

**ORDINANCE NO. 1
SERIES 2012**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, AMENDING TITLE 15, OF THE LAND DEVELOPMENT CODE, OF THE CITY OF GUNNISON MUNICIPAL CODE, ALLOWING THE USE OF LAND IN THE INDUSTRIAL ZONE DISTRICT WITHIN THE BOUNDARIES OF THE CITY OF GUNNISON FOR RETAIL SALES ESTABLISHMENTS, SUBJECT TO CONDITIONAL USE REVIEW.

WHEREAS, Church of the Good Samaritan, as owner of real property within the City of Gunnison, has filed an application with the City of Gunnison, Colorado, seeking a text amendment to allow retail sales establishments within in the Industrial district zone, subject to Conditional Use review; and

WHEREAS, the Planning and Zoning Commission of the City of Gunnison, Colorado, held a public hearing on said application pursuant to notice published in accordance with the City Code of the City of Gunnison, Colorado, on December 21, 2011; and

WHEREAS, the Planning and Zoning Commission of the City of Gunnison, Colorado, recommended to the City Council the approval of the requested Text Amendment to the *Land Development Code*, based on findings of fact established through the proceedings record; and

WHEREAS, the City Council of the City of Gunnison, Colorado, held a public hearing on the requested Text Amendment on January 24, 2012;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ORDAINS:

Section 1. Based upon the application seeking a Text Amendment to the *Land Development Code*, hereinafter described, the evidence presented to the City Council during the public hearing on the application seeking a Text Amendment, and further, based on the recommendation of the Planning and Zoning Commission of the City of Gunnison, Colorado, the City Council hereby finds as follows:

- A. That the Text Amendment complies with the review standards for Text Amendments (*LDC*, Section 15.150.050).
- B. That the Text Amendment allows retail sales establishments in the Industrial zone district, subject to Conditional Use review.
- C. That Conditional Use review will ensure the compatibility of surrounding uses and that adequate parking is provided.
- D. That commercial-oriented businesses with accessory retail sales are currently located in the Industrial zone district.
- E. That retail uses will likely be limited to smaller businesses with minor traffic demand.
- F. That the requested Text Amendment to the *Land Development Code* is consistent with the purposes of the underlying zone district because future retail uses will likely be small niche-market businesses.
- G. That the proposed Text Amendment is consistent with the *City of Gunnison Master Plan* and promotes the diversification of the sales tax base and increases opportunity of new business development.
- H. That based on the findings cited above, the approval of this text amendment protects the community's health, safety and welfare.

Section 2. That based on the foregoing findings of the City Council of the City of Gunnison, Colorado, the City Council hereby determines that the Text Amendment to the *Land Development Code*, herein described is in the best interests of the City of Gunnison, Colorado, and its citizens.

Section 3. Use Conditional in Industrial Zone District. Table 15.70.030: Schedule of Uses – Commercial/ Industrial Zone Districts, of the City of Gunnison Municipal Code, is hereby amended to read as follows:

Table 15.70.030: Schedule of Uses – Commercial/Industrial Zone Districts

(A = Allowed, C = Conditional, P = Prohibited)	B-1	CBD	C	I	Standards ¹
Commercial and Office Uses					
Clubs operated by and for their members	C	A	A	P	
Commercial lodging	P	C	A	P	
Commercial parking lots and garages	P	C	A	A	
Drive-in facility	P	C	A	P	GMC 15.70.040(A)
Drive-in food or beverage facility	P	C	A	P	GMC 15.70.040(A)
Indoor amusement and entertainment establishments	P	A	A	P	
Indoor and outdoor eating and drinking establishments	C	A	A	C	
Medical marijuana centers	P	P	P	P	
Professional offices	A	A	A	C	
Publishing business	A	A	A	A	
Radio and television studios	A	A	A	A	
Recreational vehicle park	P	P	C	P	
Retail sales establishment	C	A	A	C	GMC 15.70.040(B)
Sexually oriented businesses	P	P	P	A	GMC 15.70.040(D)
Temporary commercial activities	P	C	C	P	GMC 15.70.040(C)
Personal Services					
Bank, credit and loan services	C	A	A	P	
Beauty and barber shop	A	A	A	P	
Catering services	C	A	A	A	
Funeral home and mortuary	P	C	A	P	
Laundry and dry cleaners	P	A	A	C	
Photographic studios	A	A	A	P	
Repair and maintenance of small appliances, electronics and sporting goods	P	A	A	A	
Secretarial, copying and related service	A	A	A	A	
Self-service laundromat	P	P	A	P	
Tailor, tack or shoe repair services	P	A	A	C	
Travel agency	A	A	A	P	
General Services					
Agricultural feed and equipment supply store	P	P	C	A	
Automobile sales and rental	P	A	A	A	
Automobile service and repair	P	P	C	A	
Commercial storage of personal property in enclosed storage areas	P	P	P	A	
Commercial storage of personal property in open areas	P	P	P	C	
Gasoline service station and car wash	P	P	A	A	
Kennel	P	P	C	C	
Lumber and building supply store	P	P	C	A	

Mobile home and recreational vehicle sales and service	P	P	C	A	
Nursery, greenhouses and garden supply	P	P	C	A	
Rental, repair and service of light motorized and nonmotorized tools and equipment and large appliances	C	A	C	A	
Veterinary clinic	P	P	C	C	
Light Industrial Uses					
Bulk laundry, dry cleaning or carpet cleaning plant	P	P	P	C	
Cabinet and carpenter shop	P	P	C	A	
Manufacture or assembly of products from the following previously prepared materials: electronic components and wire, fibers, glass, leather, paper, plastics, textiles and wood	P	P	C	A	
Medical marijuana-infused products manufacture	P	P	P	P	
Optional premises cultivation operation	P	P	P	P	
Plumbing, heating, electrical, sheet metal, construction or paint contractors	P	C	C	A	
Printing establishments	C	C	C	A	
Satellite or electronic transmitting devices including radio or television stations	P	P	C	C	GMC 15.70.020(H)
Repair, rental, sales, service or storage of heavy equipment, heavy machinery, large appliances and boats	P	P	C	A	
Satellite or electronic reception devices	C	C	C	C	GMC 15.70.020(H)
Sign making and sign sale or repair shop	C	C	A	A	
Upholstery shop	P	C	C	A	
Warehouses and truck terminal	P	P	C	A	
Welding or machine shop	P	P	C	A	
Wholesale businesses	P	C	C	A	
Wood truss manufacture	P	P	C	A	
General Industrial Uses					
Bulk fuel storage facilities and wholesale sales of fuels	P	P	P	C	
Processing of aggregate, mineral, and other subsurface resources	P	P	P	C	
Junk yard, salvage yard, or automobile wrecking yard	P	P	P	C	
Laboratories	P	C	C	C	
Manufacture of chemicals and explosives	P	P	P	C	
Meat processing plant	P	P	C	C	
Ready mix concrete or hot mix plant	P	P	P	C	
Wood processing, including millwork and sawmill	P	P	C	A	
Tire retreading or vulcanizing shop	P	P	P	C	
Yards for stockpiling coal, sand, gravel, and other materials	P	P	P	C	
Airport Uses					
Air cargo terminal	P	P	P	A	
Air passenger terminal, including airline ticketing facilities and ground support facilities; food, personal service, and retail businesses within the terminal	P	P	P	A	
Aircraft sales, rental, repair, service, and storage	P	P	P	A	

Air side facilities such as runways, taxiways and aprons for the arrival and departure of aircraft	P	P	C	A	
Aviation fuel storage, hangars, and air traffic control facilities	P	P	P	A	
Public and Institutional Uses					
Bus station	P	C	C	C	
Church, parish home, and religious education building	C	A	A	P	
Community buildings and uses	C	A	A	P	
Government administrative facilities, services and buildings	C	A	A	A	
Hospital	P	P	C	P	
Nursing home	P	P	A	P	
Parks and recreation facilities	A	A	A	A	
Public parking facilities	P	C	C	C	
School	C	C	C	C	
Residential Business Uses					
Bed and breakfast inn	C	C	C	P	
Daycare home	A	A	A	C	GMC 15.70.020(E)
Daycare school	C	C	C	C	GMC 15.70.020(E)
Daycare center	P	P	C	P	GMC 15.70.020(E)
Home occupation	A	A	A	P	GMC 15.70.020(F)
Home business	A	A	A	P	GMC 15.70.020(F)
Rooming or boarding house ²	C	C	C	P	
Residential Uses					
Single-family dwelling unit ³	A	C	C	P	
Duplex Dwelling unit ³	A	C	C	P	
Multiple-family dwelling units ³	C	P	C	P	
One or more dwelling units on the same site as a commercial or industrial use ⁴	A	A ⁵	C	A	
Notes:					
1. The standards referenced herein are in addition to all other applicable standards of this land development code.					
2. Provided county/state health code space and sanitation requirements are met.					
3. These uses refer to dwelling units which are the primary use of the property.					
4. These dwelling units shall be accessory to a commercial or industrial use.					
5. In the CBD, dwelling units on the same site as commercial uses shall only be located off the street level.					

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this 14th day of February, 2012, on first reading, and introduced, read, and adopted on second and final reading this 28th day of February, 2012.

(SEAL)


Mayor

ATTEST:


City Clerk