE 2: SUBMISSION OF DEVELOPMENT APPLICATION

A. Eligibility to Apply. A development application may only be submitted by, or on behalf of, the owners of real property proposed for development.

1. **Power of Attorney Authorization**. If the applicant is not the owner of the property, or is a contract purchaser of the property, a letter signed by the owner consenting to the submission of the application shall be submitted.

2. **Multiple Property Owner Applicants**. If the applicant is to be represented by an agent, a signed Authorization of Agent Form provided by the City, granting power of attorney to the agent shall be submitted with the application.

B. Form. The development application shall be submitted in the form required and shall include the information and materials specified for that particular type of application in the applicable sub-section of this Section.

1. **Copies**. The correct number of copies of the application shall be submitted as identified during the preapplication conference or by request of the Community Development Director.

2. **Nonrefundable Application Fee.** The correct nonrefundable processing fee for the application shall be submitted. The fees for the processing of applications are established by the City Council and are available through the Community Development Department.

C. Minimum Application Contents. All development applications shall include, at a minimum, the following information and materials:

1. Name, Street and Mailing Address, Telephone Number, and Power of Attorney. The applicant's name, address and telephone number. If the applicant is to be represented by an agent, a letter signed by the applicant granting power of attorney to the agent shall be submitted, authorizing the agent to represent the applicant and stating the representative's name, street and mailing address and phone number.

2. Legal Description. The legal description and street address, if such exists, of the parcel on which development is proposed to occur.

3. Disclosure of Ownership. A disclosure of ownership of the parcel on which the development is to occur, listing the names of all owners of the property, and all mortgages, judgments, liens, easements, contracts, and agreements that run with the land. The disclosure of ownership shall demonstrate, to the satisfaction of the City Attorney, that the applicant has the right to submit the development application.

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4. **Vicinity Map**. An eight and one-half inch by 11 inch vicinity map locating the subject parcel within the City of Gunnison.

5. **Written Description**. A written description of the proposal and an explanation in written, graphic or model form of how the proposed development complies with the review standards applicable to the application, found in the applicable sub-section of this Section.

6. **Names and Mailing Addresses of Adjoining Property Owners**. Submittal of a written list of adjoining property owners within 100 feet of the application property boundary is required. The list will include their mailing addresses, and a map showing the location of these owners' properties in relationship to the proposal. Adjoining property owner information is not required for Site Development applications.

7. **Vested Property Rights**. If the applicant is seeking to obtain approval of a site-specific development for which the creation of vested property rights is requested, the application shall contain a specific request and statement for creation of the vested property rights.

D. Consolidation. The land development review process is intended to encourage efficient processing of applications. Applicants may request, and the Community Development Director may permit, the consolidated submission and review of all necessary development applications for a parcel of land. The Community Development Director is authorized to waive any overlapping application requirements in the consolidated review.

§6.6 STAGE 3: STAFF REVIEW OF DEVELOPMENT APPLICATION

A. Completeness Review. Within seven days of receipt of the application, the Community Development Director shall determine whether the application is complete.

1. **Application is not complete**. If the application is not complete, the Community Development Director or their designee shall inform the applicant of the deficiencies in writing and shall take no further action on the application until the deficiencies are remedied.

2. **Application is complete.** If the application is complete, the Community Development Director or their designee shall certify it as complete, affix the date of the application acceptance thereon, and assign the application an agenda date with the applicable review body.

3. **Completeness is not a determination of compliance**. A determination that an application is complete shall not constitute a determination that it complies with the substantive standards of this *LDC*, *City of Gunnison Master Plan*, or other City regulations.

B. Staff Review. Within 30 days from the date of the completeness determination, the Community Development Director shall review the development application to determine its conformance with the requirements of this *LDC*. The Community Development Director may solicit the professional analysis and recommendations of any other agency, organization or technical consultant deemed appropriate and necessary to complete the review, including:

1. **Governmental Entities**. County, state, or federal entities having an interest in or authority over the proposed development or any portion thereof.

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2. **Utility Companies and Special Districts**. Utility companies, special service districts serving the proposed development and the school district.

3. **City Staff**. Members of the City staff.

4. **Technical Consultants**. Engineers, designers, and legal consultants.

C. Report. Prior to the date of the review body meeting, the Community Development Director shall compile a written report which sets forth how the application complies with, or does not comply with, the applicable standards of this *LDC*. The Community Development Director shall distribute a copy of the report to each member of the review body and to the applicant, and shall make the report available to the public.

§6.7 STAGE 4: PROVISION OF PUBLIC NOTICE

A. Notice Required. Table 6-1 identifies the types of land development applications which shall be considered during a public hearing, and at what step during the review process that hearing shall occur. Public notice shall be provided for each application type that is identified in Table 6-1 as requiring notice to be given. Notice shall be provided as specified in §6.5 B.

TABLE 6-1 LAND DEVELOPMENT APPLICATION REVIEW

Application Type	Decision-Making Bodies	Public Hearing?
LDC Interpretation	Community Development Director	No
Conditional Use, vested property right	Planning and Zoning Commission	Yes
Variance	Zoning Board of Adjustments and Appeals	Yes
Amendment to Official Zoning Map or text of *LDC*	Planning and Zoning Commission (recommendation)	Yes
	City Council (decision)	Yes
Major Subdivision/P.U.D.	Sketch plan – Planning and Zoning Commission (decision)	Yes
	Preliminary Plat – Planning and Zoning Commission (decision)	Yes
	Final plat – Planning and Zoning Commission (recommendation)	No
	Final plat – City Council (decision)	No
Minor Subdivision/P.U.D.	Preliminary Plat – Planning and Zoning Commission (decision)	Yes
	Final plat – Planning and Zoning Commission (recommendation)	No
	Final Plat – City Council (decision)	No
Subdivision Exemption	Community development director (decision)	No
Vacation of subdivision, right-of-way, or easement	Planning and Zoning Commission (recommendation)	Yes
	City Council (decision)	No
Design Review	Planning and Zoning Commission (decision)	Yes
Verification of Zoning Compliance	Community Development Director (decision)	No
Vested Property Right Request	Planning and Zoning Commission (decision)	Yes
	City Council (decision)	Yes

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B. Manner of Notice. Public notice shall be given by publication of notice in the newspaper, mailing of notice to all adjacent property owners to the subject property, and posting of notice on the property.

1. **Publication of Notice.** Publication of notice shall be accomplished by the Community Development Director or their designee, who shall place a legal notice in the City's official newspaper. The legal notice shall be published in the newspaper at least 15 days prior to the public hearing.

2. **Mailing of Notice.** Mailing of notice shall be accomplished by the community development director.

   a. **Certified Mail.** Notice shall be sent by certified mail to all adjoining property owners at least 15 days prior to the public hearing.

   b. **List to be Created by Applicant.** The list of all adjoining property owners' names and addresses shall be created by the applicant, using the current Gunnison County Assessor's records, and shall be submitted with the application. The list shall include all property owners within 100 feet of the subject property boundary. The applicant shall also write each name on the list on a certified-postage-paid envelope and submit the envelopes with the application or pay the certified postage for each name on the list to the Community Development Director.

   c. **Exception for General Amendments to Official Zoning Map.** Creation of a list of adjoining property owners and mailing of notice shall not be required whenever the official zoning map is to be amended as part of a general revision of the *LDC* or as part of a City initiative to implement the master plan. Instead, a map illustrating the proposed amendment shall be published as part of the legal notice for the hearing. A copy of the proposed amended official zoning map shall be available for public inspection in City Hall during normal business hours at least 15 days prior to the scheduled date of the public hearing.

   d. **Exception for Amendments to *Land Development Code*.** Creation of a list of adjoining property owners and mailing of notice shall also not be required whenever the *LDC* is to be amended.

3. **Posting of Notice.** Posting of notice shall be accomplished by the applicant.

   a. **Conspicuous Location**. The applicant shall post and maintain the notice in a conspicuous location on the subject property.

   b. **Duration.** The sign shall be posted at least 15 days prior to the public hearing. The applicant shall maintain the sign in a legible manner until the closure of the public hearing and shall remove it on the day following closure of the public hearing.

   c. **Dimensions**. The minimum dimensions of the sign shall be 18 inches by 24 inches.

   d. **Materials**. The materials to which the notice form is affixed shall be sturdy and waterproof or shall have a waterproof covering.

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e. Exception for Amendments to *Land Development Code*. Posting of notice shall not be required whenever the *LDC* is to be amended.

C. Content of Notice. Each notice shall contain the following information:

1. **Name and Address**. Name of the applicant and address or legal description of the property.

2. **Type of Application**. The type of development approval sought.

3. **Date, Time and Place**. The date, time, and place of the hearing and name of the decision-making body conducting the hearing.

4. **Summary**. A brief summary of the development proposal.

5. **Other Information**. Such other information as may be necessary to fully apprise the public about the application.

6. **Vested Property Right**. If the development is for a site-specific development for which the creation of vested property rights has been requested, the following statement shall appear: "Final approval of this development will create a vested property right pursuant to article 68 of title 24, C.R.S."

D. Notice Deemed Valid. The Community Development Director and the applicant shall make all reasonable efforts to comply with the notice provisions set forth in this section. Notice shall be deemed valid if notice was mailed to all property owners, as listed on the last available tax assessment rolls, and if publication and posting has occurred in accord with §6.7 B.2 shall not be considered invalid because of unrecorded or subsequent transfers of title or uncertainties concerning ownership not discernible from the tax assessment rolls.

§6.8 STAGE 5: REVIEW BY DECISION-MAKING BODY

A. Site Inspection. Prior to its meeting to consider the development application, the City may, as a group or through a committee appointed for that purpose, inspect the site of the proposed development. Upon reasonable request by the Community Development Director, the applicant shall mark the development site before the site visit is to occur to locate property boundaries, building envelopes and other key site development features.

B. Hearing Procedure. At its meeting to consider the development application, the decision-making body shall hear a presentation by the applicant, hear testimony from all members of the public in attendance at the meeting, hear a presentation of the findings and recommendations of the Community Development Director, and hear responses from the applicant and City staff. The decision-making body shall have the right to ask questions of any person presenting testimony at the hearing.

1. **Burden on Applicant.** The burden shall be on the applicant to demonstrate through competent evidence that the application will comply with all applicable provisions of this *LDC*, *City of Gunnison Master Plan*, and other provisions of the *Gunnison Municipal Code*.

2. **Withdrawal of Application**. An applicant shall have the right to withdraw an application at any time prior to action on the application by the decision-making body.

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C. Action by Decision-Making Body. After hearing the evidence and considering the comments of all persons interested in the matter, the decision-making body shall make its decision and findings and have them entered in its minutes. The decision-making body shall not be required to take final action on an application during the same meeting when testimony from interested persons is taken, but action shall be taken within 21 days of closing the public hearing.

1. **Findings.** In its findings, the decision-making body shall report the facts, whether the applicant has met the requirements of each applicable review standard, and whether the application is approved, approved with conditions, recommended for approval to another body, tabled pending receipt of additional information, or denied. An application that fails to comply with any applicable review standard shall be denied.

2. **Written Action.** Whenever a decision-making body grants or denies an application, it shall be specified in writing and the following will be forwarded to the applicant:

   a. **Code Sections.** The section(s) and standards of this *LDC* used in evaluating the application;

   b. **Findings.** Its findings of fact and conclusions regarding these review standards; and

   c. **Conditions.** Conditions, if any, that will be imposed upon the application. Any representation made by the applicant shall be incorporated as a condition of approval.

D. Successive Applications. Unless otherwise stated in this chapter, whenever any application is denied for failure to meet the substantive requirements of this land development code, no application for the same or similar development shall be considered for a period of one year after the date of denial, unless the applicant can demonstrate a change of circumstances or conditions as determined by the Community Development Director, or unless a majority of the members of the decision-making body that made the final decision on the application determines that the prior denial was based on a material mistake of fact.

E. Inactive Applications. The decision-making body shall deny any application which remains inactive. An application may be deemed inactive and be denied when the decision-making body determines that the applicant is not making reasonable progress in moving the application towards final approval.

1. **Determination of Inactivity.** A project shall be determined to be inactive if more than two months have passed since a request for additional information was made by the Community Development Director or the review body, and the request has not been complied with, or more than three months have passed since the last official contact between the applicant and the community development director.

2. **Written Notice.** The Community Development Director shall provide advance written notice to the applicant stating the time, place, and date when the decision-making body will consider denial of the application due to its inactivity.

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§6.9 STAGE 6: ACTIONS FOLLOWING DEVELOPMENT APPROVAL

A. File Required Documents. Following approval of the development application, the applicant shall submit to the Community Development Director all documents which are required as a condition of approval of the application, including, but not limited to, those documents which are to be recorded in the Office of the Gunnison County Clerk and Recorder, any performance bonds or other financial security measures which must be filed, and the applicable fee for document recordation. Documents must be received no later than 30 days after final approval. The documents to be recorded may include, but are not limited to, a final plat, an improvements agreement, any other agreements, and any restrictions on the property which may have been agreed to during the review process.

B. Staff Review. The Community Development Director shall review the submitted documents and, if necessary, return them to the applicant for any necessary revisions prior to recordation. The Community Development Director may solicit the assistance and recommendations of the City Attorney, the City Engineer or any agency or organization which provided technical assistance during review of the development application.

C. Recordation. The applicant shall make any requested revisions to the documents and file the revised documents with the community development director. The Community Development Director shall circulate the documents to obtain necessary signatures and deliver them to the office of the Gunnison County Clerk and Recorder for recordation.

D. Verification of Zoning Compliance. Before the applicant may obtain a building permit for the proposed development or may change any existing use, the Community Development Director shall verify that the development or change of use complies with the standards of this *LDC*.

1. **Proposal Follows Development Application.** If the applicant is proposing development following approval of a development application, then the purpose of the zoning compliance verification shall be to determine that the building permit application complies with the approval and any conditions imposed on the approval by the decision-making body, and otherwise complies with the applicable standards of this *LDC*.

2. **Proposal Did Not Involve Development Application**. If the applicant is proposing development for which no other development application was required, then the purpose of the zoning compliance verification shall be to determine that the site development application complies with the applicable standards of this *LDC*.

3. **Scale Drawings**. The Community Development Director may require that the application for zoning compliance verification be accompanied by scale drawing(s) of existing and proposed site features. The drawing(s) shall indicate the shape, dimensions, and locations of lot boundaries, all existing and proposed structures and their intended uses and heights and setbacks; any proposed off-street parking areas, landscape areas and signs, and such other information as may be necessary to determine whether the proposal complies with the applicable standards of this *LDC* and any conditions of approval.

E. Vested Property Rights. If the applicant has obtained final approval of a site-specific development for which the applicant has requested the creation of vested property rights, the documents required as a condition of approval, including any documents to be recorded, shall

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state: "The approval of this site-specific development creates a vested property right pursuant to Article 68 of Title 24, *C.R.S.*"

1. **Public Notice Following Action**. Within 14 days of final approval of the site-specific development, the Community Development Director shall publish a notice in the designated newspaper of general circulation within the city advising the general public of the approval of the site-specific development and the creation of a vested property right pursuant to Article 68 of Title 24, *C.R.S.*

2. **Duration.** The final approval of a site-specific development, which creates a vested property right, shall remain in effect for a period of three years from the date of such approval, notwithstanding any shorter period of time contained within this *LDC*.

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