

PLANNING AND ZONING COMMISSION  
APRIL 24, 2013 MEETING PACKET  
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**AGENDA  
CITY OF GUNNISON  
PLANNING & ZONING COMMISSION  
REGULAR MEETING  
Rev 4/17/2013**

**DATE:** WEDNESDAY, APRIL 24, 2013  
**TIME:** 7:00 P.M.  
**PLACE:** CITY HALL, COUNCIL CHAMBERS, 201 WEST VIRGINIA AVE.

**7:00pm**

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE TO THE FLAG**
- III. UNSCHEDULED CITIZENS**
- IV. CONSIDERATION OF THE APRIL 10, 2013 MEETING MINUTES**
- V. COUNCIL UPDATE**
- VI. COMMISSIONER COMMENTS**
- VII. PLANNING STAFF UPDATE**
- VIII. ADJOURN TO WORK SESSION**

**WORK  
SESSION**

**DISCUSSION OF THE DRAFT *LAND DEVELOPMENT CODE***

**Section 13 Incentives – guest: Karl Fulmer, Executive Director Gunnison  
County Housing Authority**

**Section 2 Zone 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.

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

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**DRAFT MINUTES APRIL 10, 2013  
CITY OF GUNNISON PLANNING AND ZONING COMMISSION  
REGULAR MEETING**

**7:00PM**

**Page 1 of 6**

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

OTHERS PRESENT: Community Development Director Steve Westbay, Planning Technician Pam Cunningham, John Adkins Jr., John Adkins, Kelly McKinnis, and Paula Swensen.

- I. CALL TO ORDER AT 7:03 PM BY CHAIR CAROLYN RIGGS**
- II. PLEDGE OF ALLEGIANCE TO THE FLAG**
- III. UNSCHEDULED CITIZENS.** There were none.
- IV. CU 13-1, SUBMITTED BY JOHN ADKINS TO TOPERATE A FOOD SERVICE WITHIN A TRAILER AS A TEMPRARY COMMERCIAL ACTIVITY IN THE CENTRAL BUSINESS DISTRICT (CBD).**

**Open Public Hearing.** Chair Riggs opened the Public Hearing at 7:04 p.m.

**Review of Process.** Director Westbay reviewed the process for a Conditional Use.

The applicant, John Adkins, is proposing the operation of a food service trailer and retail goods as a temporary commercial activity at 129 East Tomichi Avenue located within the Central Business District. The legal description of the property is the west 62.5 feet of Lot 20, the west 62.5 feet of the south 15 feet of Lot 21, the west 45 feet of the north 10 feet of Lot 21, and the west 45 feet of Lots 22-24, Block 29 (Tract B, Reception #576577), Original Gunnison, City and County of Gunnison.

The proposed site is located in the Central Business District. The site is surrounded by commercial uses including the Arts Center, retail, restaurants, and professional services.

The food service and retail sales use is accessory to the primary use of a professional office (Gunnison Real Estate). This accessory use is considered to have a low impact on the surrounding neighborhood. The applicant is proposing to use the lawn area in the northeast portion of the property.

The *LDC* does not require setbacks, parking or landscaping in the Central Business District. The site provides ample space for the placement for the food service and retail sales.

There were no issues in the Staff Observations and no conflicts with the Review Standards.

**Public Input.** There was none.

**Applicant Presentation.** The applicant, John Adkins, addressed the Commission. He stated that he recently came to Gunnison and would like to offer a unique business to the community, mainly catering to families and children. [The business is to sell tropical flavored shaved ice.] He explained that the cart is 5 feet long with a small canopy; the trailer won't be on site. He would like to have a small table with some chairs. The cart will be located next to the Arts Center and ORSCH School. The idea is to offer a niche in the area and add to the downtown. Mr. Adkins stated that he would like to offer pottery for sale; that "while mom and dad are entertaining the kids would give them something to look at and promote my family's art work. It is classy and tasteful." He plans on being open 7 days a week from 10 am to 6pm and during festivals and parades. He would like to extend those hours during high traffic times or during the Art Walk.

Commissioner Ferchau observed that there haven't been time constraints on other food service carts. Director Westbay stated that there is flexibility in the Conditions.

Councilor Harriman asked if the cart will have access to electricity and the applicant replied that there will be electricity. Councilor Harriman asked if the cart will be on the street or on the lawn and the applicant replied that it will be on the lawn, under the trees, several feet back from the sidewalk.

Mr. Adkins stated that ice will be bought every day. He said that the Health Department says it is acceptable to purchase the ice daily and replenish it as needed. He has a commissary agreement with Stacy Murray, who is a caterer and is also licensed by the State. Mr. Adkins said that, depending on the decision of the Commission, he will obtain a public health license.

Commissioner Tocke observed that the application states that "the vendor is also seeking permission to use the public billboards around town to advertise and promote the business." He asked for clarification. Mr. Adkins clarified that he will be putting posters on bulletin boards [rather than billboards] around town. Councilor Harriman stated that the *Sign Code* allows off-premise signage, so technically he could advertise other places.

### **Public Input**

Paula Swensen addressed the Commission. She is the property owner of 100 N. Main through 108 E. Tomichi and is also a renter next door to the property where the shaved ice cart is proposed to be located. She is in support of the applicant and business. She stated that she is willing to put flyers for the business on her building bulletin board.

Kelly McKinnis, owner of 129 E. Tomichi addressed the Commission. She stated she has signed paperwork to allow the business on her property. She stated she feels it is a good idea to pull people from Main Street onto Tomichi and the business will be a great addition to the Arts Center.

**Staff Presentation.** Director Westbay stated he has nothing to add. The Review Standard has been provided with the Findings and Conditions. Flexibility of hours is noted in Finding #3. He elaborated by saying that if there were loud music or some other disturbance the nuisance code would come into play.

**Commission Discussion**

Commissioner Tocke asked Mr. Adkins when he plans to start the business. The applicant responded that he is learning about the Gunnison weather—his goal was to open in early May. However, that will be contingent upon weather. He thinks he will probably open the first week of May, but it could be later.

Director Westbay said he would like to change the Condition to read: “The applicant must provide Community Development staff written confirmation that a State food service license has been issued prior to commencing operation if required by the State.” Mr. Adkins responded that “the State does consider ice to be food and also refrigeration of the flavors is necessary. That is why I got a commissary; to be sure flavors are secured each day.”

Chair Riggs asked Mr. Adkins if, during other auxiliary events, he will be on site [of the events] or stay at 129 E. Tomichi. For instance Sundays at 6 and the Car Show – they might not be downtown. Mr. Adkins said he has been exploring that option. He likes the idea of being on-site, on the parade route, and at festivals and events.

Commissioner Beda brought up the retail of durable goods at the cart (the porcelain housewares). He questioned if there is any benefit to the City if the items are made out-of-state and shipped directly to the consumer—there would be no sales tax revenue. He said he is concerned with non-food items being for sale at the cart and “would not want the brick and mortar owners downtown to be concerned. They could display the housewares in their stores. But, in this case, the consumer contacts the artist in Louisiana and she ships to them.” He said he is afraid of the precedence it would set for future vendor cart applications. He asked Mr. Adkins if the items will be sold on-site or if it is a display. Mr. Adkins replied that it is a display, and that “the idea is that she sells made-to-order. The idea was to have a display and to let them pick the piece. I can go on-line and the patron can communicate with the artist on Skype. I see your point. I was trying to offer something that is elegant and classy that is custom and unique. The customer can call her later; it will be delivered to your home or to me. I will facilitate that connection.”

Chair Riggs asked if Mr. Adkins foresees actual sales at that site at any time. Mr. Adkins responded that “I will not be collecting the money. I am doing display and facilitating sales.”

Director Westbay stated that “one of the important elements of our job is to protect sales tax for the City. This is a low-key situation. If we see a proliferation of draining the sales tax, staff would address it then. Let’s observe and see how it goes.” Commissioner Beda said he doesn’t have a problem in this case, it is incidental. We need to look at applications on an individual basis.

**Close Public Hearing.** Chair Riggs closed the public hearing at 7:32 p.m.

**ACTION**

During the regular Planning and Zoning Commission meeting held on April 10, 2013, Commissioner Larson moved, and Councilor Harriman seconded, and the Commission voted to APPROVE Conditional Use Application CU 13-1, submitted by John Adkins for the operation of a seasonal food service and retail sales at 129 East Tomichi Avenue, based on the following findings of fact:

**FINDINGS OF FACT:**

1. The Planning and Zoning Commission finds that the record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record; and provisions of the *City of Gunnison Land Development Code* and the *City of Gunnison Master Plan*.
2. The Planning and Zoning Commission finds that this Conditional Use application is for a temporary commercial activity of a food service and retail sales in the Central Business District.
3. The Planning and Zoning Commission finds that the hours of operation are Monday through Sunday 10 a.m. to 6 p.m. but hours may change as needs of the business change through time.
4. The Planning and Zoning Commission finds that the food service and retail sales will mainly be located at 129 East Tomichi Avenue and in conjunction with planned summer events.
5. The Planning and Zoning Commission finds that the food service and retail sales use is compatible with neighborhood uses.
6. The Planning and Zoning Commission finds that the food service will operated under a License to Operate a Retail Food Establishment by the Colorado Department of Public Health and Environment.
7. The Planning and Zoning Commission finds that the applicant has state and city sales tax licenses.
8. The Planning and Zoning Commission finds that a food service and retail sales will not be a detriment to the community's health, safety and welfare.

**CONDITION:**

The applicant must provide Community Development staff written confirmation that a State food service license has been issued prior to commencing operation if required by the State.

Roll Call Yes: Ferchau, Riggs, Beda, Harriman, Tocke, Larson  
Roll Call No:  
Roll Call Recuse:  
Motion carried

**V. UPDATE TO THE DRAFT NON-MOTORIZED TRANSPORTATION PLAN**

Director Westbay provided some background on the status of the *Non-Motorized Transportation Plan*. Staff did outreach after the [October 10, 2012] presentation to the Commission which included a survey at Western, presentations to the Gunnison Trails Commission and the Sage-grouse Strategic Committee, and coffee house presentations. The plan was put on hold pending the listing proposal on the Sage-grouse and a definitive decision on the Candidate Conservation Agreement (CCA). The CCA is in final form but hasn't been adopted yet. The final language of the CCA has been incorporated into the plan to address regional coordination.

Director Westbay explained that Gunnison is a hub for access to public lands and it is important to include the element of regional cooperation in conjunction with the listing. Within the CCA, the BLM has targeted Hartman Rocks and VanTuyl Ranch as important components for recreation. The plan does address the Ranch. Director Westbay discussed the resource management theory, protection of habitat for the bird, and the need to focus recreation in certain areas. The BLM is saying that recreation can occur but they want to focus it around the city hub.

The draft *Non-motorized Transportation Plan* will be presented to City Council on April 16<sup>th</sup> and Council will be asked for ratification at a public hearing. Reproduction of the document is expensive. If any members are interested in a hard copy, we will make some. It is also available on the web-site.

**VI. CONSIDERATION OF THE MARCH 13, 2013 MEETING MINUTES.** Commissioner Larson moved and Commissioner Tocke seconded to approve the March 13, 2013 meeting minutes as presented.

Roll Call Yes: Ferchau, Riggs, Beda, Harriman, Tocke, Larson

Roll Call No:

Roll Call Abstain:

Motion carried

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

- held three public hearings which were approved by ordinance;
  - utility service deposit interest and connection/reconnection fees
  - adoption of the City's Flood Damage Prevention Regulations
  - Text Amendment for Multi-tenant Signs
- took action to approve street improvement bids and automatic water meter bids;
- approved funding for the Sprint triathlon and Carvin' Up Colorado events; and,
- set public hearings for May 10<sup>th</sup> for liquor licenses for two new restaurants – the Sherpa Café and the I-Bar.

Other Council business:

- the Tractor Supply Company has started moving dirt;
- the John Roberts building has been sold to Family Dollar;
- the City has not heard about the DOLA grant on the Police Department/Dispatch Center;
- there will be a reveal of the new Western logo on the 19<sup>th</sup>;
- the 12<sup>th</sup> is the last day for petitions for City Council to be picked up or turned in;
- the April 30<sup>th</sup> City Council meeting is cancelled; and,
- the report from the Mayors and Managers is that everyone is seeing an increase in sales tax revenue.

**VIII. COMMISSIONER COMMENTS.**

- Chair Riggs attended the Farm to Table conference and she reported it was fantastic. She looks forward to seeing more events like that;
- Commissioner Tocke said he attended the Farm to Table dinner and people appreciated that it was free [partially due to funding from the City];

- Commissioner Ferchau asked about the seed swap and Chair Riggs explained it will be at the Gunnison Gardner's Festival on April 20<sup>th</sup> from 9-4 at the Fred Field Center. There will be vendors and farmers there.
- Commissioner Ferchau said that real estate sales are more active now. The first quarter of 2013 was below last year on closings but activity picked up in March and sales increased, with closings in April. Inventories are low, so it may be a better year from a seller's perspective. Commissioner Larson asked if the sales are foreclosures. Commissioner Ferchau replied that the foreclosures are about over, but there are some short sales. There is still some inventory in limbo; many people are upside down on their mortgages, but unless they are in a need to sell many are trying to ride out the market. It is encouraging. He also said that land prices are so low people are thinking about building.

**IX. PLANNING UPDATE.** Director Westbay updated the Commission on recent activity in the Community Development Office. Staff has been working on the following:

- a Marijuana Ordinance (a text amendment will come to P&Z after reorganization of Council); it is the provision associated with the Ordinance prohibiting commercial activity and residential growth and processing;
- The *Non-motorized Transportation Plan*;
- dealing with the National Forest Service on a stairwell they built in the City right-of-way on North Colorado (they will be given the option of a license agreement);
- review of the *Gunnison Rising Master Drainage Plan* (there will be a Text Amendment to include it in the PUD);
  - Commissioner Ferchau asked what the rationale was behind postponing turning on the City ditches. Councilor Harriman responded that the purpose for postponing turning the ditches on until May 20<sup>th</sup> is that 1000 acre feet of water will be available to Uncompahgre water users and they will not call out the water until the middle of summer. There is a signed contract with Uncompahgre water users and this is a very unique thing that the City has done. It will benefit everyone.
- Community Cleanup is on the 20<sup>th</sup>; and
- the Bike Rodeo will be on May 4<sup>th</sup> at Lake School.

**X. ADJOURN TO WORK SESSION.** Chair Riggs adjourned the meeting to a work session at 8:07 p.m.

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Carolyn Riggs, Chair

Attest:

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Pam Cunningham, Secretary

## Section 13. Incentives

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### §13.1 PURPOSE

The purpose of this Section is to provide incentives for specific types of land uses and/or creative site plans that exceed the minimum requirements of this *LDC*. Another purpose is to accomplish high-priority planning goals, including the preservation of open space and natural features and development of attainable housing.

### §13.2 GENERAL PROVISIONS

- A. Combination with Other Bonuses.** Unless otherwise expressly stated, the density bonuses of this Section may be combined, provided that the total cumulative density bonus shall not exceed the maximum density allowed by the underlying zoning district by more than 50 percent.
- B. No Guarantee of Density.** The provisions of this Section shall not be interpreted as guarantees of achievable density. Developments using bonus provisions shall be subject to all other applicable regulations of this *LDC*. These other regulations or site-specific conditions may prevent maximum bonus density levels from being achieved due to the character of the land or surrounding uses.
- C. Review and Approval Procedure**
  - 1. Projects requesting bonuses under this Section for land that has not been platted, or for land that is being re-platted, shall be reviewed during the subdivision process, as set forth in Section 12.
  - 2. Projects requesting bonuses under this Section that have already completed the subdivision process shall be required to submit a Development Plan, and shall be reviewed under the Development Plan process as set forth in §6.2.
  - 3. A separate rezoning process shall not be necessary to approve the density increases granted through these processes.

### §13.3 ATTAINABLE HOUSING DENSITY BONUS

- A. Purpose.** This Section is intended to create an incentive to provide a variety of attainable housing for persons living and/or working in the City.
- B. Eligibility.** All residential subdivisions and developments in residential zoning districts are eligible for the attainable housing density bonus set forth in this Section.
- C. “Attainable” Defined.** For the purposes of this *LDC* and Section, “attainable housing units” shall mean the following:
  - 1. Renter-Occupied Attainable Housing Units**
    - a.** Housing units that are attainable to households earning 60 percent of the Gunnison County Area Median Income or below adjusted for household size.

- b. To qualify as attainable units, housing costs (i.e., rent and utility expenses) must not exceed 30 percent of the maximum income for an imputed household size based on 60 percent of the Gunnison County Area Median Income. The imputed household size is equal to one and one-half (1.5) times the number of bedrooms in the unit. For example, rent on a two-bedroom unit would be equal to 30 percent of the monthly limit of a three-person family; for a three-bedroom unit the rent should not exceed 30 percent of the monthly income of a four-and-one-half-person family – the midpoint of the range of a four- and five-person family.

If the property owner does not pay all utility expenses, then a utility allowance, computed by the Gunnison County Housing Authority, must be subtracted from the housing cost to determine the maximum rent.

**2. Owner-Occupied Attainable Housing Units**

- a. Housing units that are attainable to households earning 80 percent of the Gunnison County Area Median Income or below adjusted for household size.
- b. To qualify as attainable units, housing costs must not exceed 40 percent of the 80 percent Gunnison County Area Median Income, adjusted for household size.

**3. Gunnison County Area Median Income, Defined.** The Gunnison County Area Median Income is the current applicable area median income for Gunnison County published by the U.S. Department of Housing and Urban Development.

**D. Maximum Permitted Density Bonus.** Except in the R-1 district, subject to the standards and review criteria set forth in this Section, for every one attainable housing unit provided, the applicant shall be eligible for a bonus of one-half (0.5) unit that may be used only for the development of additional attainable units. In no case shall the development density exceed 50 percent of the maximum density permitted in the underlying base zoning district.

**E. Development and Design Standards**

**1. Minimum Lot Size/Area.** Notwithstanding the minimum lot area requirements set forth in the underlying base zoning district, the following requirements shall apply to residential subdivisions and developments that include attainable housing units pursuant to this Section:

- a. **Single-Family Detached Attainable Units.** The minimum lot size for single-family, detached attainable housing units included in a subdivision or development shall be 4,500 square feet and the minimum lot frontage may be reduced to 22.5 feet per unit, provided that at least 40 percent of the total housing units in the subdivision or development are attainable. If less than 40 percent of the total units are attainable, then the minimum lot size shall be no less than 90 percent of the underlying base zoning district lot area requirement and no reduction in frontage will be granted.
- b. **Two-Family Attainable Units.** The minimum lot size for two-family attainable housing units included in a subdivision or development shall be 5,000 square feet (2,500 sf/unit) and the minimum lot frontage may be reduced to 22.5 feet per unit, provided that at least 40 percent of the total housing units in the subdivision or development are attainable. If less than 40 percent of the total units are attainable, then the minimum lot size shall be no

less than 90 percent of the underlying base zoning district lot area requirement for two-family residential uses and no reduction in frontage will be granted.

- c. Multi-Family Developments Containing Attainable Units.** The minimum lot size for a multi-family structure or development containing at least 40 percent attainable housing units may be reduced by 12 percent of the required lot area defined in Table 2-4 Residential Dimensional Standards) and the minimum lot frontage may be reduced to 80 feet. If less than 40 percent of the total units area attainable, then the minimum lot size shall be no less than 95 percent of the underlying base zoning district lot area requirement for multi-family residential uses and no reduction in frontage will be granted.
- 2. Dispersal Required.** Attainable housing units shall be dispersed within a residential subdivision or development.
- 3. Public Sewers and Water Required.** All developments containing attainable housing units shall be served by public central sewer service and public water service.
- 4. Short-Term Rentals Prohibited.** Attainable housing units shall not be leased or rented for tenancies of less than 30 days.
- 5. Deed Restriction Required.** Attainable housing units developed pursuant to this Section shall be deed-restricted to assure the availability of the unit for sale or rent to persons meeting the income guidelines and definition set forth in §13.3 C. above, for a period of time no less than 20 years. The mechanism used to restrict the unit shall be approved by the City Attorney.

#### §13.4 TRANSFER OF DEVELOPMENT RIGHTS

Reserved for Future Use

#### §13.5 OPEN SPACE AND NATURAL FEATURES

Reserved for Future Use

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# Incentives – Attainable Housing Discussion

## Notes from the February 27<sup>th</sup> Work Session

- deed restrictions – how they are set up, who is responsible?
- income limitations – is based off the US Dept. of Housing and Urban Development and includes the whole county. Can we get numbers for Gunnison only?
- Is there a need for these attainable units?
- Can the homes be built within housings costs for renters and owners (using the formulas?) or would there have to be supplemental money to achieve goals?
- enforcement – who enforces or keeps track of the attainable units? What if lease expires and income changes (for renters)?
- what other communities are doing?
- Andy Tocke comment – the incentives section is not pro-active...we need to give developers a tool to be more productive.

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Comparison of Essential Housing / Incentives Policies

City	Date	Essential Housing / Growth Management / Inclusionary Housing / Workforce Housing
Aspen	2010	Has a Growth Management Quota System with annual development ceilings for affordable housing. A prescribed number of affordable housing units in each type of development. Change of use of historic sites/structures, and other non-residential development requires at least one "free-market" residence. Percent of affordable housing required for minor development is based on employees generated. Requirements if affordable housing is demolished. Major development applications will have annual development allotments and development ceiling levels. Has provisions for cash-in-lieu payment if affordable housing is impractical.
Breckenridge	6/30/1905	County-wide 0.125% sales tax and development impact fee for affordable housing. Summit Combined Housing Authority to represent jurisdictions in Summit County. 116 units dispersed through town that are deed-restricted. Town is expanding efforts to acquire free-market units. Couldn't find any land development policies related.
Chaffee County	11/17/2005	Residential Development Incentives to allow additional lots in residential developments with minimum lot sizes to allow for open space.
Crested Butte	7/4/1905	Resident Occupied Affordable Housing (ROAH) Policy. Formula for residential units required depending upon square footage of residential unit(s) and new square footage of non-residential developments. Incentives include reduced square footage requirements for ROAH units on the same property or if developer can demonstrate that the number of employees generated is less than the formula. Compliance includes construction of new units; construction of new units on town-owned property; conveyance of land to the town; accessory dwellings; restrictive covenant on existing residential units; payment in lieu of constructing ROAH units. For every 5th ROAH unit, 1 unit does not have to be deed restricted. Has standards for ROAH units.
Durango	12/18/2012	Requirements for providing Fair Share Homes. Eligibility is income not to exceed 125% of median income. Fair Share Homes are sold to eligible owner-occupants pursuant to a Fair Share Agreement at or below certain prices described in the Administrative Procedures Manual. Fair Share Home prices are tiered. Price adjustment for green building. Restrictions on use of 3rd party subsidies by for-profit builders. Has alternatives for building Fair Share Homes - cash, undeveloped land, partially developed land, payment of fees in lieu. Resale controls and subsidy recapture policies. Cost offsets for Fair Share Developers - fee refunds/waivers for building permits, use tax, water, sewer.
Estes Park	2010	Incentives for developments that exceed minimum requirements including preserving open space, natural features, and development of attainable housing. Density bonuses shall not exceed maximum density allowed by more than 50%. Allows clustering to preserve open space and environmentally sensitive areas as well as more economical design to reduce infrastructure costs. Has specific design standards for attainable housing.
Gunnison County		Essential Housing Policy. Incentives to provide essential housing: expedited review process; increase in allowable living area; increase in building height, reduced setback requirements; deferred fees; modified development standards; possible reduction in parking space and open space requirements.
Mt. Crested Butte	2011	Employee Housing Unit Policy. All applications for design review must provide either 1 employee living space or one seasonal employee living space. Deed restricted. Fees in Lieu of Dedication. Can petition release or suspension of restrictions if it appears the need for employee housing no longer exists.
Steamboat Springs	02/16/10	Community Housing either set aside a portion of new residential development or a financial equivalent as condition for approval. Alternatives are off-site housing, dedication of land, or payment of fee-in-lieu. Inclusionary housing requires percentage of community housing for developments. Compliance methods: develop units on-site, develop units off-site, dedicate lots either on or off-site; dedicate land, payment of a fee-in-lieu, real estate transfer fee. Exit strategy if within 12 months the units are available there are no buyers that are eligible, can be sold to City or Housing Authority. Minimum size requirements. Community Housing Plan required. Council can grant a variance. Incentives include fee exemption and expedited plan review.
Telluride	7/1/2012	Affordable Housing Guidelines. Purpose is to provide affordable housing for persons who make a living within the boundaries of the school district. Have deed restrictions. Housing mitigation units. Income tiers. Payments-in-lieu of fees are held in escrow to be used toward production of additional affordable housing. Fair Market Housing is deed restricted. Dormitory or shared facility housing can also satisfy requirement for affordable housing. There are town constructed units that are deed restricted. Houses available for purchase are designated for sale by an ownership lottery. Employee dwelling units have rental procedures, deed restriction and construction standards.

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## 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
<b>RESIDENTIAL DISTRICTS</b>	
R-1	Single family Residential
R-1M	Single family Residential Modified
R-2	Duplex Residential
RMU	Residential Mixed Use
R-3	Multifamily Residential
<b>NONRESIDENTIAL DISTRICTS</b>	
B-1	Professional Business
CBD	Central Business
C	Commercial
I	Industrial
<b>SPECIAL PURPOSE AND PLANNED DISTRICTS</b>	
WSCU	Western State Colorado University
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.

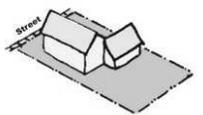
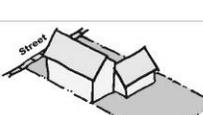
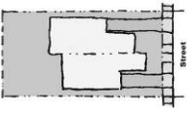
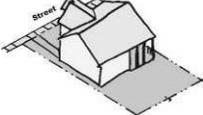
## D. Planned Unit Districts

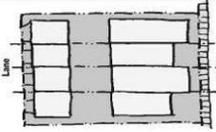
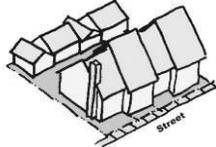
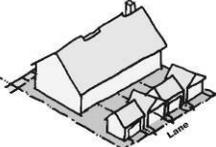
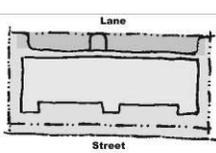
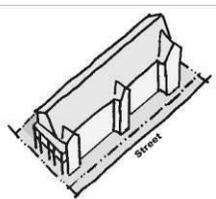
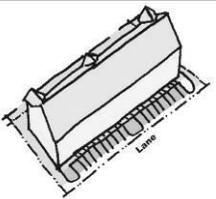
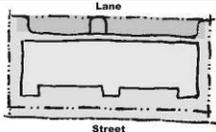
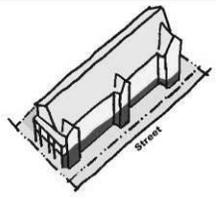
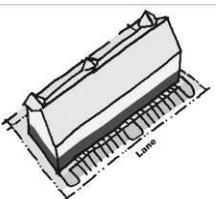
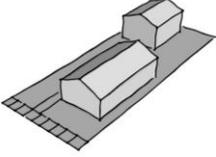
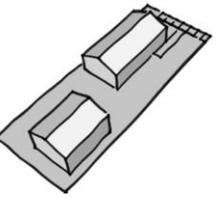
1. A Planned Unit Development (PUD) is a land area such that varying land uses and innovative design and layout of the development provide significant benefits to both the developer and the City over those land use patterns developed and regulated under conventional zoning districts and development standards. 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 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	P	C	C		§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
	Assisted Living 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	--
Recreation and Entertainment, Outdoor	Recreational vehicle parks					C					--

<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	
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	--	
Vehicle Repair	Auto body shops								C	P	§3.7.B.2
	Auto, truck and boat repair								C	P	§3.7.B.2
	Quick lube service								P	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 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	--
	Wholesalers of food, clothing, and parts										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		
<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.

TABLE 2-4 RESIDENTIAL DIMENSIONAL STANDARDS					
Dimensional Standard	R-1	R-1M	R-2	RMU	R-3
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%
1 Density calculations for residential Development may be subject to slope protection standards (§5.2) and Section 13.					
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					

**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.

TABLE 2-5 NONRESIDENTIAL DISTRICT DIMENSIONAL STANDARDS				
STANDARD	B-1	C	CBD	I
<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.

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Remove

Zoning - Industrial Large Scale  
Industrial Small Scale

Add

Erich Ferchau's Comments on Use Table

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	C	§3.3 C
	Duplex dwellings			C	P	P	C		C	C	§3.3C
	Townhouses				P	P					§3.3F
	Multifamily dwellings				P	P	C		C	C	§3.3D
	Manufactured homes (construction type)	P	P	P	P	P	C	C	C	C	§3.3B
	Mobile home parks					C				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
	Assisted Living 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									P	--
	Detention Center								C	P	--
Educational Facilities	Schools (Technology)	C	C	C	C	C	C	C	P	C	§3.4A
Day Care	Day care homes, schools and centers			P	P	P	P		P		§3.5A
Medical	Hospitals						C		P		--
Parks and Open Space	Cemeteries, mausoleums, columbarium					C		C	P		--
	Parks and recreational facilities	P	P	P	P	P	P	P	P	C	--
Religious Institutions	Churches or places of worship	C	C	C	C	C	C	C	P		§3.5B
Utilities	Major utilities Solar farms								C	P	--
	Minor utilities wind, panels, etc.?	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	P	--
	Fairgrounds					C		C	P	P	--
Office	Banks and financial institutions							C	P	P	C
	Radio and television studios							P	P	P	C
	Government offices					C		P	P	P	P
	Professional offices							P	P	P	C
	Medical clinic or dental office							P	P	P	C
Parking, Commercial	Commercial parking lots and garages							P	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			C	C	--	
Retail Sales and Service, Sales-Oriented	Art Galleries						P	P	P	P	--	
	Auto sales and rental								P	P	--	
	Automotive Supplies								P	P	--	
	Book stores						P	P	P	P	--	
	Convenience Stores, without gas pumps							C	P	P	--	
	Drive-in						C	C	C	C	§3.12B	
	Furniture and Appliance Stores							P	P	P	--	
	Greenhouse or nursery							P	P	P	--	
	Outside Sales or Display							P	P	P	§3.7B3	
	Rental of equipment and supplies							P	P	P	--	
	Recreational Vehicle Sales							C	P	P	--	
	Lumber and building material sales							C	P	P	--	
	Retail Grocery Store							P	P	C	--	
	Butcher Shop							C	P	P	-- Same reason as all other I	
Retail Sales and Service, Personal Service-Oriented	Athletic or Health Clubs							P	P	P	--	
	Barber and beauty shops						P	P	P	P	--	
	Drive-in <i>restaurant, theater?</i>						C	C	C	C	§3.12B	
	Funeral homes and mortuaries							C	P	P	--	
	Kennels <i>Noise</i>							P	P	P	--	
	Photography studios						P	P	P	P	--	
	Dry cleaning drop-off/pick-up						P	P	P	P	--	
	Laundromats							C	P	P	--	
Accommodations	Veterinary clinic <i>Noise</i>								P	P	--	
	Bed and breakfasts					C	C	C	C	C	§3.7A1	
	Hotels and motels							P	P	P	§3.7A3	
	Hostels					C	C	C	P	P	§3.7A2	
	RV Parks							C	C	C	§3.7A4	
Retail Sales and Service, Eating and Drinking -Oriented	Restaurants							C	P	P	C	
	Drive-in							C	C	C	C	§3.12B
	Bars and taverns							C	P	P	C	
	Coffee shop/bakery							C	P	P	P	
Retail Sales and Service, Entertainment-Oriented	Private lodges and clubs							C	P	P	C	
	Recreation, indoor							P	P	P	C	
Theater								P	P	C	--	
Retail Sales and Service, Repair-Oriented	Appliance repair							P	P	P	--	
	Bicycle repair						P	P	P	P	--	
	Locksmith							P	P	P	--	
Self-storage Warehouse	Mini-warehouses and mini-storage							C	C	P	--	
	Auto body shops								C	P	§3.7.B.2	

↑  
Hours of Service

-- Same reason as all other I

Mcs leading stand alone

Paintball

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	C	P	§3.7.B.2
	Quicklube service							C	C	P	§3.7.B.2
Vehicle Services, Limited	Car washes							C	C	P	--
	Convenience stores, with gas pumps							C	C	P	§3.7.B.1
	Service stations							C	C	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	P	P	--
	Chemicals or explosives manufacture								C		--
	Feed and grain sales							P	P	P	--
	Manufactured home sales/service								P	P	--
	Research laboratories								P	P	--
	Salvage or wrecking yards, or junkyards									C	--
	Sale, rental, leasing of heavy equipment								P	P	--
	Truck Stop								C	P	--
	Repair and service of industrial vehicles								P	P	--
Manufacturing and Production	Catering services						C	P	P	P	--
	Manufacture or assembly of machinery, equipment, instruments							C	C	P	--
	Printing, publishing and lithography						C	P	P	P	--
	Publishing and lithography							C	P	P	--
	Meat Butcher Shop							C	P	C	--
	Woodworking and cabinet shops							C	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								C	P	§3.9B
Waste-Related	Transfer stations								C	P	--
	Recycling centers								C	P	--
Wholesale Sales	Mail order houses						P		P	P	--

*Scale  
 Delivery  
 Noise  
 Service Hours  
 Viewshed*

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							C	C	P	--
<b>Other Uses Categories §3.10</b>											
Agriculture	Animal (farm animal) breeding or raising									C	--
	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									<del>C</del>	<del>§3.10C</del>
Telecommunications Facilities	Telecommunications facilities and towers							C	C	P	§3.11B
Alternative Energy	Solar Voltaic and Wind Turbines <del>See</del>									<del>P</del>	<del>§3.11D</del>
Temporary Commercial Activity	General retail sales or other commercial use operated outside of a building on a seasonal basis.							C	C	C	§3.13

by law

§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; *Scale*
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;

*requirements*  
*① deliveries / Access of big trucks*