

Conditional Use
Land Development Code
Section 7

CITY OF GUNNISON
DEVELOPMENT ASSISTANCE PACKET

This Development Assistance Packet has been prepared for your convenience and assistance in processing land use applications in the City of Gunnison. You should note that this Development Assistance Packet contains excerpts from the *City of Gunnison Land Development Code*. Please be advised that the *City of Gunnison Land Development Code* is amended from time to time and such amendments may not be included within the Development Assistance Packet. It is your responsibility to review the entire *City of Gunnison Land Development Code* and all amendments thereto, which are maintained in the office of the City Clerk, to determine if you have all of the current ordinances related to the *City of Gunnison Development Code* and what effect, if any, the *City of Gunnison Land Development Code* has on your property, project, or application.

Prepared by the City of Gunnison
Community Development Department
(970) 641-8090

January 2014

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Application Fact Sheet
City of Gunnison Land Development Code
Minimum Application Contents
In accordance with §6.5 C.

City of Gunnison
P.O. Box 239
Gunnison, CO 81230
(970)641-8090

Applicant Name(s):
Phone #: _____ Fax #: _____ E-Mail: _____
Mailing Address: _____
City: _____ State: _____ Zip: _____
Legal Description Site Address of Property: _____ Zoning _____ Block: _____ Lot(s): _____ Addition: _____
Disclosure of Ownership- Please provide one of the following: <input type="checkbox"/> Assessor Parcel Info <input type="checkbox"/> Mortgage <input type="checkbox"/> Deed <input type="checkbox"/> Judgments <input type="checkbox"/> Liens <input type="checkbox"/> Contract <input type="checkbox"/> Easement Agreement <input type="checkbox"/> Other Agreements
Summary of Request:
Attachments: <input type="checkbox"/> Vicinity Map (8.5"X11") <input type="checkbox"/> Description of Proposal <input type="checkbox"/> Names, Addresses and Map of Adjoining Property Owners (From Assessor's Office) <input type="checkbox"/> Vested Property Rights <input type="checkbox"/> Authorization of Agent (Power of Attorney from Owner, if not the applicant) <input type="checkbox"/> Site Plan (11"x17") to scale , includes dimensions and location of all structures, parking spaces and access, snow storage, landscaping, live cover, utility lines, road/street names, land uses of adjacent properties, setbacks. Include a table for all dimensional requirements based on §2.6. (See attached sample)
YOU ARE REQUIRED TO SUBMIT FOUR (4) COMPLETE COPIES OF YOUR APPLICATION
Signature(s) _____ _____ Date _____ Date _____
For Office Use Only
<input type="checkbox"/> Conditional Use <input type="checkbox"/> Variance <input type="checkbox"/> Zoning Amendment <input type="checkbox"/> Major Subdivision <input type="checkbox"/> Minor Subdivision <input type="checkbox"/> Subdivision Exemption <input type="checkbox"/> Mobile Home/RV Park <input type="checkbox"/> PUD <input type="checkbox"/> Vacation <input type="checkbox"/> Consolidated Application

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City of Gunnison Minimum Application Contents

- Name of Applicant(s)
- Applicant's mailing address and telephone number
- Name of owner, if not applicant
- Power of Attorney, Authorization of Agent, or letter from owner authorizing application
- Site address of subject property
- Legal description of subject property
- Disclosure of Ownership – names of all owners of the property, all mortgages, judgments, liens, easements, contracts and any agreements that run with the land.
- Vicinity map, 8½ x 11 locating the subject parcel within the City of Gunnison
- Written Description of the proposal and an explanation in written, graphic or model form of how the proposed development complies with the review standards applicable to the application.
- Names and mailing addresses of adjoining property owners within 100 feet of the application property boundary and a map showing the location of these owner's properties in relation to the proposal. Include properties adjacent to the sides, rear, front and diagonal, across streets and alleys. (Obtain from County Assessor's Office)
- Vested property rights, if any.
- A site plan, 11 x 17 to scale, showing dimensions and locations of existing and proposed features, buildings, road and street names, alleys, utility lines (overhead and underground), landscaping, individual parking spaces, access, building setbacks from all property lines, snow storage area. Site plan should include a table showing the dimensional standards (see Table 2-3 attached), and the actual measurements and percentages of the parcel. See the Community Development Office for Assistance.

City of Gunnison Land Development Code – Commonly Used Articles:

Section 2	Zoning Districts includes Principal Use Table (Table 2-3) Dimensional Standards (Tables 2-4 and 2-5)
Section 3	Specific Use Regulations
Section 4	General Development Standards (includes Road Construction Standards, General Site Access, Off-Street Parking and Loading (Table 4-7), Landscaping, Buffering and Screening, Outdoor Lighting)
Section 6	Development Review Procedures
Section 7	Conditional Uses
Section 8	Variances
Section 12	Subdivision Standards

The *Land Development Code* is available on-line at: www.cityofgunnison-co.gov
Copies can also be obtained from the Community Development Office

ADDITIONAL DOCUMENTS MAY BE REQUIRED

Thank you for your complete application.
Call 641-8090 for additional information

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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	
Residential Use Categories (§3.2)											
Household Living	Accessory Dwelling ¹			P	P	P	P	P	P	P	§3.3H
	Duplex dwellings			P	P	P	C		C		§3.3C
	Manufactured homes	P	P	P	P	P	P	C	C		§3.3B
	Mobile home parks					C					§3.3I
	Multi-family dwellings				P	P	C		C		§3.3D
	Single-family dwellings	P	P	P	P	P	P	C	C		§3.3 C
	Townhouses				P	P					§3.3F
	Upper story residential ¹						P	P	P	P	§3.3G
	Zero lot line dwellings			P	P	P					§3.3E
Congregate Living	Assisted Living homes	C ²	C ²	C ²	C ²	C ²			C ²		§3.3J
	Nursing home			C	C	C			C		§3.3J
	Rooming and boarding houses, dormitories, fraternities or sororities				C	C					§3.3K
Home Occupation and Home Business	Home Occupation	P	P	P	P	P	P	P	P		§3.3L
	Home Business	C	C	C	C	C	P	P	P		§3.3L
Marijuana	Marijuana Cultivation Facility										
	Marijuana Establishment										
	Marijuana Product Manufacturing										
	Marijuana Testing Facility										
	Personal Use of Marijuana	P	P	P	P	P	P	P	P	P	§3.3M
	Retail Marijuana Store										
Marijuana, Medical	Medical marijuana centers										--
	Medical marijuana-infused products manufacture										--
	Optional premises cultivation operation										--
Public, Civic and Institutional Use Categories (§3.4)											
Community Service	Detention Center									P	--
	Mausoleum, columbarium	C	C	C	C	C	C	C	P		--
	Neighborhood or community centers	C	C	C	C	C	P		P		--
	Public garage or shop									P	--
Educational Facilities	School, public or private	C	C	C	C	C	C	C	C		§3.4A
	School, trade or business	C	C	C	C	C	C	C	C	C	
Day Care	Daycare Center			C	C	C		C			§3.5A
	Daycare Home	C	C	P	P	P	P	P	P	C	
	Daycare School			C	C	C	C	C	C	C	

¹ See special allowances in the Use Standards.

² Conditional Use is limited to not more than eight developmentally disabled or eight mentally ill persons pursuant to CRS §31-23-304(4).

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		
Marijuana-Related Business	Marijuana Club											--
Medical	Hospitals						C		P			--
Parks and Open Space	Parks and recreational facilities	P	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 (private only)	C	C	C	C	C	C	C	C	P		--
	Minor utilities	P	P	P	P	P	P	P	P	P		--
Accommodation, Retail, Service - Commercial Use Categories (§3.6)												
Entertainment Event, Major	Auditoriums							C	P	P		--
	Fairgrounds										P	--
Office	Banks and financial institutions						C	P	P			--
	Government offices					C	P	P	P	P		--
	Medical clinic or dental office						P	P	P			--
	Professional offices						P	P	P	C		--
	Radio and television studios						P	P	P			--
Parking, Commercial	Commercial parking lots and garages							C	P	P		--
Retail Sales, Rental and Service, Sales-Oriented	Art Galleries						P	P	P			--
	Auto sales and rental								P	P		--
	Automotive Supplies								P	P		--
	Book stores						P	P	P	C		--
	Convenience Stores, without gas pumps							P	P	P		--
	Drive-in						C	C	C	C		§3.12B
	Furniture and Appliance Stores							P	P	P		--
	Greenhouse or nursery						C	C	P	P		--
	Lumber and building material sales								C	P		--
	Outside Sales or Display								C	P	P	§3.7 B.3.
	Recreational Vehicle Sales									P	P	--
	Retail Grocery Store							C	C	P	C	--
	Retail Sales and Service, Personal Service-Oriented	Athletic or Health Clubs						P	P	P	P	
Barber and beauty shops							P	P	P			--
Drive-in							C	C	C	C		§3.12.B.
Dry cleaning drop-off/pick-up							P	P	P	P		--
Funeral homes and mortuaries								C	P	P		--
Kennels									C	P		--
Laundromats						C			P	P		--
Marijuana Club												
Marijuana Establishment												
Marijuana Retail Store												
Medical Marijuana Centers												--
Photography studios								P	P	P	P	--
Veterinary clinic										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		
Accommodations	Bed and breakfasts				C	C	C	C				§3.7 A.1.
	Hostels				C	C	C	C	P			§3.7 A.2.
	Hotels and motels							C	P			§3.7 A.3.
	RV Parks					C			C	C		§3.7.A.4.
Retail Sales and Service, Eating and Drinking –Oriented	Bars and taverns							P	P	C		--
	Coffee shop/bakery						C	P	P	P		--
	Drive-in							C	C	C		§3.12 B.
	Restaurants						P	P	P	C		--
Retail Sales and Service, Entertainment-Oriented	Private lodges and clubs							P	P	C		--
	Recreation, indoor							P	P	C		--
	Theater							P	P	P		--
Retail Sales and Service, Repair-Oriented	Appliance repair							C	P	P		--
	Bicycle repair/rental						P	P	P	P		--
	Locksmith						C	P	P	P		--
Vehicle Services, Limited	Car washes								P	P		--
	Convenience stores, with gas pumps							C	P	P		§3.7 B.1.
	Service stations								P	P		--
Industrial Use Categories (§3.8)												
Industrial Sales and Service	Agricultural implement sales/service								P	P		--
	Building and heating contractors								P	P		--
	Chemicals or explosives manufacture									C		--
	Dry cleaning/dyeing plant							C	P	P		--
	Feed and grain sales								P	P		--
	Manufactured home sales/service								C	P		--
	Medical marijuana-infused products manufacture											--
	Marijuana testing facility											--
	Medical marijuana optional premises cultivation operation											--
	Repair and service of industrial vehicles									C	P	--
	Research laboratories									C	P	--
	Salvage or wrecking yards, or junkyards										C	--
	Sale, rental, leasing of heavy equipment									C	P	--
	Truck Stop									C	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		
Manufacturing and Production	Catering Services						C	P	P	P	--	
	Concrete or redi-mix plant									P	--	
	Greenhouse/nursery							C	P	P	--	
	Industrial Hemp Production									P	--	
	Manufacture or assembly of machinery, equipment, instruments								C	P	--	
	Meat Processing									C	--	
	Printing, publishing and lithography						C	P	P	P	--	
	Woodworking and cabinet shops								C	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	
Warehouse and Freight Movement	Air cargo terminal									P	--	
	Outdoor storage, general								C	P	§3.9B.	
	Post Office						P	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								C	P	--	
Other Uses Categories §3.10												
Adult entertainment	Sexually oriented businesses									C	§3.10 C.	
Alternative Energy	Solar Voltaic and Wind Turbines	C	C	C	C	C	C	C	C	C	§3.11 D.	
Aviation and Surface Transportation	Airports and related facilities, public									P	§3.11 A.	
Mining	Processing of aggregate mineral or other subsurface resources									C	§3.11 E.	
	Asphalt Batch Plant									C	§3.11 E.	
Telecommunications Facilities	Telecommunications facilities and towers							C	C	P	§3.11 B.	
Temporary Commercial Activity	General retail sales or other commercial use operated outside of a building on a seasonal basis.							C	C	C	§3.13	

TABLE 2-4 RESIDENTIAL DIMENSIONAL STANDARDS

Dimensional Standard	R-1	R-1M	R-2	RMU	R-3
Maximum density (units/acre) ¹	3.5	6	14	16	30
Lot Size Single-Family (sq. ft.) ¹	8,000	6,250	6,250	6,250	6,250
Lot Size Duplex (per unit) (sq. ft.) ¹			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.) ¹					
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 ¹					
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'	50'	50'
Minimum setback front²	15'	15'	15'	15'	15'
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 landings and steps of a covered porch may encroach into the front yard pursuant to §1.7.L.3.d

TABLE 2-5 NONRESIDENTIAL ZONE DISTRICT DIMENSIONAL STANDARDS

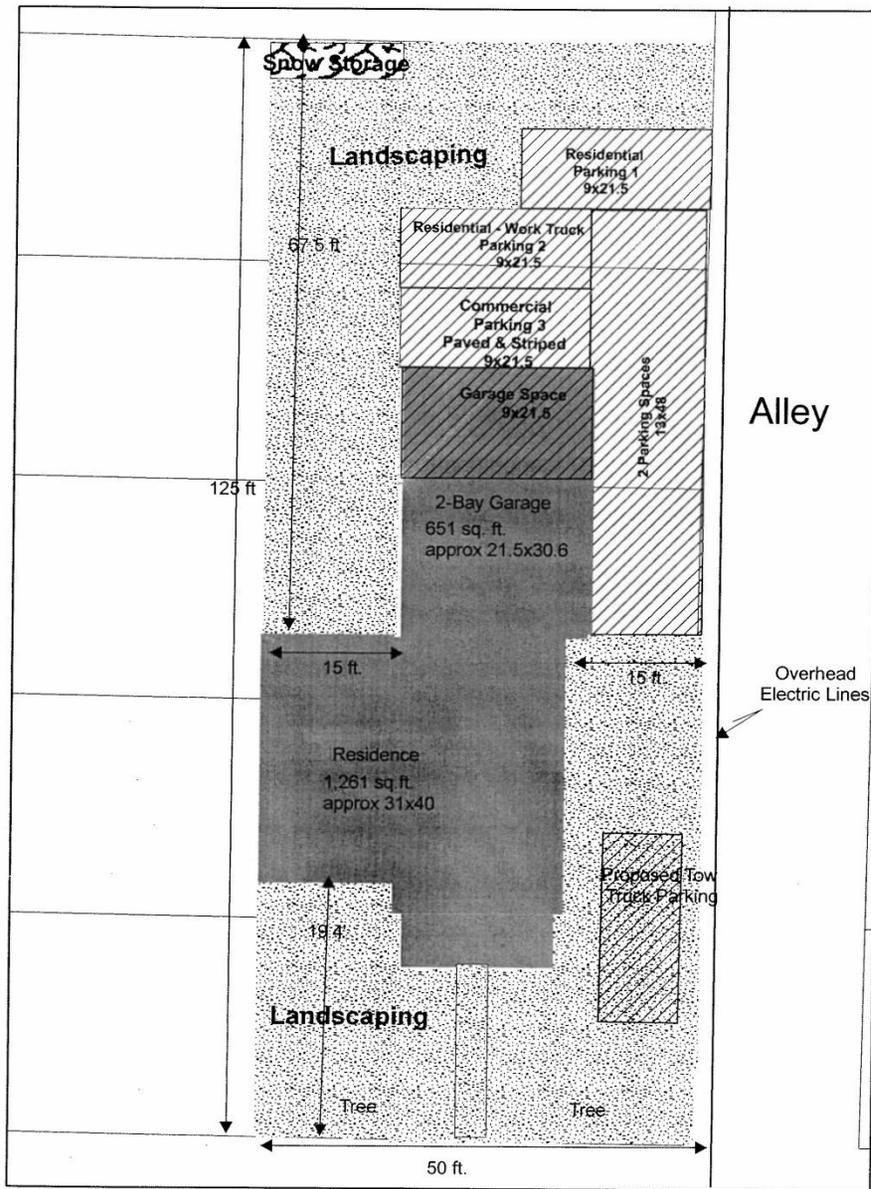
STANDARD	B-1	C	CBD	I
DENSITY				
Max. density (units/acre)	7	14	NA	7
LOT				
Minimum lot size (sq. ft.)	6,250	8,000	--	6,250
Minimum lot frontage (ft.)	50	50	--	50
Maximum lot coverage: (%) structures	40	50	100	60
Maximum lot coverage: (%) Parking Access	15	40	N/A	30
Minimum landscape area (%)	45	10	--	10
BUILDING				
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.) ¹	32	32	32	--
BUILDING SETBACKS				
Minimum from side lot line (ft.)	5	5 ²	no. req.	5 ¹
Minimum from rear lot line (ft.) principal building	5	5 ²	no req.	5 ²
Minimum from rear lot line (ft.) accessory building	5	5 ²	N/A	N/A
Minimum from front lot line (ft.)	15 ³	15 ²	no req.	0 ²
Other Standards				
Snow Storage Area (% of parking and access coverage)	15	15	N/A	15

¹Storage is required for multi-family dwellings) (§3.3D)

² Uses adjacent to residential zone districts shall comply with Zone District Buffer Standards (§4.6 F. 3).

³ Parking not allowed within front setback area in B-1 Zone District

SAMPLE SITE PLAN



Tomichi Avenue

APPLICANT NAME: _____
 SITE ADDRESS: _____
 11 X 17 SITE PLAN

Total Parcel Size: 6,250 square feet:

Dimensional Standards:

Dimension	Required	Actual
Structures:	50%	30% 1,912 sq. ft.
Landscaping:	10%	42% - 2,577 sq. ft.
Parking/Access	40%	28% - 1,761 sq. ft. (see below)

Landscaping Requirements:

This site is located in the Entrance Overlay zone which requires two trees within five feet of the sidewalk.

Parking Requirements:

- Residence 2 parking spaces
- Bays 2 parking spaces per 2 bays
- Tow Trucks 3 spaces on rear of lot
- Seven spaces required by Code
- Two spaces will be located in driveway access

Total Parking/Access Dimensions:

Parking 1	9 x 21.5	193.50
Parking 2	9 x 21.5	193.50
Parking 3	9 x 21.5	193.50
Parking 4 & 5	13 x 48	624.00
Parking 6	in bay	does not count toward uncovered parking
Total Uncovered Parking/Access:		1204.5 sq. ft./19%

Notes:

Snow Storage: (approximately 15' x 4') will be on the northwest side of the lot in the landscaped area. Landscaping is predominantly live cover except 220 sq. ft. of sidewalks.

1 inch equals 15 feet



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Section 7. Conditional Uses

§7.1 GENERAL

Conditional Uses are those 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. Only those uses authorized as a Conditional Use for each zone district in §2.4 may be approved as a Conditional Use.

§7.2 PROCEDURE

An applicant requesting Conditional Use approval shall follow the stages of the City of Gunnison land development process outlined below.

- A. Preapplication Conference.** Attendance at a preapplication conference is optional, but recommended, for an applicant intending to submit an application for a Conditional Use permit.
- B. Submit Application.** The applicant shall submit a complete application to the Community Development Director containing those materials listed in §7.3 or §7.4, as applicable.
- 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 §7.5.
- D. Review by External Consultants.** The technical comments and professional recommendations of other agencies, organizations, and consultants may be solicited in drafting the report.
- E. Public Notice.** Public notice that the Commission will conduct a hearing to consider the application for a Conditional Use shall be provided as specified in §6.7, Stage 4: Provision of Public Notice.
- F. Public Action by Commission.** The Commission shall conduct a public hearing to review the conformance of the application with all applicable provisions of this *LDC*. The Commission shall approve, approve with conditions, or deny the application, or remand it to the applicant with instructions for modification or additional information or action.
- G. Actions Following Approval.** The applicant may apply for a site development permit following approval of the Conditional Use permit and the filing and, if applicable, recordation of any documents required by the permit approval.

§7.3 GENERAL CONTENTS OF A CONDITIONAL USE APPLICATION

All Conditional Use applications, except those for a mobile home park or recreational vehicle park, shall contain the following materials. A Conditional Use application for a mobile home park or recreational vehicle park shall contain those materials specified in §7.4.

- A. Minimum Contents.** The minimum contents for all applications specified in §6.5 C, Minimum Application Contents.

- B. Site Plan.** A site plan (with a scale of one inch equals 20 feet or alternate scale approved by the Director) of the subject property, showing existing and proposed features, buildings, roads, alleys, easements, utilities, wetlands, floodplains, etc., which are relevant to review of the Conditional Use application. Current land use of properties on all sides of the property and across streets and alleys must be included on the site plan or accompanying map.

- C. Other Information.** The Community Development Director may request the applicant to submit such other information as is necessary to evaluate the impacts of the Conditional Use application. Examples of the information which may be requested are elevation views of proposed new or remodeled structures, analysis of the traffic impacts of the proposed use, or evaluation of the environmental impacts of the proposed use.

§7.4 APPLICATION CONTENTS - MOBILE HOME PARK OR RECREATIONAL VEHICLE PARK

A Conditional Use application for a mobile home park or recreational vehicle park shall contain the following materials:

- A. Minimum Contents.** The minimum contents for all applications specified in §6.5 C, Minimum Application Contents.

- B. Site Plan.** A site plan at a scale of one inch equals 100 feet or such other scale as is approved by the Community Development Director, showing:
 - 1. Site Dimensions.** Site dimensions and boundaries.

 - 2. Utilities.** The location, size, and use of all utilities, utility easements, and other site improvements, such as lighting and trash disposal, proposed to be constructed within the park.

 - 3. Roads.** The location, width, and proposed standards for roads, sidewalks, and other paths.

 - 4. Spaces.** The location, size, classification, and designated use of all mobile home or recreational vehicle spaces.

 - 5. Common Areas.** The location and size of parking lots and spaces, recreation and open space areas and proposed landscaping improvements to the same.

 - 6. Buildings and Accessory Structures.** The location, size, and height of buildings and accessory structures and a description of the proposed use of those buildings and structures, including the location and floor plan of proposed service buildings.

- C. Grading and Drainage Plans.** At the discretion of the Community Development Director, grading and drainage plans showing and describing the existing and proposed means of handling on-site drainage.

- D. Utilities.** A written description of the general manner in which water supply, sewage disposal, electric supply, natural gas, storm water drainage, telephone, street lighting, irrigation water, cable television (if appropriate), and trash collection services will be provided to the park.

§7.5 REVIEW STANDARDS

An application for Conditional Use approval shall comply with the following standards:

- A. Consistency with *Master Plan*.** The use shall be consistent with the *City of Gunnison Master Plan*.
- B. Conformance to *Codes*.** The use shall conform to all other applicable provisions of this *LDC* and the *City of Gunnison Municipal Code*, including, but not limited to:

 - 1. Zoning District Standards.** The purpose of the zone district in which it is located, the dimensional standards of that zone district §2.4 (Principal Use Tables) and §2.6 (Base Zone District Dimensional Standards).
 - 2. Specific Use Regulations.** All Conditional Use applications shall comply with all applicable Special Use Regulations set forth in Section 3 of this *LDC*.
 - 3. General Development Standards.** All Conditional Use applications shall comply with all applicable regulations, criteria and standards set forth in Section 4 of this *LDC*.
 - 4. Natural Resource Protection Standards.** All Conditional Use applications shall comply with all applicable regulations, criteria and standards set forth in Section 5, Natural Resource Protection Standards, of this *LDC*.
- C. Use Appropriate and Compatible.** The use shall be appropriate to its proposed location and be compatible with the character of neighboring uses, or enhance the mixture of complementary uses and activities in the immediate vicinity.
- D. Traffic.** The use shall not cause undue traffic congestion, dangerous traffic conditions or incompatible service delivery, parking or loading problems. Necessary mitigating measures shall be proposed by the applicant.
- E. Nuisance.** The operating characteristics of the use shall not create a nuisance and the impacts of the use on surrounding properties shall be minimized with respect to noise, odors, vibrations, glare, and similar conditions.
- F. Facilities.** There shall be adequate public facilities in place to serve the proposed use, or the applicant shall propose necessary improvements to address service deficiencies which the use would cause.
- G. Environment.** The use shall not cause significant deterioration to water resources, stormwater volume and quality, wetlands, wildlife habitat, scenic characteristics, or other natural features. As applicable, the proposed use shall mitigate its adverse impacts on the environment.

§7.6 TEMPORARY COMMERCIAL USES STANDARDS.

In addition to the Conditional Use Review Standards (§7.5), temporary commercial activities shall comply with criteria and standards established in §3.13 C. of this *LDC*.

§7.7 COMMISSION AUTHORIZED TO IMPOSE CONDITIONS

The Community Development Director may recommend, and the Commission may impose, such conditions as are necessary to maintain the integrity of the City's zone districts, to ensure the use is consistent with the *City of Gunnison Master Plan*, conforms with this *LDC*, is appropriate to its location and compatible with neighboring uses, is served by adequate public facilities and does not cause undue traffic congestion or significant deterioration of the environment. Authorized conditions include, but are not limited to:

- A. Site Planning Features.** Limitations or requirements regarding the area, height, setbacks, open space, landscaping, impermeable surface coverage, buffering, lighting, fencing, signage, off-street parking, and similar site planning features of the proposal.
- B. Public Facilities.** Requirements to improve public facilities which are necessary to serve the Conditional Use.
- C. Operations.** Limitations or requirements on the operating characteristics of the use or the duration of the Conditional Use approval.
- D. Performance Guarantee.** As applicable, the Commission may require the applicant to post a financial guarantee, before development of the Conditional Use is initiated, to ensure performance of the conditions it has imposed.
 - 1. File Surety or Bond.** The applicant shall file with the City a surety or cash bond, letter of credit or other collateral found to be suitable by the City Attorney, in the amount specified by the Commission, to ensure the actual construction of required improvements or the installation of required landscaping within that period of time which the Commission has specified.
 - 2. Certification and Release.** Upon completion of the required improvements or installation of the required landscaping, the applicant shall provide certification from a licensed professional engineer or landscape professional, as applicable, that the improvements or landscaping have been installed in conformance with the approved plan. The security shall be released within seven calendar days following receipt of an acceptable certification, and inspection by the City.
 - 3. City Use of Security.** In the event the improvements or landscaping are not installed, or are installed in a manner which does not conform with the approved plan, the City may draw upon the security to bring the improvements or landscaping into conformance with the approved plan or, if development was initiated, but never carried through to completion, to return the site to its predevelopment condition.

§7.8 EXPIRATION OF CONDITIONAL USE APPROVAL

- A. Time Limit.** At the time that the Commission grants a Conditional Use approval, it shall identify the time period for completion of the Conditional Use. In no case shall this time period exceed three years from the date of approval. If the action is not completed within this time period, the Conditional Use approval shall automatically expire.
- B. Extension.** The applicant may submit a request to the Community Development Director to extend the Conditional Use approval. The extension request shall be submitted prior to the date of

expiration and shall specify the reasons why the development has not been completed to date. The approval shall be deemed extended until the Commission has acted upon the request for extension at a meeting as a regular agenda item. The Commission shall be authorized to extend the approval, by a period of up to one year, and to impose additional conditions if necessary.

§7.9 INSUBSTANTIAL CHANGES AND AMENDMENTS TO APPROVED CONDITIONAL USE

- A. Insubstantial Changes.** Insubstantial changes to a development approval for a Conditional Use may be approved by the Community Development Director. An Insubstantial Change is one that becomes necessary due to technical or engineering considerations discovered during actual development, or operational characteristics discovered after the use is developed, that could not reasonably be anticipated during its initial review and that, in the discretion of the Community Development Director, do not significantly change the original approval granted.

- B. Amendments.** All deviations from the original approval which do not qualify as an insubstantial change shall be considered an amendment to the original approval. Amendment of an approved Conditional Use shall only be approved by the Commission pursuant to §7.2 (Procedure).