

**AGENDA  
CITY OF GUNNISON PLANNING &  
ZONING COMMISSION  
WORK SESSION  
Rev 3/22/2013**

**DATE:** WEDNESDAY, MARCH 27, 2013  
**TIME:** 7:00 P.M.  
**PLACE:** CITY HALL, COUNCIL CHAMBERS, 201 WEST VIRGINIA AVE.

**WORK SESSION**

**DISCUSSION OF THE DRAFT *LAND DEVELOPMENT CODE***  
**Section 9 – Development Standard Waivers**  
**Section 10 – Amendments to the *LDC* and Official Zoning Map**  
**Section 12 – Subdivision Standards**  
**Section 14 – Large Scale Retail Design Review Procedure**  
**Section 16 – Definitions**  
**Section 2 – Zoning Districts**

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

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

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## Section 9. Development Standard Waivers

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### §9.1 GENERAL

- A. Purpose.** This Section defines the procedures and required showing to obtain waivers from the standards established in Section 4, Development Standards, and Section 5, Natural Resource Protection Standards. Waivers are authorizations to differ from the literal terms of established standards that would not be contrary to the public interest in cases, where the literal application from the standards are warranted by site factors, or where alternative designs are proposed that meet the purposes of this *LDC*.
- B. Applicability.** Waivers may be granted pursuant to Table 9-1 Decision-Making for Waivers. Waivers shall not be authorized for standards that are subject to a variance review. Where a standard is determined in either ~~Section 4~~ Section 4 or Section 5 ~~Section 5~~ that is not contained in the list, the Community Development Director may make an administrative determination or at the Director's discretion forward the waiver application to the Commission. Waivers are a discretionary act by the City and shall not be construed to be a land use right of a property owner.
- C. Decision Making Body and Development Review.** The decision-making body for waivers of specific standards is assigned in Table 9-1 and pursuant to the following guidelines.
1. Waivers assigned for City Council consideration are related to major and minor subdivision reviews and will be considered as part of the subdivision review process. Waivers from subdivision related standards must be submitted at the time of preliminary plan application pursuant to §9.3. Waivers for subdivision-related standards are subject to final plat approval.
  2. Waivers that are determined by the Commission and/or administratively by staff are related to Site Development Applications. Waivers considered by the Commission are acted upon as a public hearing agenda item at a meeting. The administrative review follows all of the procedures set forth in §9.3 with the exception of item D, Public Notice. Waivers may be approved in conjunction with processing Site Development Applications, Land Use Development applications, to include subdivision applications, as defined in §6.2.A of this *LDC*.

### §9.2 APPLICATION CONTENTS

Formal requests for waivers from the standards, policies or submittal requirements of these criteria shall be submitted with appropriate documentation. In addition to the minimum contents for all applications specified in §6.5 C, Minimum Application Contents, the application shall contain:

- A. a site plan of the subject property, showing existing and proposed features, buildings, etc., which are relevant to the review of the waiver application;
- B. citation of the specific section and subsection containing the standards for which the waiver is being requested, including the specific language of the related standard;
- C. citation of the reasons, site conditions or issues with the required standard and how an alternative design meets the purposes of the *LDC*; and,
- D. definition of alternative(s) being proposed for the waiver, if applicable, and any supporting documentation, including mapping, technical literature, necessary calculations, engineering or

site plan design data that graphically or analytically depicts the alternative standards to be applied, and provides justification for the waiver request; and

- E. any other pertinent information that the Community Development Director determines is necessary to enable the decision-making body to make an informed decision on the waiver request.

### §9.3 PROCEDURES AND PROCESS

- A. **Development Review.** An applicant requesting a waiver shall follow the stages of the City of Gunnison land development process as described in §6.3.
- B. **Submit Application.** The applicant shall submit a complete application to the Community Development Director containing those materials listed in §6.5 C, Minimum Application Contents, and in §9.2.
- C. **Staff Review.** The Community Development Director shall review the application to determine whether it is complete, as specified in §6.6 A., Completeness Review. The Community Development Director shall forward a report which summarizes the application's compliance with the conditions outlined in §9.4 to the decision-making authority. The Community Development Director may solicit the assistance of other agencies and organizations in drafting the report.
- D. **Public Notice.** Any waiver request that comes before the City Council and/or Commission shall require public notice for a hearing to consider the application for a waiver as specified in §6.7, Stage 4: Provision of Public Notice.
- E. **Action by Decision-Making Authority.** The Commission or other decision-making authority may approve, approve with conditions, deny the application or remand it to the applicant with instructions for modification or additional information or action.
- F. **Actions Following Approval.** The applicant may apply for a development permit following approval of the waiver and the filing and, if applicable, recordation of any documents required by the waiver approval.

### §9.4 REVIEW CRITERIA

All waiver application approvals shall be found to be in compliance with the following General Criteria (A) and the criteria established for the relevant code sections applicable to the waiver request (B through N, below).

#### A. General Criteria

1. consistent with the *City of Gunnison Master Plan*;
2. approval of the waiver will not jeopardize the community's health safety and welfare;
3. there are special circumstances or conditions which are peculiar to the land or building for which the waiver is sought that is more suitable, functional, or is a better site design;
4. no waiver shall result in a detriment to City services in terms of service function, general

any adjacent residential lots must be provided.

**J. Large Scale Retail (§4.10)**

1. Any waiver associated with a single building site development plan shall meet the intent statements found in §4.10C of the *LDC*.
2. Any waiver associated with multiple building site development plan shall meet the intent statement found in §4.10 E of the *LDC*.
3. Any waiver associated with building design shall meet the intent statement found in §4.10 J of the *LDC*.
4. All waiver rests shall comply with §14.6 Design Review Standard Objectives.
5. Waivers will be considered for the following reasons:
  - a. **Boundaries, Easement, or Title Constraints.** If an easement or a legal or physical hardship would prevent the building of a structure pursuant to site development standards, a waiver may be approved; provided, that the approved waiver is the minimum necessary to accommodate the hardship.
  - b. **Public Outdoor Space Development.** In order to form an outdoor space such as a plaza, courtyard, patio, or garden between a building and the sidewalk, a waiver may be approved; provided, that the street yard area shall have landscaping, low walls, a tree canopy or other similar site improvements along the sidewalk designed for pedestrian interest, comfort, and visual continuity.
  - c. **Number and Design of Parking Spaces.** A waiver of the required number and/or design of parking spaces may be approved; provided, that the need for existing and future parking is addressed; and the configuration provides for the safety of pedestrians and vehicles.
  - d. **Orientation.** A waiver may be approved where it is shown that the change in orientation will not adversely affect the overall appearance of the development.
  - e. **Water, Air Quality, and Energy Conservation.** A waiver may be approved where it is shown that water, air quality, and/or energy conservation will be enhanced. However, a water conservation waiver shall not be used to limit or eliminate vegetation cover.
  - f. **Vehicular Transportation and Circulation.** A waiver may be approved where it is consistent with the approved transportation impact study.
  - g. **Landscaping, Screening, and Buffering.** A waiver may be approved where the change from design review standards will mitigate adverse impacts to adjoining uses.
  - h. **Building Design Standards.** A waiver may be approved for §4.10 J.2, Ground Floor Façades; §4.10 J.3, Articulation, and §4.10 M., Materials and Colors. The request must include a description of the alternative elements that will be used to break up larger

building mass and emphasize pedestrian scale, show an obvious contrast in building wall planes and justify the preference for alternative materials and colors.

**K. Stormwater Management (§5.1)**

1. There is adequate area for construction and long-term maintenance of stormwater management facilities.
2. The waiver results in a system of facilities that adequately reduce runoff volumes, slows runoff velocity and provides water quality treatment meeting State and Federal water quality standards.
3. The waiver will not jeopardize channel stabilization.
4. The waiver does not violate State or Federal laws.
5. The waiver is the minimum necessary and does not jeopardize the community's health, safety or welfare.

**L. Slope Protection Standards (§5.2)**

1. The application of the ridgeline standards renders the site undevelopable.
2. Application of the ridgeline standard will result in substantial economic hardship and the economic hardship is not created by the applicant or otherwise self imposed.
3. The development conforms to the other development, site design and environmental standards set forth in the *LDC*.

**M. Grading and Erosion Control (§5.3)**

1. Waivers that increase the limit of natural grade change shall not create unstable slopes or slopes prone to excessive erosion.
2. Waivers that increase the limit of natural grade change shall only occur if it is determined that adequate emergency access is provided.
3. Waivers that increase the limit of natural grade change shall not be in conflict with slope protection standards unless application of grading standards renders the site undevelopable.
4. Waiver from erosion control standards shall only be allowed if alternative construction best management practices are proposed that mitigate erosion and stormwater runoff impacts to the maximum extent feasible.
5. Waivers from the Limits of Disturbance shall include a program for the complete restoration of the disturbed area in a timely manner.

**N. Wetland and Stream Corridor Protection (§5.4)**

1. Waivers from wetland and stream corridor protection standards shall not be in conflict with wetland protection regulations promulgated by the Army Corps of Engineers and Floodplain Protections Standards adopted by the City.
2. Waivers from ditch setbacks are subject to written approval of all ditch owners.
3. Waivers from buffer and setback areas shall only be approved if it is determined that application of a buffer/setback standard renders the site undevelopable.

#### §9.5 DECISION-MAKING AUTHORITY

The decision-making authority has no obligation to approve a waiver, and may impose restrictions and conditions on approvals, as determined required to prevent or minimize adverse effects from the proposed waivers on neighboring land and on the general health, safety and welfare of the City. All conditions shall be set forth in the granting of such waiver. A written copy of all administrative waivers will be forwarded to the Commission and City Council.

#### §9.6 EXPIRATION OF APPROVED WAIVER

- A. **Time Limit.** All waivers shall expire 12 months from the date of issuance if no site development permit has been issued. If the waiver does not require a development permit, site improvements associated with the waiver shall be complete and in operation within the allotted time. Such time period shall not be altered by transfer of ownership.
- B. **Notification.** Written notice of expiration will be given to the owner of record no less than 30 days from the expiration date.
- C. **Extension.** Upon written request, the decision-making body may grant an extension of the waiver for a period not to exceed six months given reasonable justification. No request for an extension shall be considered unless a written application requesting the extension is submitted to the Community Development Director prior to the date the waiver is to expire. The waiver shall be deemed extended until the decision-making authority has acted upon the request for extension. Failure to submit an application for an extension within the time limits established by this Section shall render the waiver null and void.

#### §9.7 APPEALS

- A. Waivers that are determined administratively by the Community Development Director or staff may be appealed by the applicant to the Commission.
- B. The appeal shall be in the form of a written letter of appeal submitted to the Community Development Director within 30 days of the date the waiver decision was made. The Commission may affirm, modify, reverse or remand the application with specific directions.

## SECTION 10 AMENDMENTS TO LDC & ZONING MAP

### 10.7 ESTABLISHED REVIEW PROCESS, REQUIREMENTS AND STANDARDS FOR PLANNED UNIT DEVELOPMENT ZONING DISTRICTS

**A. Purposes.** In that the public health, safety and general welfare may be furthered in an era of increasing urbanization, commercial and industrial development, and growing demand for housing of all types and design, these procedures are intended to encourage Planned Unit Developments (PUDs) in the City for the following purposes:

1. allow and encourage compatible uses to be developed in a manner sensitive to natural features and processes, and are compatible with surrounding land uses;
2. promote greater flexibility in the placement of structures so as to preserve and take advantage of the site's unique, natural resource or scenic features and to avoid or mitigate any hazardous area;
3. encourage more efficient use of land, public streets, utilities, and governmental services;
4. provide quality open space and recreational amenities, and create interesting public spaces and neighborhoods through exceptional and innovative design;
5. achieve a compatible land use relationship with surrounding areas;
6. promote architectural variety and design, focusing on enhancing the character and quality of the development; and,
7. incorporate streetscape designs, landscaping, public spaces, and multi-modal transportation facilities, and building facades that enhance the community's built environment.

**B. Planned Unit Development Types.** Two types of PUDs, summarized below may be contemplated by the City.

1. **Planned Unit Development - District Overlay.** A PUD District Overlay is intended to promote infill and redevelopment. It permits greater flexibility in the application of §2.6, Base District Dimensional Standards and Section 4, General Development Standards, established for the City's traditional zone districts. Permitted uses in a PUD-District Overlay are restricted to those permitted and conditional uses of the underlying base district.
2. **Planned Unit Development Mixed-Use District.** A PUD – Mixed-Use (PUD-M) is created to provide for the residential development in conjunction with Civic/Institutional or Accommodation/Retail/Service land use categories established in Table 2-3 (Principal Use Table) of the *LDC*. It is intended to promote developments with a balanced mix of residential use and compatible non-residential uses that provide services and employment opportunities in close proximity to housing. Planned Mixed-Use districts are only allowed in existing RMU, R-3 and Commercial district zones.

**C. Established Review Process.** The initial application for PUD zoning or a Major Change to an existing PUD shall constitute a Zoning Amendment and will follow §10.3 (Procedure) of the *LDC*.

**D. PUD Zoning Amendment Application Submittal**

**1. PUD Plan Submittal.** Along with the submission of the application as defined in §10.3 B, the applicant shall provide to the Community Development Director:

- a.** the minimum contents listed in §10.4 A, and the map amendment information in §10.4 C;
- b.** four copies of the PUD zoning plan map which shall be 24 inches by 36 inches in size; with north arrow and scale; with title and date in lower right corner at a scale of one inch equals 50 feet, or larger, depicting the area within the boundaries of the proposed PUD; and, which depicts all of the information as follows:
  - i.** a zoning plan indicating the broad concept of the proposed development, the location of each use and the location of existing lots, blocks or other parcels within each area. The plan shall indicate:
    - a) generally, where each type of use is located within the PUD and an indication of the total acreage which will be devoted to each use;
    - b) proposed districts labeled on the plan with the symbol of the most similar zoning classification in the *LDC*. In the case of residential zone districts, the symbol shall be followed by a hyphen and a numerical representation of the maximum density allowed in that district. For example: a single-family residential district with a minimum lot size of 12,000 square feet would be labeled R1-12,000.
    - c) for areas designated for residential uses, the maximum number of dwelling units per gross net acre permitted for each residential area including sizes of building lots and types of dwellings anticipated;
    - d) the minimum acreage which will be dedicated to common open space, the proposed use and location of open space;
    - e) internal circulation systems including locations of arterial streets, collector streets, pedestrian and bike trails;
    - f) the acreage and location of areas to be dedicated for school sites or other public uses;
    - g) descriptions of the general character of all proposed land use districts in the PUD and plans showing the location and size of each district within the PUD;
    - h) provisions for water, irrigation ditches, sewer, refuse collection, stormwater collection, telephone, electricity, gas and cable television, if applicable;
    - i) descriptive overview of the written statement development standards and the intent and benefits derived by the proposed amendment from existing standards established by the LDC. ~~development standards and other restrictions to be applied to each proposed district or reference to standards in similar zone districts contained in the *LDC* which shall apply to each proposed use in particular areas, such as: building setbacks, height limits, access requirement and grade or slope restrictions, special provision addressing the Entrance Overlay district or other~~

~~overlay districts, parking, landscaping and snow storage requirements and sign regulations; and,~~

j) written and graphic material demonstrating to the Planning and Zoning Commission and City Council how modifications will produce a living environment, landscape quality and lifestyle better than that produced by the existing standards.

ii. a site topographic map showing at least two-foot contour intervals for slopes of 10 percent or less; five-foot contour intervals for slopes over 10 percent; major vegetation elements; streams, rivers, ditches and areas subject to 100-year flooding;

iii. a written statement of concept for the PUD containing the following information:

a) an explanation of the objectives to be achieved by the PUD and a statement of purpose for each zone district within the PUD;

b) a development schedule indicating the improvements included in each phase and the approximate dates when construction of the various stages of the PUD are anticipated to begin and be completed;

c) copies of any special covenants, conditions and restrictions which will govern the use or occupancy of the PUD; provided, that the applicant may impose additional covenants, conditions and restrictions on any particular area in connection with the platting of such area;

d) the written statement shall include a detailed PUD Development Standards document, which will include by not be limited to defined permitted uses; dimensional standards; design standards, special use standards; buffer and screening standards; floodplain development standards; wetland avoidance; access requirements; grade and slope restrictions; parking standards; landscape standards; general development standards; natural resource protection standards; and other technical code standards;

e) a report containing detailed statements and data relevant to §4.1 (Adequate Public Facilities), prepared by a Colorado licensed engineer, which shall provide evidence of the following:

i) based on anticipated demand, the proposed water source is adequate to serve the PUD;

ii) based on anticipated demand, the proposed method of sewage treatment and existing sewage treatment facilities are adequate to serve the PUD;

iii) based on development and design standards applied to the PUD, adopted fire code standards are fully met;

iv) based on contemporary traffic analysis in conjunction with development site design the proposed streets are safe, efficient and aesthetic appealing, and the the proposed and streets will be built the meet existing city construction standards;

v) based on site plan designs the rights-of-way are of adequate size to easily accommodate utility extensions, functional snow storage;

vi) based on site layout and demand needs the proposed electrical utility system meets city construction standards;

vii) based on site layout and landscape function the proposed irrigation system complies with existing city construction standards;

~~ii)–~~

- f) a report and detailed statements and data relevant to Section 5 (Natural Resource Protection Standards), which shall provide evidence to the following:
  - i) the general manner in which storm drainage will be handled in a manner shall meet or exceed policies and standard of the *City of Gunnison Stormwater Management Manual*;
  - ii) based on existing soils and geology data and the proposed land use, that adequate slope protection standards are in place to accommodate future development;
  - iii) based on existing land uses, buffer standards and other mitigation measures, the proposed land use and future development meet minimum standards for the protection of wetlands and stream corridors;
  - iv) the general manner in which provision will be made for any potential natural hazards in the area such as steep slopes, erosive soils, avalanche areas, landslide areas, floodplain areas and unstable soils.
- g) easements showing vested legal access for ingress and egress from a public road to the PUD in accordance with Section 4 (General Development Standards).
- h) evidence that the PUD has been designed with consideration of the site's natural environment and the surrounding area and does not unreasonably destroy or displace wildlife, natural vegetation or unique natural or historic features; and,
- i) any other information or exhibits which the applicant or the Community Development Director deems pertinent in evaluating the proposed PUD.

**E. PUD Requirements and Standards.** All requirements and standards identified herein shall be applied to PUD applications, regardless of the type of PUD and are subject to approval by the decision-making body.

**1. Permitted/Conditional Uses.** Uses in a PUD District Overlay shall only include permitted and conditional uses contemplated by the underlying district. Uses within a PUD-M district shall be limited to residential uses contemplated in the RMU and Commercial districts.

**2. Dimensional Standards.** Dimensional standards may be amended but must comply with the following provisions:

- a. the maximum height of any building, structure or facility shall be 35 feet;
  - b. setbacks may be amended but provisions providing solar access to all lots and/or occupied buildings must be made in the PUD district development standards;
  - c. the maximum residential density shall only be that of the RMU district in the PUD-M.
- 3. Landscaping Standards.** Amendment to the City’s landscaping standards must comply with the following provisions:
- a. **Percent Coverage.** The minimum landscape area percent coverage (§2.6, Base District Dimensional Standards) may not be reduced.
  - b. **Landscaping.** Excepting the minimum percent coverage, buffering and landscaping standards may be amended only if they are determined by the decision making body to be a higher standard than those established by §4.6 of this *LDC*.
- 4. Special Use Regulations.** Specific Use Regulations (Section 3. ) shall be maintained.
- 5. Road Standards.** Street section dimensions may be modified. The designated width of rights-of-way and other geometric designs established in §4.2 ~~shall not~~may be amended for dedicated public rights-of-way, but only if the amendments provide safe and efficient accommodation for pedestrians and vehicles; adequate emergency access; functional utility services; and enhanced streetscape design.
- 6. Off-Street Parking.** The standards for minimum off-street parking may be amended, but only if they are justified by a parking study prepared by the applicant as contemplated in §4.4 D.2 of this *LDC*. Disabled access parking ratios may not be reduced.
- 7. Pedestrian Circulation.** Pedestrian circulation standards may be amended only if they are determined by the decision making body to be a higher standard than those established by §4.5 of this *LDC*.
- 8. Subdivision Regulations.** The requirements of Section 12, Subdivision, shall apply to all PUDs unless otherwise specifically exempted by this Section of the *LDC*.
- 9. Open Space Areas.** Open space in a PUD zone district shall be limited to indoor and outdoor recreation and community facilities characterized by potentially light or moderate impact on traffic, the natural environment, and surrounding neighborhoods. Such facilities include, but are not limited to country clubs; golf courses; athletic fields; skateboard parks; swimming, bathing, wading, and other therapeutic facilities; tennis, handball, and basketball courts and ice skating rinks. Open space land area may also include natural areas such as public parks, trails, greenbelts or natural land preservation areas. Open space land area may not be used for high intensity commercial recreation such as aerial tramway; alpine or water slides; amusement rides; auto, cycle and go-cart race tracks; campgrounds; stadiums; drive-in theaters; horse or dog racing tracks; shooting ranges; stables; zoos or other similar commercial recreation uses.
- 10. Required Open Space Area.** At a minimum, a PUD development shall set aside 15 percent of the site’s total gross area for open areas, plazas, courtyards, sitting areas and other similar

public-accessible spaces. At its discretion, the decision-making authority may require additional private open areas or public trail dedications based on a review of the following factors:

- a. the *City of Gunnison Master Plan* and adopted sub-area master plans;
- b. unique drainage, topographic, vegetation or other such physical conditions;
- c. type and density of development; or
- d. overall need for open space and recreational facilities.

**11. Open Space Ownership and Maintenance.** All open areas or trails provided in a PUD shall be owned and maintained as common (private) open areas by the developer, owner of the property or an organization established for the ownership and maintenance of common open areas, unless the City Council accepts public dedication of the open areas.

**12. Phased Development and Open Space.** When a PUD is developed in phases, a proportional amount of any required open space, recreation areas and other community benefits shall be included in each phase such that the project, as it is built, will comply with the overall density and open space requirements of this *LDC* at the completion of each phase of development.

**F. PUD Review Criteria.** In addition to meeting the Review Standards for a zoning amendment (§10.6), PUD zoning applications must meet the following review criteria:

1. The proposed PUD encourages innovation in residential, ~~commercial~~ and ~~industrial~~ non-residential development so that the needs of the population may be met by greater variety in type, design and layout of buildings and land uses and by the conservation and more efficient use of open space.
2. The proposed PUD encourages land development that, to the greatest extent possible, preserves natural vegetation; respects natural topographic and geologic conditions; incorporates the unique, natural and scenic features of the landscape; and refrains from adversely affecting flood corridors, soil, drainage, and other natural ecological conditions.
3. The proposed PUD design standards combine and coordinate architectural styles, building forms, and structural/visual relationships within an environment that allows mixing of different land uses in an innovative and functionally efficient manner.
4. The proposed PUD allows efficient design and use of solar access.
5. The PUD provides for adequate, accessible, and properly located open and recreation space, schools or other facilities.
6. The PUD promotes the efficient use of land resulting in a network of utilities, streets and other infrastructure features that maximize the allocation of fiscal and natural resources.
7. The PUD proposes specific uses permitted within a PUD zone land use district must be of a type and so located as to be compatible with surrounding neighborhoods, community

character, the *City of Gunnison Master Plan* and other adopted plans.

8. The PUD plan protects environmentally sensitive areas, and occurs on land physically suited to construction.
9. The PUD proposes residential density and maximum non-residential floor area that will be compatible with the internal neighborhood design and will not have an adverse effect on the adjacent community area.
10. The PUD plan proposes at least 15 percent of the total gross area for common open space, and at least one half of this common open space shall be developed for recreation which may include playing fields, tennis courts, picnic sites, trails, fishing access and similar recreation sites.
11. The PUD plan provides a higher quality development than found in traditional zone districts.
12. The boundary between a PUD and adjacent land uses shall provide an adequate transition between land uses.

**G. Development Plan.** If a PUD zoning plan falls within Section 12, Subdivision, and requires subdivision approval as defined in §12.3, within one year of a PUD zoning plan approval the applicant shall submit a Land Use Development for the PUD according to the requirements of Section 6, Development Review Procedures. If the developer cannot submit a development plan within one year of the zoning plan approval, the developer shall submit a letter requesting an extension of time to the Community Development Director prior to expiration of the one-year period. The Community Development Director may grant extensions for reasonable waiver requests for up to a total of three years from the date of the zoning plan approval. Should a developer not be able to submit a development plan in a timely manner, the City has the right to rezone the property in accordance with this *LDC*.

**H. Changes.** The PUD shall be developed only according to the approved zoning plan and development plan and all supporting data. The final PUD zoning plan and development plan and supporting data, together with all recorded amendments, shall be binding on the applicants, their successors, grantees, and assigns and shall limit and control the use of premises and location of structures in the PUD as set forth therein. Changes to the final PUD zoning plan may be made as follows:

1. **Major Changes.** Changes which alter the concept or intent of the planned unit development including increases in density, changes in the height of buildings, reductions in proposed open space, changes in the development sequencing, changes in road standards, or changes in the final governing agreements, provisions, or covenants may be approved only by submission and reconsideration of a new PUD zoning plan and supporting data.
  - a. If major changes are proposed, a new public hearing shall be required during resubmission of the PUD zoning plan.
  - b. ~~All changes to the first recorded final PUD zoning plan shall be recorded with the Gunnison County Clerk and Recorder as amendments to the final PUD zoning plan except as provided in §10.7 H.2, below. (Talk to Attorney)~~

- 2. Insubstantial Changes.** The Community Development Director may approve changes in the planned unit development which insubstantially change the concept, intent or substance of the development. Insubstantial changes shall be limited to changes addressing the engineering or technical constraints discovered during the development which could not be anticipated during the original approval process, or any other change which has no material effect on the character of the approved PUD zoning plan, the representations made by the applicant or the conditions of the approval.

## SECTION 12 SUBDIVISION STANDARDS

**F. Future Streets.** When a tract is subdivided into lot(s) or parcel(s) which are intended for future re-subdivision, such lot(s) or parcel(s) shall be so arranged so as to permit the logical location and opening of future streets and appropriate resubdivision, with provision for adequate utility easements and connectors for such resubdivision.

**G. Common Recreation Facilities.** Where a development is proposed to contain common recreation facilities, such facilities shall be so located within the development so as to be easily accessible to the residents and to least interfere with neighboring developments.

### **H. Lots and Blocks**

1. **Pattern.** The size, shape and orientation of lots shall be appropriate to the design and location of the proposed subdivision and to the type of development contemplated. Where appropriate, lots shall be laid out to respect the existing city pattern. Blocks generally shall not be less than 300 feet nor more than 1,200 feet in length.
2. **Frontage.** Residential lots should front only on local streets; however, when necessary, lots designated to face a collector street shall provide adequate means for automobile turnaround within the lot.
3. **Right Angles.** Side lot lines shall be approximately at right angles or radial to street lines.
4. **Double Frontage Lots.** Double frontage lots are prohibited, except where they are necessary to provide for the separation of residential development from collector or arterial streets or to overcome specific limitations of topography or orientation. A planting and screening easement of at least 10 feet shall be provided along the portion of the lot which abuts such a collector or arterial street. There shall be no right of access across a planting and screening easement. The screening easement shall be maintained by the property owner.
5. **“T” Intersections.** The building area of lots shall not, to the maximum extent feasible, face directly into the oncoming traffic of an intersecting street of a “T” intersection.
6. **Solar Energy.** For purposes of protecting and enhancing the potential for utilizing solar energy in the proposed subdivision, detached single-family lots are encouraged to be laid out in such a manner that the houses will be oriented so that their long axis will run east/west and so that the houses will not block the solar access of adjacent houses.

### §12.9 PLANNED UNIT DEVELOPMENT SUBDIVISION REVIEW STANDARDS

In addition to the Subdivision Standards in §12.8 above, all PUD-S are subject to requirements and standards and criteria contained in §10.7 E. and F.

### §12.10 SUBDIVISION IMPROVEMENTS AGREEMENT

**A. Written Agreement.** Prior to the approval of the final plat, the subdivider shall submit a written agreement to construct all required public improvements shown in the final plat documents and perform repairs occasioned by such improvements.

1. **Estimate of Costs.** The written agreement shall reflect an estimate of the cost, including inflation, of the various improvements and repairs and a time schedule for their completion, as well as an estimate from the City Engineer of the cost to inspect said public improvements.
  2. **Time Limit.** Public improvements shall be installed within a time limit determined by the City and the developer. This time shall be reflected in the agreement.
- B. Financial Guarantee.** The subdivider shall deposit with the City a performance and payment bond, an irrevocable letter of credit, line of credit, cash, and/or other acceptable means which is sufficient in the judgment of the Council to assure the completion of the improvements or repairs required under sub-section A.2 of this Section. Said security shall be due to the City in conjunction with the recordation of the final plat and shall be in an amount equal to 125 percent of the cost of supplying and installing the improvements depicted on the approved final plat, based on estimates provided by the applicant and approved by the City Engineer.
- C. Release.** As improvements are completed and as “as built drawings” are submitted, the subdivider may apply to the Public Works Director for a release of part or all of the collateral deposited with the City in conformance with §4.2.I (Street Dedications) and §4.2.J (Acceptance of Streets and Public Utilities). Upon inspection and approval, the Public Works Director may release all or part of the collateral.
1. **Deficiencies.** If the Public Works Director determines that any of such improvements are not constructed in substantial compliance with specifications, it shall furnish the subdivider a list of specific deficiencies and shall be entitled to withhold collateral sufficient to ensure substantial compliance.
  2. **City May Complete Improvements.** If the Public Works Director determines that the subdivider has not constructed any or all of the improvements in a timely manner or in accordance with all of the specifications, the City may withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvement or improvements in accordance with the specifications.
- D. Development Permit.** When the subdivider or developer is ready to begin construction of the public improvements set forth on each filing of the final plat and in the subdivision improvements agreement, a site development permit shall be obtained from the Community Development Department. Construction shall begin within 30 days of issuance of the permit, or the permit shall expire.
1. **Inspection Fee.** Before the development permit is issued, the developer shall pay the inspection fee as determined by the City Engineer.
  2. **Review Plat and Agreement.** At the time the development permit is issued, the developer and the City shall review the final plat and the *Subdivision Improvements Agreement* to assure that all requirements, inspections, etc., are known to the developer and will be met during the construction period. A preconstruction meeting with all involved parties, including the city, inspectors, developer and contractor, should be conducted.
- E. ~~Common Facilities Reserved for Private Use.~~** ~~In the event the subdivision is to contain any property or facilities that are not for public use, but which are reserved for the private use of the owner or occupants of two or more lots or dwelling units, then the maintenance and operation of~~

~~such privately owned common facilities shall be covered by a private facilities agreement with the City. Examples of such property or facilities include, but are not limited to, tennis courts, swimming pools, parkways, roadways, paths, gates and open space. The agreement between the subdivider and the City shall provide to the City whatever it deems necessary to assure that:~~

### **§12.11 Common Property in a PUD-S**

- 1. Ownership Covenant.** Where there is more than one ownership interest in the land upon which the PUD-S is to be situated or in the above airspace and all such interests are not coextensive, the PUD-S approval shall be conditioned upon a covenant running with the land that establishes an organization among all owners to own and maintain common open space, if any.
- 2. Failure to Maintain.** Failure to maintain shall be deemed as a violation of the LDC and is subject to Section 15 Violations, Penalties and Enforcement. ~~In the event that the organization, or any successor organization, established to own and maintain common space, fails at any time after establishment of the PUD-S to maintain the common open space in reasonable order and condition in accordance with the approved PUD-S, the City may serve written notice upon such organization or upon the residents of the PUD-S setting forth the manner in which the organization has failed to maintain the common open space in reasonable conditions. Said notice shall include a demand that such deficiencies of maintenance be cured within 30 days thereof, and shall state the date and place of a hearing thereon, which shall be within 14 days of the notice.~~
- 3. Remedies.** ~~At such hearing the City may modify the terms of the original notice and may give an extension of time within which such deficiencies shall be cured. If the deficiencies set forth in the original notice or in the modification thereof are not cured within said 30 days or any extension thereof, the City may enter upon said common space and maintain the same for a period of one year. The cost of such maintenance by the City shall be paid by the owners of the properties within the PUD-S who have the right of enjoyment of the common open space; and any unpaid assessment shall become a tax lien on said properties. Said entry and maintenance shall not vest in the public any right to use the common open space except when the same voluntarily is dedicated to the public by the owner(s).~~
- 4. Filing of Lien.** ~~The City shall file a notice of such lien in the office of the Clerk and Recorder of Gunnison County upon the properties affected by such lien, and shall certify such unpaid assessment to the Board of County Commissioners and to the Treasurer of Gunnison County for collection, enforcement, and remittance in the same manner provided by law for general property taxes.~~
- 5. Hearing.** ~~Prior to the expiration of said year, the City shall, upon its initiative or upon the written request of the organization responsible for the maintenance of the common open space, hold a public hearing upon notice to such organization and the residents of the PUD-S to show cause why such maintenance by the City shall not, at the election of the City, continue for a succeeding year.~~
- 6. Determinations.** ~~If the City determines that such organization is ready and able to maintain the common open space in reasonable condition, the City shall cease to maintain the common open space at the end of said year. If the City determines that such organization is not ready to maintain the common open space in a reasonable condition, the city, in its discretion, may~~

~~continue to maintain said common open space during the next succeeding year, subject to a similar hearing and determination, in each year thereafter.~~

- ~~7. **Provisions Run in Favor of City.** To further the mutual interest of the residents, occupants, and owners of a PUD-S and the public in the preservation of the integrity of the PUD-S, the provisions of the PUD-S relating to the use of the land, the location of common open space and the maintenance of common open space shall run in favor of the City and shall be enforceable at law or in equity by the City without limitation on any power or regulation otherwise granted by law.~~
- ~~8. **Provision Run in Favor of Residents.** All provisions of the PUD-S also shall run in favor of the residents, occupants, and owners of the PUD-S, but only to the extent expressly provided in the final approval and in accordance with the terms of the PUD-S. Said provisions, whether recorded by plat, covenant, easement, or otherwise, may be enforced at law or in equity by residents, occupants, or owners acting individually, jointly, or through an organization authorized to act on their behalf.~~
- ~~9. **Modification and Release.** All provisions of the PUD-S enforceable by the City may be modified, removed, or released by the City, subject to the following:
  - ~~a. **Not Affect the Rights of the Residents.** No modification, removal, or release of the provisions of the PUD-S by the City shall affect the rights of the residents, occupants, and owners of the PUD-S to maintain and enforce those provisions at law or in equity.~~
  - ~~b. **No Adverse Effects.** No substantial modifications, removals, or releases of the provisions of the PUD-S by the City shall be permitted except upon a finding by the city, following a public hearing called, that the modification, removal, or release:
    - ~~i. **Efficient Development of PUD-S.** Is consistent with the efficient development and reservation of the entire PUD-S;~~
    - ~~ii. **No Adverse Effects.** Does not effect in a substantially adverse manner the enjoyment of land abutting upon or across a street from the PUD-S, or the public interest; and~~
    - ~~iii. **No Special Benefit.** Is not granted solely to confer a special benefit upon any person.~~~~
  - ~~c. **Not Affect the Rights of the City.** Residents and owners of the PUD-S may, to the extent and in the manner expressly authorized by the provisions of the plan, modify, remove, or release their rights to enforce the provisions of the PUD-S, but no such action shall affect the right of the City to enforce the provisions of the PUD-S.~~~~

## §12.12 VACATION OF RECORDED PLAT, RIGHT-OF-WAY OR EASEMENT

An applicant requesting to vacate a recorded subdivision plat, public right-of-way or a dedicated easement shall follow the stages of the City of Gunnison land development process outlined below.

- A. Preapplication Conference.** Attendance at a preapplication conference with the Community Development Director is optional, but recommended, for an applicant intending to submit an application to vacate a recorded subdivision plat, public right-of-way or a dedicated easement.

- B. Submit Application.** The applicant shall submit a complete development application to the Community Development Director which contains those materials listed in §6.5 C, Minimum Application Contents.
- C. Staff Review.** The Community Development Director shall review the application to determine whether it is complete, as specified in §6.6 A, Completeness Review. The Community Development Director shall forward a report to the Commission which summarizes the application's compliance with the review standards contained in this Section and other applicable provisions of this *LDC*. The technical comments and professional recommendations of other agencies, organizations and consultants may be solicited in drafting the report.
- D. Public Notice.** Public notice that the Planning and Zoning Commission will conduct a hearing to consider an application to vacate a recorded subdivision plat, public right-of-way or a dedicated easement shall be provided as specified in §6.7, Stage 4: Provision of Public Notice.
- E. Action by Commission.** The Commission shall hold a public hearing to review the conformance of the development application with all applicable provisions of this *LDC*, including the review standards listed herein below.
1. Access to a Public Road. No roadway shall be vacated so as to leave any adjoining land without a means of access to another public road. Furthermore, there shall be an express reason for and a derived benefit to the City for a vacated roadway request.
  2. Easements. In granting a vacation, the City may reserve easements for the installation or maintenance of utilities, ditches and similar improvements.
  3. Master Plan. A subdivision plat, public right-of-way or dedicated easement may be vacated if the vacation would be consistent with or implement the applicable intent statements, specific directions and recommended actions of the *Master Plan*.
  4. Transfers or Sales of Lots. A subdivision plat may be vacated if none of its lots has been sold or transferred, or if there have been sales or transfers, then if there has been no development on any lots in the subdivision and all of the owners agree to the vacation of the plat.

The Commission shall make a recommendation that the City Council approve, approve with conditions, or deny the application, or shall remand it to the applicant with instructions for modification or additional information or action.

- F. Action by Council.** The City Council shall consider the recommendations of the Commission at a public meeting. The Council shall approve, approve with conditions, or deny the proposed vacation or shall remand it to the applicant with instructions for modification or additional information or action.
- G. Actions Following Approval.** Whenever the City shall approve an application vacating a public right-of-way, the City shall provide abutting land owners with a quit claim deed for the vacated lands. Each abutting land owner shall be deeded that portion of the vacated right-of-way to which the owner's land is nearest in proximity.

## Section 14. Large Scale Retail Design Review Procedure

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### §14.1 PURPOSE

This Section establishes the required review and approval procedures for design review, which is the review procedure for determining compliance with the site planning and building design standards of this *LDC*.

### §14.2 APPLICABILITY

Design review must be successfully completed in accordance with the requirements of this Section prior to the start of any of the following activities in any zone district:

- A. New Development.** Development of new large retail sales establishments.
- B. Building Additions.** Any addition of more than 10,000 square feet to the building floor area of an existing retail sales establishment with an existing building floor area larger than 40,000 square feet.
- C. Building and Site Alterations.** Any alteration or addition to an existing large retail sales establishment affecting the external building appearance, number or location of buildings, function of on-site vehicular/pedestrian circulation, or landscape, screening and buffering features.
- D. New or Modified Pad Sites.** Any alteration, deletion, or addition to pad and/or liner building sites that were included in the original design review approval.

### §14.3 GENERAL REQUIREMENTS

A design review approval is a binding development order and all improvements reflected on approved site plans must be completed. All restrictions and conditions of design review approval must be fulfilled as follows:

- A. Permit Applications.** No development application or building permit shall be approved unless the site plan reflects all required improvements.
- B. Certificate of Occupancy.** All improvements reflected on approved site plans must be constructed prior to issuance of the certificate of occupancy. All terms and conditions of design review approval must be met at the time of issuance of the certificate of occupancy, including but not limited to the provisions of §14.7, Abandoned Building Standards.
- C. Temporary Certificate of Occupancy.** A temporary certificate of occupancy, with a maximum one-year duration, may be issued where an improvement cost estimate, prepared by a Colorado-licensed civil engineer, is submitted along with a development improvement agreement secured by corporate surety bond, irrevocable letter of credit, cash and/or other means acceptable to the community development director. The agreement's collateral amount shall equal 125 percent of the cost as determined to be satisfactory by the Community Development Director.

**§14.4 APPLICATION, REVIEW, AND DECISION**

**A. Preapplication Conference.** Prior to the submission of development applications, applicants shall attend a preapplication conference as set forth in §6.4, Stage 1: Preapplication Conference. The purpose of the conference is to respond to questions the applicant may have regarding application procedures, standards, or regulations required by this chapter.

**B. Submittal Requirements.** A complete application for design review shall be submitted to the Community Development Director as set forth in §6.6, Stage 3: Staff Review of Development Application. In addition to the minimum submittal requirements specified in §6.5 C, Minimum Application Contents, a complete, scaled site plan shall be submitted showing all the existing and proposed uses, lot dimensions for the specified property, and shall, at minimum, include the following:

1. A narrative addressing the proposed development, explaining and tabulating the land uses for the entire site, including planned open spaces, potential traffic generation, overall character and architectural style, the relationship of the proposed development to existing developments within 700 feet of the proposed development’s boundaries, and other related development features;
2. Architectural elevations for all façades, a description and sample of building materials, and a description of design elements;
3. Existing topographic contours at two-foot intervals;
4. Final grades and grading plan, with topographic contours at two-foot intervals;
5. Erosion control plans;
6. Site information, including:
  - a. gross area of the site;
  - b. percent of area devoted to streets and vehicular circulation;
  - c. percent of area devoted to open space and common open space;
  - d. square footage of the building footprint of each structure;



**FIGURE 1 DESIGN REVIEW PROCEDURE**

- e.** percent of area devoted to each land use type proposed;
- f.** calculations of gross and net densities, including estimated total floor area for any nonresidential uses per acre;
- g.** bearing, distance and curve radii of property boundaries;
- h.** existing and proposed structures in relation to the exterior property lines, existing and proposed streets;
- i.** setbacks, including corner setbacks and intersection visibility triangles;
- j.** curb lines and sidewalks;
- k.** floodplains, drainageways, and any proposed detention/retention locations;
- l.** drainage plan prepared by Colorado-licensed engineer;
- m.** landscaping and screening plan established by a landscape architect who is an active member of the American Institute of Architects;
- n.** fences and walls, in plan view and section;
- o.** loading and accessibility spaces;
- p.** ingress and egress points and intersection design, with sections showing turn lanes, etc.;
- q.** off-street parking layout and internal circulation plan, in plan view;
- r.** refuse locations;
- s.** existing and proposed utility lines and fire hydrants;
- t.** a master sign plan consisting of five elements that shall govern all signs within the development: location, materials, size, color and illumination;
- u.** outdoor lighting plan including the tear sheets for all proposed fixtures, location, mounting height and shielding characteristics of each lighting fixture, both proposed and any already existing on the site;
- v.** location map relative to off-site streets and properties;
- w.** detailed traffic study per §4.10 G. 1, Transportation Impact Study Requirements;
- x.** baseline automobile and truck traffic data for all adjacent neighborhoods within 700 feet of the development site served by local and minor collector streets that link to the development site;
- y.** proposed waivers, calling out each waiver using illustrative plans and elevations, and

describing in narrative form how each proposed waiver complies with the provisions of §14.5, Waivers; and

- z. Any additional information requested on a community development department checklist or that may be necessary as requested by the director to clearly define the intended use of the property and compliance with the applicable standards.

**C. Completeness Review.** The application's completeness review shall be accomplished in accordance with the requirements of §6.6 A, Completeness Review.

**D. Posting and Public Notification.** Once the application is deemed complete by the community development director, the required public notices shall be issued as set forth in §6.7, Stage 4: Provision of Public Notice.

**E. Review and Decision.** The ~~planning~~ Commission shall review each application for design review and act to approve, approve with conditions, remand back to the applicant, or deny the application pursuant to §6.8 θ, Action by Decision-Making Body. Design review applications that are being processed concurrently with rezonings or Conditional Use permits must be reviewed and approved concurrently with the other required approvals.

**F. Notice of Decision.** Within five working days of action by the decision-making body on a design review application, the Community Development Director shall mail notice of the decision to the applicant.

**G. Expiration of Approval.** An approved design review application shall expire 12 months from the date of approval unless a complete building permit application has been submitted and all required fees paid. The applicant may request vesting of the approved site-specific development plan as described in §6.9, Stage 6: Actions Following Development Approval.

#### **§14.5 DEVELOPMENT STANDARDS WAIVER**

In order to provide flexibility in the administration of this LDC by the City certain development standards contained in this Section 4 may be considered for a waiver pursuant to the directives established in Section 9 of this Land Development Code.

~~A waiver is intended to provide flexibility in site and architectural design. Alternative site and architectural design elements may be proposed, but a waiver shall not be granted if the deviation from standards will reduce architectural design quality or decrease site development safety or mitigation of conflict with neighboring uses.~~

~~Waivers may be requested as part of design review applications. The decision making body may approve such waivers in accordance with the following requirements:~~

~~**A. Submittal.** A request for a waiver shall be made at the time of the initial application or at any time prior to closing of the Commission public hearing. Submittals must comply with the provisions of §14.4 B, Submittal Requirements, and shall, at minimum, include those materials listed in §6.5, C., Application Contents and §9.2 Application Contents.~~

~~**B. Consideration.** Waivers will be considered for the following reasons:~~

1. ~~**Boundaries, Easement, or Title Constraints.** If an easement or a legal or physical hardship would prevent the building of a structure pursuant to site development standards, a waiver may be approved; provided, that the approved waiver is the minimum necessary to accommodate the hardship.~~
2. ~~**Public Outdoor Space Development.** In order to form an outdoor space such as a plaza, courtyard, patio, or garden between a building and the sidewalk, a waiver may be approved; provided, that the street yard area shall have landscaping, low walls, a tree canopy or other similar site improvements along the sidewalk designed for pedestrian interest, comfort, and visual continuity.~~
3. ~~**Number and Design of Parking Spaces.** A waiver of the required number and/or design of parking spaces may be approved; provided, that the need for existing and future parking is addressed; and the configuration provides for the safety of pedestrians and vehicles.~~
4. ~~**Orientation.** A waiver may be approved where it is shown that the change in orientation will not adversely affect the overall appearance of the development.~~
5. ~~**Water, Air Quality, and Energy Conservation.** A waiver may be approved where it is shown that water, air quality, and/or energy conservation will be enhanced. However, a water conservation waiver shall not be used to limit or eliminate vegetation cover.~~
6. ~~**Vehicular Transportation and Circulation.** A waiver may be approved where it is consistent with the approved transportation impact study.~~
7. ~~**Landscaping, Screening, and Buffering.** A waiver may be approved where the change from design review standards will mitigate adverse impacts to adjoining uses.~~
8. ~~**Building Design Standards.** A waiver may be approved for §4.10 J.2, Ground Floor Façades; §4.10 J.3, Articulation, and §4.10 M., Materials and Colors. The request must include a description of the alternative elements that will be used to break up larger building mass and emphasize pedestrian scale, show an obvious contrast in building wall planes and justify the preference for alternative materials and colors.~~

~~**C. Approval.** Waivers may be approved in accordance with Section 9 of this *LDC*.~~

1. ~~The proposed waiver meets the intent of the design review process (§4.10C. and E);~~
2. ~~The proposed waiver does not increase conflicts with adjoining uses;~~
3. ~~The proposed waiver does not reduce the architectural design quality of the development as specified in §4.10 J.1, Intent;~~
4. ~~The proposed waiver is not in conflict with the *City of Gunnison Master Plan* and does not adversely impact the health, safety, or welfare of the community; and~~
5. ~~The waiver is not in conflict with any other applicable purposes of the *City of Gunnison Land Development Code*.~~

#### §14.6 DESIGN REVIEW STANDARD OBJECTIVES

Approved design review applications shall comply with the applicable standards of the *LDC*, including those of §4.10, Large Scale Retail. In carrying out the purpose of this Section with respect to the external design and siting of the buildings, it is the intent of this Section that the City shall exercise the minimum control necessary to achieve the overall objectives thereof. Approval shall be considered in accordance with the following objectives:

- A. Architecture.** Encourage architectural design features that mitigate the visual impacts of the size and scale of large retail sales establishments.
- B. Neighborhood Compatibility.** Assure that large retail development site planning promotes compatibility with surrounding residential, commercial areas, and other areas in the city.
- C. Pedestrian Friendly.** Promote pedestrian-friendly design and public transit access.
- D. Environmental Sustainability.** Encourage best development practices for energy conservation, watershed management, and air quality protection.
- E. Efficient Transportation Design.** Advance transportation design elements that provide safe and efficient internal circulation and are integrated with the external transportation system.
- F. Master Plan Compliance.** Require compliance of the development's design elements and the development's location with the *City of Gunnison Master Plan*.

### 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	<u>Accessways are strips or sections of concrete or stone which provide pedestrian access to private property.</u> 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. <del>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.</del>
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 LDC.
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 <del>his</del> <u>the</u> legal authorized representative.
Approval authority	<u>The City Council, Planning and Zoning Commission, Zoning Board of Adjustments and Appeals or other board or official designated by ordinance or this LDC as being authorized to grant the specific zoning, land use permit or approval.</u>
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	<del>The land in the floodplain subject to a one percent or greater chance of flooding in any given year.</del>
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	<u>Any building or structure where automobiles, trucks, or commercial vehicles are stored, repaired, painted, or equipped for remuneration.</u>
Average Slope	<u>The average measurement of a hillside slope as calculated in §5.2 of this LDC (See Figure 27).</u>
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 <del>bath</del> room 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.

## Definitions

Best management practices	<u>Effective, practical, structural or nonstructural methods which prevent or reduce the movement of sediment, nutrients, pesticides and other pollutants from the land to surface or ground water.</u>
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.
<del>Billboard (including poster and panel types)</del>	<del>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.</del>
Block	A parcel of land, <del>intended to be used for purposes,</del> 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. <u>See §3.2.B</u>
Breezeway	<del>A covered area that connects two buildings.</del>
Buffer	<u>Screening that is intended to help mitigate the physical, visual and environmental impacts created by development on adjacent properties.</u> <u>See §4.6.E</u>
Building	Any structure <u>used or intended for supporting or sheltering any use or occupancy and within the purview of the International Building Code as adopted by the City.</u> <del>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.</del>
Building coverage	<u>The maximum portion of the lot that is covered by buildings, including both principal structures and accessory buildings.</u> <u>See §1.7</u>
Building line or setback line	A line <del>or</del> designating the area <del>outside</del> 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	<u>The required separation between any two buildings located on the same lot or parcel of land.</u> <u>See §1.7 E.</u>
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.
Building, <del>main or</del> 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	<u>Permanently roofed shelter covering a sidewalk, driveway or other similar area, which shelter may be wholly supported by a building or may be wholly or partially supported by columns, poles or braces extended from the ground.</u> <del>Ornamental roof like structure, cantilevered or supported by posts or pillars, built in accordance with the <i>International Building Code</i>.</del>
Carport	A permanent roofed structure that <del>is permanently</del> <u>is</u> 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.
<del>Certificate of survey</del>	<del>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.</del>
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.

### Definitions

City	<u>The incorporated</u> City of Gunnison, Colorado.
City Council	The governing or legislative authority of the City of Gunnison, Colorado.
City Engineer	<del>The licensed engineer designated by City Council to furnish engineering assistance for administration of these regulations.</del>
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 <u>may or may not be</u> <del>are not</del> conducted principally for monetary gain.
Collector street	<del>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.</del> <b>MOVED TO STREETS</b>
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 Households <u>Living</u> . Includes, but is not limited to: boarding houses, dormitories; fraternities and sororities; homeless shelters; monasteries and convents; nursing and convalescent homes
Comprehensive Plan	<del>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.</del> <b>MOVED TO MASTER PLAN</b>
Conditional Use	<u>Land uses which are generally compatible with the permitted uses in a zone district, but which require site-specific review of their location, design, intensity, density, configuration, and operating characteristics, and which may require the imposition of appropriate conditions, in order to ensure compatibility of the use at a particular location and mitigate its potentially adverse impacts.</u> 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.
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	<u>Unincorporated</u> Gunnison County, Colorado.
County Clerk and Recorder	<u>The</u> Gunnison County Clerk and Recorder <u>of Gunnison County, Colorado.</u>
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	<del>A local street having one end open to vehicular traffic and having one closed and terminated by a turnaround.</del> <b>MOVED TO STREETS</b>
Cul-de-sac street	<del>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.</del>

### Definitions

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.
Daycare 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.
Daycare home	A residence, facility or pre-school which provides regular care and supervision for more than 3 but not more than <del>8</del> 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> .
Daycare school	A residence, facility or pre-school which provides regular care and supervision for more than <del>8</del> 6 but not more than 12 children at any one time during the day for compensation.
<del>Debt service</del>	<del>Principal, interest, and any fees associated with obtaining financing and servicing any debt.</del>
<del>Defined Bank of Stream or River</del>	
Density	<u>The total number of dwelling units permitted on any parcel of property planned for residential development. Density is calculated based on the total area of a lot and the zoning district of said lot.</u> See §1.7K
Developer	<u>Person or a firm that improves raw land with labor and capital, and arranges for utilities and essential services, in order to sell subdivided parcels of land or to build structures for rent and/or sale.</u> 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, <u>subdivision major or administrative plat</u> 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, <u>subdivision major or administrative plat</u> 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	<u>The base district dimensional standards establish maximum density and intensity, lot sizes, height standards, and lot coverage criteria for all development applications.</u> See §2.6 .
District, planned	<u>A land area such that varying land uses and innovative design and layout of the development provide significant benefits to both the developer and the city over those land use patterns development standards regulated under conventional zoning districts and development standards.</u> See §2.2D.
District, special purpose	<u>The Western State Colorado University (WSCU).</u> 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 <u>residential or nonresidential</u> roadway located on a parcel or lot used for vehicle access.
<del>Driveway, nonresidential</del>	
<del>Driveway, residential</del>	
<del>Duct system</del>	<del>All ducts, duct fittings, plenums, and fans assembled to form a continuous passageway for the distribution of air.</del>
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,

### Definitions

	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 or subdivision	<del>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.</del>
Expansion to existing manufactured home park or subdivision	<del>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).</del>
Family	<del>One or more persons related by blood, or marriage, including adopted children, or between whom there is a legally recognized relationship, or not more than five unrelated a group of not to exceed five persons who occupy a single dwelling unit. (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.</del>
Fence	Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
Final plat	<del>See §12.7 Final Plat Review – SEE PLAT, FINAL</del>
Fire Marshal	The Fire Marshal of the City of Gunnison.
Floodplain - 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.
Floodplain 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.
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 general and temporary condition of partial or complete inundation of two or more acres

## Definitions

	<p><u>of normally dry land area or of two or more properties (at least one of which is the policyholder's property) from overflow of inland waters, unusual and rapid accumulation or runoff of surface waters from any source, mudflow ; or</u></p> <p><u>Collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels that result in a flood as defined above.</u></p> <p>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.</p>
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	<del>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.</del>
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	<del>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.</del>
Floor area	<u>A gross calculation measured from the exterior wall plane or the centerline of the common wall (party wall) separating two units in a building, but shall not include mechanical rooms, closet or storage areas less than 20 square feet, and mechanical chases.</u> See §1.7 F
Floor area	<del>Habitable area included within the outside walls of a building.</del>
Frontage	The dimension of a property that is adjacent to a street.
Frontage road	See SEE STREET FONTAGE
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 LDC, includes a funeral chapel.
<u>Convenience Store</u> Gas station with convenience retail	A building used for the sale of <del>gasoline products that also offers for sales</del> prepackaged food items and tangible consumer goods, primarily for self-service by the consumer. <u>A convenience store may or may not have gasoline pumps.</u> 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. MOVE TO ALPHABETICAL ORDER
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.
<u>Assisted Living</u> 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

### Definitions

	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, building	<u>The vertical distances between the average grade of a structure and the highest point of the structure or to the coping of a flat roof, to the deck line of a mansard roof, or to the highest ridge of a sloping roof.</u> See §1.7 G
<b>Heliport</b>	<b>Paved area designated expressly for the landing and take-off of helicopters.</b>
Highest adjoining sidewalk or ground surface	<del>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.</del>
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	<del>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. NOT IN LDC DO WE WANT TO ADD IT???</del>
Hospital	Building or portion thereof used for the accommodation, overnight, and medical care of, and ancillary services for human patients.
Household	<u>The residential occupancy of a dwelling unit by a single family. See §3.2 A</u>
Impervious Surface	<u>The maximum portion of the lot that is covered by buildings, including both principal structures and accessory buildings, paved areas such as driveways, or other features that inhibit the percolation of water into the soil.</u> 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	<del>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.</del>
Intensity	The degree to which you run if being chased by hungry lions.
Junk	<del>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.</del>
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	Includes a kitchen sink, cooking appliance, and refrigeration facilities, each having a clear working space of not less than 30 inches in front.
<b>Laboratory</b>	<b>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.</b>
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 licensed <u>and</u> registered in the State of Colorado.
<del>Land disturbing</del>	<del>Any use of land in residential, industrial, educational, institutional or commercial development,</del>

### Definitions

activity	<del>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.</del>
Landfill	<del>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.</del>
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, <u>PUD's</u> , <u>PDOs</u> , 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	<del>–See §4.6.</del>
Landscaping	<del>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.</del>
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	<del>Light and ventilation conforming to standards of the <i>International Building Code</i>.</del>
Livestock	<del>All animals kept or raised on a farm, except however, that necessary working animals and pets are not included.</del>
Loading, <u>Off-street</u> and unloading area	A completely off-street space on the same lot for the loading or unloading of <u>materials or merchandise</u> freight carriers with ingress and egress to a street or alley (see §4.4 <u>K.</u> ).
Local street	<del>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. –MOVED TO STREET, LOCAL</del>
Lot	<u>A portion or parcel of land occupied or intended to be occupied by a building or use and its accessories. A lot shall be an integral unit of land held under unified ownership in fee or under legal control tantamount to such ownership, which may be intended for transfer of ownership or for development. The word lot shall include: plot, parcel or tract. See §1.7 H.</u>
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.
<del>Lot, building</del>	<del>A City approved lot that conforms to the requirements of this <i>LDC</i>.</del>
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.

### Definitions

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 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.
<u>Master Comprehensive Plan</u>	The <i>City of Gunnison Master Comprehensive Plan</i> ; 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.
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.

### Definitions

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.
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

### Definitions

	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
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.

### Definitions

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.
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"> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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</li> </ul>
Sidewalk	See §4.5 B.1.
Sign permit	See §4.8 K.

### Definitions

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

## Section 2. Zoning Districts

### §2.1 DISTRICTS ESTABLISHED

In order to implement the *City of Gunnison Master Plan* and promote the purposes of this *Land Development Code*, the following districts are established.

TABLE 2-1 BASE DISTRICTS	
SYMBOL	DISTRICT NAME
RESIDENTIAL DISTRICTS	
R-1	Single family Residential
R-1M	Single family Residential Modified
R-2	Duplex Residential
RMU	Residential Mixed Use
R-3	Multifamily Residential
NONRESIDENTIAL DISTRICTS	
B-1	Professional Business
CBD	Central Business
C	Commercial
I	Industrial
SPECIAL PURPOSE AND PLANNED DISTRICTS	
WSC	Western State College
PUD - O	Planned Unit Development - Overlay
PUD - M	Planned Unit Development - Mixed Use

### §2.2 ZONE DISTRICTS' PURPOSE STATEMENTS

#### A. Residential Districts Purposes

1. **Single Family Residential (R-1).** This district is established to provide for orderly suburban residential development and redevelopment, and it maintains residential areas at low densities characterized by detached single family dwelling units.
2. **Single Family Residential Modified (R-1M).** This district is established to provide for residential neighborhoods comprised of detached single family dwellings on smaller lots than are permitted in the R-1 District, allowing for slightly greater overall densities. Areas designated Modified Single Family Residential (R-1M) includes relatively low density developing areas.
3. **Duplex Residential (R-2).** This district is established to provide for moderate density residential areas comprised of single family dwellings and duplex dwellings, with no more than two units permitted in any structure. Two detached single family dwellings are not allowed on an individual lot, unless one of the dwelling units is an Accessory Dwelling unit.
4. **Residential Mixed Use (RMU).** This district is established to provide for relatively high density single family, duplex and multifamily residential areas, including primarily triplex, townhouse, and multi-family dwelling uses.

5. **Multifamily Residential (R-3).** This district is established to provide for high density multifamily residential areas and mobile home parks.

## B. Nonresidential Districts Purposes

1. **Professional Business District (B-1).** This district is established to provide for a transitional area between the City's commercial and residential districts, by allowing for relatively lower intensity commercial uses, which are compatible with residential uses and which maintain the architectural and urban design character of the existing residential neighborhood. Current areas designated Professional Business (B-1) are transitional neighborhoods located adjacent to the Central Business District (CBD) and Commercial (C) District.
2. **Central Business District (CBD).** This district is established to provide for the business and civic functions that make up the city core. The Central Business District (CBD) has a strong pedestrian character, and provides for concentrated commercial activity, with buildings covering the entire street frontage. It contains a mix of business, commercial and residential uses, and serves the needs of the entire community and those of visitors to the community.
3. **Commercial District (C).** This district is established to provide locations of offices, service uses, hotel accommodations and businesses retailing durable and convenience goods. Upper floor residential dwellings are allowed. The Commercial District is located along the City's main entrance corridors and, therefore, businesses are accessible to and serve the entire community. Site design and buffering mitigate traffic and operations impacts upon adjacent neighborhoods.
4. **Industrial District (I).** This district is established to provide areas for a broad-range of manufacturing, production, product transport, and other industrial uses. These industries should be operated in a relatively clean and quiet manner, and should not be obnoxious to nearby residential or business districts, warehousing and wholesaling activities, and research facilities.

## C. Special Districts Purposes

Western State Colorado University (WSCU). The Western State Colorado University (WSCU) district contains the geographic extent of the college real property and campus, with facilities, activity areas, and open space that support related higher education functions. The City and College work together to ensure that the planning and development of the college campus is compatible with adjacent municipal uses, that utility service needs are adequately addressed, and that pedestrian and vehicular traffic circulation are designed to efficiently serve the college and community needs.

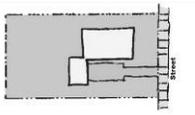
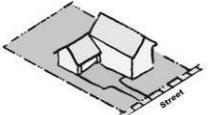
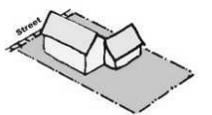
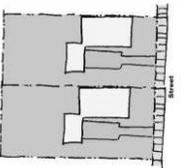
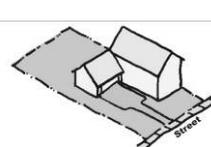
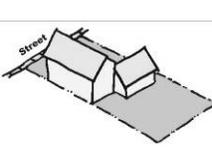
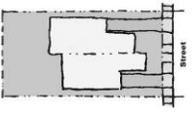
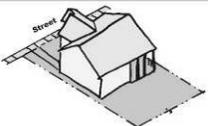
## D. Planned Unit Districts

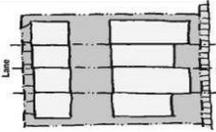
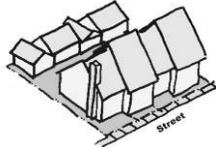
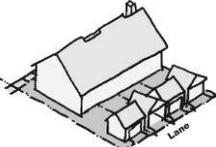
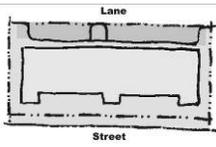
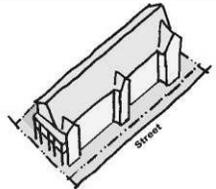
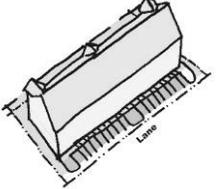
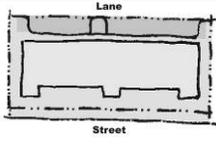
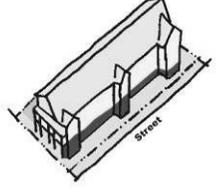
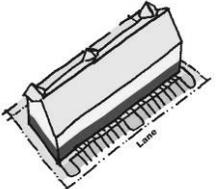
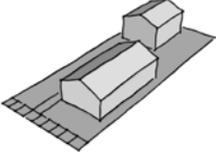
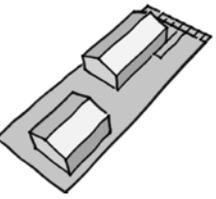
1. A Planned Unit Development (PUD) is a land area such that varying land uses and innovative design and layout of the development provide significant benefits to both the developer and the city over those land use patterns development standards regulated under conventional zoning districts and development standards. Such benefits include the provision of open space for the benefit of the residents and other users, the conservation of natural landscape features, provision of affordable housing, employment opportunities, variety in land use patterns and more efficient provision of services and utilities.

2. In a PUD, the various land use elements are designed so that they interrelate cohesively with each other; therefore, strict application of standard zone district regulations becomes unnecessary, and instead, other specific development and design requirements are included in the PUD. The boundary between the PUD and adjacent zone districts requires particular attention to ensure that land use patterns are compatible. To enable a more thorough analysis of a PUD, more information is required about the proposal than would be required if development were being pursued within conventional zoning districts.
  
3. The approval of a PUD constitutes a Zoning Amendment as described in Section 9 , of the *LDC* and is established by rezoning an area in an existing zone district to PUD zone or by initial zoning of newly annexed territory to PUD zoning.

**§2.3 DESIGNATED HOUSING TYPES**

**A. Definitions.** The following housing types are established to provide a common terminology used in this *LDC*. All drawings are for illustrative purposes only.

<b>TABLE 2-2 DESIGNATED HOUSING TYPES</b>			
<p><b>Single Family Detached or Manufactured Home</b>                      A detached dwelling unit located on a single lot with private yards on all four sides.</p>			
<p><b>Zero Lot Line Dwelling</b>                      A detached dwelling unit located on a single lot with private yards on three sides. The unit has a single side yard on one side comprising the equivalent of two side yards of a single family detached house. A zero lot line development shall be carried out for an entire block, as a row of units, or as a cluster in order to achieve an overall compatibility of design and so zero lot line dwellings are not situated immediately adjacent to traditionally sited dwellings.</p>			
<p><b>Two-family Dwelling</b>                      Two attached dwelling units in a single structure on a single lot (often called a duplex). The two units can be located on separate floors or side-by-side.</p>			

<p><b>Townhouse</b> Two or more attached dwelling units located on separately owned lots or on a single lot. The units are lined up in a row and share side walls. Dwelling units cannot be mixed vertically.</p>			
<p><b>Multifamily</b> Three or more attached dwelling units in a single structure on a single lot. A multifamily dwelling can vary in height from two to three stories. Dwelling units can be mixed vertically.</p>			
<p><b>Upper-Story Residential</b> A dwelling unit located on a floor above a nonresidential use.</p>			
<p><b>Accessory Dwelling Unit</b> A dwelling unit with a floor area between 300 and 700 square feet and is located on the same site as, but have a separate entrance from, a single family dwelling.</p>			

**B. Manufactured Housing.** Manufactured homes are factory-built dwelling units, manufactured or constructed to comply with the standards of the National Manufactured Housing Construction and Safety Standards Act of 1974. Manufactured homes shall meet the standards of §3.3 (Residential Use Standards). Any manufactured home which does not meet any of the standards of §3.3 shall be considered a mobile home, and shall comply with all standards of this *LDC* applicable to such use.

**C. Mobile Home.** Mobile home means a dwelling which is eight feet or more in width and 40 feet or more in body length, is designed to be transported on its own permanent chassis after fabrication, and which is designed to be used as a dwelling, with or without permanent foundation, when the required plumbing, heating, and electrical facilities are connected. Mobile homes shall comply with one of the following circumstances.

- 1. Comply with HUD Code.** New or used mobile homes installed after the effective date of this *LDC* shall comply with the standards of the National Manufactured Housing Construction

and Safety Standards Act of 1974 (hereinafter referred to as “the *HUD Code*”).

2. **Pre-date *HUD Code*.** Mobile homes built prior to the *HUD Code* shall have a roof capable of bearing a minimum 30-pound snow load.

**§2.4 PRINCIPAL USE TABLE**

- A. Permitted Uses.** A “P” indicates that a use is allowed by right in the respective zoning district and may be reviewed and approved by the Director. Permitted uses are subject to all other applicable regulations of this *LDC*.
- B. Conditional Uses.** A “C” indicates that a use is allowed only if reviewed and approved as a Conditional Use, in accordance with the Conditional Use review procedures of Section 7 (Conditional Uses). Conditional Uses are subject to all applicable regulations of this *LDC*.
- C. Uses Not Allowed.** A blank cell indicates that a use is not allowed.
- D. Specific Use Standards.** The final column titled “Use Standards” contains a cross-reference to related standards established in Specific Use Regulations, of this *LDC*. Where no cross-reference is shown, no additional use standard shall apply.
- E. Uses Not Listed.** The Director shall use the criteria in §3.1 to determine how an unlisted use should be treated.

TABLE 2-3 PRINCIPAL USE TABLE											
Use Categories	Specific Uses	RESIDENTIAL ZONING DISTRICTS					NON-RESIDENTIAL ZONING DISTRICTS				Use Standards
		R-1	R-1M	R-2	RMU	R-3	B-1	CBD	C	I	
<b>Residential Use Categories (§3.2)</b>											
Household Living	Single family dwellings	P	P	P	P	P	P	C	C		§3.3 C
	Duplex dwellings			C	P	P	C		C		§3.3C
	Townhouses				P	P					§3.3F
	Multifamily dwellings				P	P	C		C		§3.3D
	Manufactured homes	P	P	P	P	P					§3.3B
	Mobile home parks					C					§3.3I
	Upper story residential <sup>1</sup>						P	P	P	P	§3.3G
	Zero lot line dwellings			P	P	P					§3.3E
	Accessory Dwelling <sup>1</sup>			P	P	P	P	P	P	P	§3.3H
Congregate Living	Rooming and boarding houses, dormitories, fraternities or sororities				C	C					§3.3K
	Nursing home			C	C	C					§3.3J
	Group homes				C	C					§3.3J
Home Occupation and Home Business	Home Occupation	P	P	P	P	P					§3.3L
	Home Business	C	C	C	C	C					§3.3L
<b>Public, Civic and Institutional Use Categories (§3.4)</b>											
Community Service	Neighborhood or community centers	C	C	C	C	C	P		P		--
	Public garage or shop										--
	Detention Center									P	--
Educational Facilities	Schools	C	C	C	C	C	C		P		§3.4A
Day Care	Day care homes, schools and centers			P	P	P					§3.5A
Medical	Hospitals						C		P		--
Parks and Open Space	Cemeteries, mausoleums, columbarium										--
	Parks and recreational facilities	P	P	P	P	P	P	P	P		--
Religious Institutions	Churches or places of worship	C	C	C	C	C	C	C	P		§3.5B
Utilities	Major utilities									P	--
	Minor utilities	P	P	P	P	P	P	P	P	P	--
<b>Accommodation, Retail, Service - Commercial Use Categories (§3.6)</b>											
Entertainment Event, Major	Auditoriums					C		C		P	--
	Fairgrounds					C				P	--
Office	Banks and financial institutions						C	P	P		--
	Radio and television studios						P	P			--
	Government offices					C	P	P	P	P	--
	Professional offices						P	P	P		--
	Medical clinic or dental office						P	P	P		--
Parking, Commercial	Commercial parking lots and garages							C	P	P	--

<sup>1</sup> See special allowances in the Use Standards.

TABLE 2-3 PRINCIPAL USE TABLE											
Use Categories	Specific Uses	RESIDENTIAL ZONING DISTRICTS					NON-RESIDENTIAL ZONING DISTRICTS				Use Standards
		R-1	R-1M	R-2	RMU	R-3	B-1	CBD	C	I	
Recreation and Entertainment, Outdoor	Recreational vehicle parks					C					--
Retail Sales and Service, Sales-Oriented	Art Galleries						P	P	P		--
	Auto sales and rental								P	P	--
	Automotive Supplies								P	P	--
	Book stores						P	P	P		--
	Convenience Stores, without gas pumps								P	P	--
	Drive-in						C	C	C	C	§3.12B
	Furniture and Appliance Stores							P	P	P	--
	Greenhouse or nursery								P	P	--
	Outside Sales or Display								P	P	§3.7B3
	Rental of equipment and supplies								P	P	--
	Recreational Vehicle Sales								P	P	--
	Lumber and building material sales								C	P	--
	Retail Grocery Store								P		
	Butcher Shop									C	--
	Retail Sales and Service, Personal Service-Oriented	Athletic or Health Clubs							P	P	P
Barber and beauty shops							P	P	P		--
Drive-in							C	C	C	C	§3.12B
Funeral homes and mortuaries								C	P		--
Kennels										P	--
Photography studios							P	P	P		--
Dry cleaning drop-off/pick-up							P		P		--
Laundromats									P		--
Veterinary clinic								P	P	--	
Accommodations	Bed and breakfasts				C	C	C	C			§3.7A1
	Hotels and motels								P		§3.7A3
	Hostels				C	C	C		P		§3.7A2
	RV Parks								C		§3.7A4
Retail Sales and Service, Eating and Drinking –Oriented	Restaurants							P	P	C	--
	Drive-in							C	C	C	§3.12B
	Bars and taverns							P	P	C	--
	Coffee shop/bakery							P	P	P	--
Retail Sales and Service, Entertainment-Oriented	Private lodges and clubs							P	P	C	--
	Recreation, indoor							P	P		--
	Theater							P	P		--
Retail Sales and Service, Repair-Oriented	Appliance repair								P	P	--
	Bicycle repair						P	P	P	P	--
	Locksmith								P	P	--
Self-storage Warehouse	Mini-warehouses and mini-storage									P	--
	Auto body shops								C	P	§3.7.B.2

TABLE 2-3 PRINCIPAL USE TABLE												
Use Categories	Specific Uses	RESIDENTIAL ZONING DISTRICTS					NON-RESIDENTIAL ZONING DISTRICTS				Use Standards	
		R-1	R-1M	R-2	RMU	R-3	B-1	CBD	C	I		
Vehicle Repair	Auto, truck and boat repair									C	P	§3.7.B.2
	Quicklube service									P	P	§3.7.B.2
Vehicle Services, Limited	Car washes									P	P	--
	Convenience stores, with gas pumps									P	P	§3.7B1
	Service stations									P	P	--
<b>Industrial Use Categories (§3.8)</b>												
Industrial Sales and Service	Agricultural implement sales/service									P	P	--
	Dry cleaning/dyeing plant								C	P	P	--
	Building and heating contractors										P	--
	Chemicals or explosives manufacture										C	--
	Feed and grain sales									P	P	--
	Manufactured home sales/service										P	--
	Research laboratories									C	P	--
	Salvage or wrecking yards, or junkyards										C	--
	Sale, rental, leasing of heavy equipment									C	P	--
	Truck Stop									C	P	--
	Repair and service of industrial vehicles									C	P	--
Manufacturing and Production	Catering services							C	P	P	P	--
	Manufacture or assembly of machinery, equipment, instruments									C	P	--
	Printing, publishing and lithography							C	P	P	P	--
	Publishing and lithography									P	P	--
	Meat Butcher Shop										C	--
	Woodworking and cabinet shops									C	P	--
	Concrete or redi-mix plant										P	--
Warehouse and Freight Movement	Air cargo terminal										P	--
	Outdoor storage, general									C	P	§3.9B
	Post Office								P	P	P	--
	Recreational vehicle storage									C	P	§3.9B
	Utility service yards or garages									C	P	§3.9B
	Warehouses and truck terminals										P	§3.9B
Waste-Related	Transfer stations										P	--
	Recycling centers										P	--
Wholesale Sales	Mail order houses							P		P	P	--

TABLE 2-3 PRINCIPAL USE TABLE												
Use Categories	Specific Uses	RESIDENTIAL ZONING DISTRICTS					NON-RESIDENTIAL ZONING DISTRICTS				Use Standards	
		R-1	R-1M	R-2	RMU	R-3	B-1	CBD	C	I		
	Wholesalers of food, clothing, and parts										P	--
<b>Other Uses Categories §3.10</b>												
Agriculture	Animal (farm animal) breeding or raising											--
	Greenhouse/nursery							C	P	P		--
Aviation and Surface Transportation	Airports and related facilities, public									P		§3.11A
Mining	Processing of aggregate mineral or other subsurface resources									C		§3.11E
	Asphalt Batch Plant									C		§3.11E
Adult entertainment	Sexually oriented businesses									C		§3.10C
Telecommunications Facilities	Telecommunications facilities and towers							C	C	P		§3.11B
Alternative Energy	Solar Voltaic and Wind Turbines											§3.11D
Temporary Commercial Activity	General retail sales or other commercial use operated outside of a building on a seasonal basis.							C	C			§3.13

**§2.5 BASE PRINCIPLE USE CATEGORIES**

**A. Authority.** If an application is submitted for a use type not listed the Principal Use Table (§2.4), the Director shall be authorized to make a similar use interpretation, based on the following considerations:

1. the actual or projected characteristics of the activity in relation to the use category cited in the Principal Use Table (§2.4);
2. the relative amount of site area or floor space and equipment devoted to the activity;
3. relative amounts of sales from each activity;
4. the customer type for each activity;
5. the number of employees in each activity;
6. hours of operation;
7. noise and odor generation;
8. architectural mass and form;
9. site design and arrangement;

10. parking demand;
11. vehicles used with the activity;
12. the relative number of vehicle trips generated by the use;
13. signs;
14. how the use advertises itself;
15. whether the activity is likely to be found independent of the other activities on the site; and
16. effect of the proposed use on uses adjacent to the site.

#### **B. Use Interpretation Standards**

1. No use interpretation shall allow a use in a district when that use is a Permitted or Conditional Use in any other district.
2. No use interpretation shall permit any use in any district unless evidence is presented demonstrating that it will comply with all applicable requirements and standards of this *LDC*.
3. No use interpretation shall permit any use in a district unless said considerations cited above demonstrate that the use in question is roughly proportional to Permitted and Conditional Uses in the underlying district.
4. If the proposed use is more similar to a use allowed only as a Conditional Use in the district in which it is proposed to be located, then any similar use interpretation permitting that use shall require a Conditional Use Permit, as appropriate.

- C. Use Interpretation Effect.** No similar use interpretation finding a particular use to be permitted or conditionally permitted in a specific district shall authorize the establishment of such use or the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits and approvals that may be required by this LDC and ordinances of the City of Gunnison. Permits and approvals include, but are not limited to conditional use permits, development permits, building permits, and building certificates of occupancy.

## **§2.6 BASE DISTRICT DIMENSIONAL STANDARDS**

- A. Intent.** The base district dimensional standards establish maximum density and intensity, lot sizes, height standards, and lot coverage criteria for all development applications. These standards allow for variety in housing types while maintaining the overall character of neighborhoods and commercial areas of the City. Separate standards are established to regulate development in each base district. This approach to district development standards promotes development intensities that match existing and proposed infrastructure investments.

**B. Dimensional Standards - Residential Districts**

1. **Development Standards.** Development applications shall comply with all applicable development standards as set forth in this *LDC* and other applicable laws.
2. **Dimensional Standards.** Development applications shall comply with the following dimensional and all other provisions in this *LDC* and other applicable laws.

<b>TABLE 2-4 RESIDENTIAL DIMENSIONAL STANDARDS</b>					
<b>Dimensional Standard</b>	<b>R-1</b>	<b>R-1M</b>	<b>R-2</b>	<b>RMU</b>	<b>R-3</b>
Maximum density (units/acre) <sup>1</sup>	3.5	6	14	16	30
Lot Size Single Family (sq. ft.) <sup>1</sup>	8,000	6,250	6,250	6,250	6,250
Lot Size Duplex (per unit) (sq. ft.) <sup>1</sup>			3,125	3,125	3,125
Lot Size Townhouse (per unit) (sq. ft.)				3,125	3,125
Lot Size Multi-Family (per unit) (sq. ft.) <sup>1</sup>					
Single Story				3,000	3,000
Two Story				2,500	2,500
Three Story				2,000	2,000
Maximum lot coverage structures	40%	40%	40%	45%	45%
Maximum lot coverage parking/access	10%	10%	15%	20%	40%
Minimum lot coverage landscape area	50%	50%	45%	35%	15%
Minimum lot frontage <sup>1</sup>					
Single Family	50'	50'	50'	50'	50'
Duplex (per unit)			25'	25'	25'
Townhouse (per unit)				25'	25'
Multi-family				100'	100'
Zero-Lot Line	50'	50'	50'		
<b>Minimum setback front<sup>2</sup></b>	<b>15'</b>	<b>15'</b>	<b>15'</b>	<b>15'</b>	<b>15'</b>
Minimum setback side					
Provided that one additional foot of setback shall be required for each two and one-half feet (a 1:2.5 ratio) of building height over 22.5 feet	10'	5'	5'	5'	5'
Minimum setback rear lot line: principal building					
Provided that one additional foot of setback shall be required for each two and one-half feet (a 1:2.5 ratio) of building height over 22.5 feet	10'	5'	5'	5'	5'
Minimum setback rear lot line: accessory building	10'	5'	5'	5'	5'
Maximum building height	35'	35'	35'	35'	35'
Maximum building height for detached accessory structure	30'	30'	30'	30'	30'
Minimum building width	24'	24'	20'	20'	20'
Minimum floor area Principal Dwelling (sq. ft.)	480	480	480	300 efficiency 480 multi-family	300 efficiency 480 multi-family
Floor Area Thresholds Accessory Dwelling (sq. ft.)				720	
Minimum storage area (sq. ft.)			32	32	32
Snow storage (% of parking and access coverage)	15%	15%	15%	15%	15%
<p>1 Density calculations for residential Development may be subject to slope protection standards (§5.2) and Section 13.</p> <p>2 Covered porches and the lands and steps of a covered porch may encroach into the front yard pursuant to §1.7.L.3.d</p>					

**C. Dimensional Standards - Nonresidential Districts**

1. **Development Standards.** Development applications shall meet all applicable development standards as set forth in this *LDC* and all other applicable laws.
2. **Nonresidential Dimensional Standards.** Permitted nonresidential uses shall meet the following dimensional standards. Development applications for non-residential uses shall comply with all other provisions of this *LDC* and all other applicable laws.
3. **Upper-Story Residential Dwellings.** Upper-story residential units are permitted on the upper floors of nonresidential buildings, but shall conform to all lot, yard and bulk requirements of the principal building.

<b>TABLE 2-5 NONRESIDENTIAL DISTRICT DIMENSIONAL STANDARDS</b>				
<b>STANDARD</b>	<b>B-1</b>	<b>C</b>	<b>CBD</b>	<b>I</b>
<b>DENSITY</b>				
Max. density (units/acre)	7	14	NA	7
<b>LOT</b>				
Minimum lot size (sq. ft.)	6,250	8,000	--	6,250
Minimum lot frontage (ft.)	50	50	--	50
Maximum lot coverage: (%) structures	40	50	100	60
Maximum lot coverage: (%) Impervious surface	15	40	N/A	30
Minimum landscape area (%)	45	10	--	10
<b>BUILDING</b>				
Maximum building height (ft.)	35	35	35	35
Minimum building width (ft.)	24	--	--	--
Minimum floor area: Multi-family (sq. ft.)	480	300 efficiency 480 multi-family	--	--
Minimum floor area: Second story residence (sq. ft.)	300	300	300	300 min 700 max
Minimum storage area (sq. ft.) <sup>1</sup>	32	32	32	--
<b>BUILDING SETBACKS</b>				
Minimum from side lot line (ft.)	5	5 <sup>2</sup>	no.req.	5 <sup>1</sup>
Minimum from rear lot line (ft.) principal building	5	5 <sup>2</sup>	no req.	5 <sup>2</sup>
Minimum from rear lot line (ft.) accessory building	5	5 <sup>2</sup>	N/A	N/A
Minimum from front lot line (ft.)	15 <sup>3</sup>	15 <sup>2</sup>	no req.	0 <sup>2</sup>
<b>Other Standards</b>				
Snow Storage Area (% of parking and access coverage)	15	15	N/A	15
<sup>1</sup> Storage is required for multi-family and upper floor residential dwellings) (§3.3D and §3.3G)				
<sup>2</sup> Uses adjacent to residential districts shall comply with District Buffer standards (§4.6 3).				
<sup>3</sup> Parking not allowed within front setback area in B-1 District				

**§2.7 WESTERN STATE COLORADO UNIVERSITY STANDARDS**

- A. Applicability.** Western State Colorado University (WSCU) district standards apply to related properties identified on the Official Zoning Map.
- B. Allowed Uses.** Uses allowed in the WSCU district are those pertinent to the operations of Western State Colorado University.
- C. District Standards.** District standards applicable in the WSCU district shall be those established and regulated by the State of Colorado.