

Section 7. Conditional Uses

§7.1 GENERAL

Conditional Uses are those land uses which are generally compatible with the permitted uses in a zone district, but which require site-specific review of their location, design, intensity, density, configuration, and operating characteristics, and which may require the imposition of appropriate conditions in order to ensure compatibility of the use at a particular location and mitigate its potentially adverse impacts. Only those uses authorized as a Conditional Use for each zone district in §2.4 may be approved as a Conditional Use.

§7.2 PROCEDURE

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

- A. Preapplication Conference.** Attendance at a preapplication conference is optional, but recommended, for an applicant intending to submit an application for a Conditional Use permit.
- B. Submit Application.** The applicant shall submit a complete application to the Community Development Director containing those materials listed in §7.3 or §7.4, as applicable.
- C. Staff Review.** The Community Development Director shall review the application to determine whether it is complete, as specified in §6.6 A, Completeness Review. The Community Development Director shall forward a report to the Commission which summarizes the application's compliance with the review standards contained in §7.5.
- D. Review by External Consultants.** The technical comments and professional recommendations of other agencies, organizations, and consultants may be solicited in drafting the report.
- E. Public Notice.** Public notice that the Commission will conduct a hearing to consider the application for a Conditional Use shall be provided as specified in §6.7, Stage 4: Provision of Public Notice.
- F. Public Action by Commission.** The Commission shall conduct a public hearing to review the conformance of the application with all applicable provisions of this *LDC*. The Commission shall approve, approve with conditions, or deny the application, or remand it to the applicant with instructions for modification or additional information or action.
- G. Actions Following Approval.** The applicant may apply for a site development permit following approval of the Conditional Use permit and the filing and, if applicable, recordation of any documents required by the permit approval.

§7.3 GENERAL CONTENTS OF A CONDITIONAL USE APPLICATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§7.5 REVIEW STANDARDS

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

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

§7.6 TEMPORARY COMMERCIAL USES STANDARDS.

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

§7.7 COMMISSION AUTHORIZED TO IMPOSE CONDITIONS

The Community Development Director may recommend, and the Commission may impose, such conditions as are necessary to maintain the integrity of the City's zone districts, to ensure the use is

consistent with the *City of Gunnison Master Plan*, conforms with this *LDC*, is appropriate to its location and compatible with neighboring uses, is served by adequate public facilities and does not cause undue traffic congestion or significant deterioration of the environment. Authorized conditions include, but are not limited to:

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

§7.8 EXPIRATION OF CONDITIONAL USE APPROVAL

- A. Time Limit.** At the time that the Commission grants a Conditional Use approval, it shall identify the time period for completion of the Conditional Use. In no case shall this time period exceed three years from the date of approval. If the action is not completed within this time period, the Conditional Use approval shall automatically expire.
- B. Extension.** The applicant may submit a request to the Community Development Director to extend the Conditional Use approval. The extension request shall be submitted prior to the date of expiration and shall specify the reasons why the development has not been completed to date. The approval shall be deemed extended until the Commission has acted upon the request for extension at a meeting as a regular agenda item. The Commission shall be authorized to extend the approval, by a period of up to one year, and to impose additional conditions if necessary.

§7.9 INSUBSTANTIAL CHANGES AND AMENDMENTS TO APPROVED CONDITIONAL USE

- A. Insubstantial Changes.** Insubstantial changes to a development approval for a Conditional Use may be approved by the Community Development Director. An Insubstantial Change is one that becomes necessary due to technical or engineering considerations discovered during actual development, or operational characteristics discovered after the use is developed, that could not reasonably be anticipated during its initial review and that, in the discretion of the Community Development Director, do not significantly change the original approval granted.
- B. Amendments.** All deviations from the original approval which do not qualify as an insubstantial change shall be considered an amendment to the original approval. Amendment of an approved Conditional Use shall only be approved by the Commission pursuant to §7.2 (Procedure).