

**AGENDA
CITY OF GUNNISON
PLANNING & ZONING COMMISSION
REGULAR MEETING
Rev 3/7/2013**

**DATE: WEDNESDAY, MARCH 13, 2013
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. ZA 12-1, TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE, SECTION 15.100 SIGN STANDARDS TO ALLOW MULTI-TENANT SIGNS FOR MULTI-TENANT COMMERCIAL DEVELOPMENTS IN THE COMMERCIAL ZONE DISTRICT**
- V. CONSIDERATION OF THE FEBRUARY 13, 2013 MEETING MINUTES**
- VI. COUNCIL UPDATE**
- VII. COMMISSIONER COMMENTS**
- VIII. PLANNING STAFF UPDATE**
- IX. ADJOURN TO WORK SESSION**

**WORK
SESSION**

**DISCUSSION OF THE DRAFT *LAND DEVELOPMENT CODE*
Section 15 – Violations, Penalties and Enforcement
Section 16 – Definitions**

**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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STAFF REPORT
Text Amendment to the *Land Development Code*
Chapter 15.100 Sign Code

TO: Planning and Zoning Commission
FROM: Community Development Staff
DATE: February 27, 2013
RE: ZA 13-1, Text Amendment to the Sign Code, Chapter 15.100, regarding Monument Signs

CODE PROVISIONS

The *Land Development Code (LDC)*, Section 15.150.030 specifies that a text amendment to the *LDC* be reviewed by the City of Gunnison Planning and Zoning Commission (Commission) at a public hearing after 15 days public notice. The Commission establishes a recommendation to City Council to approve, approve with conditions, deny or remand the application back to the applicant with instructions for modification. City Council shall consider the recommendation of the Commission at a public hearing and shall, by ordinance, approve, deny or remand the application back to the applicant with instructions for modification or additional information.

A Text Amendment may be initiated by City Council, the Planning and Zoning Commission, the Community Development Director, a resident of the city, an owner of a business within the city, or any person who holds a recognized interest in real property within the city.

APPLICATION

The applicant for this Text Amendment is Steven Westbay, the City of Gunnison Community Development Director. The proposed Text Amendment amends Chapter 15.100 (Sign Standards), of the *City of Gunnison Land Development Code (LDC)* to include multi-tenant signs. Proposed amendments are to Section 15.100.030 Definitions, Section 15.100.080 General Regulations and Section 15.100.090 Zone District Sign Regulations – Schedule of Requirements for Nonresidential Zone Districts (CBD, I, C).

The text amendment is being initiated to allow large multi-tenant commercial developments the opportunity for combined signage along a collector or arterial street frontage. This text amendment would allow signs similar to the multi-tenant sign for the Gunnison Center PUD (located at Main Street and Spencer Avenue) and as allowed within the Gunnison Rising PUD.



PROPOSED AMENDMENT

The proposal to permit and regulate multi-tenant signs with the *Sign Code* would affect the following three sections:

15.100.030 Definitions. Sign Types. 21. *“Multi-tenant Sign”* means a freestanding sign that provides identification for three or more tenants in a commercial development of more than 25,000 square feet of aggregate gross building area.

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15.100.080 General Regulations. K. Multi-tenant Signs. The following standards apply:

1. One multi-tenant sign shall be allowed for a street frontage on a commercial development with three or more tenants and with greater than 25,000 square feet of aggregate gross floor area;
2. Tenants allowed to display on the multi-tenant sign shall be a party to a recorded covenant or other legally binding document and the document terms shall address shared use and maintenance responsibility;
3. Multi-tenant signs shall conform to the freestanding sign height provisions of 15.100.080 J., above;
4. The sign shall be subject to review in conjunction with Final Plat Subdivision review or development applications submitted and reviewed by the Community Development Director;
5. The maximum sign area is 150 square feet; and,
6. Multi-tenant signs shall not count toward the permitted sign area of each business.

15.100.090 Zone District Regulations.

SCHEDULE OF REQUIREMENTS FOR NONRESIDENTIAL ZONE DISTRICTS (CBD, I, C)			
Prohibited Signs	Maximum Sign Area by Permitted Type	Maximum Number of Signs Permitted	Maximum Height of Signs or other Restrictions
	Multi-tenant signs: up to a maximum of 150 square feet; prohibited in CBD and Industrial.	1 per commercial development on either a designated collector or arterial street frontage	25 feet; see GMC 15.100.080 for additional standards associated with multi-tenant signs.

DEPARTMENTAL COMMENTS

- Building Official: No issue.
Fire Marshal: No issue.
Parks and Recreation Department: No issue.
Police Department: No issue.
Public Works Director: No issue.
City Engineer: No issue.
Water and Sewer Superintendent: No issue.
Electric Superintendent: No issue.
City Attorney, Kathy Fogo: No issue.

STAFF OBSERVATIONS

1. The proposed Text Amendment requests an amendment of Chapter 15.100 (Sign Standards), *City of Gunnison Land Development Code (LDC)*, to include multi-tenant signs.

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2. The amendment proposes multi-tenant signs for commercial developments with three or more tenants and an aggregate gross floor area of 25,000 square feet or more.
3. Multi-tenant signs are compatible with large retail areas in the Commercial zone district.
4. The Gunnison Center PUD and Gunnison Rising PUD allow multi-tenant signs with specific standards.
5. The proposed maximum permitted sign area is 150 square feet and does not count toward the sign area of each business.

REVIEW STANDARDS FOR TEXT AMENDMENTS

LDC Section 15.120.060.C, states that “...an application that fails to comply with any applicable review standard shall be denied.” The *LDC* Section 15.150.050 states that “...an application for an amendment to the text of this *Land Development Code* shall comply with the following four standards:”

15.150.050 A. Consistent with Purposes. The proposed amendment shall be consistent with the purposes of this *Land Development Code*.

No Conflict. Purposes of the *LDC* are cited in Section 15.10.030 and include the following headings:

- 1) *Establish Development Standards* for the review of all proposed development in the City.
- 2) *Protect Quality of Life* by promoting the community’s general health, safety and welfare.
- 3) *Establish Review Process* that is clear, consistent, predictable and efficient.
- 4) *Provide for Orderly Development* of the City that is well-ordered and safe.
- 5) *Conserve Property Values* and respect interests of property owners and citizens.

The proposed amendment to the *Sign Code* fulfills the purpose of the *LDC*. The amendment addresses performance standards of location, size, height and construction of multi-tenant signs.

15.150.050 B. No Conflict with Other Provisions. The proposed amendment shall not conflict with any other applicable provisions of this *Land Development Code*, or shall repeal or amend provisions of this *Land Development Code* which are inconsistent, unreasonable or out-of-date.

No Conflict: The proposed text amendment does not conflict with any sections of the *LDC*.

15.150.050 C. Consistent with *Master Plan*. The proposed amendment shall be consistent with the *Master Plan*, or shall implement a new portion of the *Master Plan*, or shall implement portions of the *Master Plan* which have proven difficult to achieve under the existing provisions of this *Land Development Code*.

No Conflict:

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Chapter 7, Economics, Policy 4: “Assure attractive and financially strong commercial zone districts.” Multi-tenant signs allow additional advertising to promote a strong commercial area.

15.150.050 D. Public Health, Safety and Welfare. The proposed amendment shall preserve the public health, safety, general welfare and environment and contribute to the orderly development of the City.

No Conflict: The proposed amendment is intended to preserve the public health, safety and general welfare of the community.

RECOMMENDATION

During the Planning and Zoning Commission meeting held on March 13, 2013 Commissioner _____ moved, Commissioner _____ seconded, and the Planning and Zoning Commission voted to recommend APPROVAL, to City Council of Zoning Amendment application ZA 13-1, for a Text Amendment to Section 15.100 *Sign Code* of the *LDC* to allow multi-tenant signs, based on the following findings of fact:

1. The Planning and Zoning Commission finds that the record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record; and provisions of the *City of Gunnison Land Development Code* and the *City of Gunnison Master Plan*.
2. The Planning and Zoning Commission finds that the amendment proposes multi-tenant signs for commercial developments with three or more tenants and an aggregate gross floor area of 25,000 square feet or more.
3. The Planning and Zoning Commission finds that multi-tenant signs are compatible with large multiple tenant retail developments in the Commercial zone district.
4. The Planning and Zoning Commission finds that a multi-tenant sign that meets the text amendment standards is part of the Gunnison Center PUD and is located at Main Street and Spencer Street.
5. The Planning Zoning Commission finds that multi-tenant signs allow additional advertising to promote an attractive and financially strong Commercial zone district.
6. The Planning and Zoning Commission finds that this Text Amendment application complies with the review standards for Text Amendments (*LDC*, Section 15.150.050).
7. The Planning and Zoning Commission finds that based on the record of this Text Amendment application the recommended approval of this Text Amendment protects the community’s health, safety and welfare.

Application Fact Sheet

City of Gunnison

City of Gunnison Land Development Code

P.O. Box 239

Minimum Application Contents

Gunnison, CO 81230

In Accordance With 15.120.030 C.

(970)641-8090

Applicant Name(s): Steve Westbay, Director of Community Development

Phone #: 970-641-8152 Fax #: 970-641-8051 E-Mail: swestbay@cityofgunnison-co.gov

Mailing Address: PO Box 239

City: Gunnison State: Colorado Zip: 81230

Summary of Request: Text Amendment to the Sign Code regarding Multi-tenant Signs.

Disclosure of Ownership- Please provide one of the following: N/A

- Assessor Parcel Info
- Mortgage
- Deed
- Judgments
- Liens
- Contract
- Easement Agreement
- Other Agreements

Legal Description: N/A

Site Address of Property: See attached legal description Zoning _____

Block: _____ Lot(s): _____ Addition: _____

- Attachments: Vicinity Map (8.5"x11") Written Narrative/Description of Proposal
- Names, Addresses and Map of Adjoining Property Owners (From Assessor's Office)
 - Vested Property Rights Letter/Authorization of Agent (from Owner if not applicant)
 - Site Plan (11"x17") to scale, includes dimensions and location of all structures, parking spaces and access, snow storage, landscaping, live cover, utility lines, road/street names, land uses of adjacent properties, setbacks. Includes a table for all dimensional requirements based on 15-7-4.

YOU ARE REQUIRED TO SUBMIT FOUR (4) COMPLETE COPIES OF YOUR APPLICATION

Signature(s)

Steve Westbay

Date 2.18.13

Community Development Director

Date _____

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

OTHERS PRESENT: Community Development Director Steve Westbay and Planner Andie Ruggera, and Cole Haberer.

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

II. PLEDGE OF ALLEGIANCE TO THE FLAG

III. UNSCHEDULED CITIZENS. There were none.

IV. SB 12-5, FINAL PLAT, AN APPLICATION BY DRAKE GUNNISON PARTNERS, LLC, TO SUBDIVIDE ONE LOT (4.8 ACRES) INTO FOUR LOTS, LOCATED IN THE COMMERCIAL ZONE DISTRICT

Planner Andie Ruggera summarized the application stating the request is classified as a major subdivision and is subject to a four step process. The application request is at step three, Final Plat review and recommendation by the Planning and Zoning Commission. The last step is action by City Council at a regular meeting.

The Commission approved the Preliminary Plat on January 9th with findings of fact and conditions. At that time, outstanding items consisted of the alignment of the irrigation ditch, the alignment and use of Bowman Street, and two additional fire hydrants.

The final plan submittal includes the final engineer plans, commitment for title insurance, tax verification, subdivision improvements agreement and the Final plat to be recorded. The engineer plans have been modified showing the fire hydrants and alignment of the irrigation ditch and Bowman Street as requested.

There was discussion on the Subdivision Improvement Agreement. Staff is recommending that the City construct the CDOT improvements, out of 2013 Street Improvement Budget, as it serves a broader City interest and provides connectivity to a larger neighborhood than the proposed development. The applicant would be responsible for improving Bowman Street. The use of Bowman Street and the CDOT improvements will be considered for approval during the final plat submittal review by City Council.

Director Steve Westbay expanded on the intersection discussion stating that the developer usually pays his own way. The situation is unique with this intersection and the applicant has been a co-applicant with the City on the Highway Access Permit. The applicant also designed the plans for the removal of the pork chop at the intersection. Councilor Ellen Harriman stated it would be helpful to have more information regarding the cost and implications to other City projects if Council approves to make the improvements. Director Westbay stated Council would have more information regarding the CDOT intersection for the Final Plat review by City Council.

The applicant, Cole Haberer stated he did not have anything further to add. He thanked the Commission and stated he was very happy with the overall project.

Commissioner Greg Larson moved, Commissioner Erik Niemeyer seconded and the Planning and Zoning Commission voted to recommend to City Council APPROVAL of the Major Subdivision Final Plat, SB 12-5, Blue Mesa Shopping Center with the following findings of fact and conditions:

Findings of Fact:

1. The Planning and Zoning Commission finds that the record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record; and provisions of the *City of Gunnison Land Development Code* and the *City of Gunnison Master Plan*.
2. The Planning and Zoning Commission finds that this application is for a Major Subdivision of a 4.8 acre parcel into four lots and the proposed lot configurations comply with minimal lot size and frontage standards established by the *LDC*.
3. The Planning and Zoning Commission finds that the property is located in the Commercial zone district and that the applicant intends to follow the City development standards for this district.
4. The Planning and Zoning Commission finds that the Final Plat submittal includes detailed civil engineering plans that have been reviewed by the City Engineer and personnel from the Public Works Department and no issues were found.
5. The Planning and Zoning Commission finds that the irrigation ditch alignment is shown within the easement adjacent to Highway 135.
6. The Planning and Zoning Commission finds that alignment of the irrigation ditch within Bowman Street has been adjusted on documents submitted for Final Plat.
7. The Planning and Zoning Commission finds that Final Plat documents will include two additional fire hydrants for internal service to the development.
8. The Planning and Zoning Commission finds that appropriate easements for utilities and access have been established and the Declaration of Covenants will be recorded with the Final Plat.
9. The Planning and Zoning Commission finds that a Traffic Impact Study was prepared and the report estimates approximately 1,429 vehicle trips per day will occur at build-out.
10. The Planning and Zoning Commission finds that CDOT has issued a Highway Access Permit that allows a full movement intersection at VanTuyl Circle and Highway 135.
11. The Planning and Zoning Commission finds that Bowman Street, located on the south boundary of the proposed subdivision, is a deed restricted parcel with the restriction mandating the real property will be used as public right-of-way functions. The Planning and Zoning Commission further finds that the access as illustrated in the Final Plat submittal has appropriate alignment with VanTuyl Circle.
12. The Planning and Zoning Commission finds that the 15 foot easement and the Highway 135 right-of-way improvements allow for an eight foot-wide sidewalk, utilities and landscape buffer.
13. The Planning and Zoning Commission finds that a Subdivision Improvements Agreement has been drafted with a recommendation to City Council that the City be responsible for completing the CDOT improvements at VanTuyl Circle and Highway 135. Funding for these improvements is proposed from the 2013 budget for Street Improvements.
14. The Planning and Zoning Commission finds that the nine review standards for subdivisions have been met and that the Final Plat application complies with all provisions of the City's *Land Development Code*.

Conditions:

1. Use of Bowman Street shall comply with restrictions set forth by the deed and approved by the City Council.
2. The Subdivision Improvements Agreement, including the recommendation for the City to construct CDOT improvements, shall be considered for approval during Final Plat submittal review by City Council.

Roll Call Yes: Andy, Bob, Carolyn, Erik and Greg

Roll Call No:

Roll Call Recuse: Ellen – will vote on Final Plat during City Council review

Motion carried

Mr. Claire Veech joined the meeting after the Commission took action on the Blue Mesa Shopping Center application. Mr. Veech wanted to state concerns of increased traffic on Sydney Street if the subdivision is approved. Director Westbay informed Mr. Veech he would have one last chance to voice concerns during the City Council review of the application scheduled for March 12, 2013.

- V. CONSIDERATION OF THE JANUARY 9, 2013 MEETING MINUTES.** Councilor Ellen Harriman moved and Commissioner Greg Larson seconded to approve the January 9, 2013 meeting minutes as presented.

Roll Call Yes: Erik, Andy, Carolyn, Greg and Ellen

Roll Call No:

Roll Call Abstain: Bob – was not present at the January 9th meeting

Motion carried

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

- held a public hearing regarding an amendment to Title 14 of the LDC regarding the building code;
- was given an update by Tammy Scott from the Gunnison Country Chamber of Commerce;
- approved a request by Tammy Scott for funds to supplement the “Flavors of Gunnison” event;
- was given an update by Karl Fulmer on the Gunnison Valley Regional Housing Authority;
- approved a multi-day special event permit for the Gunnison Farmers Market;
- approved 2nd reading of Ordinance 3, Series 2013 to annex the VanTuyl Ranch;
- approved 2nd reading of Ordinance 4, Series 2013 to accept the VanTuyl Ranch PUD Zoning;
- approved 1st reading of Ordinance 5, Series 2013 to approve changes to Title 14 of the LDC;
- approved 1st reading of Ordinance 6, Series 2013 regarding commercial/retail marijuana facilities prohibition; and
- approved a resolution setting the May 14, 2013 regular municipal election to be conducted as a mail ballot election.

- VII. COMMISSIONER COMMENTS.** The Commission discussed updating the Council Chambers and looking at digital improvements. Staff will do some research on upgrade possibilities.

- VIII. PLANNING UPDATE.** Director Westbay stated he has been working hard on the Sage-grouse Endangered Species Act and that the deadline for comments is March 12, 2013. He has been working with the County to provide comments. Staff has also been working on the Highway 50

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Access Control Plan and invited the Planning and Zoning Commission to attend the scheduled work session between City Council and the County Commissioners on March 12th.

- IX. ADJOURN TO WORK SESSION.** Chair Riggs adjourned the meeting to a work session at 8:12 p.m.

Carolyn Riggs, Chair

Attest:

Andie Ruggera, Secretary

Section 15. Violations, Penalties and Enforcement

§15.1 ENFORCEMENT BY DIRECTOR

The Director shall have the authority to enforce this *LDC*. Under the powers of this Section, the Director shall have the authority to enter onto property within the City limits to inspect or to investigate suspected violations of this *LDC*.

- A. Premises Occupied.** If the building or premises upon which the suspected violation is located is occupied, the Director shall present proper identification and request access. If access is denied, the Director may obtain a search warrant from a court of competent jurisdiction.
- B. Premises Unoccupied.** If the building or premises upon which the suspected violation is located is unoccupied, the Director shall make reasonable efforts to locate persons having charge of the premises. If entry is refused, the Director shall have recourse to every remedy provided by law to secure entry.

§15.2 ENFORCEMENT PROCEDURES

- A.** The City may enforce the requirements of the *LDC* by withholding building permits. It is unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure without approval of a zoning development permit and a building permit. The City may not issue a building permit unless the plans of and for the proposed erection, construction, reconstruction, alteration, or use fully conforms to the provisions of this *LDC*.
- B.** Any person aggrieved by a violation or apparent violation of the provisions of this *LDC* may file a written complaint with the Director, who shall investigate such complaint and take the appropriate action to have the violation penalized or removed, if such violation is found to exist. When it is determined that there has been a violation of any provision of the *LDC*, the Director shall serve written legal notice of violation in the following manner:
 - 1.** Determine and include a list of violations, refer to the section(s) of the *LDC* violated;
 - 2.** Specify a time for compliance with relevant *LDC* provisions 21 days from the service of the notice; and
 - 3.** Serve the notice on the owner, occupant, operator, lessee, agent or other responsible party in person, provided that such notice and requirement shall be deemed to be properly served on such responsible party if a copy thereof is delivered to, posted on, or sent by registered or certified mail to his/her last known mailing address, residence or place of business.

§15.3 PENALTIES FOR VIOLATION

- A. Misdemeanor.** Violation of the provisions of this *LDC* or any order issued by the Director shall constitute a misdemeanor. Upon conviction, the misdemeanor shall be punishable by a fine of up to \$1,000, imprisonment for a period of 90 days, or both, such fine and imprisonment for each offense.
- B. Each Day a Separate Offense.** Each day that a violation continues to exist shall be considered a separate offense.
- C. Each Lot a Separate Offense.** Each lot or parcel offered for sale, agreed to be sold, sold, or transferred in violation of the provisions of this *LDC* shall be considered a separate and distinct offense.

§15.4 REMEDIES FOR VIOLATIONS

Whenever the Director shall find a violation of any of the provisions of this *LDC*, the Director shall be authorized to order the following remedies.

- A. Discontinuance of Use Violation.** The Director may order any use of land, buildings or structures which violates the provisions of this *LDC* to be discontinued or abated. The Director shall order the immediate repair or removal of hazardous conditions, including hazardous signs. If a use, sign or structure poses an immediate threat to life, property or the environment, the Director may take whatever actions necessary to have it removed.
- B. Removal of Buildings.** The Director may order any buildings, structures or additions, alterations or structural additions thereto which violate the provisions of this *LDC* to be removed. Any sign placed upon or over City property or a public right-of-way may be impounded as evidence.
- C. Stoppage of Illegal Development.** The Director may order any development activities being accomplished which violate the provisions of this *LDC* to be stopped.
- D. Enjoin Illegal Transfers.** The Director may notify the City Attorney, who may enjoin, by action for injunction brought in any court of competent jurisdiction, any offer to sell, agreement to sell, sale, or transfer of any subdivided property before a final plat has been approved by the City and recorded or filed in the office of the County Clerk and Recorder.
- E. Other Actions.** The Director may order such other actions to be taken as are necessary and as are authorized by the *Gunnison Municipal Code*, by statute, or by law to ensure compliance with, or to abate violation of, the provisions of this *LDC*.
- F. Remedies Are Cumulative.** All remedies provided for in this Section are cumulative, are not exclusive, and shall be in addition to any other remedies provided by law.

§15.5 APPLICATION OF THE LAWS

If any of the provisions of this Section are inconsistent with the provisions of any other law or laws, presently existing or enacted in the future, of the City or the State, in that the requirements regarding signs or the respective provisions differ, the provisions containing the more restrictive requirements will apply.

Section 16. Definitions

§16.1 ABBREVIATIONS

BMPs	Best Management Practices
CDOT	Colorado Department of Transportation
DBH	Diameter at Breast Height
FAA	Federal Aviation Administration
FCC	Federal Communications Commission
ft	Feet
<i>LDC</i>	<i>Land Development Code</i>
LID	Low Impact Development
UDFCD	Denver Urban Drainage and Flood Control District
LOD	Limits of Disturbance
LOS	Level of Service
PSC	Personal Telecommunications Services
sq ft	Square Feet
TRC	Technical Review Committee
USGS	United States Geologic Survey

§16.2 GENERAL TERMS DEFINED

Terms used shall have the following meanings as used throughout this *LDC*:

Definitions

Abutting	The property directly touches another piece of property.
Accessory building, structure or use	A detached building, structure, or use on the same lot with, or of a nature customarily incidental or subordinate to, and of a character related to the principal use or structure (§3.12).
Accessway	See §4.5B
Adjoining	A lot or parcel of land which shares all or a part of a common boundary line with another lot or parcel of land. Parcels shall also be considered adjoining when they are only separated from each other by an alley, easement, or right-of-way.
Administrative plat	See
Agriculture	The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation, of any such accessory uses shall be secondary to that of the principal use. The operation of commercial feed pens, sales yards and auction yards for horses, cattle or hogs is deemed an industrial and not an agricultural use.
Alley	A single lane that provides alternative vehicular and service access.)
Allowed use	Use which is allowed in a district, subject to all of the restrictions applicable to that district and all of the standards of this <i>LDC</i> .
Alteration	Any change, addition, or modification in construction or occupancy of an existing structure or sign; any change, grading or construction within a regulated floodplain.
Antenna	A system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals. Such shall include, but not be limited to radio, television, cellular, paging, personal telecommunications services (PCS), microwave telecommunications and services not licensed by the FCC, but not expressly exempt from the City’s siting, building and permitting authority.
Applicant	The owner of land proposed to be subdivided or his legal authorized representative.
Approval authority	The City Council, Planning and Zoning Commission, Zoning Board of Adjustment or other board or official designated by ordinance or this <i>LDC</i> as being authorized to grant the specific zoning or land use permit or approval.

Definitions

Apron (driveway)	That portion of the driveway that may extend from the curb-cut to the building face or garage.
Architectural projection	Non-functional or ornamental building feature.
Area of special flood hazard	The land in the floodplain subject to a one percent or greater chance of flooding in any given year.
As-built plans	A set of detailed plans and document specifying how required public improvements were actually constructed.
At-grade structures	Uncovered porches, slabs, patios, decks, walks and steps which do not exceed 30 inches above or below grade may project into a yard. Projections may exceed 30 inches below grade if required by the Building Official for window or other building egress.
Automobile repair garage	Any building or structure where automobiles, trucks, or commercial vehicles are stored, repaired, painted, or equipped for remuneration.
Average Slope	
Awning	Shelter constructed of non-rigid materials on a supporting framework which projects from and is supported by the exterior wall of a building.
Awning sign means	Sign painted on, printed on or attached flat against the surface of an awning. For the purposes of determining maximum permitted sign area, only the graphic or the message shall be counted.
Banner	Sign made of fabric, plastic or other non-rigid material which has no enclosing framework.
Base flood	The flood having a 1% chance being equaled or exceeded in any given year.
Basement	A story partly or wholly underground.
Bathroom	Separate bathroom containing a water closet, lavatory, and bathtub, or shower.
Bedroom	Room in a dwelling unit that is marketed and designed for sleeping, or otherwise has the potential to function primarily for sleeping.
Best management practices	A structural or nonstructural management-based practice used singularly or in combination to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.
Bicycle lane	That portion of a roadway set aside and designated for the use of bicycles.
Bicycle path	A paved facility that physically separates bicycle riders from motor vehicle traffic.
Bike route	A facility designated by signing to help make motorists aware of the presence of bicycles, which share the right-of-way with motor vehicles.
Billboard (including poster and panel types)	A non-accessory sign or sign structure upon which advertising may be posted, painted, or affixed, and which is primarily designed for the rental or lease of the sign space for advertising not related to the use of the property: upon which the sign is located.
Block	A parcel of land, intended to be used for purposes, which is entirely surrounded by public streets or highways, railroad rights-of-way, public walks, public green strips, rural land or drainage channels, boundaries of a municipality, or a combination thereof.
Boarding or rooming house	Building, other than a hotel, cafe, or restaurant, where for direct or indirect compensation, lodging and/or meals are provided for 3 or more boarders and/or roomers, exclusive of the occupant's family.
Breezeway	A covered area that connects two buildings.
Buffer	§4.6.E
Building	Any structure having a roof supported by columns or walls that is used or intended to be used for the shelter or enclosure of persons, animals or property.
Building coverage	See §1.7
Building line or setback line	A line or designating the area outside of which buildings may be erected, except as otherwise provided by this <i>LDC</i> .
Building official	The designated official responsible for enforcement of building codes and the supervision of building inspections in the city of Gunnison.
Building separation	§1.7 E.
Building, enclosed	Building separated on all sides from adjacent open space or other buildings by fixed exterior walls or party walls, with openings only for windows and doors, and covered by a permanent roof.

Definitions

Building, main or principal	A building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling is deemed to be a main building on the lot on which it is situated.
Caliper	The diameter of plant material, measured at six inches above grade for calipers of up to four inches, and 12 inches above grade for larger calipers.
Campground	Parcel of land used or intended to be used, let, or rented for overnight or short term occupancy by campers, trailers, tents, or recreational vehicles.
Canopy	Ornamental roof-like structure, cantilevered or supported by posts or pillars, built in accordance with the <i>International Building Code</i> .
Carport	A permanent roofed structure that is permanently opens on at least two sides, and designated for or occupied by “private” passenger vehicles.
Cemetery	A place used or to be used and dedicated or designated for interments of human remains or pet animal remains.
Certificate of survey	An instrument prepared by a registered surveyor licensed to practice in the state of Colorado describing the location and boundaries of a tract or parcel of land.
Child care	A program or arrangement where three or more children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption.
City	City of Gunnison, Colorado.
City Council	The governing or legislative authority of the City of Gunnison, Colorado.
City Engineer	The licensed engineer designated by City Council to furnish engineering assistance for administration of these regulations.
City Engineer	City Engineer of the City of Gunnison.
City Manager	City Manager of the City of Gunnison.
City property	Any dedicated public right-of-way or property owned by the City of Gunnison.
Club	Membership organization, catering exclusively to members and their guests, whose facilities are limited to use by the membership, except on occasion, and whose activities are not conducted principally for monetary gain.
Collector street	Street designated in the street hierarchy established by the City of Gunnison Transportation Plan whose function is to conduct traffic between major arterial streets and/or activity centers. It is a principal traffic artery within residential areas and carries relatively high volume. A collector can sustain minor retail or other commercial establishments along its route which will influence the traffic flow.
Common interest community	Real estate described in a declaration with respect to which a person, by virtue of such person's ownership of a unit, is obligated to pay for real estate taxes, insurance premiums, maintenance or improvement of other real estate described in a declaration.
Congregate Living	Occupancy of a structure by a group of people who do not comply with the standards for Household Living. Includes, but is not limited to: boarding houses, dormitories; fraternities and sororities; homeless shelters; monasteries and convents; nursing and convalescent homes
Comprehensive Plan	The City of Gunnison Comprehensive Plan; the long-range comprehensive physical development plan for the City of Gunnison, Colorado as adopted by the City Council to provide long-range development policies for the area subject to urbanization in the foreseeable future and which includes, among other things, the plan for land use, land subdivision circulation, transportation, and community facilities.
Conditional Use	Section 7, Conditional Uses
Condominium	Common interest community in which portions of real estate are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate ownership portions. A common interest community is not a condominium unless the undivided interests in the common elements are vested in the unit owners.
Construction	On-site erection, fabrication, installation, alteration, demolition or removal of any structure, facility, or addition thereto, including all related activities, including, but not restricted to, clearing of land, earthmoving, blasting and landscaping.

Definitions

Construction plan	Maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of these regulations.
County	Gunnison County, Colorado.
County Clerk and Recorder	Gunnison County Clerk and Recorder
Covenant	A private legal restriction on the use of land contained in the deed to the property or otherwise formally recorded.
Crematorium	A building used for the cremation of human remains.
Cul-de-sac	A local street having one end open to vehicular traffic and having one closed and terminated by a turnaround.
Cul-de-sac street	A local street with only one outlet, which is terminated at the other end by a vehicular turnaround. The length of the cul-de-sac shall be measured from the center of the turnaround to the nearest point where the cul-de-sac intersects with the intersecting street.
Cut-off angle	The angle, measured up from the nadir, between the vertical axis and the first line of sight at which the bare source (the bulb or lamp) is not visible.
Day care center	Residence, facility, or pre-school which provides regular care and supervision for more than 12 children at any one time during the day for compensation.
Day care home	A residence, facility or pre-school which provides regular care and supervision for more than 3 but not more than 6 children at any one time during the day for compensation. The care and supervision of 3 or less children at any one time during the day shall be considered to be in-home babysitting, and not subject to this <i>LDC</i> .
Day care school	A residence, facility or pre-school which provides regular care and supervision for more than 6 but not more than 12 children at any one time during the day for compensation.
Debt service	Principal, interest, and any fees associated with obtaining financing and servicing any debt.
Defined Bank of Stream or River	
Density	See §1.7K
Developer	See definition of “subdivider”
Development	The subdivision of land into two or more parcels, the construction or reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, land disturbance; and any use or extension of the use of land.; any activity which requires a development application under this <i>LDC</i> , including but not limited to: Zoning Development Permit, rezoning, planned development review, conditional use permit review, major or administrative plat review, or site plan review.
Development application:	Any application for development under this <i>LDC</i> , including but not limited to: Zoning Development Permit, rezoning, planned development review, conditional use permit review, major or administrative plat review, or site plan review.
Director	The Community Development Director of the City of Gunnison, Colorado; the City employee primarily responsible for administering the provisions of this <i>LDC</i> , or his or her designee.
District, base	See §2.6 .
District, planned	See §2.2D.
District, special purpose	See §2.2C.
Drilling, mining, or excavation	Commencement of drilling (except for a water well or to obtain soil samples), mining, excavation, or deposit of refuse, solid or liquid waste on a parcel of land.
Drive-in facility	An establishment which provides such products and services as, but not limited to, food, beverages, or financial services, to customers in vehicles.
Driveway	A private roadway located on a parcel or lot used for vehicle access.
Driveway, nonresidential	
Driveway, residential	

Definitions

Duct system	All ducts, duct fittings, plenums, and fans assembled to form a continuous passageway for the distribution of air.
Dwelling	Building or a portion of a building containing one room, or several rooms connected together, including a separate bathroom and a single kitchen, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a monthly or longer basis, physically separated from any other rooms or dwelling units which may be in the same structure, and served by no more than one gas meter and one electric meter.
Dwelling unit	A building, or portion thereof, providing complete and permanent living facilities for one household and includes the following (see also §2.3) Alley-loaded house. Multi-family dwelling. Single family detached. Townhouse. Two-family house. Upper-story residential. Zero lot line house.
Dwelling, townhouse	One of a row or cluster of dwelling units connected by common walls, with individual ownership of the dwelling unit and the surrounding property associated with the unit.
Easement	A grant of one or more of the property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.
Essential Services	Essential Services are those activities, utilities, and infrastructure necessary to provide and maintain the public health, safety and general welfare of the residents of the city. They services are provided by public utilities, private utilities or municipal departments. Specifically excluded as essential services are overhead towers, poles, wires and similar equipment where not an upgrade, rebuild, replacement or already in existence on a property; and operation and maintenance facility buildings.
Existing manufactured home park of subdivision	Manufactured home park for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) are completed before the effective date of the ordinance codified in this section.
Expansion to existing manufactured home park or subdivision	Preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or to the pouring of concrete pads).
Family	One or more persons related by blood or marriage, including adopted children, or a group of not to exceed five persons (excluding domestic servants) not all related by blood or marriage, occupying premises and living as a single nonprofit housekeeping unit, as distinguished from a group occupying a boardinghouse or lodging house, hotel; club, or similar dwelling for group use. A family is deemed to include domestic servants employed by the family.
Fence	Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
Final plat	See §12.7 Final Plat Review
Fire Marshal	The Fire Marshal of the City of Gunnison.
Flood - 100 year frequency	A flood having an average frequency of occurrence once in 100 years although the flood may occur in any year, based on statistic analyses of rainfall and run-off characteristics in the general region of the watershed, as determined by the Director, or as determined by the U.S. Army Corps of Engineers and confirmed by the Director or as determined by a professional engineer and certified by the Director.
Flood hazard area	The land area adjoining a floodway which is not reasonably required to carry and discharge the floodwater of the 100-year frequency flood but which would be inundated by the floodwater or the 100-year frequency flood based on full urbanization of the watershed.
Flood Insurance Rate Map (FIRM)	Official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones.

Definitions

Flood insurance study	Official report provided by the Federal Emergency Management Agency that includes flood profiles, the flood boundary – floodway map, and the water surface elevation of the base flood.
Flood or flooding	A temporary rise in the level of water which results in inundation of areas not ordinarily covered by water from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source.
Flood or flooding	General and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; and/or the unusual and rapid accumulation or runoff of surface waters from any source.
Floodplain	Any land susceptible to being inundated by water from any source (see definition of flooding).
Floodplain	That ground covered by water in the case of the flood of 100 year frequency, as delineated by Federal flood insurance maps and the Floodplain Ordinance of the City of Gunnison.
Floodplain development permit	
Floodway	The channel of a water course or driveway and those portions of the adjoining lands which are reasonably required to carry and discharge the floodwater of the 100-year frequency flood.
Floodway	Channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
Floodway regulatory	The channel of a river or water course and portions of the adjoining flood that must be reserved in order to discharge the flood without cumulatively increasing the water elevation more than one foot.
Floor area	See §1.7 F
Floor area	Habitable area included within the outside walls of a building.
Frontage	The dimension of a property that is adjacent to a street.
Frontage road	See
Full cutoff fixture	A luminary that, by design of the housing, has a cutoff angle of less than 90 degrees. Full cutoff fixtures must be installed in a manner which maintains a cutoff angle of less than 90 degrees.
Funeral home	A building used for the preparation of the deceased for burial and display of the deceased before burial or cremation. A funeral home, as defined in this <i>LDC</i> , includes a funeral chapel.
Gas station with convenience retail	A building used for the sale of gasoline products that also offers for sales prepackaged food items and tangible consumer goods, primarily for self-service by the consumer. Hot beverages, fountain-type beverage, and pastries may be included in the food items offered sale, but food items that are prepared or individually proportioned on the premises shall be prohibited.
Governing body	The City Council of the City of Gunnison.
Government administrative facilities, services and buildings	Office buildings, maintenance facilities and operations centers owned and operated by a governmental agency.
Grade, finished	Final elevation of the ground surface after development.
Grade, natural	Elevation of the ground surface in its natural state, prior to man-made alterations.
Ground cover	Any natural vegetative growth or other material which renders the soil surface stable against accelerated erosion.
Group home	Residential building that is owned and operated by a non-profit organization or is owner-occupied, which is occupied by not more than 8 persons who are 60 years of age or older who do not require skilled or intermediate care facilities; or a residential building that contains a state-licensed facility for the exclusive use of not more than 8 developmentally disabled persons having such illnesses as cerebral palsy, multiple sclerosis, mental retardation, autism or epilepsy.
Guest room	A room or suite used as living accommodations for one or more paying visitors.
Height	See §1.7 G

Definitions

Heliport	Paved area designated expressly for the landing and take-off of helicopters.
Highest adjoining sidewalk or ground surface	Elevation of the highest adjoining sidewalk or ground surface within a five foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade.
Homeowner's Association	An incorporated non-profit organization operating under recorded covenants for the purpose of maintaining any physical facilities, structures, improvements, systems, areas or grounds held in common.
Hospice	Facility for the treatment and support of terminally ill patients which may occur in an institutional or residential setting, but not including when such treatment or support occurs in the patient's own residence.
Hospital	Building or portion thereof used for the accommodation, overnight, and medical care of, and ancillary services for human patients.
Household	See definition of "family."
Impervious Surface	See §1.7 C.
Improvement	Grading, paving and curbing of streets, the installation of fire hydrants, water mains, sanitary sewers, storm sewers and drains, and irrigation ditches, pedestrian ways, crosswalks, and such other construction as may be designated by the Council.
Indoor amusement and entertainment establishment	Bowling alleys, game rooms/video arcades, pool/billiard halls, skating rinks, theaters and similar establishments. Not including sexually oriented businesses.
Indoor and outdoor eating and drinking establishment	Permanent building containing a restaurant, bar or tavern which serves food and/or beverages, prepared or consumed on the premises within a building or on an outdoor patio, served to the customer at tables or counters.
Infill development	Development upon land within the City Limits of Palisade previously occupied by an impact-generating use or structure, or within a recommended "Infill Concentration Zone" as described in the Comprehensive Plan.
Intensity	The degree to which land is used refers to levels of concentration or activity in uses.
Junk	A dilapidated scrap or abandoned metal, paper, building materials and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, motor vehicles, or parts thereof.
Junk yard	Building, structure, or parcel of land, or portion thereof, used for the collection, storage, or sale of wastepaper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage, salvaging, or demolition of vehicles, appliances, machinery, or other materials.
Kennel	An establishment for the keeping or breeding of dogs for profit, or having four dogs or more on any premises. This term does not mean veterinary clinic.
Kitchen	Kitchen sink, cooking appliance, and refrigeration facilities, each having a clear working space of not less than 30 inches in front.
Laboratory	Any premises where a person engages in scientific research, analysis, or production processes involving the use of hazardous chemicals, biological materials, radioactive materials, or electromagnetic propagation.
Land disturbance	Land disturbance done in preparation for or in conjunction with construction, including clearing or removal of vegetation, soil grading or filling, or paving.
Land surveyor, registered	A professional land surveyor license, registered in the State of Colorado.
Land-disturbing activity	Any use of land in residential, industrial, educational, institutional or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. Sedimentation occurs whenever solid particulate matter, mineral or organic, is transported by water, air, gravity, or ice from the site of its origin, and is deposited elsewhere.
Landfill	A disposal facility or part of a disposal facility where solid waste is placed in or on land. This term does not include composting facilities.

Definitions

Landscape area	Area which has been improved through the planting and maintenance of living plants such as trees, shrubs, plants, vegetables, vegetative ground cover and turf grasses. Landscape area may include natural nonliving elements such as rock, stone and bark, as well as structural features, including but not limited to walks, trail connections, fences, benches, works of art, reflective pools or fountains and outdoor recreation facilities, such as swimming pools, tennis courts and the like, but shall not include areas covered by buildings, parking or access areas. In subdivisions, PDOs, mobile home and RV parks, landscape area may mean an unimproved natural area, including land under water, wetlands, floodplains and similarly sensitive lands when approved by the Commission.
Landscape plan	See §4.6.
Landscaping	Any live plant material such as trees, shrubs, ground cover, and grass used in spaces void of any impervious material or building structures, areas left in their natural state or areas where mulch is used as a ground cover.
Large scale retail establishment	A building containing a store or stores, with a floor area greater than 50,000 square feet, in which retail sales of goods and services are transacted between a commercial outlet and the ultimate consumer.
Light and ventilation	Light and ventilation conforming to standards of the <i>International Building Code</i> .
Livestock	All animals kept or raised on a farm, except however, that necessary working animals and pets are not included.
Loading and unloading area	A completely off-street space on the same lot for the loading or unloading of freight carriers with ingress and egress to a street or alley (see §4.4 J.).
Local street	Street designated in the street hierarchy established by the City of Gunnison Transportation Plan whose primary purpose is to conduct traffic to and from dwelling units to other streets within the hierarchy. Occasionally a local street will connect with 2 or 3 small places or other local streets. Usually, there is no through traffic between 2 streets of a higher classification.
Lot	See §1.7 H.
Lot frontage	That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.
Lot line adjustment	A relocation of the lot lines of two or more lots included on a plat which is filed of record, for the purpose of making necessary adjustments to building sites.
Lot lines	The lines bounding a lot.
Lot of record	A lot which is a part of an approved plat or metes and bounds subdivision, the map of which has been recorded in the office of the County Clerk and Recorder.
Lot, building	A City-approved lot that conforms to the requirements of this <i>LDC</i> .
Lot, corner	A lot located at the intersection of abutting two or more streets.
Lot, double frontage	A lot having a frontage on two nonintersecting streets, as distinguished from a corner lot
Lot, flag	An irregularly shaped lot which has an appendage or extension which does not meet lot width requirements of the district at the street.
Lot, interior	A lot other than a corner lot and bounded by a street on only one side.
Lot-of-record	A lot which is part of a subdivision recorded in the office of the County Clerk and Recorder, or a lot or parcel described by metes and. bounds, the description of which has been so recorded.
Lowest floor	Lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements.
Major street system	All arterials, major collectors and minor collector streets within the City.
Major subdivision	See §12.3 A 3
Manufactured home	A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed

Definitions

	to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. “Manufactured home” includes any structure that meets all of the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the Manufactured Home Act. The term does not include a recreational vehicle.
Manufactured home park	Plot of ground upon which five or more manufactured homes, either occupied, or intended to be occupied, for dwelling or sleeping purposes, are located regardless of whether or not a charge is made for such accommodations.
Manufactured home park	Any plat of ground upon which two or more manufactured homes, occupied for dwelling purposes, are located, regardless of whether a charge is made for such accommodations. Includes a recreation vehicle park.
Manufactured home space	A plot of land within a manufactured home park designed for the accommodation of one manufactured home, and not located on a manufactured home sales lot.
Manufactured home subdivision	A subdivision designed and intended for residential use where residence is in a manufactured home exclusively, and manufactured home lots are sold for occupancy.
Metes and bounds	A system of describing and identifying land by measures (metes) and direction (bounds) from an identifiable point of reference such as a monument or other marker.
Mobile home	A portable manufactured housing unit built before June 15, 1976 designed for transportation on its own chassis and placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width.
Mobile home park	Any plat of ground upon which two or more mobile homes, occupied for dwelling purposes, are located, regardless of whether a charge is made for such accommodations.
Mobile home space	A plot of land within a mobile home park designed for the accommodation of one mobile or manufactured home, and not located on a mobile or manufactured home sales lot.
Mobile home subdivision	A subdivision designed and intended for residential use where residence is in a mobile home exclusively, and mobile home lots are sold for occupancy.
Modular home	See “manufactured home”
Multi-use trails	See §4.5 B. 3.
New construction	Structures for which the “start of construction” commenced on or after the effective date of the original ordinance codified in this section, and includes any subsequent improvements to such structures.
New manufactured home park or subdivision	Manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of these floodplain management regulations.
Nonconforming lot of record	See §11.4.
Nonconforming structure	See §11.3
Nonconforming use	See §11.2
Nonconformity	See Section 11, Nonconformities
Nursing home	A facility, however named, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for three or more persons unrelated to the licensee. A nursing home is a home for chronic or convalescent patients, who, on admission, are not as a rule, acutely ill and who do not usually require special facilities such as an operating room, X-ray facilities, laboratory facilities, and obstetrical facilities. A nursing home provides care for persons who have remedial ailments or other ailments, for which medical and nursing care are indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision.

Definitions

Office	A room, group of rooms, or building whose primary use is the conduct of a business, professional service, or governmental activity of a non-retail nature; including administration, record keeping, clerical work, and similar functions. This definition is not meant to include manufacturing, processing, repair, or storage of materials or products.
Off-site improvements	Any utility, paving, grading, drainage, structure, or modification of topography which is, or will be located on property not within the boundary of the property to be developed.
Outparcel	Individual retail sites in a retail center that, when combined, are less than the square footage of the attached retail spaces which form the majority of the square footage of the center.
Owner	Person, firm, association, syndicate, joint venture, partnership, governmental unit or corporation having charge of any real property according to the records held by the County Clerk and Recorder.
Ownership parcel	Same as definition of "lot."
Parcel	See §1.6 H 3.
Park	An area open to the general public and reserved for recreational, education or scenic purposes, such as the Gunnison County Fairgrounds or Jorgensen Park.
Parking lot	An area not within a building, where motor vehicles may be stored for the purpose of temporary, daily, or overnight off-street parking (see §4.4).
Parking space	A designated off-street area designed to accommodate the parking of one vehicle. (See §4.4 C.).
Parking, off-street	Parking area located wholly within the limits of a parcel of land.
Pedestrian-friendly design	Those commercial development which can demonstrate a high capacity to encourage pedestrian and bicycle traffic to, from and an inter connectivity with adjacent land uses.
Place of worship	A building primarily used by a non-profit organization for organized religious services and supporting uses.
Plat, final	See §12.7.
Plat, preliminary	See §12.6
Primary facade	The building wall plane that faces the primary street frontage, faces parking lots meant to be used by consumers, or is within 200 feet of a public street. Any wall plane that faces either Highway 50 or Highway 135 shall be considered a primary façade.
Professional engineer	An engineer licensed and registered in the State of Colorado.
Professional surveyor	A surveyor licensed and registered in the State of Colorado.
Public facility	A building or area owned or used by any department or branch of the City of Gunnison, the State of Colorado, or the Federal Government.
Public improvement	Any improvement consisting of drainage, water, sanitary sewer, parkway, sidewalks, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility which the local government may ultimately assume responsibility for maintenance and operation, or may affect an improvement for which local government responsibility is established.
Public sewer	Any sewerage system serving 10 or more customers.
Public street	A dedicated and accepted public right-of-way for vehicular traffic.
Public use	Any area building or structure held and/or controlled exclusively for public purposes by department or branch of any government, without reference to the ownership of the building or structure.
Public utility	A business or service which is in the business of regularly supplying the public with some commodity or service which is of public consequence and need, such as electricity, gas, water, sewage disposal, transportation or communications.
Public water supply	Any water supply furnishing potable water to 10 or more customers.
Radio or television studio	A building used for radio (audio) or television (visual) recording and production.
Recreation and open space	See

Definitions

Recreational club, private	Any indoor recreational establishment that is not open to the general public, but is open only to the members of the organization and their bona fide guests, including but not limited to a country club, golf, swimming or tennis club.
Recreational vehicle	A vehicle which is: built on a single chassis; 400 square feet or less when measured at the largest horizontal projections; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreation, camping, travel, or seasonal use. Recreational vehicles shall be used for human occupancy only when located within a lawful recreational vehicle park, except that recreational vehicles may be inhabited for no more than five days on private property within a 30 day period.
Recreational Vehicle (RV) park	Land used or intended to be used, let, or rented for occupancy by vacationing transient campers traveling by automobile or otherwise, or for occupancy by tents, or other movable or temporary sleeping quarters of any kind, together with automobile parking spaces and incidental utility structures and facilities required and provided in connection with the use. This definition shall not include trailer sales lots where unoccupied trailers are parked for inspection and sale.
Recreational Vehicle Park, Dependent	Recreational vehicle park which accommodates recreational vehicles that are not manufactured with a toilet, lavatory, or bathing facility, or a recreational vehicle park that also permits tent camping and is dependent upon a service building for toilets, lavatories, and bathing facilities.
Recreational Vehicle Park, Independent	Recreational vehicle park which accommodates only recreational vehicles that are manufactured with toilet, lavatory, and bathing facilities requiring individual connections to a sanitary sewer, drinking water supply, and electricity.
Required yard	See setback.
Reserve strip	A narrow, linear strip of property, usually separating a parcel of land and a roadway or easement that is characterized by limited depth which will not support development and which will prevent access to the roadway or easement from the land adjacent to the reserve strip.
Resort	Group of buildings designed for recreational purposes and used to accommodate individuals on a temporary or term occupancy basis.
Restaurant	An establishment whose primary purpose is serving meals to patrons.
Re-subdivision	Changing of any existing lot or lots of any subdivision plat previously recorded with the County Clerk and Recorder.
Rezoning	See Section 9, Development Standard Waivers
Rights-of-way	An area or strip of land, either public or private, on which an irrevocable right-of- passage has been recorded for the use of vehicles or pedestrians or both.
Rights-of-way line	A boundary or dividing line between a lot, tract, or parcel; of land and a contiguous street. Also known as “property line”. Also it is a line between private and public ownership.
Roadway	The improved or unimproved portion of a street intended for the accommodation of vehicular traffic.
Roof line	The top edge of the roof or the top edge of the parapet, whichever forms the top line of the building silhouette, but not including equipment structures.
Runway	Area defined at the Gunnison County Airport for landing and takeoff of aircraft along its length.
Runway threshold	Useable limit on a runway, short of which, an aircraft on approach may not legally land, and beyond which, an aircraft may land.
School, public or private	A public or private institution offering a curriculum of education authorized by the State of Colorado giving regular instruction at the primary, secondary level, or a school for the mentally or physically handicapped. Included in this definition are preschool programs. However, this definition does not include day care facilities, individual instruction, or classes in a specialized subject.
School, trade, or business	An institution offering instruction beyond high school level with a course of study in vocational, technical or other special subjects.
Screening	The method by which a view of one site from another abutting site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.
Secondary facade	A building wall plane that is not a Primary Facade
Self-storage facility	A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.

Definitions

Setback	Required yard. See §1.7 L.
Sexually-oriented business	<p>Sexually-oriented businesses shall be those listed herein, as defined:</p> <ul style="list-style-type: none"> a. Adult bookstore means an establishment having as a significant portion of its stock in trade books, films, magazines and other periodicals which are distinguished or characterized by an emphasis on depicting or describing sexual conduct or specific anatomical areas. b. Adult mini motion picture theater means an enclosed building with a capacity of less than 50 persons used for presenting material distinguished or characterized by an emphasis on depicting or describing sexual conduct or specific anatomical areas. c. Adult motel means a motel wherein material is presented which is distinguished or characterized by an emphasis on depicting or describing sexual conduct or specific anatomical areas. d. Adult motion picture arcade means any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing sexual conduct or specific anatomical areas. e. Adult motion picture theater means an enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on depicting or describing sexual conduct or specific anatomical areas. f. Cabaret means a nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, “go-go” dancers, exotic dancers, strippers or similar entertainers, where such performances are distinguished or characterized by an emphasis on depicting or describing sexual conduct or specific anatomical areas. g. Massage parlor means any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with sexual conduct, or where any person providing such treatment, manipulation or service related thereto exposes specific anatomical areas. h. Model studio means any establishment or business which provides, as a substantial or significant part of its business, the service or modeling of adults distinguished or characterized by emphasis on depicting sexual conduct or specific anatomical areas by means of photography, painting, sketching, drawing or sculpture by persons paying any form of consideration or gratuity. h. Sexual encounter center means any business, agency or person who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in sexual conduct or exposing specific anatomical areas
Sidewalk	See §4.5 B.1.
Sign permit	See §4.8 K.
Sign structure	Structure whose primary purpose is to support a sign.
Sign, address	Sign attached to a building denoting the street number assigned to the building.
Sign, nonconforming	Sign which was lawfully established pursuant to the sign codes in effect at the time of its erection, but which does not conform to the standards of this <i>LDC</i> .
Signs	Any device or visual communicator that is used for the purpose of bringing the subject thereof to the attention of the public. (§4.8 for individual sign types.)
Silviculture	A branch of agriculture dealing with forests.
Site	
Site plan	A plan prepared to scale, showing accurately and with complete dimensions, the boundaries of the site and the location of all buildings, streets, uses, and principal site development features proposed for a specific parcel of land.)
Site plan review	See §6.4. B

Site specific development plan	A plan of land development submitted to the City pursuant to Title 24, Article 68, Colorado Revised Statutes, for purpose of obtaining one of the following zoning or land use permits or approvals: subdivision plat, zoning development permit, conditional use permit or variance; provided, notwithstanding the foregoing that neither a variance, a plat nor any other document that fails to describe with reasonable certainty that type and intensity of use for a specified parcel or parcels of property shall constitute a site specific development plan.
Solar access	Access which protects reasonably placed solar energy systems from shadow blocking exposure to the sun during hours of high insolation which are between 10 o'clock (10:00) A.M. and 3 o'clock P.M. local time on December 21.
Start of construction	Substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
Stream boundary	
Street	A dedicated and accepted public right-of-way for vehicular traffic and pedestrian use. Includes the following street classifications. Arterial Major Collector Minor Collector Local Local, Private Alley
Street frontage	Portion of the boundary of a parcel of land that is parallel with any single public street or way. (Corner lots are deemed to have 2 street frontages.)
Street frontage, primary	Street frontage on which the residential or business address applies.
Street stub	A temporary dead-end street designated to provide future connection with adjoining un-subdivided areas.
Street, arterial	See §4.2 B
Street, collector	See §4.2 B
Street, cul-de-sac	See §4.2 B
Street, local	See §4.2 B
Street, major	Major street designated in the street hierarchy established by the City of Gunnison Transportation Plan, which has a high traffic volume and is not intended to be a residential street. An arterial provides connections with or is a major state roadway and is often the location of significant community facilities as well as retail, commercial, and industrial facilities. (See also §4.2 B)
Street, major	See §4.2 B
Street, minor	See §4.2 B
Street, public	Any county road dedicatee to the public annexed to the City of Gunnison or any street or road dedicated to the City of Gunnison for public purposes.
Street, sub local	See §4.2 B.2.
Structural alteration	Addition to or subtraction of parts from a structure including walls, columns, beams, girders, foundation, doors, windows, and roof.

Structure	Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having permanent location on the ground (not including sidewalks/ driveways and similar improvements areas). This includes but is not limited to advertising signs, billboards, antennas, wind generators, fence, poster panels, and buildings.
Structure	Walled or roofed building or manufactured home that is principally above ground.
Subdivider	Any person, firm, partnership, corporation or other entity, acting as a unit, subdividing or proposing to subdivide land as herein defined.
Subdivision	Any parcel of land which is to be used for condominiums, multi-family dwellings, or any other multiple-dwelling units, unless such land was previously subdivided and the filing accompanying such subdivision complied with municipal regulations applicable to subdivisions of substantially the same density, or the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes resubdivision and when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. It includes mobile home subdivisions which is a parcel of land intended to be used exclusively for and occupied solely by mobile homes and within which the homes and the land are owned by occupants.
Substantial damage	Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
Substantial improvement	Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either: a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety <i>LDC</i> specifications which have been identified by the local <i>LDC</i> enforcement official and which are the minimum necessary to assure safe living conditions; or b. Any alteration of a “historic structure”; provided, that the alteration will not preclude the structure’s continued designation as a “historic structure.”
Telecommunications facility	A telecommunications facility includes “telecommunications tower” and “tower” and “telecommunications site” and “personal wireless facility.” A structure, facility or location designed, or intended to be used as, or used to support, antennas or other transmitting or receiving devices. This includes without limit, towers of all types and kinds and structures that employ camouflage technology, including, but not limited to structures such as a multi-story building, church steeple, silo, water tower, sign or other structures that can be used to mitigate the visual impact of an antenna or the functional equivalent of such, including all related facilities such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, paging, 911, personal telecommunications services, commercial satellite services, microwave services and services not licensed by the FCC, but not expressly exempt from the City’s siting, building and permitting authority, excluding those used exclusively for the City’s fire, police or exclusively for private, non-commercial radio and television reception and private citizen’s bands, amateur radio and other similar non-commercial telecommunications where the height of the facility is below the height limits set forth in this subchapter.
Temporary commercial activity	“Temporary commercial activity” means a general retail sales or other commercial use operated outside of a building on a seasonal basis. Conditional use permits are required for all “Temporary commercial activities” excluding farm stands, farmers’ markets, holiday tree sales, rafting and similar recreational operations, carnivals, circus, temporary private events, construction field office, and model homes units.
Traffic impact-generating development	Any land development designed or intended to permit a use of the land that will increase the number of vehicle miles of travel.

Urban area	All that part of the incorporated area of the City of Gunnison which is designated on the Palisade Comprehensive Plan for urbanization.
Use	Purpose for which any land, structure, or building is designed, maintained, or occupied.
Utilities Major	Any facility or equipment, including but not limited to electrical power plant, substation, pump stations, community wells,
Utilities Minor	Minor utilities include but are not limited to electrical transformers, powers and poles, water valves, and home energy production facilities.
Variance	See Section 8, Variances.
Veterinary clinic	Building or area in which animals requiring special medical care are treated, or temporarily housed. The term shall not be construed to include kennel.
Waiver	See §14.5 Waivers
Walkways	
Wetland Boundary	The line delineating a jurisdictional wetland as administered by the Army Corps of Engineers.
Written interpretation	See
Yard	See §1.7 L
Yard depth	See §1.7 L
Yard width	See §1.7 L
Yard, front	See §1.7 L
Yard, interior side	See §1.7 L
Yard, rear	See §1.7 L
Yard, side	See §1.7 L