

Section 9. Development Standard Waivers

§9.1 GENERAL

- A. Purpose.** This Section defines the procedures and required showing to obtain waivers from the standards established in Section 4, General Development Standards, and Section 5, Natural Resource Protection Standards. Waivers are authorizations to differ from the literal terms of established standards that would not be contrary to the public interest in cases, where the literal application from the standards are warranted by site factors, or where alternative designs are proposed that meet the purposes of this *LDC*.
- B. Applicability.** Waivers may be granted pursuant to Table 9-1 Decision-Making for Waivers. Waivers shall not be authorized for standards that are subject to a Variance review. Where a standard is determined that is not contained in the list, the Community Development Director may make an administrative determination or at the Director's discretion forward the Waiver application to the Commission. Waivers are a discretionary act by the City and shall not be construed to be a land use right of a property owner.
- C. Decision Making Body and Development Review.** The decision-making body for Waivers of specific standards is assigned in Table 9-1 and pursuant to the following guidelines.
- 1. City Council Waivers.** Waivers assigned for City Council consideration are related to major and minor subdivision reviews and will be considered as part of the subdivision review process. Waivers from subdivision-related standards must be submitted at the time of Preliminary Plan application pursuant to §9.3. Waivers for subdivision-related standards are subject to Final Plat approval.
 - 2. Planning and Zoning Commission Waivers.** Waivers that are determined administratively by staff are related to Site Development Applications. Waivers determined by the Commission and/or recommended to City Council by the Commission, are acted upon as a public hearing agenda item at a scheduled meeting. The administrative review follows all of the procedures set forth in §9.3 with the exception of item D, Public Notice. Waivers may be approved in conjunction with processing site development applications, land use development applications, including subdivision applications, as defined in §6.2.A of this *LDC* (Ordinance #3, Series 2015)(Ordinance #3, Series 2016).

§9.2 APPLICATION CONTENTS

Formal requests for Waiver from the standards, policies or submittal requirements of these criteria shall be submitted with appropriate documentation. In addition to the minimum contents for all applications specified in §6.5 C, Minimum Application Contents, the application shall contain:

- A.** a site plan of the subject property, showing existing and proposed features, buildings, etc., which are relevant to the review of the waiver application;
- B.** citation of the specific section and subsection containing the standards for which the waiver is being requested, including the specific language of the related standard;
- C.** citation of the reasons, site conditions or issues with the required standard and how an alternative design meets the purposes of the *LDC*; and,

- D. definition of alternative(s) being proposed for the waiver, if applicable, and any supporting documentation, including mapping, technical literature, necessary calculations, engineering or site plan design data that graphically or analytically depict the alternative standards to be applied, and provides justification for the Waiver request; and
- E. any other pertinent information that the Community Development Director determines is necessary to enable the decision-making body to make an informed decision on the waiver request.

§9.3 PROCEDURES AND PROCESS

- A. **Development Review.** An applicant requesting a waiver shall follow the stages of the City of Gunnison land development process as described in §6.3.
- B. **Submit Application.** The applicant shall submit a complete application to the Community Development Director containing those materials listed in §6.5 C, Minimum Application Contents, and in §9.2.
- 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 which summarizes the application’s compliance with the conditions outlined in §9.4 to the decision-making authority. The Community Development Director may solicit the assistance of other agencies and organizations in drafting the report.
- D. **Public Notice.** Any waiver request that comes before the City Council and/or Commission shall require public notice for a hearing to consider the application for a waiver as specified in §6.7, Stage 4: Provision of Public Notice.
- E. **Action by Decision-Making Authority.** The Commission or other decision-making authority may approve, approve with conditions, deny the application or remand it to the applicant with instructions for modification or additional information or action.
- F. **Actions Following Approval.** The applicant may apply for a development permit following approval of the waiver and the filing and, if applicable, recordation of any documents required by the waiver approval.

§9.4 REVIEW CRITERIA

All waiver application approvals shall be found to be in compliance with the following General Criteria (A) and the criteria established for the relevant code sections applicable to the waiver request (B through N, below).

A. General Criteria

1. consistent with the *City of Gunnison Master Plan*;
2. approval of the waiver will not jeopardize the community’s health safety and welfare;
3. there are special circumstances or conditions which are peculiar to the land or building for which the Waiver is sought that is more suitable, functional, or is a better site design;
4. no Waiver shall result in a detriment to City services in terms of service function, general maintenance restrictions, and increased City costs for service and maintenance;

5. the developer is responsible for all development costs unless shared costs are determined by City Council;
6. no Waiver shall be approved that is in conflict with any prevailing State or Federal law or regulation;
7. the granting of the Waiver will not be injurious to the neighborhood surrounding the land where the waiver is proposed, and is otherwise not detrimental to the public welfare or the environment;
8. no Waiver will negatively affect the promulgation of any other development standard of this *LDC*.

B. Adequate Public Facilities (§4.1)

1. The design, materials, and construction methods are equal or superior to existing standards.
2. The long term City maintenance restrictions or costs, and the facility design-life will not be diminished by approval of the Waiver.
3. The level of service provided by the Waiver is consistent with existing standards.

C. Road Construction Standards (§4.2)

1. The design, materials, and construction methods are equal or superior to existing standards.
2. Long term City maintenance restrictions, maintenance costs, and the utility/facility design-life will not be diminished by approval of the Waiver.
3. The level of service provided by the Waiver is consistent with existing standards.
4. Adequate rights-of-way and easements are established for the installation and maintenance of public utilities and services.
5. Transportation system functions will be efficient and safe.
6. The resulting streetscape will provide adequate light, air and area for landscaping and buffers.
7. The development of non-motorized circulation facilities will not be diminished by approval of the Waiver.

D. General Site Access (§4.3)

1. Waivers from general site access standards shall not create an unsafe design for the ingress or egress of vehicles and non-motorized transportation functions.
2. Long-term City maintenance restrictions, maintenance costs, and the utility/facility design-life will not be diminished by approval of the Waiver.
3. Waivers for properties fronting highways will not be granted if a State Highway Access Permit is

- required, unless they are in conjunction with a CDOT permit approval.
4. Waivers shall not be approved if the result requires vehicles to back onto streets.
 5. Waivers will not diminish the function of sidewalks, accessways or multi-use trails.
 6. Waivers will not result in a situation that precludes access to an adjacent property.

E. Off-Street Parking and Loading (§4.4)

1. Any Waiver requesting a reduction of the number of parking spaces shall be based on established demand factors from the Institute of Traffic Engineers or reliable data collected from uses or combination of uses that are comparable with the proposed development.
2. Waivers shall not be approved that reduce the minimum requirements for disabled accessibility.
3. Waivers that affect the location of parking and reduce the required buffer width shall only be allowed if an alternative landscape design provides adequate buffering, or the use of the property is significantly diminished without a Waiver.
4. Waivers will not diminish the function of sidewalks, accessways or multi-use trails.

F. Pedestrian Circulation Facilities (§4.5)

1. The Waiver is needed because the physical characteristics of the property or other circumstances including but not limited to topography, protecting wetlands and/or critical habitat.
2. Alternative design, specifications and layout provide safe, efficient and functional pedestrian circulation.
3. The Waiver does not preclude the extension of major sidewalk systems and multi-use trails designed in the *City of Gunnison Non-Motorized Transportation Plan*.
4. The Waiver is not contrary to requirements established by the Americans with Disabilities Act.

G. Landscaping, Buffer and Screening (§4.6)

1. Alternative design, specifications and layout are set forth in a detailed landscape plan that satisfies the purpose and intent of the landscape, buffering and screening standards.
2. Reductions from the required buffer setbacks shall only be allowed if an alternative landscape design provides adequate buffering, or the use of the property is significantly diminished without a waiver due to rights-of-way width, road section constraints or lot dimensions.
3. Waivers from buffer dimensional standards that protect residential property from non-residential property are not permitted unless it is found that the denial of the Waiver would render the property undevelopable.
4. The Waiver is necessary for the placement of public utilities, public ditches, or stormwater

facilities, and in which case an alternative buffer/landscape plan is proposed that fulfills the requirements to the maximum extent feasible.

5. Waiver from plant species types do not permit or create situations causing the proliferation of noxious weeds.
6. Waivers that preclude required site restoration or revegetation of disturbed areas shall not be granted.
7. Waivers from fences and walls shall not interfere with street or driveway site distance requirements required by the *LDC*.
8. Fence and wall Waivers shall not result in the use of plywood or sheet metal.
9. Waivers from service area screening shall not create a visual detriment to adjacent residential uses or from view of any public street.

H. Outdoor Storage and Display (§4.7)

1. Waivers shall not impede ingress, egress or access for fire and emergency response personnel.
2. Waivers shall not impede access and circulation or reduce the required number of parking spaces.
3. Outdoor displays on the required landscape areas shall not result in the damage of vegetation.
4. Waivers shall not interfere with intersection site distance requirements established in the *LDC*.
5. Waivers shall not permit the display or storage of any feature in the public rights-of-way.
6. Waiver of outdoor storage and display within the front yard setback shall not permit the display or storage of any feature exceeding 15 feet in height.

I. Outdoor Lighting (§4.9)

1. Waivers shall not be granted if it will result in an illumination that interferes with the use or enjoyment of any lot in a residential zone district.
2. The maximum light trespass shall be 0.5 foot-candles of light at a point 25 feet from the property line of any residential zone district.
3. Unique security or public safety may warrant approval of a Waiver, but mitigating impact to any adjacent residential lots must be provided.

J. Large Scale Retail (§4.10)

1. Any Waiver associated with a single building site development plan shall meet the intent statements found in §4.10C of the *LDC*.
2. Any Waiver associated with multiple building site development plan shall meet the intent statement found in §4.10 E of the *LDC*.

3. Any Waiver associated with building design shall meet the intent statement found in §4.10 J of the *LDC*.
4. All Waiver requests shall comply with §14.6 Design Review Standard Objectives.
5. Waivers will be considered based on compliance with the following criteria:
 - a. **Boundaries, Easement, or Title Constraints.** If an easement or a legal or physical hardship would prevent the building of a structure pursuant to site development standards, a Waiver may be approved; provided, that the approved Waiver is the minimum necessary to accommodate the hardship.
 - b. **Public Outdoor Space Development.** In order to form an outdoor space such as a plaza, courtyard, patio, or garden between a building and the sidewalk, a Waiver may be approved; provided, that the street yard area shall have landscaping, low walls, a tree canopy or other similar site improvements along the sidewalk designed for pedestrian interest, comfort, and visual continuity.
 - c. **Number and Design of Parking Spaces.** A Waiver of the required number and/or design of parking spaces may be approved; provided, that the need for existing and future parking is addressed; and the configuration provides for the safety of pedestrians and vehicles.
 - d. **Orientation.** A Waiver may be approved where it is shown that the change in orientation will not adversely affect the overall appearance of the development.
 - e. **Water, Air Quality, and Energy Conservation.** A Waiver may be approved where it is shown that water, air quality, and/or energy conservation will be enhanced. However, a water conservation Waiver shall not be used to limit or eliminate vegetation cover.
 - f. **Vehicular Transportation and Circulation.** A Waiver may be approved where it is consistent with the approved transportation impact study.
 - g. **Landscaping, Screening, and Buffering.** A Waiver may be approved where the change from design review standards will mitigate adverse impacts to adjoining uses.
 - h. **Building Design Standards.** A Waiver may be approved for §4.10 J.2, Ground Floor Façades; §4.10 J.3, Articulation, and §4.10 M., Materials and Colors. The request must include a description of the alternative elements that will be used to break up larger building mass and emphasize pedestrian scale, show an obvious contrast in building wall planes and justify the preference for alternative materials and colors.

K. Stormwater Management (§5.1)

1. There is adequate area for construction and long-term maintenance of stormwater management facilities.
2. The Waiver results in a system of facilities that adequately reduce runoff volumes, slows runoff velocity and provides water quality treatment meeting State and Federal water quality standards.

3. The Waiver will not jeopardize channel stabilization.
4. The Waiver does not violate State or Federal laws.
5. The Waiver is the minimum necessary and does not jeopardize the community's health, safety or welfare.

L. Slope Protection Standards (§5.2)

1. The development conforms to the other development, site design and environmental standards set forth in the *LDC*.

M. Grading and Erosion Control (§5.3)

1. Waivers that increase the limit of natural grade change shall not create unstable slopes or slopes prone to excessive erosion.
2. Waivers that increase the limit of natural grade change shall only occur if it is determined that adequate emergency access is provided.
3. Waivers that increase the limit of natural grade change shall not be in conflict with slope protection standards unless application of grading standards renders the site undevelopable.
4. Waiver from erosion control standards shall only be allowed if alternative construction best management practices are proposed that mitigate erosion and stormwater runoff impacts to the maximum extent feasible.
5. Waivers from the Limits of Disturbance shall include a program for the complete restoration of the disturbed area in a timely manner.

N. Wetland and Stream Corridor Protection (§5.4)

1. Waivers from wetland and stream corridor protection standards shall not be in conflict with wetland protection regulations promulgated by the Army Corps of Engineers and Floodplain Protections Standards adopted by the City.
2. Waivers from ditch setbacks are subject to written approval of all ditch owners.
3. Waivers from buffer and setback areas shall only be approved if it is determined that application of a buffer/setback standard renders the site undevelopable.

§9.5 DECISION-MAKING AUTHORITY

The decision-making authority has no obligation to approve a Waiver, and may impose restrictions and conditions on approvals, as determined required to prevent or minimize adverse effects from the proposed Waivers on neighboring land and on the general health, safety and welfare of the City. All conditions shall be set forth in the granting of such waiver. A written copy of all administrative waivers will be forwarded to the Commission and City Council.

§9.6 EXPIRATION OF APPROVED WAIVER

- A. Time Limit.** All Waivers shall expire 12 months from the date of issuance if no site development permit has been issued. If the Waiver does not require a development permit, site improvements associated with the Waiver shall be complete and in operation within the allotted time. Such time period shall not be altered by transfer of ownership.
- B. Notification.** Written notice of expiration will be given to the owner of record no less than 30 days from the expiration date.
- C. Extension.** Upon written request, the decision-making body may grant an extension of the Waiver for a period not to exceed six months given reasonable justification. No request for an extension shall be considered unless a written application requesting the extension is submitted to the Community Development Director prior to the date the Waiver is to expire. The Waiver shall be deemed extended until the decision-making authority has acted upon the request for extension. Failure to submit an application for an extension within the time limits established by this Section shall render the Waiver null and void.

§9.7 APPEALS

- A.** Waivers that are determined administratively by the Community Development Director or staff may be appealed by the applicant to the Commission.
- B.** The appeal shall be in the form of a written letter of appeal submitted to the Community Development Director within 30 days of the date the waiver decision was made. The Commission may affirm, modify, reverse or remand the application with specific directions.
- C.** The Planning and Zoning Commission decisions are final with no appeal.

§9.8 DECISION-MAKING FOR WAIVERS

TABLE 9-1 DECISION-MAKING FOR WAIVERS					
CODE SECTION	NO WAIVER ALLOWED	CD DIRECTOR	P&Z	CC	OTHER / COMMENTS
§4.1 Adequate Public Facilities					
§4.1 C.1. Approval Conditioned Upon Adequate Public Facilities	√				
§4.1D Sewage Disposal					
§4.1 D.1 Level of Service			rec	√	
§4.1 D.2 Criteria for New Development					
§4.1 D.3 Minimum Approval Requirements	√				
§4.1 E. Water					
§4.1 E.1 Level of Service			rec	√	
§4.1 E.2 Minimum Approval Requirements	√				
§4.1 F. Drainage/Water Quality Management					
§4.1 F.1 Level of Service			rec	√	
§4.1 F.2 Minimum Approval Requirements	√				
§4.1 G Fire Protection					
§4.1 G.1 Level of Service	√				
§4.1 G.3 Minimum Approval Requirements	√				

TABLE 9-1 DECISION-MAKING FOR WAIVERS					
CODE SECTION	NO WAIVER ALLOWED	CD DIRECTOR	P&Z	CC	OTHER / COMMENTS
§4.1 H. Transportation					
§4.1 H.1.a Level of Service-General Standard			rec	√	
§4.1 H.1.b Level of Service-Waiver			rec	√	
§4.1 H.1.c. Access to Development in all Zone districts			rec	√	
§4.1 H.3.a-e Traffic Impact Analysis Contents		√			
§4.1 H.4. Minimum Approval Requirements	√				
§4.1 H.5. Pedestrian Circulation					
§4.1 H.5.a. Level of Service	√				
§4.1 H.5.b. Criteria for New Development or Redevelopment			rec	√	
§4.1 H.5.c. Minimum Approval Requirements			rec	√	
§4.1 I. Electricity					
§4.1 I.2. Criteria for New Development			rec	√	
§4.1 I.3. Minimum Approval Requirements	√				
§4.1 J. Irrigation System					
§4.1 J.2. Criteria for New Development			rec	√	may only be granted if the extension of the irrigation is impractical
§4.1 J.3. Minimum Approval Requirements			rec	√	
§4.2 Road Construction Standards					
§4.2A. General Road Construction Standards					
§4.2 A.4. Other Standards of Construction			rec	√	
§4.2 A.5. Construction Approval			rec	√	
§4.2 A.6. Typical Cross-Sections			rec	√	
§4.2 A.8 Street Designations			rec	√	
§4.2 A.9. Repairs and Restoration					PW Director
§4.2 B. Streets					
§4.2 B.1. Street Construction and Design Specifications.			rec	√	
§4.2 B.2. Sub-local Streets			rec	√	
§4.2 B.3. Street Sections and Rights-of-Way Width			rec	√	
§4.2 B.4. Shoulders					PW Director
§4.2 B.5. Bike Lanes			rec	√	
§4.2 B.6. Street Sub-Grade and Asphalt Standards					PW Director
§4.2 B.8. Private Streets			rec	√	
§4.2 C. Cul-de-Sacs and Dead-End Streets					
§4.2 C.1. Where Allowed			rec	√	Only where terrain or site constraints preclude connectivity
§4.2 C.2. Length			rec	√	
§4.2 C.3. Number of Vehicle Trips per Day			rec	√	
§4.2 D. Street Intersections					
§4.2 D.1. Curb Radii			rec	√	

TABLE 9-1 DECISION-MAKING FOR WAIVERS					
CODE SECTION	NO WAIVER ALLOWED	CD DIRECTOR	P&Z	CC	OTHER / COMMENTS
§4.2 D.2. Sight Distance			rec	√	
§4.2 D.3. Intersection Grade Standards			rec	√	
§4.2 E. Vertical Alignment					
§4.2 E.2. Street Grades			rec	√	
§4.2 E.3. Street Grade Changes			rec	√	
§4.2 F. Horizontal Alignment					
§4.2 F.1. Street Horizontal Alignment			rec	√	
§4.2 F.2. Minimum radii of curvature			rec	√	
§4.2 F.3. Clear visibility measure			rec	√	
§4.2 F.4. Reverse curve tangent			rec	√	
§4.2 G. Cross Slope			rec	√	
§4.2 H. Curb and Gutter			rec	√	
§4.2 I. Street Dedication					
§4.2 I.1. Dead-end streets			rec	√	
§4.2 I.2. Street construction and right-of-way connections			rec	√	
§4.2 I.3. Rights-of-way abutting unincorporated property			rec	√	
§4.2 J. Acceptance of Public Dedicated Streets and Other Public Utilities					
§4.2 J.1. Acceptance Timing and Season					PW Director
§4.2 K. Partial-Width Street			rec	√	
§4.2 L. Additional Rights-of-Way	√				
§4.2 M. Street Paving and Signs			rec	√	
§4.2 N. Roadside Delineators					PW Director
§4.2 O. Erosion Control			rec	√	
§4.2 P. Clustered Mail Box		√			
§4.3 General Site Access					
§4.3 A. Access to Public Roads	√				
§4.3 B. Driveway Access - General Standards					
§4.3 B.1.a. Limits on Curb Cuts		√			PW Director
§4.3 B.1.b. On State Highways		√			
§4.3 B.1.c Arterial Streets			√		
§4.3 C. Backing Prohibited			√		
§4.3 D. Shared Driveways			√		
§4.3 D.2. May be on Property Line	√				
§4.3 D.3. Maintenance Agreement Required	√				
§4.3 D.4. Multi-family Access Threshold	√				
§4.3 E. Corner Lots		√			
§4.3 F Property Lines		√			
§4.3 G Driveway Alignments		√			
§4.3 H Driveway Opening Requirements		√			
§4.3 I Driveway Spacing		√			
§4.3 I.1. Arterial Streets		√			
§4.3 I.2. Collector Streets		√			
§4.3 I.3. Local and Sub-Local Streets		√			
§4.3 I.3.a. Residential Drive Spacing		√			
§4.3 J. Driveway Design Standards					
§4.3 J.1 Surface Material Standards		√			
§4.3 J.1.a. For 5+ parking spaces		√			
§4.3 J.1.b. For 20+ parking spaces		√			

TABLE 9-1 DECISION-MAKING FOR WAIVERS					
CODE SECTION	NO WAIVER ALLOWED	CD DIRECTOR	P&Z	CC	OTHER / COMMENTS
§4.3 J.1.c. Apron length where garage is used as parking		√			
§4.3 J.2 Geometric Design Standards					
§4.3 J.2.a. Residential driveways maximum 8% grade		√			
§4.3 J.2.b. Nonresidential driveways maximum 6% grade		√			
§4.3 J.2.c. Grades for driveways within 20 feet of intersection		√			
§4.3 J.2.d. Follow natural contours		√			
§4.3 J.2.e. Stacking space for nonresidential driveways			√		
§4.3 J.3. Other Driveway Construction Standards		√			
§4.3 J.3.a. Driveway within property line and street	√				
§4.3 J.3.b. Angle at Intersection		√			
§4.3 J.3.c. Driveway grading and drainage		√			
§4.3 J.3.d. Drainage in the R-O-W		√			
§4.3 J.3.e. When paving is required	√				
§4.3 J.3.f. When concrete pan is required	√				
§4.3 J.3.g. Single-family drive sidewalk depth		√			
§4.3 J.3.h. Multi-family or commercial drive sidewalk depth		√			
§4.3 J.3.i. Access for driveways serving 8+	√				
§4.3 J.3.j. Culvert length under driveway		√			
§4.3 J.3.k. Replacement Standards for sidewalks	√				
§4.3 J.3.l. Replacement standards for curb and gutter	√				
§4.3 J.3.m. Standards for new construction abutting existing sidewalks and asphalt	√				
§4.3 J.3.n. Standards for gated access	√				
§4.3 J.4. Intersection and Driveway Visibility		√			
§4.3 J.4.a. Intersection	√				
§4.3 J.4.b. Driveway Sight Visibility	√				
§4.3 J.4.c. Visibility for driveways serving 20+ parking spaces	√				
§4.4 Off-street Parking and Loading					
§4.4 B. Applicability					
§4.4 B.1. No CO until requirements met			√		
§4.4 B.2. Requirements for modified off-street parking and loading facilities	√				
§4.4 B.3. Site plan required for development with 4+ spaces	√				
§4.4 B.4. Grandfather clause for parking and loading if no increase in floor area or change of use.	√				
§4.4 B.5. Parking requirements for projects with increased floor area or change of use	√				

TABLE 9-1 DECISION-MAKING FOR WAIVERS					
CODE SECTION	NO WAIVER ALLOWED	CD DIRECTOR	P&Z	CC	OTHER / COMMENTS
§4.4 B.6. Requirements for residential/bed and breakfast approved through Conditional Use in CBD.	√				
§4.4 C. Parking Calculation Provisions					
§4.4 C.1. For Developments Containing More than One Use. Developments containing more than one use shall provide parking spaces in an amount equal to the total of the requirements for all uses.		√			ZBAA or CD Director if 20% reduction is OK
§4.4 D. Minimum Off-Street Parking		√			ZBAA or CD Director if 20% reduction is OK
§4.4 D.1.a Disabled Access Parking	√				
§4.4 D.1.b ADA Parking Signage	√				
§4.4 D.2. Maximum Requirement and Shared Use Reduction					
§4.4 D.2.a. Not more than 110% of required parking allowed	√				
§4.4 D.4. Parking Stall and Aisle Dimensions.		√			
§4.4 E. Location					
§4.4 E.1. Off-street parking on same parcel as principal use			√		
§4.4 E.2. Setbacks in non-residential zone districts			√		
§4.4 E.3. Setbacks for multi-family development			√		
§4.4 E.6. Buffers for off-street parking			√		
§4.4 F. Driveway Access for off-street parking serving 8+ stalls					
§4.4 F.1. Dimensions					
§4.4 F.1.a. 6% maximum grade		√			
§4.4 F.1.b. Parking spaces using non-conforming standards must be developed by a licensed engineer.		√			
§4.4 F.2. Surfacing	√				
§4.4 F.3. Curbs and Wheel Stops					
§4.4 F.3.a. 6" curb to protect landscaping		√			
§4.4 F. 3.b. No landscaping >12" within 2' of curb		√			
§4.4 F.4. Separation from Walkways and Streets		√			
§4.4 F.7. Backing Prohibited			√		
§4.4 F.8. Tandem Parking		√			
§4.4 F.9.a Snow Storage Area		√			
§4.4 F.9.b Storage in Parking Spaces Prohibited		√			
§4.4 F.9.d Drainage		√			
§4.4 F.10 Bicycle Racks		√			
§4.4 G.1. Prohibited Uses of Required Spaces	√				

TABLE 9-1 DECISION-MAKING FOR WAIVERS					
CODE SECTION	NO WAIVER ALLOWED	CD DIRECTOR	P&Z	CC	OTHER / COMMENTS
§4.4 H. Space for Customer Drop-Off of Shopping Carts			√		
§4.4 I. Off-site and Shared Parking Standards					
§4.4 I.1. On-Street Parking		√			
§4.4 I.2. Off-Site Parking		√			
§4.4 I.2.a. Ineligible Activities	√				
§4.4 I.2.b. Location	√				
§4.4 I.2.c. Zoning Classification	√				
§4.4 I.2.d. Agreement	√				
§4.4 I.3. Shared Parking		√			
§4.4 J. Vehicle Stacking Requirements		√			
§4.4 J.1. Minimum Number of Spaces		√			
§4.4 J.2. Design and Layout			√		
§4.4 K. Off-Street Loading Requirements		√			
§4.4 K.1.a. Loading Dock Dimensions			√		
§4.4 K.2. Location and Layout			√		
§4.4 K.2.a Must be on-site			√		
§4.4 K.2.b. Not in required setback			√		
§4.4 K.2.c. Not in parking aisle or access dimension		√			
§4.4 K.2.d. Screening required	√				
§4.4 K.2.e. Accessible without backing across street	√				
§4.4 K.2.f. Shall not obstruct access to parking, sidewalks, roads, or fire lanes	√				
§4.5 Pedestrian Circulation Facilities					
§4.5 A. Applicability					
§4.5 A.1. For new development			rec	√	
§4.5 B. Types of Pedestrian Circulation Facilities					
§4.5 B.1. Sidewalks	√				
§4.5 B.2. Accessways	√				
§4.5 B.3. Multi-Use Trails	√				
§4.5 C. Pedestrian Linkage Requirements					
§4.5 C.1. Linkage Plan Required			rec	√	
§4.5 C.2. Subdivisions must have pedestrian facilities			rec	√	
§4.5 C.3. Sidewalk requirements on arterial and collector streets	√				
§4.5 D. Pedestrian Circulation Amenities					
§4.5 D.1. Durable surface materials			√		
§4.5 D.2. 4' wide sidewalks in R-1, R-1M, and R-2			√		
§4.5 D.3. Sidewalk Placement		√			
§4.5 D.3.a. Attached Facilities		√			
§4.5 D.3.b. Detached 6' Minimum		√			
§4.5 E. Design and Construction Standards					
§4.5 E.1. Sidewalks and trails in R-O-W			rec	√	
§4.5 E.2. Design elements in accord with Construction Standards					PW Director

TABLE 9-1 DECISION-MAKING FOR WAIVERS					
CODE SECTION	NO WAIVER ALLOWED	CD DIRECTOR	P&Z	CC	OTHER / COMMENTS
§4.5 E.3. Pedestrian facilities in accordance with ADA	√				
§4.5 E.4. Detached pedestrian facilities		√			
§4.5 E.6. Owners required to landscape R-O-W between curb and sidewalk	√				
§4.5 E.7. Transition sections		√			
§4.5 E.8. Minimum 2' clearance around obstructions required for sidewalks		√			
§4.5 E.9. Pedestrian facilities constructed concurrently with street		√			
§4.5 F. Multi-Use Trails Design Standards					PW Director
§4.5 F.1. Subdivisions required to dedicate and install trails			rec	√	
§4.5 F.2. 15' dedicated easement required if development is on a trail alignment		√		√	either
§4.6 Landscaping, Buffering and Screening					
§4.6 B. Applicability					
§4.6 C. Approval of Landscaping and Buffering Plan					
§4.6 C.1. Approved landscaping plan required for final development approval		√			
§4.6 C.2. Alternative specifications for landscaping require approval		√			
§4.6 C.3. Landscaping required for CO		√			
§4.6 C.3.b. Delayed landscaping requires improvement agreement		√			
§4.6 D. Landscaping Design Standards and Guidelines					
§4.6 D.1. Aesthetic Enhancement Guidelines		√			
§4.6 D.2.a. Use of Native or Adaptive Plant Materials		√			
§4.6 D.2.b. Existing Plant Materials		√			
§4.6 D. 2.b.iii. Root Zones		√			
§4.6 D.2. d Plant Sizes		√			
§4.6 D.3. Location and Arrangement of Required Landscaping		√			
§4.6 D.3.a. Reasons for landscaping		√			
§4.6 D.3.b. Must be located on the property they serve			√		
§4.6 D.3.c. Not in the R-O-W unless associated with street buffer		√			
§4.6 D.3.d. Place trees where pruning won't be required		√			
§4.6 D.3.e. Trees at least 7' from structures and with 55 square ft. non-paved area around trunk		√			
§4.6 D.3.f No trees within 5' of water or sewer main lines	√				
§4.6 D.3.g Planting near utility lines	√				
§4.6 D.3.h Planting near fire hydrants	√				

TABLE 9-1 DECISION-MAKING FOR WAIVERS					
CODE SECTION	NO WAIVER ALLOWED	CD DIRECTOR	P&Z	CC	OTHER / COMMENTS
§4.6 D.3.i No trees within 25' of intersections or 10' from fire hydrants and utility poles	√				
§4.6 D.4. Restoration and Revegetation of Disturbed Areas		√			
§4.6 D.5 Irrigation		√			
§4.6 E. Landscaping Requirements for all Zone Districts					Variance
§4.6 E.1. Minimum Tree and Shrub Plantings ¹		√			
§4.6 E.2 Living Plant Material requirement		√			
§4.6 E.3 10% landscape area in Industrial zone district		√			
§4.6 F. Buffering and Screening					
§4.6 F.2 Waivers			√		
§4.6 F.3 Zone District Boundaries			√		
§4.6 F.3.a. Landscaped buffer required between zone districts.			√		
§4.6 F.3.b. 20' wide buffer required			√		
§4.6 F.3.c. Number of trees and shrubs per 100 linear feet			√		
§4.6 F.4.c. Planting Requirements (see Figure 16)			√		
§4.6 F.4.d Buffer Width			√		
§4.6 F.4.e. Arterial and Collector Street Frontage Buffers					
§4.6 F. 4.e.i 25' along street frontage			√		
§4.6 F. 4.e.ii Number of trees and shrubs per lineal foot			√		
§4.6 F.4.f. Number of trees and shrubs per lineal foot on Local Street frontage			√		
§4.6 F.4.g. No Development in Street Frontage Buffer			√		
§4.6 F.8. Responsibility for Buffering	√				
§4.6 G. Parking Lot Landscaping					
§4.6 G.2.a. Applicability	√				
§4.6 G.2.b. General Requirements	√				
§4.6 G.2.d. Walls/Fences	√				
§4.6 G.2.e. Perimeter Planting Requirements	√				
§4.6 G.3.a Applicability	√				
§4.6 G.3.b. Minimum Requirement	√				
§4.6 G.3.c. Landscaped Islands	√				
§4.6 H. Fences and Walls					
§4.6 H.1. Materials for fences or walls	√				
§4.6 H.1.1 Materials		√			
§4.6 H.1.b Fencing finished on all sides in non-residential except Industrial		√			
§4.6 H.1.c Prohibited materials	√				
§4.6 H.1.d Chain link	√				
¹ Ordinance #3, Series 2016					

TABLE 9-1 DECISION-MAKING FOR WAIVERS					
CODE SECTION	NO WAIVER ALLOWED	CD DIRECTOR	P&Z	CC	OTHER / COMMENTS
§4.6 H.1.e Barbed wire	√				
§4.6 H.2.a Less than 4' in height in residential front yards	√				
§4.6 H.2.b Fences or walls ≥6' require permit	√				
§4.6 H.2.c Setbacks for fences and walls ≥ 8'	√				
§4.6 H.2.d Compliance with driveway visibility	√				
§4.6 H.2.e Offset for fences and walls adjacent to alleys	√				
§4.6 H.2.f License Agreement	√				
§4.6 H.2.g Maximum uninterrupted plane of 100'	√				
§4.6 H.2.h. Plantings in conjunction with fences and walls	√				
§4.6 I Screening					
§4.6 I.1. Drive Thru Facilities	√				
§4.6 I.1.a. Parking Lot Separation	√				
§4.6 I.1.b Adjacent to residential zone district	√				
§4.6 I.2. Service Areas					
§4.6 I.2.a Location and screening		√			
§4.6 I.2.b Limited to area on approved site plan	√				
§4.6 I.3. Loading Areas					
§4.6 I.3.a. 100% screening from residential properties and public rights-of-way		√			
§4.6 I.3.b. Screening material		√			
§4.6 I.3.c. Location of Type B loading docks			√		
§4.6 I.4. Mechanical Equipment					
§4.6 I.4.a. Screening		√			
§4.6 I.4.b Roof-Mounted Screening Material		√			
§4.6 I.4.c Ground-Mounted Screening Material		√			
§4.6 I.5. Utilities					not applicable to accessways
§4.6 I.6. Trash Receptacles		√			
§4.6 J. Maintenance Requirements					
§4.6 J.1. Maintenance Required	√				
§4.6 J.2. Maintenance of Landscape Structures	√				
§4.6 J.3. Replacement		√			
§4.6 J.4. Enforcement		√			
§4.7 Outdoor Display and Storage					
§4.7 B. Outdoor Display					
§4.7 B.3. Obstruction Prohibited.	√				
§4.7 B.4. Maintenance	√				
§4.7.C. Outdoor Storage					
§4.7 C.2. Area	√				
§4.7 C.3. Screening	√				
§4.7 C.4. a. Setbacks	√				
§4.7 C.4.b. Rear Yards		√			
§4.7 C.4.c. Side Yards	√				

TABLE 9-1 DECISION-MAKING FOR WAIVERS					
CODE SECTION	NO WAIVER ALLOWED	CD DIRECTOR	P&Z	CC	OTHER / COMMENTS
§4.8 Signs – Sign Standards are omitted from this review					
§4.9 Outdoor Lighting					
§4.9 Applicability					
§4.9 B.1. Existing no increase in floor area	√				
§4.9 B.2. Existing with increase in floor area	√				
§4.9 C. Exemption					Not Applicable
§4.9 D. Prohibited Light Sources			√		
§4.9 E. Design Requirements					
§4.9 E.1 Fixture (Luminaire)			√		
§4.9 E.2 Fixture Height			√		
§4.9 E.3 Mounting			√		
§4.9 E.4 Limit Lighting to Periods of Activity		√			
§4.9 F. Specific Standards					
§4.9 F.1 Street Lighting				√	
§4.9 F.2 Security Lighting			√		
§4.9 F.3 Accent Lighting					Not Applicable
§4.9 F.4 Canopy Area Lighting		√			
§4.9 F.5 Entrances Exits in Nonresidential and Multi-Family Development		√			
§4.9 F.6 Off-street Parking Area Lighting		√			
§4.9 G. Excessive Illumination			√		
§4.10 Large Scale Retail					
§4.10 B. Applicability			√		
§4.10 D. Single Building Site Development Standards					
§4.10 D.1. General			√		
§4.10 D.2. Orientation			√		
§4.10 D.3. Front Parking			√		
§4.10 F. Multiple Building Site Development Standards			√		
§4.10 F.1 Location Standards			√		
§4.10 F.2 Orientation			√		
§4.10 F.3 Front Parking			√		
§4.10 F.4 Phasing			√		
§4.10 G. Vehicular Circulation					
§4.10 G.1. Transportation Impact Study Requirements			√		
§4.10 G.2 Access to Collector Streets			√		
§4.10 G.3 Internal Drive Connectivity			√		
§4.10 G.4 Passenger Loading Zones			√		
§4.10 G.5 Traffic Control			√		
§4.10 G.6 Speed Change Lanes			√		
§4.10 G.7 Restricted Turning Movements			√		
§4.10 H. Pedestrian Circulation Facilities					See §4.5
§4.10 I. Residential Protection					
§4.10 I.1 Building Location			√		

TABLE 9-1 DECISION-MAKING FOR WAIVERS					
CODE SECTION	NO WAIVER ALLOWED	CD DIRECTOR	P&Z	CC	OTHER / COMMENTS
§4.10 I.2 Buffering and Landscaping			√		
§4.10 J. Building Design Standards					
§4.10 J.2 Ground Floor Façades					
§4.10 J. 2.a. Abutting public streets or parking lots			√		
§4.10 J.2.b Liner and Pad Site Buildings			√		
§4.10 J.3.Articulation					
§4.10 J.3.a. Exterior Wall Plane			√		
§4.10 J.3.b. Primary Façades.			√		
§4.10 J.3.c. Secondary Façades			√		
§4.10 K. Architectural Elements			√		
§4.10 L. Building Entrances			√		
§4.10 M. Materials and Colors			√		
§4.10 M.1. 4-85Exterior building materials			√		
§4.10 M.2 Façade colors			√		
§4.10 M.4 Wall surface material			√		
§4.10 M.6 Neon as an architectural accent prohibited			√		
§4.10 M.8. Roofs					
§4.10 M. 8.a. Parapets			√		
§4.10 M. 8.b. Overhanging eaves			√		
§4.10 M. 8.c. Sloping Roofs			√		
§4.10 M. 8.d. Three or more roof slope planes			√		
§4.10 N Abandoned Buildings			√		
§5.1 Natural Resource Protection Standards					
§5.1 B. Stormwater Design and Construction Standards					
§5.1 B.1. City <i>Stormwater Manual</i> incorporated by reference			rec	√	
§5.1 B.2. Design and construction in accordance with <i>Stormwater Manual</i>	See <i>City of Gunnison Stormwater Management Manual</i> Table 8-1 below:				
TABLE 8-1 DRAINAGE REPORT SUBMITTAL REQUIREMENTS					
Submittal Type		Drainage Submittal Requirements		Review Body	
Map Amendment		Determined by the City Engineer		P&Z and City Council	
Planned Development PUD-O or PUD-M		Phase II Drainage Report		P&Z and City Council	
Site Development Application		Determined by City Engineer		Staff	
Conditional Use		Determined by City Engineer		P&Z	
Preliminary Subdivision Plat		Phase II Drainage Report		P&Z	
Final Subdivision Plat/Replat		Phase III Drainage Report		P&Z and City Council	
Minor Subdivision		Determined by City Engineer		P&Z and City Council	
Exempt Subdivision		Determined by City Engineer		Staff	
Note: The Drainage Report submittal requirements as outlined in this Table are general guidelines and do not represent all circumstances under which specific drainage submittals may be required. Prior to the submittal, the applicant shall consult with the City Engineer for submittal requirements regarding applications or processes not addressed in this Table.					

TABLE 9-1 DECISION-MAKING FOR WAIVERS					
CODE SECTION	NO WAIVER ALLOWED	CD DIRECTOR	P&Z	CC	OTHER / COMMENTS
§5.1 B.3. Only historic runoff shall be released from the site.	√				
§5.1 B.4. Drainage shall comply with state and federal requirements	√				
§5.1 C. Floodplain	√				
§5.2 Slope Protection Standards					
§5.2 A. Density Calculation for Residential Development on Slopes >10%					
§5.2 A.1. Applicability	√				
§5.2A.3. Dimensional Standards	√				Variance
§5.2 B. Development Restrictions on Steep Slopes					
§5.2 B.2. New Structures—Existing Slopes in Excess of Ten Percent			√		
§5.2 B. 2.a. New development subject to review		√			
§5.2 B.2.b.i. Minimized Site Disturbance		√			
§5.2 B.2.b.ii. Shared utilities and driveway access		√			
§5.2 B.2.b.iii. No new construction in areas of instability		√			
§5.2 B.b.iv. Applicant must demonstrate that site is not instable and development will not cause instability		√			
§5.2 B.2.c. Measurement of steepness of slope		√			
§5.2 B.3. Structure Clearance from Steep Slopes		√			
§5.2 B.4. Grading, Clearing and Excavation – slope in Excess of Ten Percent		√			
§5.2 B.5. Roads/Driveways – slopes in Excess of Ten Percent		√			
§5.3 B. Grading Plan			rec	√	Subdivision
		√			Site development
§5.3 C. Plan Preparation		√			
§5.3 D. Grading Standards					
§5.3 D.1. Approval/Permit Required		√			
§5.3 D.2. Limits on Changing Natural Grade		√			
§5.3 D.3. Cutting and Creating Benches		√			
§5.3 D.4. Grading For Accessory Building Pads Discouraged		√			
§5.3 D.5. Limits on Graded Filled Manmade Slopes					
§5.3 D.5.b. slopes shall not exceed 3:1			rec	√	subdivision
		√			Site development

TABLE 9-1 DECISION-MAKING FOR WAIVERS					
CODE SECTION	NO WAIVER ALLOWED	CD DIRECTOR	P&Z	CC	OTHER / COMMENTS
§5.3 D.5.c. Situations for 2:1 slope for road construction			rec	√	subdivision
§5.3 D.6. Retaining Walls		√			
§5.3 D.6.a.i. To provide breaks in slopes >30%		√			
§5.3 D.6.a.ii. 6' height restriction		√			
§5.3 D.6.a.iii. Engineering requirement	√				
§5.3 D.6.iv. Horizontal terrace requirement		√			
§5.3 D.6.v. Screening requirement		√			
§5.3 D.6.vi. Compliance with Building Codes	√				
§5.3 D.6.b. Filling or Dredging of Waterways Prohibited.	√				
§5.3 D.6.c. Detention/Stormwater Facilities	√				
§5.3 D.7. Restoration of Disturbed Areas					
§5.3 D.7.a. Follow Natural Contours	√				
§5.3 D.7.b. Revegetation Required		√			
§5.3 D.7.c. Timeline		√			
§5.3 D.7.d. Man-made Slopes Greater than 25 Percent		√			
§5.3 D.7.e Man-made Slopes Greater than 50 Percent		√			
§5.3 D.7.f. Topsoil Stockpiled		√			
§5.3 D.8. Limitations of Disturbance					
§5.3 D.8.d. Development Standards					
§5.3 D.8.d.i Approval of erosion and sedimentation control required.		√			
§5.3 D.8.d.ii. No development outside LOD except as provided in §5.3 D.8.d.iii. (below):		√			
§5.3 D.8.d.iii. Disturbance or construction may occur outside LOD with written consent of landowner and approval of staff for limited purposes.		√			
§5.3 D.8.e. LOD shall be designated on Final Grading and Drainage Plans			rec	√	
§5.3 D.8.f. Standards for Protection during Construction.		√			
§5.3 E. Construction Stormwater Management Plan.		√			
§5.4 Wetland and Streams Corridor Protection					
§5.4 C. Other Regulations					
§5.4 C.1. This Section does not supersede other regulations. More stringent regulations apply.			rec	√	
§5.4 C.2. No construction or disturbance within delineated wetlands	√				
§5.4 E. Buffer/Setback Areas					
§5.4 E.1. Major Ditch and River Corridors					
§5.4 E.1.a.i. Major Ditches			√		
§5.4 E.1.a.ii. Gunnison River and Tomichi Creek Corridors					
§5.4 E.1.a.ii. a) Setbacks			√		
§5.4 E.1.a.ii. b) Exception			√		

TABLE 9-1 DECISION-MAKING FOR WAIVERS					
CODE SECTION	NO WAIVER ALLOWED	CD DIRECTOR	P&Z	CC	OTHER / COMMENTS
§5.4 E.1.b. Parking Lot Setbacks			√		
§5.4 E.2.a. Wetlands not included as part of platted development lot.			rec	√	
§5.4 E.2.b. 50' setback from wetlands.			√		
§5.4 E.3. Private Open Areas and Landscaping Credit		√			
§5.4 F. Development Standards					
§5.4 F.1. Prohibited Activities		√			
§5.4 F.2 Utilities		√			
§5.4 F.3 Recreation, Education or Scientific Activities		√			
§5.4 G. Preservation of Vegetation		√			
§5.4 H. Wetland Mitigation Requirements					
§5.4 H.1. Restoration required	√				
§5.4 H.2. Alteration of wetlands requires mitigation			√		