
Section 3. Specific Use Regulations

§3.1 GENERAL

- A. Section Structure.** This Section is structured so that specific land use categories are described in general terms, and these descriptions are followed by specific regulations that apply to these land use categories.
- B. General Land Use Categories.** Use Categories shall be defined or otherwise interpreted in accordance with the following.
- 1. Basis for Classifications.** Land use categories classify activities and uses based on common functions, product assembly and delivery, and/or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions. Use categories, as established by Table 2-3, provide a systematic basis for assigning present and future land uses into appropriate zoning districts.
 - 2. Principal Uses.** Principal uses are assigned to the category that most closely describes their physical nature and function. The “Characteristics” subsection of each use category describes the common characteristics of each principal use.
 - 3. Developments with Multiple Principal Uses.** Principal uses may fall into one use category or there will be instances when several principal use classifications are considered simultaneously.
 - a. When all principal uses of a development fall within one use category, the entire development is assigned to that use category. A development that contains a department store, drug store and dry goods store, for example, is classified in the Retail Sales and Service category, Sales-Oriented because all of the development’s principal uses are in that category.
 - b. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category, and each use is subject to all applicable regulations for that category. A development including department store, drug store and coffee shop, for example, is classified as the Retail Sales and Service, Sales-oriented; however the coffee shop is classified as the Retail Sales and Service, Eating and Drinking-Oriented.
 - 4. Accessory Uses.** Accessory uses are allowed by right in conjunction with a principal use unless otherwise stated in the regulations. In addition, unless otherwise stated, accessory uses are subject to the same regulations as the principal use. Common accessory uses are listed as examples in the use category descriptions.
- C. Use Regulations.** This Section describes a series of regulations that apply directly to designated land use categories. These land use-specific regulations apply to both permitted and conditional uses. Additionally, these regulations do not abrogate these land uses from other standards set forth in this *LDC*.

§3.2 RESIDENTIAL USE CATEGORIES

A. Household Living Characteristics. Household Living is characterized by the residential occupancy of a dwelling unit by a single family. Tenancy is to be arranged on a month-to-month or longer basis. Shorter rental periods are considered to be a form of *transient lodging* rather than *residential* (see the Accommodations categories).

1. Household Living Accessory Uses. Accessory uses commonly associated with Household Living are recreational activities, hobbies, home occupations, swimming pools, garages, carports, greenhouses, and storage of household goods and equipment.

B. Congregate Living Characteristics. Congregate Living is characterized by the residential occupancy of a structure by a group of people who do not comply with the standards for Household Living. The size of the group may be larger than the average size of a household. Tenancy is arranged on a monthly or longer basis. Uses where tenancy may be arranged for a shorter period are considered to be transient lodging. Generally, Congregate Living structures have a common eating area for residents. The residents may receive care, training, or treatment, and the caregivers may also reside at the site.

1. Congregate Living Accessory Uses. Accessory uses commonly associated with Congregate Living are recreational facilities, dining facilities, offices, and maintenance facilities and parking of vehicles for occupants and staff.

2. Examples. Congregate Living includes boarding houses, dormitories; fraternities and sororities; homeless shelters; monasteries and convents; nursing and convalescent homes; homes for more than eight resident clients who are physically disabled, mentally disabled, or emotionally disturbed; and may include temporary housing for battered women or homeless families.

3. Exceptions

- a. Lodging where tenancy may be arranged for periods of less than 15 days is classified in the Accommodations category.
- b. Lodging where the residents comply with the definition of Household and where tenancy is arranged on a month-to-month basis or for a longer period is classified as Household Living.
- c. Care-giving facilities where individual units meet the definition of a dwelling unit, and pursuant to §3.2 are classified as Household Living.

§3.3 RESIDENTIAL USE STANDARDS

A. Applicability. The standards of this Section shall apply to all permitted, conditional uses, as set forth in the Principal Use Table found in §2.4 of this *LDC*. Residential development is also subject to all applicable General Development Standards (Section 4) and Natural Resource Protection Standards (Section 5).

B. Manufactured Housing. Manufactured housing shall meet the following specific standards.

1. **Automatic Fire Sprinkler Systems.** Depending on the designated housing type or occupancy, manufactured housing may be subject to the installation of automatic fire sprinkler systems pursuant to standards required by adopted fire and building codes.
2. **Foundation.** Manufactured housing shall be permanently affixed to a foundation in a manner which complies with the current *Building Code*. The manufactured structure shall not be equipped with a permanent hitch, axle or wheels following its installation.
3. **Manufactured Home Roof Pitch.** The roof pitch of a manufactured home shall have a minimum pitch of three feet in 12 feet.
4. **Overhang.** The roof shall have an overhang of not less than one foot, measured from the vertical wall-plane of the buildings.
5. **Climatic and Geographic Design Criteria.** Manufactured housing shall be constructed to meet the climatic and geographic design criteria established in the adopted building codes. These criteria define values for snow load, wind speed, seismic category and other related engineering design values.
6. **Energy Conservation Standards.** Manufactured housing shall be designed and constructed so as to comply with the minimum insulation standards in the adopted *Building Code*.
7. **Other Standards.** Manufactured housing shall comply with additional standards in §3.3.C. through §3.3.H, along with all other applicable provisions of the *LDC*.

C. Single-Family Residential and Duplex Features

1. **Foundation.** All homes at the time of construction shall be permanently affixed to a foundation in a manner which complies with the current *Building Code* for residential structures.
2. **Dimensions**
 - a. **Width.** Each home shall comply with the following minimum width requirements on at least two non-opposing (not parallel) walls.

TABLE 3-1 MINIMUM BUILDING WIDTH						
Zone District	R-1	R-1M	R-2	RMU	R-3	B-1
Minimum Building Width	24 ft.	24 ft.	20 ft.	20 ft.	20 ft.	24 ft.

- b. **Size.** The home shall comply with the minimum floor area standard of the zone district in which it is located, as specified in §2.6.
3. **Multiple Detached Single-Family Units.** No more than one single-family dwelling shall be permitted on any platted lot of record in the R-2 zone district unless one of the dwelling units is an Accessory Dwelling Unit. No more than one single-family dwelling shall be permitted on any platted lot of record in the RMU and R-3 zone districts unless the dwelling units are

part of a Common Interest Community and the development plan is found to be in compliance with the dimensional standards in §2.4 (Principal Use Table) of this *LDC*.

4. **Exterior Materials.** The side and roof covering materials shall be materials customarily used on conventional dwellings within the city. Reflective finishes shall not be permitted, but metals designed to oxidize quickly (patina) and create a non-metallic luster are permitted. Siding materials shall extend below the foundation mud-sill, or pursuant to *Building Code* requirements.
5. **Porches.** By relaxing setback criteria, residential dwellings are encouraged to have covered front porches and site-built steps, constructed with exterior materials matching the structure.

D. Multi-Family Dwellings

1. **Parking.** Parking spaces encroach on the rear yard only, but they shall not be located within three feet of the rear property line.
2. **Site Access.** Access for multi-family developments with 25 or more dwelling units is governed by the provisions of §4.3 and the *International Fire Code*.
3. **Interior Accessways.** Pedestrian access shall be constructed to link residential buildings with other on-site destinations such as parking, adjoining public sidewalks and streets, mailboxes, and trash dumpsters (see §4.5).
4. **Building Separation.** The minimum building separation in a complex shall be 10 feet, provided that one additional foot of setback shall be required for every two and one-half feet of the average building height over 22.5 feet on the basis of the average height of the two buildings.
5. **Minimum Floor Area.** Minimum floor area shall be 300 square feet for efficiency units and 480 square feet for all other multi-family dwellings.
6. **Storage.** Each dwelling shall have a minimum of 32 square feet of functional, enclosed area for the storage of residents’ personal belongings. The storage area may be contained within the principal building or an accessory building, but must be easily accessible from outdoors; the storage space shall have a minimum height of eight feet.
7. **Trash Receptacles.** Trash receptacles shall not be located in the front yard (see §4.6 I.).

E. Zero Lot Line Development

1. The site area designated for detached single-family zero-lot line development shall not be less than one acre or one-half block of traditional grid served by an alley.¹ Zero lot line development shall be carried out for an

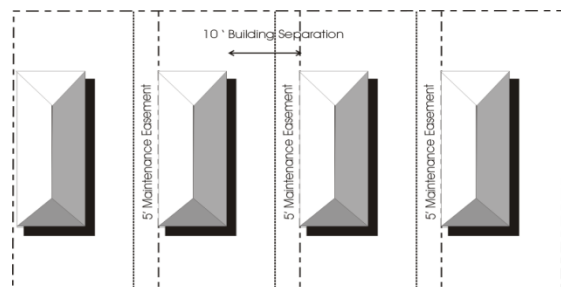


FIGURE 8 ZERO LOT LINE DEVELOPMENT

¹ One half-block (12 lots) = 37,440 sq. ft.

entire block, as a row of units or as a cluster in order to achieve an overall compatibility of design. Zero lot line dwellings shall not be situated immediately adjacent to traditionally sited dwellings.

2. A single side yard shall be provided comprising the equivalent of two side yards of a conventional detached house, or 10 feet, whichever is more. This reduction shall not be allowed on the street yard or to the side yard adjacent to lots that are not part of the zero lot line development.
3. An easement on the lot adjacent to the zero lot line shall be required to allow for maintenance or repair, when the roof overhang or side wall of the house are within four feet of the adjacent property line. The easement on the adjacent property must provide at least six feet of unobstructed space. The easement shall be recorded on the subdivision plat.
4. The eaves on the side of a house with a reduced setback may project a maximum of 18 inches over the adjacent property line. In this case, an easement for the eave projection must be recorded on the deed for the lot where the projection occurs.
5. If the side wall of the house is on the property line, or within three feet of the property line, windows or other openings that allow for visibility into the side yard of the adjacent lot shall not be allowed, unless required by the *Building Code* for emergency egress. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, shall be allowed.
6. The exterior wall plane of a dwelling unit in a zero-lot line development shall not extend beyond the property line.
7. Corner lot / unit configurations must have a front and side yard.

F. Townhouses

1. **Yards.** Side yards are not required for interior townhouses, but street and rear yards shall be provided to all dwelling units.
2. **Building Separation.** The minimum building separation shall be 20 feet, provided that one additional foot of setback shall be required for every two and one half feet of the average building height over 22.5 feet. The average building height equals the average building height of the buildings under consideration.
3. **Garages and Parking.** All townhouse garages and parking areas are encouraged to be located to the rear of the building or within an interior courtyard area of a complex. Garages located in the front yard shall be setback a minimum of 22 feet. No more than one exterior parking space per unit shall be permitted in the street yard.
4. **Maximum Number of Units.** The maximum number of units allowed in a single building is eight.
5. **Minimum Setback.** The minimum 10 foot setback shall be maintained between townhouse complex and adjacent lots not considered part of the complex, provided that one additional foot of setback shall be required for every two and one-half feet of building height over 22.5 feet.

G. Upper-Story Residential

1. Such uses shall adhere to all dimensional standards of the nonresidential zone district.
2. Minimum floor area shall be 300 square feet.
3. Dwelling units shall be built in a pattern and of materials, complementary to the principal structure.
4. One off-street parking space shall be provided pursuant to Table 4-7 Off-Street Parking Requirements.
5. Upper-story residential dwelling units shall not be condominiumized or sold separately and shall not be rented to guests for periods of less than 30 days.

H. Accessory Dwelling Units. Accessory dwelling units may be allowed in any zone district except the R-1 and the R-1M zone district. Accessory dwelling units are subject to compliance with the standards of this section.

1. An accessory dwelling unit may be allowed as an accessory use to an otherwise allowed single-family dwelling unit that is the principal use on a lot or parcel of at least 6,250 square feet.
2. Accessory dwelling units may be attached-to or detached-from the principal dwelling, provided:
 - a. if attached to the principal dwelling, no new entrance or other exterior modifications shall be visible from the street to suggest the presence of the accessory dwelling unit.
 - b. if detached from the principal dwelling, the accessory dwelling shall be located in the rear yard and comply with all setback requirements of the principal dwelling unit.
3. Detached accessory dwelling units not located over a garage shall be separated from the principal dwelling by up to 12 feet.
4. Minimum size shall be 300 square feet and maximum size shall be 720 square feet.
5. Maximum height of detached accessory dwellings shall be 30 feet.
6. Accessory dwellings shall be built in a pattern and of materials complementary to the principal structure.
7. One off-street parking space shall be provided in addition to other required parking.
8. Accessory dwelling units shall not be condominiumized or sold separately and shall not be rented to guests for periods of less than 30 days.
9. Accessory dwelling units will be allowed in the CBD and Commercial zone districts if not on the street frontage.
10. Must be an accessory use to commercial or industrial uses in the Commercial and Industrial zone districts.

I. Mobile Home Parks. Mobile home parks shall comply with the standards of this section.

1. **Minimum Community Size.** Mobile home parks shall be developed and operated on a lot containing a minimum of one-half acre.
2. **Maximum Density.** The maximum net density in mobile home parks shall be 12 dwellings per acre.
3. **Minimum Space Size**
 - a. **Single-Section Unit.** The minimum space size for a single-section or single-wide mobile home unit shall be 3,000 square feet.
 - b. **Multi-Section Unit.** The minimum space size for a multi-section or double-wide mobile home unit shall be 4,000 square feet.
 - c. **Maximum Lot Coverage.** The maximum lot coverage for mobile homes and accessory structures shall be 45 percent of the total gross lot size or lot space.
4. **Minimum Setbacks**
 - a. **Perimeter.** See §3.3. I.7.b.
 - b. **Internal Roads.** Each mobile home and accessory structure within manufactured home parks shall be set back a minimum of 10 feet from any interior roadway, with such measurement being taken between the edge of the roadway and the wall of the mobile home.
 - c. **Side.** Each mobile home shall be setback a minimum of 15 feet from any other mobile home. Accessory attached or detached structures shall be setback a minimum of five feet from side lot lines.
 - d. **Rear.** Each mobile home within a mobile home park shall be setback a minimum of seven and one-half feet from any rear unit space line. Accessory structures shall be setback a minimum of five feet from rear space lines.
5. **Building Height.** The maximum permitted height of structures, including principal or accessory buildings and uses, shall be that established by the underlying zoning district.
6. **Recreation Area**
 - a. **Minimum Standard.** A usable area or areas amounting to not less than 10 percent of the gross area of the community shall be designated and improved by the developer for recreational use. The recreation area(s) shall not include any area designated as a roadway, unit space, or storage area, shall be conveniently located and free from all natural hazards. The recreation area shall count toward the minimum landscape area standard of the underlying zone district. The recreation area requirement may be waived by the Commission in the Conditional Use process if it is determined that sufficient public recreation facilities are available in the immediate vicinity of the community.
 - b. **Assurances.** As part of the application for the manufactured home park, the developer shall

submit assurances acceptable to the City that the recreation area will be improved in a timely manner so as to be suitable for active recreation use in accord with the approved plan and adequately maintained for as long as the community is in existence.

7. Landscaping

- a. **General.** Landscaping shall be required for an area amounting to not less than 15 percent of the gross area of the community. The landscape area may include the recreation area and common landscape areas. The required landscape area shall comply with §4.6, Landscaping, Buffering and Screening.
- b. **Project Boundary Buffer.** A non-arterial street frontage buffer shall be provided along all project boundaries of a mobile home park (see §4.6 F.), unless the boundary is adjacent to an Arterial Street in which case the buffer shall comply with §4.6.F.4.e.

8. Utilities Installation and Connection

- a. **Connection Required.** No mobile home shall be occupied within any mobile home park unless it is properly placed on an approved unit space and is connected to all utility services, including the city water system, a public sewage disposal system, and electrical lines. Utility connections shall be located on the lot served.
- b. **Code Compliance.** Utility installations and connection taps shall be installed to comply with all state and local codes. Fire hydrants shall be installed to comply with City standards and *Fire Codes*.
- c. **Underground.** All utilities, except major power transmission lines, shall be placed underground.

9. Lighting. Adequate lighting shall be provided in compliance with the standards of §4.9, Outdoor Lighting.

10. Site Conditions. Mobile home parks shall be drained, graded, and surfaced as necessary to facilitate drainage and prevent erosion and shall be free from depressions in which water collects and stagnates, other than approved on-site retention facilities.

11. Storm Drainage. Mobile home parks shall be provided with adequate storm drainage facilities pursuant to §5.1 B. and be connected to the City's storm drainage system if such system as required as part of the development application approval.

12. Snow Removal. All mobile home parks shall be designed so that all internal streets and sidewalks can be cleared and so that the cleared snow can be stored within the community off the roadways and walkways. Snow storage shall comply with §4.4.F.9.

13. Off-street Parking. There shall be a minimum of two off-street parking spaces provided for each mobile home space. A minimum of one of these parking spaces shall be provided on the mobile home space, while one may be located in a common parking area located no further than 300 feet from the mobile home space. Guest parking shall also be provided in a common parking area, with one guest space provided for every four mobile home spaces in the community.

14. Roadways and Walkways

- a. **Private.** Internal roadways and walkways within the mobile home park shall be privately owned, built and maintained.
- b. **Walkways.** Concrete walkways of not less than three feet in width shall be provided from unit spaces to all service buildings and recreation areas and on at least one side of all roadways within the mobile home park.
- c. **Access Management.** Private roads, access-ways, driveways and parking for mobile home parks shall be comply with the applicable provisions contained in Section 4. Private roads shall be designed as a sub-local street.

15. Location of Unit

- a. **Obstruction Prohibited.** No mobile home shall be parked so that any part of such unit will obstruct any roadway or walkway.
- b. **Located on an Approved Space.** No unit shall be occupied in a community unless the unit is located on an approved unit space.

16. Outdoor Storage

- a. **Individual Buildings Required.** Individual outdoor storage buildings shall be provided on each unit space for the personal use of the occupants of said space. Such storage buildings shall have a minimum floor space of 48 square feet and shall be not less than six feet or greater than 18 feet in height. Space beneath the mobile homes shall not fulfill this requirement.
- b. **Outdoor Storage Prohibited.** No outdoor storage, other than that accommodated in individual outdoor storage buildings, boats, trailers and vehicles when stored on separate and additional parking spaces, shall be allowed on mobile home spaces, except cut and stacked firewood.

17. Mobile Home Park Storage.

Storage is allowed in mobile home parks, subject to the following standards:

- a. **Use.** An enclosed area or building may be provided within a mobile home park to be used for the storage of materials incidental to maintenance and management of the mobile home park, including but not limited to goods, materials, equipment, and vehicles belonging to the owners, tenants and/or managers of the mobile home park.
- b. **Size.** Mobile home park storage areas in aggregate shall not exceed 15 percent of the gross area of the mobile home park. This maximum limit of 15 percent shall pre-empt minimum and maximum dimensional standards set forth in §2.6. For purposes of this Section, mobile home park storage is considered a structure.
- c. **Materials.** Materials to be stored must be incidental to the maintenance and management of the mobile home park, and may not fall within the definition of hazardous materials as defined in the *International Building Code* or *International Fire Code* as adopted by the

City.

- d. Fencing.** All storage areas not enclosed by a surrounding building shall be fenced according to the following standards:

 - i.** Fencing shall be permanent and a minimum height of six feet, unless heavy equipment is stored within the manufactured home park storage area, in which case the minimum height of the fencing will be eight feet.
 - ii.** Fencing must be opaque material to prevent visual impacts on the neighborhood.
 - iii.** Fencing shall, at all times, be maintained in good condition.
 - iv.** Fencing shall be subject to the standards set forth in §4.6. H, Fences and Walls.
- 18. Public Easements.** No mobile home park storage shall be permitted on public easements or public rights-of-way.
- 19. Accessory Storage.** Mobile home park storage is only permitted, and shall remain, as an accessory use to a mobile home park. If the principal use of a mobile home park is ended, the use of the property for mobile home community storage must also end.
- 20. Unit Space Numbering.** Each space in the mobile home park shall have its space number displayed in a fashion to make it readily visible from the street during the day and night.
- 21. Carbon Monoxide and Smoke Detectors.** Every mobile home shall be equipped at all times with carbon monoxide and smoke detectors in good working order of such type, size, and number and located within each mobile home as prescribed by the Fire Marshal.
- J. Assisted Living Homes.** Assisted Living Homes, which are classified as a Conditional Use in related zone districts, shall comply with the standards of this section.

 - 1. Neighborhood Density.** No Assisted Living Home shall be located closer than 750 feet to another Assisted Living Home.
 - 2. Health and Safety Codes.** Assisted Living Homes shall comply with all applicable local, state or federal health, safety, fire, and building codes.
- K. Rooming and Boarding Houses, Dormitories, Fraternity or Sorority Houses.** Rooming and boarding houses, and fraternity or sorority houses shall comply with all applicable county and state health codes and sanitation requirements. These houses are classified as a Conditional Use in related zone districts.
- L. Home Occupations and Home Businesses.** Home occupations shall be permitted as an accessory use to otherwise allowed dwelling units in all zone districts and shall comply with the standards of this Section.

1. **Uses Subordinate.** The use of a dwelling for a home occupation or home business shall be clearly incidental and subordinate to its use for residential purposes and shall not change its basic residential character.
 2. **Activity Conducted Indoors.** All activities associated with a home occupation or home business shall be conducted indoors. Materials and equipment used in the home occupation shall be stored in a building.
 3. **Employment.** Home occupations shall be conducted only by persons residing on the premises. Home businesses shall be conducted by persons residing on the premises and no more than one employee residing off-premises.
 4. **Patrons.** Home occupations shall not serve patrons on the premises, except in an incidental manner. A home business may serve patrons on the premises, provided all other standards of this Section are met.
 5. **Parking.** One off-street parking space shall be required for each home business employee. This space shall be provided in addition to the parking required for the principal residential use of the property.
 6. **Sales.** Incidental sale of supplies or products associated with the home occupation shall be permitted on the premises. A home occupation whose primary activity is retail sales shall be prohibited, except if the function of the home occupation is catalogue sales.
 7. **Nuisance.** A home occupation or home business shall not produce noise, electrical or magnetic interference, vibrations, heat, glare, odors, fumes, smoke, dust, traffic, or parking demand, and shall not operate at such hours or in such a manner as to create a public nuisance, disturb neighbors or alter the residential character of the premises.
 8. **Equipment, Materials or Vehicles.** There shall be no visible storage of equipment, materials or vehicles that have more than two axles.
 9. **Codes.** Buildings used for home occupations shall comply with all applicable City building, fire, and safety codes for the particular business.
 10. **Advertising.** No outdoor advertising of the home occupation shall be permitted, except as provided in §4.8.
- M. Personal Use of Marijuana.** Possessing, growing, or processing marijuana in any residential district and any structure with residential dwelling units shall be governed by the following standards:
1. **Applicability.** Any person or family member for the purposes of this Section and consistent with Article XVIII, Section 16(3)(b) of the *Colorado Constitution*, who is twenty-one years of age or older that is cultivating marijuana plants for their own use, may only do so within their primary residence or associated accessory structure.
 2. Possession, growing and processing of such marijuana plants must not be perceptible from the exterior of the primary residence or accessory structure, including, but not limited to:
 - a. Common visual observation, including any form of signage;

- b. Unusual odors, smell, fragrances, or other olfactory stimulus; or
 - c. Light pollution, glare, or brightness that disturbs the repose of another.
3. Marijuana plants shall not be grown or processed in the common areas of a multi-family or attached residential development.
 4. The use of compressed gases, including, but not limited to butane, propane, and hexane, in the cultivation, production, growing and possessing of marijuana plants shall be prohibited.
 5. Cultivation, production, growing and possessing of marijuana plants shall be limited to the following space limitations:
 - a. Within a single-family dwelling unit, which is defined as Group R-3 in the *International Building Code*, the aggregate area used for the production and growing of marijuana plants shall be confined to a contiguous 25 square-foot secure area.
 6. Notwithstanding the standards established herein, the possession, growing and processing of marijuana shall comply with all adopted City building and life-safety codes and regulations as the same may be amended from time-to-time.
 7. The Community Development Director shall have the authority to inspect any primary residence or associate accessory structures used for the possession, growing and processing of marijuana plants, following the provisions of §15.1 of the *LDC*.

§3.4 PUBLIC, CIVIC AND INSTITUTIONAL USE CATEGORIES

A. Educational Facilities

1. **Characteristics.** This category includes public and private schools at the primary, elementary, middle, junior high, high school and post-secondary education level.
2. **Accessory Uses.** Accessory uses at schools include play areas, cafeterias, recreational and sport facilities, auditoriums and before- or after-school day care. Accessory uses at the post-secondary level include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, and support for commercial activity.
3. **Examples.** Examples include public and private daytime schools, boarding schools, military academies, universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to hospitals and seminaries.
4. **Exceptions**
 - a. Preschools are classified as Day Care uses
 - b. Business and trade schools are classified as Retail Sales and Service
 - c. Western State Colorado University

B. Community Service

1. **Characteristics.** Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. The use may provide special counseling, education, or training of a public, nonprofit, or charitable nature.
2. **Accessory Uses.** Accessory uses may include offices; meeting areas; food preparation areas; parking, health, and therapy areas; and athletic facilities.
3. **Examples.** Examples include libraries, museums, neighborhood or community centers, senior centers, penal or correctional facilities, community recreation centers, youth club facilities, garages, shops and storage yards.
4. **Exceptions**
 - a. Private lodges and clubs, and private or commercial athletic or health clubs are classified as Retail Sales and Service.
 - b. Public parks and recreation are classified as Parks and Open Space.

C. Daycare Facilities

1. **Characteristics.** Daycare uses provide care, protection, and supervision for children or adults on a regular basis for less than 24 hours per day.
2. **Accessory Uses.** Accessory uses include offices, recreation areas, and parking.
3. **Examples.** Examples include adult daycare programs (for seven or more individuals), daycare centers, daycare homes, daycare schools, nursery schools, and preschools (§16.2).
4. **Exceptions.** Daycare facilities do not include public or private schools; facilities operated in connection with an employment use; shopping center or other principal use, where children are cared for while parents or guardians are occupied on the premises or in the immediate vicinity. Daycare for three or fewer individuals cared for in a residential dwelling at any one time is considered as an accessory home occupation.

D. Religious Institutions

1. **Characteristics.** Religious Institutions primarily provide meeting areas for religious activities.
2. **Accessory Uses.** Accessory uses include Sunday school facilities, parking, parsonage, and caretaker's housing.
3. **Examples.** Examples include places of worship, churches, temples, synagogues, and mosques.
4. **Exceptions**
 - a. Preschools are classified as Daycare uses
 - b. Schools are classified as Schools

§3.5 PUBLIC, CIVIC AND INSTITUTIONAL USE STANDARDS

The standards of this Section shall apply to all permitted, conditional uses, as set forth in the Principal Use Table (§2.4).

A. Daycare Home, Daycare School and Daycare Center. Daycare Homes, Daycare Schools and Daycare Centers (facilities) shall comply with the standards of this Section.

1. **Parking.** Facilities shall include one off-street parking space per non-resident employee. This space shall be provided in addition to any parking required for the principal use of the property.
2. **Drop-off/Pick-up Area.** One designated on- or off-street drop-off/pick-up space shall be provided per four children. The space shall be available during operating hours for loading and unloading of children. If the space is located on-street, it shall be located on the same side of the street as the daycare facility and shall not be used by the owner or employees.
3. **Outside Play Areas**
 - a. **Daycare Home.** A play area shall be provided on-site for a daycare home with a minimum size of 60 square feet per child.
 - b. **Daycare School and Daycare Center.** A play area shall be provided on-site for a Daycare school or a Daycare center which meets State standards for facilities of this size, as specified by the Colorado State Board of Human Services.
 - c. **Fencing.** All required play areas shall be fenced or screened to prevent children from exiting on their own. The required play area shall not be located in the property's front yard.
4. **Local and State Codes.** The day care facility shall comply with all applicable State and local health, safety, fire, and building codes.

B. Religious Assembly

1. **Caretaker Quarters.** A single-family dwelling unit, located on the same lot as the religious assembly use, and occupied by the facility's pastor, minister, rabbi or similar leader, may be permitted as an accessory use to the facility. See §3.3.H for additional regulations applicable to accessory caretaker quarters.
2. **Special Review Required.** Any religious assembly facility is subject to Conditional Use approval, except in the Commercial zone district.
3. **Organized Outdoor Activities.** Organized outdoor activities shall be limited to occur between 8:00 a.m. and 8:00 p.m. and if the religious assembly is located in a residential zone district, outdoor activity time constraints may be further limited.

§3.6 ACCOMMODATIONS, RETAIL, SERVICE - COMMERCIAL USE CATEGORIES

A. Accommodations

1. **Characteristics.** Units may be efficiency dwellings or sleeping accommodations arranged for short term stays for rent, lease, or interval occupancy. Recreational Vehicle Parks are characterized by short term or seasonal occupancy but are not intended for year-round occupancy. Recreational Vehicle Parks provide for a commercially-run recreational vehicle resort which offers for-sale and rental RV sites and cabins on individual sites, and other camping options, along with associated land uses in common areas that are both service-oriented (e.g.: laundromat, spa, clubhouse, lodge, etc.) as well as recreation-oriented (e.g.: pool, miniature golf, water park, etc.).
2. **Accessory Uses.** Accessory uses may include pools and other recreational facilities, limited storage, offices and check-in facilities. Ancillary uses in common areas that support the Recreational Vehicle Park include community buildings and uses; game room; indoor amusement and entertainment buildings; parks and recreation facilities; athletic club facilities; waste dump station; satellite or electronic reception devices; self-service laundromat.
3. **Examples.** Examples include bed and breakfast establishments, hotels, motels, inns, hostels, and interval occupancy facilities.

B. Retail and Service

1. **Characteristics.** Retail Sales and Service firms are involved in the sale, lease, or rent of new or used products to the public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods.
2. **Accessory Uses.** Accessory uses may include offices, storage of goods, manufacture, or repackaging of goods for on-site sale and parking.
3. **Examples.** Examples include uses from the five following groups:
 - a. **Sales-Oriented.** Art supply stores, auto sales, appliance sales, art gallery, bakeries (retail), bicycle shops, book stores, electronic equipment stores, hardware stores, home improvement stores.
 - b. **Personal Service-Oriented.** Animal grooming, branch bank, drive-in bank, barber shop, beauty shop, business school, martial arts school, trade school, dance or music classes, dry cleaning drop-off/pick-up, emergency medical care, health clubs, hair salon, laundry drop-off, laundromats, photocopy services, photography studios, tailors and clothing repair, travel agency.
 - c. **Eating- and Drinking-Oriented.** Restaurants with or without drive-through service, bars and taverns, lounges, coffee shop/bakery and stands, fast food establishments, yogurt or ice cream shops.
 - d. **Entertainment-Oriented.** Entertainment establishments include amusement arcades, billiard parlors, bowling alleys, commercial casinos, coin-operated arcades, dance halls, indoor archery ranges, nightclubs, pool halls, private clubs and putt-putt golf. Entertainment-oriented does not include adult entertainment, which is addressed in §3.11.C.

- e. **Repair-Oriented.** Appliance repair, bicycle repair, locksmith, shoe repair, television repair, upholsterer, furniture repair, furniture refinishing.

4. Exceptions

- a. Convenience stores with gas sales are classified as Retail, Service and Commercial; Vehicles, Limited.
- b. Lumberyards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.
- c. Repair and service of consumer motor vehicles, motorcycles and light and medium trucks is classified as Vehicle Service/Repair. Repair and service of industrial vehicles and equipment and heavy trucks is classified as Industrial Sales and Service.
- d. Sales, rental, or leasing of heavy trucks and equipment, and mobile and manufactured home sales are classified as Industrial Sales and Service.
- e. Hotels, restaurants and other services that are part of a truck stop are considered accessory to the truck stop, which is classified as Industrial Sales and Service.

§3.7 ACCOMMODATIONS, RETAIL, SERVICE - COMMERCIAL USE STANDARDS

The standards of this Section shall apply to all permitted Conditional Uses, as set forth in the Principal Use Table (§2.4).

A. Accommodations

1. **Bed and Breakfast.** All bed and breakfast inn uses shall be subject to the following standards.
 - a. Structures shall not be altered in a way that changes the general residential appearance.
 - b. If four or more off-street parking spaces are provided, visual screening from adjacent residential uses shall be required.
 - c. Other than registered guests, no meals shall be served to the general public. No cooking or kitchen facilities shall be allowed in the guest rooms.
2. **Hostels**
 - a. If four or more off-street parking spaces are provided, visual screening from adjacent residential uses shall be required.
 - b. Other than registered guests, no meals shall be served to the general public. No cooking or kitchen facilities shall be allowed in the guest rooms.
3. **Hotels.** All hotel uses shall be subject to the following standards:
 - a. Up to 15 percent of the gross floor area of a hotel may be in nonliving-quarters accessory uses, including management/employee offices, meeting rooms, banquet halls, retail services such as newsstands and gift shops, and similar accessory uses, provided that any

incidental business is conducted primarily as a service to guests, and there is no entrance to such places of business except from inside the building.

- b. In addition to the accessory uses allowed in 3.a. above, up to an additional 25 percent of the gross floor area of a hotel may be devoted to eating/drinking establishments as an accessory use.

4. Recreational Vehicle (RV) Parks. All RV Park uses shall be subject to the following standards:

- a. **General Provisions.** RV Parks shall be developed and operated pursuant to following minimum standards, and any other provisions applied as a part of the Conditional Use approval. RV Parks are subject to the provisions found in the General Development Standards (Section 4) and Natural Resource Protection Standards (Section 5) of this LDC.
- b. **Dimensional Standards.** RV Parks shall be developed pursuant to the RV Park Dimensional Standards (Table 3-2).

TABLE 3-2 RV PARK DIMENSIONAL STANDARDS	
Camp Sites	
Minimum space dimensions	20 feet x 60 feet: Small Site 35 feet x 70 feet: Large Site
RV - Minimum setback	front: 10 feet side: seven feet; No less than 14 feet between adjacent units rear: 10 feet
RV - Minimum site size	(Small Site) 1,200 square feet: pop-up campers, truck campers, camper vans and tents (Large Site) 2,450 square feet: travel trailers, motor homes, motor coach, trailer, camper
Maximum Impervious Site Coverage	50 percent
Minimum Landscaping	50 percent
Maximum Height	35 feet
Maximum Outside Storage	five percent
(1) Additional width required for Low Impact Design (LID) bio-swales determined at Subdivision Review	

c. General Operation Standards

- i. RV Parks shall be kept in a clean, orderly, litter free and sanitary condition at all times.
- ii. No more than one recreational vehicle and one tow vehicle will be allowed on any one site at any one time.
- iii. Garbage and trash must be properly disposed of in the trash receptacles as required by these regulations and trash areas must be kept in a neat and sanitary condition at all times.
- iv. All landscape areas must be maintained.

- v. No operable or inoperable vehicles, recreational vehicles, boats, machinery, equipment or parts thereof are kept or stored in the RV Park.
- vi. All private roads must be maintained for safe travel and provide adequate access for emergency vehicles. Seasonal closure of some portions of the facility shall be permitted so long as necessary vehicular and emergency access is maintained.
- vii. RV Parks shall provide adequate fire protection as required by the *City of Gunnison Municipal Code*.

d. Camp Site Standards

- i. All recreational vehicle sites shall be provided paved surface parking pads of bituminous mix or concrete. Small Sites shall be provided a minimum 12 foot x 24 foot paved surface parking pads. Large Sites shall be provided a minimum 12 foot x 50 foot paved parking pads plus one automobile parking space.
 - ii. **Service Building.** RV Parks shall be provided a centrally located service building and recreational area containing the following: management office, storage areas, sanitary facilities, laundry facilities (two washer/dryer combinations per 50 sites), and recreation facilities.
 - iii. **Refuse Areas.** RV Parks shall provide an adequate number of animal proof covered trash receptacles located within centralized trash areas. Trash areas shall be screened from public view by a minimum six foot high enclosure and shall be dispersed throughout the park for ease of accessibility.
 - iv. All motor vehicles parked on camp sites shall be operable and have current license plates. Removal of wheels from motor vehicles is prohibited.
- e. Sanitary Facilities Standards/Service Building(s).** One or more service buildings shall be installed in the RV Park. The number and type of facilities required to be contained in the building shall be as shown in Table 3-3, Sanitary Service Building Facility Requirements. The service building(s) shall also meet the following standards:
- i. **Sanitary Facilities.** Sanitary facilities shall be provided within one or more service buildings and shall be located at a distance not greater than 400 feet from any space.
 - ii. **Private Compartments.** Each water closet, bath or shower shall be in a private compartment and shall meet the requirements of the local plumbing code.
 - iii. **Sound-Retardant Wall.** A sound-retardant wall shall separate the toilet facilities for each gender when provided in a single building.
 - iv. **Utility Sink.** A minimum of one utility sink shall also be provided for disposal of liquid wastes and for cleanup and maintenance of the service building.
 - v. **Construction.** The service building shall be of permanent construction and be provided with adequate light, heat, and positive ventilation in shower and bathing areas. Interior construction of the service building shall use cleanable, moisture-

resistant materials on walls, ceilings, and floors, and use slip-resistant materials on floors.

vi. Openings Screened. All windows, doors, or other openings shall be screened to keep out insects.

vii. Plumbing. All plumbing shall conform to the most recently adopted version of the *International Plumbing Code* and the local plumbing code. Hot and cold running water shall be provided in the service building(s).

TABLE 3-3 SANITARY SERVICE BUILDING FACILITY REQUIREMENTS								
Number of RV Sites	Toilets		Urinals		Lavatories		Showers	
	Ind.	Dep.	Ind.	Dep.	Ind.	Dep.	Ind.	Dep.
15	1	1		2	1	2		2
	1	2			1	2		2
16-30	1	2		3	1	3		2
	1	3			1	3		2
31-45	1	3		3	1	4		3
	1	4			1	4		4
46-60	1	4		4	1	5		4
	1	5			1	5		5
61-80	1	4		4	1	5		5
	1	6			1	5		6
81-100*	1	5		5	1	6		6
	1	6			1	6		6
WOMEN	* For development of sites beyond one hundred, use the figures for a 100-site resort, and add the number of fixtures for the appropriate additional increment as shown above.							
MEN								

f. Landscaping. Landscaping shall be required for an area amounting to not less than 40 percent of the gross area of the park. The landscape area may include the recreation area and common landscape areas and shall include a landscape area provided within the required perimeter setback to effectively screen or buffer the park from surrounding properties. The required landscape area shall comply with §4.6, Landscaping, Screening and Buffering.

g. Access Management. Private roads, access-ways and driveways for recreational vehicle parks shall comply with the applicable provisions contained in Section 4, General Development Standards.

i. Privacy Gates. Gated access shall be permitted for RV parks, provided that local fire prevention, police, and any other emergency services agency approve the design to ensure appropriate emergency access.

ii. Emergency Vehicle Access. Access easements shall be granted to the City for the purposes of emergency vehicle access and for the installation, maintenance and repair

of public and private utilities.

iii. Private Maintenance. A private road shall be maintained by the owner(s) of the development in which the road is located.

h. Speed Limits. All private roads shall be posted with speed limit signs with appropriate speeds, in compliance with the *Manual on Uniform Traffic Control Devices (MUTCD)*.

B. Retail Sales Establishment. Goods may be produced on a small scale within a retail sales establishment and be sold in the local area; provided that: a) production shall be limited to no more than 50 percent of the area of the retail establishment, and b) production shall not pose any safety or environmental hazards to the public in the retail production area.

1. Convenience Stores

- a. If fuel is sold as part of the convenience store operation, the conditions for service stations related to fuel pump location and bulk fuel storage shall apply.
- b. Parking areas for retail sales and fuel service shall be separated from each other, and circulation within the property to each parking area shall be separate and clearly marked.

2. Vehicle Services and Repair

- a. Incidental sale of vehicles will be allowed.
- b. A zone district boundary buffer (§4.6.F.3.c.ii.) shall be established along any side of the property adjacent to a residential use.
- c. Service bay doors shall not be oriented toward the road or any residential use, unless such bays are screened from view from the road and residential uses.
- d. All repair or service operations, excluding washing, shall be conducted entirely within a fully-enclosed building. The term “fully-enclosed building” shall not be construed to limit open bay doors during hours of operation.
- e. Operable vehicles may be parked on-site during business hours. All vehicle parking shall be accomplished on the site, and in no case shall a parked vehicle encroach into the right-of-way.
- f. The outdoor overnight storage of vehicles may be allowed subject to Commission approval (§3.9 B.).
- g. There shall be no dismantling of vehicles for salvage.
- h. The storage of impounded vehicles shall not be permitted.
- i. Fuel pump location shall comply with the following requirements:

- i. Fuel pumps shall be located at least 30 feet from the edge of the street curb of a public street or alley.
 - ii. Subject to the setback in paragraph i.i. above, except on corner lots, fuel pumps shall be located in no more than one yard. For example, if fuel pumps are located in the front yard of the lot, they may not be also located in the side or rear yard.
 - iii. On corner lots, fuel pumps may be located in either or both of the yards adjacent to a street lot line provide that safe vehicular access to the pumps is available, and they comply with setback requirements in paragraph i.i., above.
- j. Bulk Storage tanks containing fuel, oil, waste oils and greases or similar substances shall be placed at least 25 feet from any property line and constructed and vented in accordance with Colorado State Department of Public Health and Environment requirements.
- k. A canopy over the fuel pumps may be erected, provided the following conditions are met.
- i. The canopy structure shall comply with all minimum building setback standards applicable to the principal structure.
 - ii. The canopy shall be constructed to meet the Climatic and Geographic Design Criteria established in the adopted *International Residential Code* (Table R301.2 (1)). These criteria define values for snow load, wind speed, seismic category and other related engineering design values.
3. **Outdoor Retail Displays.** Display of merchandise shall comply with the requirements of §4.7, Outdoor Display and Storage.

§3.8 INDUSTRIAL USE CATEGORIES

A. Industrial Sales and Service

1. **Characteristics.** Industrial Sales and Service firms are engaged in the sale, repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.
2. **Accessory Uses.** Accessory activities may include offices, parking, and storage.
3. **Examples.** Examples include agricultural implement sales and service; building contractors; bulk and wholesale fuel sales; heating contractors; plumbing contractors; electrical contractors; electric motor repair; exterminators; feed and grain sales; fuel oil sales; furnace and water heater sales; gas, butane and heavy machinery sales; building materials sales; janitorial and building maintenance services; landscape contractor's storage yard; machine shops; manufactured and mobile home sales; repair and service of industrial vehicles and equipment tool repair; towing service and vehicle storage; truck stops; heavy truck sales, repair, or rental; welding shops, and well drilling services.

4. Exceptions

- a. Contractors and others who perform services off-site are included in the Office category if major equipment and materials are not stored at the site and fabrication, or similar work is not carried on at the site.
- b. Hotels, restaurants and other services that are part of a truck stop are considered accessory to the truck stop.

B. Manufacturing and Production Category

- 1. **Characteristics.** Manufacturing and production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on-site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.
- 2. **Accessory Uses.** Accessory activities may include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, and caretaker's quarters.
- 3. **Examples.** Examples include asphalt, concrete or redi-mix plant; bakery; custom building; catering service; food and related products processing; food processing and packing; manufacture or production of chemical, rubber, leather, clay, bone, plastic, stone, wood or glass materials or products; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items and other electrical items; manufacture, production or fabrication of metals or metal products including enameling and galvanizing; manufactured housing unit production and fabrication; monument works; ornamental iron work; printing, publishing and lithography; sawmills and other wood products manufacturing; sign making; and production of textiles or apparel.

4. Exceptions

- a. Manufacturing of goods to be sold primarily on-site and to the general public is classified as Retail Sales and Service.
- b. Manufacture and production of goods from composting organic material (e.g., fertilizer) is classified as Waste-Related Uses.

C. Warehouse and Freight Categories

- 1. **Characteristics.** Warehouse and Freight Movement firms are involved in the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.
- 2. **Accessory Uses**
 - a. Accessory uses may include offices, truck fleet parking, and maintenance areas.

- b. Examples include machinery storage yard; recreational vehicle storage; utility service yard or garage; bulk materials storage; bus barns; cold storage plants, including frozen food lockers; freight terminals: truck, air, motor or rail terminals; grain elevators; moving companies and general freight storage; outdoor storage yards; parcel services; post offices; warehouse; warehouses (separate from retail business) used by retail stores such as furniture and appliance stores; and wholesale distribution centers.

3. Exceptions

- a. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.
- b. Mini-warehouses are classified as Self-Service Storage uses.

D. Wholesale Sales

1. **Characteristics.** Wholesale sales firms are involved in the sale, lease, or rental of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer.
2. **Accessory Uses.** Accessory uses may include offices, product repair, warehouses, parking, minor fabrication services, and repackaging of goods.
3. **Examples.** Examples include auction houses; mail order houses; and wholesalers of food, clothing, auto parts, and building hardware.
4. **Exceptions**
 - a. Firms that engage primarily in sales to the general public or on a membership basis are classified as Retail Sales and Service.
 - b. Firms that are primarily storing goods with little on-site business activity are classified as Warehouse and Freight Movement.

§3.9 INDUSTRIAL USE STANDARDS

- A. **Prohibited Uses.** The standards of this Section shall apply to all permitted, conditional uses, as set forth in the Principal Use Table (§2.4). Additionally, the following uses are specifically prohibited in all zoning districts.

1. Feed Lots

2. **Petroleum and Coal Products Manufacturing.** All establishments falling within the North American Industry Classification System (NAICS) Subsector 324, Petroleum and Coal Products Manufacturing, as identified in the *North American Industry Classification System—United States Manual* (OMB 1997).

3. **Primary Metal Manufacturing.** All establishments falling within the North American Industry

Classification System (NAICS) Subsector 331, Primary Metal Manufacturing, as identified in the *North American Industry Classification System—United States Manual* (OMB 1997).

- B. Outdoor Storage.** Outdoor storage yards shall comply with the requirements of §4.7, Outdoor Storage and Display.

§3.10 OTHER USE CATEGORIES

The standards of this Section shall apply to all permitted Conditional Uses, as set forth in the Principal Use Table (§2.4).

A. Aviation and Surface Transportation Facilities

- 1. Characteristics.** Aviation and Surface Transportation Facilities include facilities for the landing and takeoff of aircraft, and public transit facilities including loading and unloading areas. Aviation facilities may be improved or unimproved. Aviation and Surface Transportation Facilities also include passenger terminals for aircraft and regional bus service.
- 2. Accessory Uses.** Accessory uses include freight handling areas, concessions, offices, parking and maintenance and fueling facilities.
- 3. Examples.** Examples include airports, bus terminal, and helicopter landing facilities.
- 4. Exceptions.** Bus stops supporting the Gunnison Regional Transportation Authority operations or City public transit functions which, are classified as Minor Utilities.

B. Telecommunications Facilities

- 1. Characteristics.** Telecommunications Facilities are signal distribution systems used or operated by a telecommunications carrier under a license from the FCC consisting of a combination of improvements and equipment including (i) one or more antennas, (ii) a supporting structure and the hardware by which antennas are attached; (iii) equipment housing; and (iv) ancillary equipment such as signal transmission cables and miscellaneous hardware.
- 2. Accessory Uses.** Accessory uses may include transmitter facility buildings.
- 3. Examples.** Examples include broadcast towers, telecommunications facilities; telecommunications support towers and point-to-point microwave towers.
- 4. Exceptions**
 - a.** Amateur radio facilities and antennas that are owned and operated by a federally licensed amateur radio station operator are considered an accessory use to other permitted uses.
 - b.** Radio and television studios are classified in the Office category.

C. Adult Entertainment

1. **Characteristics.** Entertainment that is distinguished or characterized by an emphasis on material depicting, describing, or relating to specified sexual activities or specified anatomical areas.
2. **Accessory Uses.** There are no accessory uses contemplated by Adult Entertainment uses.
3. **Examples.** Examples include adult bookstores, adult photo studios, adult cabaret, adult theaters, and massage parlors.
4. **Exceptions.** “Massage parlor” means an establishment providing massage, but it does not include training rooms of public and private schools accredited by the State Board of Education or approved by the division charged with the responsibility of approving private occupational schools, training rooms of recognized professional or amateur athletic teams, and licensed health care facilities. A facility that is operated for the purpose of massage therapy performed by a massage therapist is not a massage parlor. “Massage therapist” has the meaning set forth in §12-35.5-103 C.R.S. A massage therapy school may include an equivalency program approved by the state educational board or division charged with the responsibility of approving private occupational schools.

D. Renewable Energy Systems

1. **Characteristics.** Renewable Energy Systems include photovoltaic arrays (solar electric panels) small wind energy conversion systems, and geothermal heating and cooling systems. Photovoltaic arrays convert sunlight into electricity. Wind energy conversion systems are turbines that convert wind energy into electricity. Small wind energy conversion systems are rated for not more than 20kW of generation capacity.
2. **Accessory Uses.** Accessory uses include towers, fences, and/or buried pipes.
3. **Examples.** Examples include solar panels, wind turbines, geothermal heating and cooling systems.
4. **Exceptions.** Renewable Energy Systems do not include the manufacture of renewable combustible fuels.

E. Mining. Mining includes the extraction of aggregate and other subsurface resources to include the processing of aggregate on-site for new subdivision or development applications.

1. **Location.** Gravel and other mineral extraction, washing, crushing, cement batch plants, asphalt plants, and processing activities should be located and conducted in sufficiently sized parcels where extraction and rehabilitation can be undertaken while still protecting the health, safety, and welfare of the area and the city. In cases where the location of the proposed mining use abuts other zoning or land uses, or structures, mineral excavation, extraction, processing and rehabilitation may be restricted in order to be compatible with and protect the adjoining uses.
2. **Water Quality.** Extraction of aggregate and other subsurface resources shall be subject to water quality best management practices as defined by *City of Gunnison Stormwater Management Manual* and is subject to state permitting policies.
3. **Procedure for Extraction and Rehabilitation Requests.** The extraction of commercial mineral deposits with necessary accessory uses shall be considered only in the Industrial zone district as a Conditional Use, or in a new subdivision under development, upon Conditional Use approval by the Commission and in conformance with an approved excavation and

rehabilitation plan. A plan shall contain, in addition to those relevant requirements outlined for a Conditional Use application, the requirements cited in §3.11 E. Any change in the approved excavation and rehabilitation plan shall be prohibited unless amended by approval of the Commission.

§3.11 OTHER USE STANDARDS

A. Aviation and Surface Transportation. The *Gunnison Crested Butte Regional Airport Master Plan* provides general provisions for the existing and future operations, services and development functions of this land use.

B. Telecommunications Facilities

1. **Height Standards.** The placement of such towers and facilities shall comply with all height standards of the underlying zone district.
2. **Setback Standards.** Towers and guy wires shall be located behind the principal buildings (either in the rear yard or in the building envelope) and setback one foot for each one foot of tower height from the building envelopes of abutting properties and all overhead utilities.
3. **Danger.** The installation of such towers and facilities shall not cause any increased danger to neighboring property in the event of collapse or failure of the structure. Cables or wires necessary for its operation shall be placed underground.
4. **Visibility.** The visibility of such towers and facilities from the public right-of-way and from neighboring properties shall be minimized to the maximum degree practical, such as by location, fencing, landscaping, use of neutral colors or materials or other means.

C. Adult Entertainment

1. No such use shall be located within 300 feet (measured in a straight line) of a place of worship, a public, private or charter elementary or secondary school, public park or playground, library or any land zoned or used for residential purposes.
2. There shall be no more than one such use on the same property or in the same building or structure.
3. Except for permanent signage as permitted in §4.8, there shall be no advertisement, promotional materials, displays, or temporary signs visible to the public from public rights-of-way.
4. All sexually-oriented businesses must comply with all applicable requirements of Colorado state law.

D. Alternative Energy Sources

1. **Photovoltaic Arrays.** The following standards apply to photovoltaic arrays:
 - a. **Roof-Mounts.** Photovoltaic arrays may be roof-mounted on principal and accessory buildings in all zone districts, as long as the building is conforming to height and setback

standards.

- b. **Ground-Mounts.** Ground or structure-mounted photovoltaic arrays (not mounted on buildings) shall be setback as if they were detached accessory buildings if the highest point on the panels is more than six feet above grade.
- c. **Carports and Covered Walkways.** Carports and walkways in multi-family developments may be covered with photovoltaic arrays regardless of their location on the parcel proposed for development.

2. Small Wind Energy Conversion Systems Applicability. These standards apply to wind energy conversion systems which consist of a turbine or similar kinetic system designed to produce electricity by turning a generator. Turbine systems considered under these standards are mounted on either a tower or building structure.

3. Tower-Mounted Turbine Setbacks

- a. Towers shall be located behind the principal buildings in the rear yard area. All towers shall be setback one foot for each one foot of tower height from the building envelopes of abutting properties and all overhead utilities. Guy wires shall not be located within 20 feet of any overhead utility. Anchor points shall not encroach into the designated setback. Tower structures and guy wires shall not encroach into any designated easements.
- b. Towers may be located in private common open space areas if it is demonstrated if they meet the minimum setback of one foot per one foot of height and towers are:
 - i. setback at least 100 feet from rights-of-way, all residential buildings property lines, and all overhead utilities; or
 - ii. screened from view outside the development by buildings, topography, and/or landscaping.

In Figure 9, the tower is setback from the building envelopes of abutting lots. The tower is located in the rear yard of the parcel proposed for development (the applicant's property) and does not have to be setback from its building envelope.



FIGURE 9 SMALL WIND TURBINE CLEARANCES

4. **Roof-Mounted Turbine Setbacks.** Roof-mounted systems may be located on a principal or accessory building. Systems shall be located in the back one-half of the building footprint, unless the applicant demonstrates that system function is enhanced by an alternative roof area. However, in all cases roof-mounted systems shall be located in a manner that complies with Turbine Blade Clearance standards established in §3.11 D.5.
5. **Turbine Blade Clearance.** Turbine blade clearance shall be applied to lot setbacks, trees and overhead utilities, structures on adjacent lots or any other potential physical feature or obstruction. Turbine blades shall maintain a 15 foot setback from all related features or obstructions. Tower-mounted horizontal axis turbines shall be not less than 15 feet when the blades are at their lowest point.
6. **Tower System Access.** Climbing access shall be limited by either:
 - a. a six-foot tall fence around the base of the tower with a locking gate; or
 - b. a design that does not allow for tower climbing at heights lower than 12 feet.
7. **Noise.** Documentation provided by the manufacturer shall demonstrate that noise will not exceed 50 dBA at any property line at peak generation, based on the proposed location of the turbine.
8. **Reflections and Shadows.** Turbine blades shall be coated to minimize reflection. Turbines

shall be installed in locations that will prevent flickering shadows from being cast into the windows of buildings on nearby properties.

9. **System Height and Screening.** The maximum height of tower- and roof-mounted systems and the required screening for towers is set forth in Table 3-4. Height shall be measured as follows:
 - a. For horizontal axis systems, to the highest point on the rotor blade at its highest point of rotation.
 - b. For vertical axis systems, to the highest point of the tower or turbine, whichever is higher.

TABLE 3-4 MAXIMUM HEIGHT OF SMALL WIND ENERGY CONVERSION SYSTEMS		
LOT AREA AND ZONING DISTRICT	MAXIMUM HEIGHT	REQUIRED SCREENING
Lot area greater than 2 acres	120 ft ¹	Continuous evergreen hedge around sides of base that face lot lines. Existing vegetation, fencing or garden walls that provide comparable screening may be substituted for this requirement.
All lots within the Meadow Village subdivision	Subject to Avigation Easement	
Lot area less than two acres but equal to or greater than 20,000 sq. ft.	75 ft ¹	
Lots less than 20,000 sq. ft.	40 ft ¹	None
¹ No tower shall be constructed or altered in a manner resulting in any permanent encroachment within 50 feet of the FAA-established approach paths (See Figure F2, <i>Gunnison-Crested Butte Regional Airport Master Plan Update</i> , June 2006). Maximum tower height is subject to setback standards defined §3.11.D		

10. **Durability Requirements.** Small wind energy conversion systems that become inoperable shall be repaired or removed within 45 days.

11. **Geothermal Heating and Cooling Systems.** Geothermal heating and cooling systems are systems that use buried pipes to exchange heat with the ground, cooling buildings in the summer and warming them in the winter. Closed loop systems (horizontal loop systems and vertical loop systems) are permitted, provided that the loops are contained entirely within the lot and are setback five feet from property lines. Lake loop systems are permitted if the water body is entirely within the property lines of the parcel proposed for development. Open loop systems are not permitted.

E. **Mineral Extraction and Mining Operations.** Mining and necessary accessory uses shall be subject to the following conditions and to the approved excavation and rehabilitation plan:

1. **Additional Application Contents.** In addition to the application contents for a Conditional Use, the following application contents shall be required for mineral extraction and mining operations:
 - a. A detailed description of the method of operation of extraction, processing and rehabilitation to be employed, including any necessary accessory uses such as, but not limited to, crushers, washers, batch plants and asphalt plants.

- b. An extraction plan showing the areas to be mined, location of stockpile areas, location of structures, and general location of processing equipment, with accompanying time schedules, fencing if applicable, depth of deposit, estimated quantity of the deposit, and other pertinent factors.
- c. A reclamation rehabilitation plan showing proposed rehabilitation with time schedule, finish contours, grading, sloping, types, placement and amount of vegetation, soil stabilization techniques and any other proposed factors. The reclamation plan shall meet the application requirement for a reclamation plan as required by the Colorado Department of Natural Resources, Division of Reclamation, Mining and Safety.
- d. Topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of the land covered in the application.
- e. Type, character, and amount of proposed vegetation.
- f. The operator's estimated cost at each of the following segments of the rehabilitation process, including where applicable, backfilling, grading, reestablishing top soil, planting, re-vegetation management, and protection prior to vegetation establishment and administrative costs.
- g. An erosion and sediment control plan developed in accordance with stormwater discharge mitigations standards established by the Colorado Department of Public Health and Environment (CDPHE), Water Quality Control Division.
- h. A drainage report and drainage basin plan prepared by a registered engineer in the State of Colorado with consideration of natural drainage, drainage during excavation including erosion and sedimentation controls, drainage after rehabilitation, such that proposed excavation will have no adverse effects in excess of natural conditions—where applicable the report shall include a flood plain permit.
- i. A traffic impact analysis which reviews road and safety conditions in the pit area and in the vicinity of the pit area. This shall include ingress/egress, parking and loading areas, on-site circulation, estimate of the number of trucks per day and the average and maximum number of trucks per day (ranges are acceptable). The analysis shall include the times and location of school bus stops in the vicinity of the haul route and mitigation measures, such as staggering hours of operation, to avoid conflicts between hauling and school children on the haul route.
- j. The operator shall submit a haul route plan to the Director of Community Development and the Director of Public Works and receive permission to use public rights-of-way not designated for such haulage by reason of load limit, dust, right-of-way or pavement width or other relevant factors. Haul routes are prohibited through residential development. The Director of Public Works may place reasonable restrictions on such right-of-way use. Alternative haul routes shall be developed where hauling impacts the health, safety, and welfare of the local area.
- k. Additional information as may be required by the Community Development Department.

- 2. Mineral Extraction and Mining Operation Standards.** All mineral extraction and mining operations shall comply with the following standards.
- a.** A permit to extract minerals issued by the Colorado Division of Minerals and Geology (DMG) in conformance with the Open Mining Land Recovery Act and other applicable State laws.
 - b.** A Conditional Use application approval by the Commission.
 - c.** No excavation involving the use of rock crushers, washers, asphalt plant, cement batch plant and other similar equipment shall take place within 300 feet of a residence, public rights of way or designated trail alignment.
 - d.** At a minimum, a 100 foot setback will be provided from wetlands and streams, irrigation ditches, and ponds.
 - e.** Haulage roads within the premises shall be maintained in a reasonably dust free condition. Dust retardant measures may include the use of watering, application of magnesium chloride, oiling, or paving.
 - f.** Unless otherwise approved, the hours of operation shall be 7:00 a.m. to 6:00 p.m. normally; shorter hours of operation may be imposed in urbanized areas as part of the conditional use permit.
 - g.** In no event shall a slope of less than 2:1 be left for dry pits, or the slope of 3:1 for pits deeper than ten feet. In a wet pit, in no event shall a slope be less than 2:1 except as provided herein.
 - h.** The floor of excavation pits, whether wet or dry, shall be left in a suitable condition.
 - i.** The operator shall not store, overburden, or excavate materials or construct dikes or levies in such a manner as to increase any drainage or flooding on property not owned by the operator, or damage public facilities.
 - j.** Prior to starting excavation, where the operation is adjacent to subdivided and/or developed commercial, residential, or industrial property, fencing may be required to prevent the visibility of the mining operation, and buffering and screening may be required if deemed necessary by the Commission as part of the Conditional Use permit. The operator may be required to fence and/or buffer and screen the entire parcel or fence only areas of excavation as it proceeds. None of these fences shall be removed until rehabilitation has been completed.
 - k.** Where the operation is adjacent to subdivided property, and/or developed commercial or residential property, once mining has been completed, the site shall not be used as an area to stockpile mineral and/or gravel resources, unless otherwise permitted by the Conditional Use permit. The mining operator shall reclaim mined areas as rapidly as possible.
 - l.** Operations shall comply with noise, vibration, and other standards of the City of Gunnison and the noise standards contained in Sections 25-12-101, *C.R.S.*, as amended.

- m.** All air emissions shall comply with standards established by the Colorado Department of Public Health and Environment. An air emissions permit shall be obtained prior to commencing the mining operation.
- n.** All water uses and discharges shall conform to standards established by the State Water Quality Control Commission and the water laws of the State of Colorado.
- o.** Erosion and sedimentation controls will be practiced throughout the life of the pit including the maintenance of vegetative buffers, use of straw bales in drainage ways and mulching and re-seeding exposed areas adjacent to the active mining area. Existing trees and ground cover along public street frontage and drainage ways shall be preserved, maintained and supplemented, if necessary, for the depth of the setback to protect against and reduce noise, dust and erosion.
- p.** All slopes shall be stabilized and revegetated pursuant to standards of the CDPHE, Water Quality Control Division. Land shall be reformed to most closely resemble the natural contours of the land before mining commenced. Lakes created as the result of mining in the river bottom shall have undulating surfaces, shallow and deep areas, established wetlands, and natural riparian vegetation. Other areas shall be revegetated with plant material indigenous to the area.
- q.** After revegetation of the area, the area must be maintained for a period of three years, or until all vegetation is firmly established in the reclamation area.
- r.** A time limit for reclamation will be included in each Conditional Use permit. This time limit will be dependent upon the type of reclamation effort.
- s.** A development schedule shall be submitted describing the life span of the plan in months and years (ranges are acceptable) and, if applicable, the months and years per phase. Diligence in meeting this schedule is required. Extensions of time may be granted by the Commission with proper justification.
- t.** Extensions of time in the development schedule may be granted by the Commission if a written request is submitted outlining the factors and reasons for the extension. New or changed conditions, if any, will be considered.

 - i.** If no material has been extracted within three years of obtaining the Conditional Use permit for mineral extraction and a request for extension has not been received and approved by the Commission, the Conditional Use permit will expire. A new application and extraction plan shall then be submitted and reviewed in the manner described in this Section.
 - ii.** An extension request shall provide information concerning the factors and reasons for the request. The Commission will consider these factors and reasons as well as the extent conditions have changed in the area, if any, in granting extensions of the Conditional Use permit.
- u.** The applicant shall deposit with the City a performance and payment bond, an irrevocable letter of credit, line of credit, cash, and/or other acceptable means which is sufficient in the judgment of the Commission to assure the ongoing maintenance of sediment and erosion control mitigation and permanent reclamation of the affected area of the mining operation.

The financial guarantee amount shall be equal to 125 percent of the cost of supplying and installing improvements depicted on the approved Final Plat.

- v. **Revocation of Conditional Use Permit.** The Commission shall have the power after hearing to revoke the Conditional Use permit for violation of this Section or conditions imposed by the Commission. Upon at least ten days' notice to the owner and the operator, the Commission may hold a hearing to determine the nature and extent of an alleged violation, and shall have the power, upon a showing of good cause, to revoke the Conditional Use permit and to require that immediate reclamation measures be commenced.

§3.12 NON-RESIDENTIAL ACCESSORY USES AND STRUCTURES

- A. **General.** Principal uses allowed by §2.4 shall be deemed to include accessory uses and structures that are customarily associated with and appropriate, incidental and subordinate to otherwise allowed principal uses and structures. Accessory uses and structures shall be subject to the same regulations as principal use and structures unless otherwise stated.
- B. **Drive-In Facility.** Drive-in facilities may be allowed by Conditional Use Permit approved pursuant to the requirements of Section 7 in the CBD and C zone districts as an accessory use to otherwise allowed uses, and shall comply with the standards of this section.
 - 1. **Circulation.** Drive-through lanes shall be separated from circulation lanes required to enter or exit the property. Drive-through lanes shall be marked by striping, pavement markings, or barriers.
 - 2. **Screening.** Drive-through lanes shall be screened in accordance with the requirements of §4.6.
- C. **Outside Sales and Display.** Outdoor display of goods and merchandise shall comply with the standards of §4.7 Outdoor Display and Storage.
- D. **Manufacturing and Production, Small Scale.** Goods may be produced on a small scale within a retail sales establishment and be sold in the local area, provided that:
 - 1. **Area Limited.** Production shall be limited to no more than 50 percent of the area of the retail establishment.
 - 2. **Safety and Environmental Hazards Prohibited.** Production shall not pose any safety or environmental hazards to the public in the retail or production area.
- E. **Satellite and Electronic Reception Devices and Support Structures.** Satellite or electronic reception devices and support structures shall comply with the standards of this Section.
 - 1. **Maximum Size.** Satellite reception devices shall not exceed a diameter of four feet.
 - 2. **Dimensional Standards.** The placement of the device shall comply with all dimensional standards such as height, setback, etc. of the underlying zone district.

§3.13 TEMPORARY USES

- A. **Temporary Use Defined.** A general retail sales or other commercial use operated outside of a

building on a seasonal basis.

B. Use Permit Required. Conditional Use permits are required for all “temporary commercial activities” excluding farm stands, farmers’ markets, holiday tree sales, rafting and similar recreational operations, carnival, circus or temporary private events, construction field offices, and model homes units.

C. Compliance Criteria and Standards. All temporary uses, except temporary commercial activities which are established by a Conditional Use Permit, shall function under a Temporary Use Permit issued by the Community Development Director. All temporary uses shall meet the following minimum criteria and standards:

1. no lighting or electrical service shall be provided without an electrical permit;
2. temporary use structures shall be subject to the *International Building Code* and *International Fire Code* as deemed applicable by staff;
3. no temporary use structure shall block fire lanes or pedestrian or vehicular access;
4. the site of the temporary use shall be cleared of all debris at the end of the temporary use;
5. all temporary structures shall be cleared from the site within five days after the use is terminated;
6. written permission of the property owner for the temporary use shall be provided;
7. adequate parking shall be provided for the use, as determined by the Community Development Director;
8. required parking for other uses shall remain available;
9. adequate traffic control measures shall be provided;
10. adequate provisions for trash disposal and sanitary facilities shall be provided; and
11. when appropriate, adequate provisions for crowd control shall be provided.

D. Additional Conditions. The Community Development Director shall impose such other conditions as are deemed necessary to accomplish the purposes of this section, this *LDC* and the *City of Gunnison Master Plan*.

E. Revocation of a Temporary Use Permit. A Temporary Use Permit shall be revoked if the Director finds that the terms of the permit have been violated or that there is a hazard to the public health, safety and welfare.

F. Carnival, Circus or Temporary Private Events. Temporary carnivals and circuses shall comply with the standards of this Section.

1. **Minimum setback** (all sides): 15 feet from all lot lines. The minimum setback shall apply to

all equipment, displays, tables and other items associated with the business, from any adjacent lot with a residential use.

2. **Length of Permit.** The maximum length of the permit shall be 10 days.
3. **Parking.** The applicant must provide adequate parking.
4. **Security.** The applicant must provide for protection, security guards and crowd control.
5. **Cleanup.** The applicant must guarantee cleanup of the premises.
6. **Bond.** The applicant may be required to post a bond in a reasonable amount as determined by the Community Development Director to ensure compliance with the requirements of this section.
7. **Health and Safety Codes.** The use must comply with all applicable health and safety codes and a permit for the use shall be obtained from the Building Official.
8. **Location.** The use shall be situated such that it does not block any required access or egress from the site and is not located on any required parking.

G. Construction Field Offices, Temporary. Temporary construction field offices shall comply with the requirements of this Section.

1. A temporary building for use as a construction field office is permitted on a 12-month basis. One construction field temporary building shall be allowed for each builder in a subdivision in which that builder has the authority to construct structures.
2. If the operation of the temporary building used as a construction field office violates any City ordinances, the certificate of occupancy shall be revoked, unless satisfactory compliance is achieved.

H. Sales Offices and Model Homes, Temporary. A temporary sales office and model home may be located within any zoning district provided such use shall comply with the standards of this Section.

1. Temporary residential sales offices and model homes may be located within a residential zone district as part of an on-going residential development.
2. Any temporary residential sales office or model home shall be removed or converted to a use permitted within the zone district when Certificates of Occupancy have been issued to 80 percent of the associated residential units or when use as a sales office or model home has ceased.
3. Model homes for new subdivisions shall only be occupied for residential habitation after all business activities have ceased and upon sale of the home and shall comply with the applicable residential parking standards at that time.

§3.14 MARIJUANA USE CATEGORIES

A. Retail Marijuana and Medical Marijuana Center Standards (retail marijuana

establishment).

1. **Characteristics.** A licensed retail marijuana sales facility is authorized to sell retail or medical marijuana or manufactured marijuana products.
2. **Accessory Uses.** Accessory uses may include offices, secured indoor storage areas and sale of marijuana accessories.
3. **Examples.** Retail marijuana stores and medical marijuana centers are licensed in compliance with all local and state regulations. Retail marijuana establishments sell marijuana and marijuana products manufactured for consumption to the general public, under the provisions of state and local government regulations. Facilities have restricted access areas designated for merchandise displays and conducting transactions, and limited access areas which are prohibited for public access. Generally, marijuana testing establishments are classified in the *International Building Code* as Business Group M, Mercantile.

B. Marijuana Manufacturing and Medical Marijuana-Infused Products Manufacturing (marijuana product manufacturing establishment).

1. **Characteristics.** Manufacturing and production facilities serve to prepare, manufacture and package marijuana byproducts. Typically, the manufacturing process includes the distillation of plant materials. The distilled byproducts are generally oils, tinctures, and edible products made from the distilled product. Products may be any part of the plant or a finished product for the wholesale market or other facilities. Goods are not sold on the site.
2. **Accessory Uses.** Accessory uses may include offices, warehouses, truck fleets and secured indoor storage areas.
3. **Examples.** Marijuana manufacturing and medical marijuana-infused products manufacturing are licensed in compliance with all local and state regulations. Marijuana product manufacturing establishments process marijuana into various consumable products, under the provisions of state and local government regulations. Processes often involve distillation of marijuana using various types of equipment. Commercial kitchen equipment meeting the standards of the Colorado Department of Public Health and Environment are required. Facilities are limited areas for which public access is prohibited. Generally, Marijuana product manufacturing establishments are classified in the *International Building Code* as Factory Industrial, F-1, Moderate Hazard Occupancy.

C. Marijuana Cultivation and Medical Marijuana Optional Premises Cultivation Operation (licensed marijuana cultivation establishment).

1. **Characteristics.** Marijuana cultivation incorporates facilities with specific climate controls; ventilation and mechanical systems; equipment for watering and fertilizing plants; and storage of various gases, materials, and equipment required for the growing of marijuana plants. Cultivation facilities cannot cohabitate with any other uses not licensed and permitted as a marijuana establishment.
2. **Accessory Uses.** Accessory uses may include offices, warehouses, truck fleets and fully enclosed and secured storage facilities. Open storage yards are not permitted.

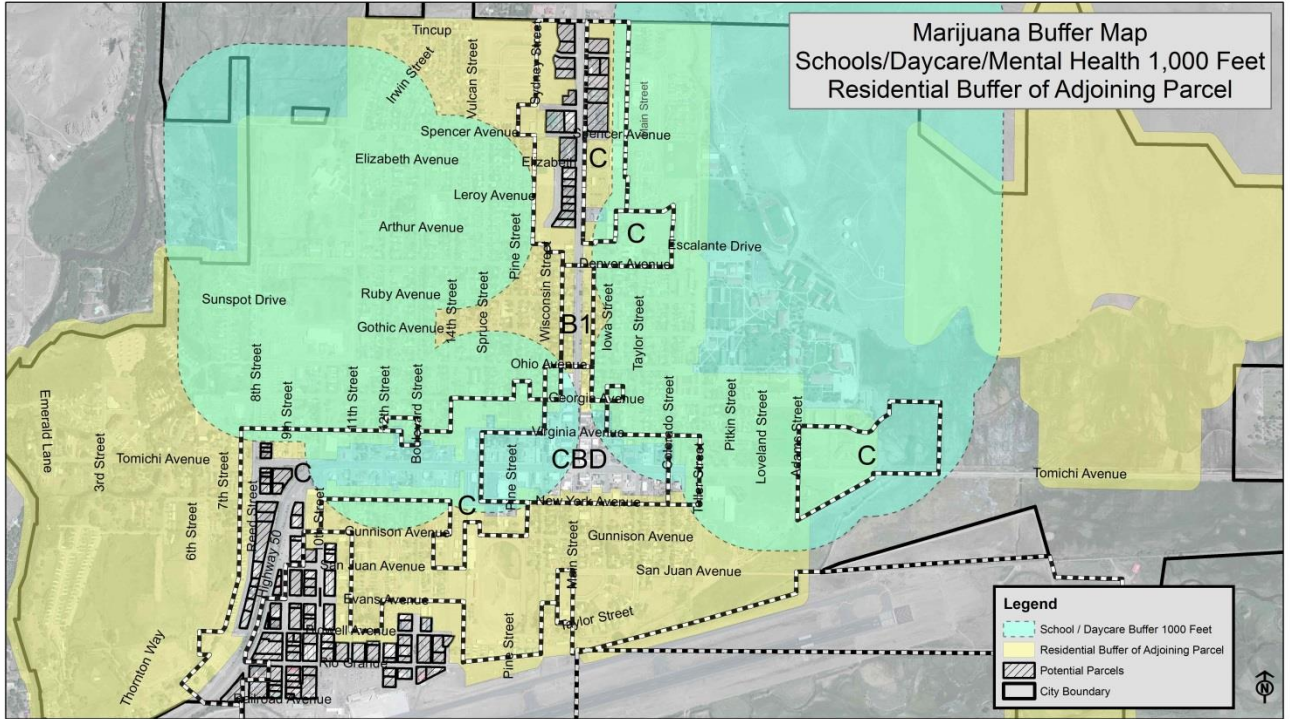
3. **Examples.** Marijuana cultivation establishments are licensed in compliance with all local and state regulations. Licensed marijuana cultivation establishments grow and produce marijuana. There are numerous process types that may be used the cultivation of marijuana. Processes may include the injection of compressed gas (generally Carbon dioxide) or using nutrient rich media to enhance plant growth. Primary life-safety concerns include depleted oxygen levels within the facilities, wastewater discharges with elevated nutrient levels from fertilizers, phosphates, odor nuisances, and wastewater discharge of pesticides and other constituents which affect the state and federal licensing compliance provisions related to the City’s sewer system and sewer plant. Public access to facilities are prohibited. Generally, licensed marijuana cultivation establishments are classified in the *International Building Code* as Factory Industrial, F-1, Moderate Hazard Occupancy.

D. Testing Facilities.

1. **Characteristics.** Testing facilities are laboratory facilities licensed to analyze and certify the safety and potency of marijuana.
2. **Accessory Uses.** Accessory uses may include offices, and secured storage areas.
3. **Examples.** Marijuana testing facilities are independent of all other licensed marijuana establishments staffed with technicians and equipped with various types of instruments and laboratory equipment. Generally, marijuana testing establishments are classified in the *International Building Code* as Business Group B, Laboratories (Testing and Research).

§3.15 MARIJUANA USE STANDARDS

- A. **Site Development Application Required.** A Site Development Application is required to be submitted and approved by the Community Development Director.
Exception. Retail Establishments (Medical Marijuana Center and Retail Marijuana Stores) proposed to be located in the city’s Industrial District zone, are subject to Conditional Use approval pursuant to Table 2-3 (Principal Use Table).
- B. **General Compliance Criteria and Standards.** All city licensed marijuana establishments shall meet the following minimum criteria and standards.
 1. Marijuana establishments shall not be located within 1000 feet of a public school; private or charter school; daycare school, center, or home; and mental health facilities. The measure is established as a straight line drawn between any points of the respective property boundaries and is designated by the *Marijuana Establishment Buffer Map* adopted by the City Council. If any portion of deeded real property is intersected in any manner by a designated buffer boundary the entire deeded property is prohibited from being licensed as a marijuana establishment.
 2. Licensed marijuana establishments shall not be located on real property that fronts, abuts or is adjoining to any Residential District zone (R-1,R-1M, R-2, RMU, R-3, PUD-Residential).



3. Licensed Marijuana establishments are subject the district zone location standards as set forth in Table 2-3 (Principal Use Table) of this *LDC*.
4. Marijuana establishment signage shall include only the registered business or trade name, address, and telephone number of the marijuana establishment. Display of graphic/images of any portion of a marijuana plant on signage associated with marijuana establishments shall be prohibited. Sign standards for marijuana establishments shall comply with all provisions of this *LDC* or other applicable city laws and regulations.
5. Except for permanent signage as permitted in Section 4.8, Signs of this *LDC*, it shall be unlawful for any person licensed by the City of Gunnison, or any other person to advertise any marijuana or retail marijuana product anywhere in the city where the advertisement is visible to members of the public from any street, sidewalk, park or other public place, including advertising utilizing any of the following media: billboard, Off-Premise Sign, or other outdoor general advertising device as defined in this *LDC*; any sign mounted on a vehicle, any hand-held or other portable sign; or any handbill, leaflet or flier directly handed to a person in a public place, left upon a motor vehicle or posted upon any public or private property. The prohibition set forth in this paragraph shall not apply to:
 - a. Any sign located on the same deeded parcel as a licensed marijuana establishment which exists solely for the purpose of identifying the location of the marijuana establishment;
 - b. Any advertisement contained within a newspaper, magazine or other periodical of general circulation within the city or on the internet;
 - c. Any products marked with the name logo of the licensed marijuana establishment, including wearable or non-consumable merchandise, packaging in which marijuana is sold, or on recreational marijuana accessories sold; and,

-
- d. Advertising that is purely incidental to sponsorship of a charitable event by the licensed marijuana establishment.
 6. Licensed marijuana establishments shall comply with all provisions, standards and regulations of this LDC.
 7. Licensed marijuana establishments shall be served by city water, wastewater, and electrical utility services and shall comply with all provisions, standards and regulations specified in the Utilities (Title 12), *City of Gunnison Municipal Code*.
 8. All licensed marijuana establishments shall comply with all applicable requirements of Colorado State Law.
 9. Licensed marijuana establishments shall comply with Code of Colorado Regulations, Medical Use of Marijuana and the Code of Colorado Regulations, Retail Marijuana Code.
 10. Marijuana-related odors shall not be discharged or emanate from any licensed marijuana establishment. Licensed marijuana establishments involved in the sale, transfer, packaging, processing, cultivation, production, extraction or destruction of plants and their parts, devices, designed for the use of marijuana and marijuana products, or other marijuana related operations and activities, shall provide an approved source capture system capable of removing particulate and odors as required to achieve levels that do not constitute a nuisance to adjacent occupants, structures and properties.
 11. **Building Standards.** Licensed marijuana establishments shall be located in buildings that comply with the International Code Council codes adopted by the City and in effect at the time of the license application submittal.
 12. **Hours of Operation.** Licensed marijuana establishments shall not sell, distribute, or initiate the transport of Marijuana or Marijuana Products at any time other than between the hours of 8:00 am and 10:00 pm, Mountain Standard Time, Monday through Sunday, except that Retail Marijuana Establishment hours are limited on Sunday to the hours of 1:00 pm to 6 pm, Mountain Standard Time.
 13. Director or designee shall perform inspections of all licensed marijuana establishments at their discretion. Inspections shall include review of operations and maintenance records.
- C. Retail Marijuana and Medical Marijuana Center Standards (retail marijuana establishments).** A licensed retail marijuana establishment shall comply with the general criteria and standards (Section 3.15 B.) in addition to the following standards:
1. **Building Standards.** Licensed retail establishments shall be located in buildings that comply with occupancy standards established in the International Code Council codes adopted by the City and in effect at the time of the license application submittal.
 2. Licensed retail establishments shall be located on lots in buildings that comply with the regulations in the *LDC* including, but not limited to, landscape standards, buffer standards, lighting standards, screening standards and parking standards.
 3. Store front window glazing shall not be painted or covered with opaque material, but non-reflective tinted glazing is permitted on the building fenestration.

4. Off-premises retail marijuana establishment storage facilities are prohibited.

D. Retail Marijuana Products Manufacturing and Medical Marijuana-Infused Products Manufacturing (marijuana product manufacturing establishment). A licensed marijuana product manufacturing establishment shall comply with the general criteria and standards (Section 3.15 B.) in addition to the following standards:

1. **Building Standards.** Licensed marijuana product manufacturing establishments shall be located in buildings that comply with the International Code Council codes adopted the City and in effect at the time of the license application submittal.
2. Equipment used in the licensed marijuana product manufacturing establishment shall be tested and approved by Underwriters Laboratories (UL) or equivalent standards testing laboratory. In the absence of a testing laboratory certification, the design and construction of said equipment may be by a mechanical engineer registered and holding a current license in the State of Colorado. In the case where equipment is approved by a licensed engineer, documents pertaining to specific material specifications, pressure, temperature thresholds, specific operating procedures, and other related details shall be provided in a report signed and stamped by the engineer of record.
3. Licensed marijuana product manufacturing establishments shall, if necessary, be equipped with a commercial kitchen that complies with all related standards, operation procedures, and food service protection provisions promulgated by the Marijuana Product Manufacturing Facilities standards (R 600 Series) of the Colorado Department of Permanent Rules Related to Retail Marijuana Code, as they may be amended.

Licensed marijuana product manufacturing establishments shall, on an annual basis, be inspected. The Community Development Director shall be provided an inspection report demonstrating compliance with established standards, operation procedures and food service protection provisions. Said report shall be the product of a professional who is certified by the American Board of Industrial Hygiene. The licensed manufacturing establishment shall pay all costs for related inspections and reports. The Community Development Director may order an industrial hygiene inspection without notice, and all costs for city ordered inspections and reports shall be the responsibility of the licensed manufacturing establishment.

4. **Toxic Pollutants and Hazardous Waste.** Licensed marijuana product manufacturing establishments shall, on an annual basis, provide the Gunnison Fire Marshal a list of hazardous material types and quantities used. Disposal of hazardous and chemical waste must be conducted in a manner consistent with federal, state and local laws pertaining to the proper disposal of related materials.

5. **Sewer System Discharge.**

a. Wastewater discharged from a marijuana licensed product manufacturing establishment is subject to city regulations (Municipal Code, 12.10.040.2, et al.) established to ensure that industrial wastewater discharge complies with state and federal regulations prior to the actual connection to the city's wastewater facilities.

b. **Testing Requirements.** The Public Works Director may order a wastewater discharge inspection without notice, and all costs for city ordered inspections and reports shall be the

responsibility of the licensed marijuana product manufacturing establishment. The licensed marijuana cultivation establishment shall pay all costs for related inspections and reports established by an independent testing laboratory acceptable to the Public Works Director.

E. Marijuana Cultivation and Medical Marijuana Optional Premises Cultivation Operation (licensed marijuana cultivation establishment). A licensed marijuana cultivation establishment shall comply with the general criteria and standards (Section 3.15 B.) in addition to the following standards:

1. Outdoor cultivation of marijuana is prohibited.
2. Equipment used in the licensed marijuana cultivation establishment shall be tested and approved by Underwriters Laboratories (UL) or equivalent standards testing laboratory. In the absence of a testing laboratory certification, the design and construction of said equipment may be by a mechanical engineer registered and holding a current license in the State of Colorado. In the case where equipment is approved by a licensed engineer, documents pertaining to specific material specifications, pressure, temperature thresholds, specific operating procedures and other related details shall be provided in a report signed and stamped by the engineer of record.
3. **Toxic Pollutants and Hazardous Waste.** Licensed marijuana cultivation establishments shall, on an annual basis, provide the Gunnison Fire Marshal a list of hazardous material types and quantities used. Disposal of hazardous and chemical waste must be conducted in a manner consistent with federal, state and local laws pertaining to the proper disposal of related materials.
4. **Sewer System Discharge.** Wastewater discharged from a licensed marijuana cultivation establishment is subject to city regulations (Municipal Code, 12.10.040.2, et al.) established to ensure that industrial wastewater discharge complies with state and federal regulations prior to the actual connection to the city's wastewater facilities.
 - a. The applicant for a licensed marijuana cultivation establishment shall provide an Industrial Pretreatment Plan developed by a licensed engineer in the State of Colorado. The Industrial Pre-Treatment Plan shall be included with the Site Development Plan and shall provide the following specific information:
 - i. A narrative and graphic plan description of the type of irrigation system to be used.
 - ii. An estimate of the quantity of total discharge into the wastewater collection system in gallons per day.
 - iii. The quantity of phosphorous and nitrogen in the discharge, to be established in pounds per day.
 - b. **Discharge Conformance Standards.** Licensed marijuana cultivation establishments shall conform to the Colorado Department of Public Health and Environment –Water Quality Control Commission, *Regulation #85, Nutrients Management Control Regulation (5CCR 1002-85)*, nutrient discharge limitation, and subject to change to conform to future nutrient discharge limitations promulgated by the State of Colorado. Nutrient discharge shall not exceed the following levels: Total phosphorous 0.015 pounds per day; Total nitrogen 0.088

pounds per day. Facilities with projected discharges exceed this threshold are subject to demonstrating compliance the *City of Gunnison Municipal Code*, Section 12.10.040.2 (Interceptors and Pretreatment).

- c. Testing Requirements.** The Public Works Director may order a wastewater discharge inspection without notice, and all costs for city ordered inspections and reports shall be the responsibility of the licensed marijuana cultivation establishment. The licensed marijuana cultivation establishment shall pay all costs for related inspections and reports established by an independent testing laboratory acceptable to the Public Works Director.
- F. Marijuana Testing Facilities.** A licensed Marijuana Testing Facility shall comply with the general criteria and standards (Section 3.15 B.). (Ordinance 5, 2015)