

Section 13. Incentives

§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 affordable housing.

§13.2 GENERAL PROVISIONS

- A. Types of Incentives.** Incentives established herein are: density bonuses, which allow for greater density than that allowed in the underlying zone district; and, increased flexibility in dimensional standards to allow smaller lot sizes and reduced frontage than that of the underlying zone district.
- B. Eligibility.** Except for parcels in an R-1 zone district, all residential subdivisions and developments in residential zone districts are eligible for incentive bonuses.
- C. County Affordable Housing Guidelines.** For the purposes of administering incentives associated with the development of affordable housing, all related applications shall comply with all of the provisions of the *Gunnison Valley Regional Affordable Housing Guidelines (Guidelines)*, and as they are amended on an annual basis.
- D. Exceptions.** Any proposed reduction in the minimum net livable square foot requirements that may be approved by the Gunnison Valley Regional Housing Authority, pursuant to provisions of the adopted Guidelines, shall be subject to final City review and approval following the procedures established in §13.4.
- E. 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 zone district by more than 50 percent.
- F. 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.

§13.3 REVIEW PROCESS

- A. New Land Use Development Applications.** Requests for bonus incentives for land that has not been platted, or for land that is being re-platted, shall be reviewed during the Subdivision Preliminary Plat application process, as set forth in Section 12.
- B. Approved Subdivisions.** Requests for bonuses for projects that have been approved through the subdivision process shall be subject to the review procedures set forth in this Section.
- C. Rezoning Not Required.** A separate rezoning process shall not be necessary to approve the density increases granted through these processes.

§13.4 PROCEDURE

Applications for bonus incentives shall follow the procedures outlined below.

- A. **Pre-application Conference.** Attendance at a pre-application conference is mandatory for an applicant intending to submit an Incentive application.
- B. **Submit Application.** The applicant shall submit a complete application to the Community Development Director, containing those materials listed in §13.5.
- 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 summarizing the application's compliance with the General Review Standards contained in §13.6 and all other Review Standards that may apply.
- D. **Review by External Consultants or Agencies.** 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 Density Bonus Incentive 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. **Action Following Approval.** The applicant may apply for a site development permit following approval of the Density Bonus Incentive and the filing and, if applicable, recordation of any document required by the permit approval.

§13.5 APPLICATION CONTENTS

A. Minimum Contents

1. **Basic Site Plan.** The site plan of the subject property showing existing and proposed features, buildings, roads, alleys, easements, utilities, wetlands, floodplains, etc., which are relevant to review of the development application. Current land uses of properties on all sides of the property and across streets and alley must be included on the site plan or accompanying map.
2. **Specific Site Plans for Applications Proposing Dimensional Standards Incentives**
 - a. Site dimensions and boundaries
 - b. The location, size and use of all public utilities (water, sewer, stormwater, electrical, irrigation) and easements associated with all public utilities that will be used to serve individual development sites and a written description of the general manner in which on-site water supply, sewage disposal, electric supply, natural gas, storm water drainage, telephone, street lighting, irrigation, water, cable television, and trash collection services

will be provided.

- c. Roads
- d. Building and Accessory Structures Setback lines
- e. Driveways, Internal Circulation and Parking
- f. Grading and drainage plans showing and describing the existing and proposed means of handling on-site drainage.

B. Legal Documents. Deed restriction or other executable documents or agreements that may be integral to the execution of the incentive being considered.

§13.6 GENERAL REVIEW STANDARDS

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 and to ensure the use is: consistent with the *City of Gunnison Master Plan*; conforms with this *LDC*; appropriate to its location and compatible with neighboring uses; 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. **Consistency with the Master Plan.** The proposed bonus incentive shall be consistent with the *City of Gunnison Master Plan*.
- B. **Zoning District Standards.** Developments approved with bonus incentives shall meet dimensional standards for height, setbacks, percent open space, percent impermeable surface coverage, buffering, lighting, fencing, signage, off-street parking and similar site planning features of the proposal. However, the bonus incentive may specifically increase the maximum allowed density and/or allow for the reduction of the minimum lot size and front lot line pursuant to standards set forth in this Section.
- C. **Specific Use Standards.** All bonus incentive developments shall comply with all applicable Special Use Regulations set forth in Section 3.
- D. **General Development Standards.** All bonus incentive developments shall comply with all applicable regulations, criteria and standards set forth in Section 4 of this *LDC*.
- E. **Natural Resource Protection Standards.** All bonus incentive developments shall comply with all applicable regulations, criteria and standards set forth in Section 5 of this *LDC*.
- F. **Traffic.** All bonus incentive developments shall not cause undue traffic congestion, dangerous traffic conditions or incompatible service development, parking or loading problems.
- G. **Facilities.** There shall be adequate public facilities in place to serve the proposed development or the applicant shall propose necessary improvements to address service deficiencies.

§13.7 SPECIFIC STANDARDS APPLIED TO AFFORDABLE HOUSING INCENTIVES

- A. **Dispersal Required.** Affordable housing units shall be dispersed within a residential subdivision or development.
- B. **Deed Restriction Required.** Affordable 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 *Gunnison Valley Regional Affordable Housing Guidelines*. The mechanism used to restrict the unit shall be approved by the City Attorney and be consistent with deed restriction provisions established by the Gunnison Valley Regional Housing Authority.
- C. **Maximum Permitted Density Bonus.** Except in the R-1 zone district, subject to the standards and review criteria set forth in this Section, for every one affordable housing unit provided, the applicant shall be eligible for a bonus of one-half (0.5) unit that may only be used for the development of additional affordable units. In no case shall the development density exceed 50 percent of the maximum density permitted in the underlying base zone district.
- D. **Minimum Lot Size/Area.** Notwithstanding the minimum lot area requirements set forth in the underlying base zone district, the following requirements shall apply to residential subdivisions and developments that include affordable housing units.
1. **Single-Family Detached Affordable Units.** The minimum lot size shall be 4,500 square feet and the minimum lot frontage may be reduced to 25 feet per unit, provided that at least 40 percent of the total housing units in the subdivision or development are affordable. If less than 40 percent of the total units are affordable, 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.
 2. **Two-Family Affordable Units.** The minimum lot size shall be 5,000 square feet (2,500 sq.ft./unit) and the minimum lot frontage may be reduced to 25 feet per unit, provided that at least 40 percent of the total housing units in the subdivision or development are affordable. If less than 40 percent of the total units are affordable, 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.
 3. **Multi-Family Developments Containing Affordable Units.** The minimum lot size for a multi-family structure or development containing at least 40 percent affordable 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 affordable, 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.

§13.8 TRANSFER OF DEVELOPMENT RIGHTS

Reserved for Future Use

§13.9 OPEN SPACE AND NATURAL FEATURES

Reserved for Future Use

Section 14. Large Scale Retail Design Review Procedure

§14.1 PURPOSE

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

§14.2 APPLICABILITY

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

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

§14.3 GENERAL REQUIREMENTS

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

- A. Permit Applications.** No development application or building permit shall be approved unless the site plan reflects all required improvements.
- B. Certificate of Occupancy.** All improvements reflected on approved site plans must be constructed prior to issuance of the Certificate of Occupancy (CO). All terms and conditions of Design Review approval must be met at the time of issuance of the Certificate of Occupancy.
- C. Temporary Certificate of Occupancy.** A Temporary Certificate of Occupancy (TCO), with a maximum one-year duration, may be issued where an improvement cost estimate, prepared by a Colorado-licensed civil engineer, is submitted along with a *Development Improvement Agreement* secured by corporate surety bond, irrevocable letter of credit, cash and/or other means acceptable to the Community Development Director. The collateral amount for the agreement shall equal 125 percent of the cost as determined to be satisfactory by the Community Development Director.

§14.4 APPLICATION, REVIEW, AND DECISION

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

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

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



FIGURE 37 DESIGN REVIEW PROCEDURE

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

§14.5, Waivers; and

- z. any additional information requested on a Community Development Department checklist or that may be necessary as requested by the Director to clearly define the intended use of the property and compliance with the applicable standards.
- C. Completeness Review.** The application's completeness review shall be accomplished in accordance with the requirements of §6.6 A, Completeness Review.
- D. Posting and Public Notification.** Once the application is deemed complete by the Community Development Director, the required public notices shall be issued as set forth in §6.7, Stage 4: Provision of Public Notice.
- E. Review and Decision.** The Commission shall review each application for Design Review and act to approve, approve with conditions, remand back to the applicant, or deny the application pursuant to §6.8 C, Action by Decision-Making Body. Design Review applications that are being processed concurrently with rezoning or Conditional Use permits must be reviewed and approved concurrently with the other required approvals.
- F. Notice of Decision.** Within five working days of action by the decision-making body on a Design review application, the Community Development Director shall mail notice of the decision to the applicant.
- G. Expiration of Approval.** An approved Design Review application shall expire 12 months from the date of approval unless a complete building permit application has been submitted and all required fees paid. The applicant may request vesting of the approved site-specific development plan as described in §6.9, Stage 6: Actions Following Development Approval.

§14.5 DEVELOPMENT STANDARDS WAIVER

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

Submittals must comply with the provisions of §14.4 B, Submittal Requirements, those materials listed in §6.5 C. Minimum Application Contents.

§14.6 DESIGN REVIEW STANDARD OBJECTIVES

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

- A. Architecture.** Encourage architectural design features that mitigate the visual impacts of the size and scale of large retail sales establishments.
- B. Neighborhood Compatibility.** Assure that large retail development site planning promotes compatibility with surrounding residential, commercial areas, and other areas in the city.

- C. Pedestrian Friendly.** Promote pedestrian-friendly design and public transit access.
- D. Environmental Sustainability.** Encourage best development practices for energy conservation, watershed management, and air quality protection.
- E. Efficient Transportation Design.** Advance transportation design elements that provide safe and efficient internal circulation and are integrated with the external transportation system.
- F. Master Plan Compliance.** Require that the development design elements and location are in compliance with the *City of Gunnison Master Plan*.