

GUNNISON COUNTY PLANNING COMMISSION

PRELIMINARY AGENDA: August 7, 2025

200 E. Virginia Gunnison CO, 81230

In person or on Zoom

***Disclaimer:** agenda discussion item times are approximate. Public hearings may start on or after the posted notice time. Work sessions may start earlier or later than the posted time.*

8:45 a.m.

- Call to order; determine quorum.
- Approval of Minutes from the July 17, 2025, Planning Commission meeting
- **Unscheduled Citizens:** A brief period in which the public is invited to make general comments or has questions of the Commission or Staff about items which are not scheduled on the day's agenda.
- Miscellaneous/Staff Reminders/Announcements

9: 00 a.m.

Joint Public Hearing: SG-25-00001 | Gunnison Area Plan Special Area Regulations

Discussion of the proposed Gunnison Area Plan and Special Area Regulations with Gunnison County Planning Commission and Gunnison County Board of Commissioners.

12:00 p.m.

Adjourn

Packet Materials are available online: [Planning Commission Meeting Packets](#)

Or by visiting <https://gunnisoncounty.org/197/Planning-Commission> and selecting "View Most Recent Meeting Packet"

Use this link to join the Webinar on Zoom: <https://gunnisoncounty-org.zoom.us/j/86337231015>

Phone one-tap:

+17193594580,,86337231015# US

+14086380968,,86337231015# US (San Jose)

NOTE: Unless otherwise noted, all meetings are conducted in the Blackstock Government Center Meeting Room 221 N. Wisconsin St. in Gunnison, across the street from the Post Office. This is a preliminary agenda; agenda times may be changed up to 24 hours before the meeting date. If you are interested in a specific agenda item, you may want to call the Planning Department (641-0360) ahead of time to confirm its scheduled time. Anyone needing special accommodations may contact the Planning Department before the meeting.

**GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
Thursday, July 17, 2025**

The Gunnison County Planning Commission conducted a regular meeting in the Planning Commission Meeting Room in the Blackstock Government Center, 221 N. Wisconsin, Gunnison, Co. and on Zoom **Present:**

Chairperson - Roland Mason Vice-Chairperson - Eric Phillips Commissioner - Julie Baca Commissioner - Fred Niederer Commissioner - Bill Barvitski Alt. Commissioner - Catherine McBreen Alt. Commissioner - Sean Patrick BOCC/BOA - Jonathan Houck BOCC/BOA - Liz Smith BOCC/BOA - Laura Puckett Daniels BOA – John O’Neal	Director of Community and Economic Development - Cathie Pagano Director of Planning - Hillary Seminick Planner II - Rachael Blondy Planner I – Caroline Danielson Others present as listed in text
---	--

Absent: Brookhart (BOA)

Recused: Tocke (BOA), Barvitski (from LUC-23-00032 only)

Zoom: Niederer

With a quorum present Chairperson Mason opened the July 17, 2025 regular meeting of the Planning Commission at 8:47 am.

Moved by Baca, seconded by Phillips to approve Planning Commission meeting minutes, dated July 10, 2025. The motion passed unanimously in support.

Staff announcements/ miscellaneous:

Seminick reminded the board of the upcoming August 7th Joint Public Hearing for the Gunnison Area Plan Special Area Plan Regulations to be held at the courthouse.

Joint Public Hearing- BOA, PC, BOCC: LUC-23-00032 | Discount/Centennial Storage Major Impact Preliminary Plan

LPG 1825 HIGHWAY 135 LLC, DDCM 164 LUDLOW LLC (Applicant), represented by Centennial Storage Partners LLC, Law of the Rockies, and Michael O’Loughlin, Esq. of Schumacher & O’Loughlin, LLC, requested an expansion of an existing Commercial use and a setback variance to allow for an additional 115 outdoor vehicle storage spaces adjacent to the Discount Storage facility at 1825 State Highway 135, Gunnison, CO 81230, Parcel No. 3701-250-06-008 (Application). The request would increase outdoor vehicle storage units from 134 to 249 spaces. The proposal would not increase the approximate 21,000 sq. ft. of interior retail storage.

Mason noted that Barvitski and Tocke had recused themselves from the agenda item due to potential conflict of interest.

Seminick summarized the Major Impact Application process. She noted that there had been a change of ownership since the application submittal, but that the application had not changed otherwise.

Confirmation of Adequate Public Notice

Seminick confirmed that adequate public notice was given.

Applicant Presentation

O'Loughlin, representing the applicant, summarized the proposed project, noting that they had received support from the owner of the island residential parcel. He explained that the plat required some minor changes due to an ownership change. He explained that he believed that this project would support housing projects, and that the City of Gunnison expressed support for the project. Snyder, the previous owner, explained that affordable housing and storage tie hand in hand.

Planning Commission Questions

n/a

Public Comments

Kris Travis- Employee of Discount Storage, reflected upon daily calls from residents seeking parking storage. Expressed support for the project.

Elisa Quarry- Expressed support for the project.

John Suko- Part-owner of Discount Storage, explained that this project is needed for the community.

Mason closed the public comment period at 9:22 AM.

Staff Response

n/a

Board Response

Mason noted that previous concerns had been addressed in work sessions. Phillips noted that this project aligned with the 2019 policy directive. Mason requested to discuss the draft recommendation document.

Seminick reviewed the draft recommendation document. She explained that the conditions were consistent with those that had been in place since the sketch plan. Mason noted that the project was in the preliminary and final plan, and that the recommendation would go to the BOCC.

Moved by Phillips, seconded by McBreen, to approve the recommendation for LUC-23-00032. The motion carried unanimously in support.

Mason adjourned the BOCC from the meeting. Mason opened the BOA joint meeting with the Planning Commission.

Applicant presentation

Applicant summarized the setback variance request. He explained that complying with the 50 ft setback requirements would eliminate most of the proposed project.

Staff response

Seminick outlined the five standards of approval by the BOA. She noted that the applicant had provided responses which were integrated into the staff memo, and that a draft decision document was included in the packet.

Puckett Daniels inquired with staff about the 2018 application which was approved without the same setback requirements. She noted that all approvals include a condition outlining that approval does not imply future approval. Seminick responded that the staff report for LUC-18-00036 did not address the commercial setback standards the same way the current application had applied them.

San Filippo-Rosser noted that there was a litigation that was stayed pending the decision on the variance request.

Public Comment

None

Mason closed public comment at 9:43 AM.

Smith expressed comfort with moving forward.

Puckett Daniels requested a site plan. Seminick presented the site plan, explaining that the variance request was 2 feet from the property boundary. The applicant confirmed that the fence would be put at the 2 feet mark, so vehicles would not be parked to the property boundary.

Puckett Daniels inquired with the rest of the board on impacts to future development.

Smith noted that due to the size of the surrounding parcels, and the variance being consistent with what was already existing, she did not have problems moving forward with the application.

Houck expressed that if this parcel were a blank slate, the request would be different. He expressed that he saw the need for the additional parking storage, driven by housing projects. Expressed that he stood by the policy direction of 2019, and that the situation was unique.

O'Neal expressed support for the variance request.

Seminick reviewed the draft decision document.

Moved by Houck, seconded by Smith to approve the variance as presented with conditions written into the decision document. The vote carried unanimously in support.

Mason adjourned the BOA meeting.

Moved by Baca, seconded by Patrick to close the public hearing. The vote carried unanimously in support.

Planning Commission Work Session: LUC-25-00017 | CBMR Cell Tower Minor Impact

The Applicant, Crested Butte LLC, requested to install a wireless node, including 8'x14' equipment hut and 35' monopole for antennas, at the base of Crested Butte Mountain Resort.

Applicant Presentation

Diack summarized the proposal, explaining that the proposed wireless node was a part of a larger project, with 6 other nodes on USFS property. The other nodes were fully approved and permitted through the USFS. She explained that all carriers would be able to transmit from the nodes.

Planning Commission Questions

Baca inquired about the appearance of the project. Diack confirmed that it would be painted to blend in with the trees and would not be reflective. She noted the location being near the trees between the Red Lady and Silver Queen lifts.

Patrick inquired about the power source. Diack explained that it would be powered by underground power, no generators.

Mason inquired about the coverage, Diack explained that the intent of the project was to cover the entire ski-able area of the resort.

Blondy noted that the applicant had requested an impact classification reduction.

Moved by Baca, seconded by Patrick to reduce the impact classification. The vote carried unanimously in support.

Planning Commission Work Session: LUC-24-00013 | Coconut Holdings Minor Impact

The Applicant, Coconut Property Holdings LLC, represented by Wright Angle Construction, proposed a residence over 5,000 square feet on Lot 9, Wilder on the Taylor, commonly known as 874 Wildwater Way.

Staff Comments

Blondy summarized the project, stating that the structure was proposed at 5,338 square feet. She noted that if the garage was detached, it would not require a minor impact application, and that it was within 125 feet of the Taylor River. She explained that the applicant had worked to meet standards of LUR Section 11-107.

Baca inquired about the sight lines of adjacent property owners. Phillips noted that the neighboring parcel is a community property owned by every property owner in Wilder.

Blondy explained that the application was put on hold for HOA approval, and in the meantime had been significantly downsized.

Barvitski noted that the build site was well shielded from the road.

Mason noted that the application was not exempt from LUR Sections 11-107, 13-116, and 13-117. Blondy expressed comfort with the proposed drainage plan.

Mason expressed comfort with moving forward.

Seminick noted that silt fencing would be required regardless of the size due to the location being within 125 ft of a water body.

Planning Commission directed staff to draft a decision document and schedule a public hearing.

Planning Commission Work Session: LUC-24-00056 | Aspen Leaf Hunting Lodge Minor Impact

The Applicant requested a change of use to their existing hunting lodge from private to commercial.

Staff Comments

Blondy summarized the proposed project, explaining that the applicant was proposing 1 event per month in the summer months, and that the lodge was inaccessible in the winter months. She noted that hunting would occur on public land, but that no guiding services would be offered. She explained that the lodge was currently being used as employee housing, approved as a minor impact. She also noted that the applicant had put 994 acres into a conservation easement in 2024, and that the proposed use would not conflict with this easement.

Applicant Presentation

Applicant explained that commercial use would include lodging and food service, not guiding.

Planning Commission Questions

Phillips inquired about the frequency of events. The applicant confirmed that they would have up to 3 events/year, with a maximum of 1/month. He noted that they would host hunting camps in September and October.

Baca inquired about the location, applicant confirmed the lodge is about 2 hours from Montrose or Gunnison.

Barvitski inquired about the existing septic system, confirming that it is rated for the proposed use. The applicant noted that the system would be able to meet the proposed and existing uses, assuming a maximum attendance of 30 guests. The system was designed for commercial use and matched the proposal. Noted that the system had been reviewed by the Environmental Health Office. Blondy noted that Lambert had provided requirements of the approval, including monitoring water usage for at least 3 years.

Moved by Phillips, seconded by Baca to reduce the impact classification to Administrative Review. The vote carried unanimously in support.

Meeting Adjourned at 11:18 a.m.

SPECIAL AREA REGULATIONS

GUNNISON SPECIAL AREA

Adoption Date TBD

DRAFT

Table of Contents

Purpose	3
Applicability	4
Relationship to Gunnison County Land Use Resolution	5
Definitions	5
General Standards and Review Processes	6
Requirements for Projects in Urban Transition Areas	7
Preservation of Manufactured Home Parks	20
Development Incentives	21
Development Agreements and Amendments	21

DRAFT

SECTION 1. AUTHORITY AND PURPOSE

1.1. GUNNISON SPECIAL AREA

- A. **Title and Authority.** The Gunnison Special Area Regulations (SAR) have been designated by the Board of County Commissioners of Gunnison County pursuant to Section 1-110: Process for Designating Special Areas of the *Gunnison County Land Use Resolution* (“LUR”), Resolution XXX as a Special Area.
- B. The Gunnison Special Area Regulations applies to all lands identified in the Gunnison Area (Three Mile Plan).

1.2. Purpose.

- A. These regulations are intended to ensure development in this area provides appropriate service levels and reflects the community’s goals related to land use, housing opportunities, community character, environmental sustainability, natural hazard mitigation, infrastructure access, access to employment centers and services, and multimodal connectivity. These Special Area Regulations shall be liberally construed to further the following purposes:
 - 1. **To simplify the LUR review and approval process.** To simplify the LUR review and approval process for real property wholly contained in the Gunnison Area.
 - 2. **To create a framework for coordinated development patterns in the Gunnison area.** To coordinate development requirements between the City of Gunnison and Gunnison County.
 - 3. **To provide additional opportunities for affordable and attainable housing.** To encourage the development of affordable and attainable housing in the Gunnison Special Area in order to further the goals of the Gunnison County Strategic Plan and the Gunnison Valley Housing Needs Assessment.
 - 4. **To provide opportunities for compatible commercial and light industrial uses.** To provide opportunities to neighborhood scale commercial land uses and light industrial maker spaces, as defined in these Special Area Regulations.
 - 5. **To ensure development is served by adequate infrastructure.** To locate development in areas where connection to existing and planned infrastructure, including water, sanitation, and roads, is possible.
 - 6. **To protect the environment; public health, safety and welfare; public services, facilities and property.** To avoid or mitigate potential impacts caused by land development within the Gunnison Special Area, to the environment, to public services and facilities, property and public safety and welfare, and land use within the Gunnison Special Area, to the maximum extent feasible.
 - 7. **To protect lands with environmental value and natural hazards.** To protect lands with high environmental value and/or natural hazards by limiting development in these areas.

SECTION 2. APPLICABILITY

2.1. REGULATION APPLICABILITY GENERALLY.

- A. The SAR applies to all development, including the development of new buildings or structures, expansion of existing uses, and change of the use of land or structures within the Gunnison Special Area.

2.2. GUNNISON SPECIAL AREA DEFINED.

- A. There are four areas identified in the Gunnison Special Area, described in more detail below.

Gunnison SAR Geography

North Urban Transition Area

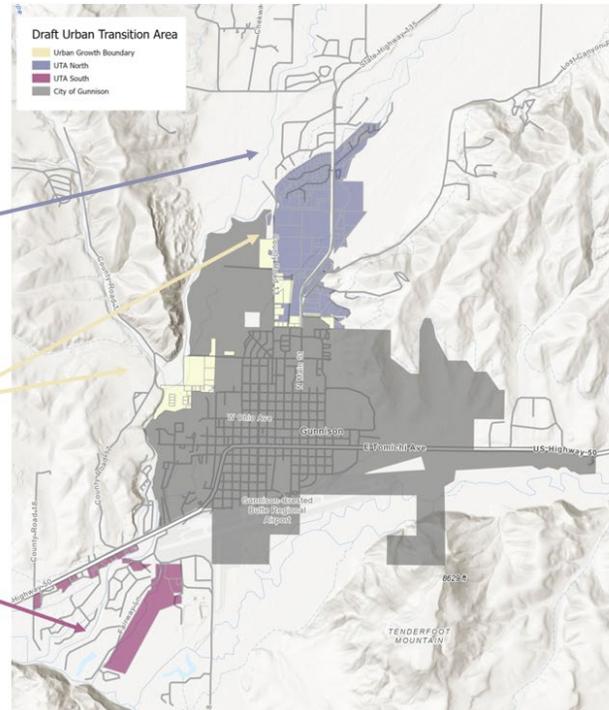
Areas are within the City's utility service boundary but not yet eligible for annexation, and require a pre-annexation agreement and utility connection for most development.

City Urban Growth Boundary (UGB)

Properties within the UGB that are eligible for annexation must work with the City to annex and connect to utilities, while others follow North or South Urban Transition Area rules.

South Urban Transition Area

County-managed areas may eventually annex but currently rely on County utilities, with annexation required only outside the Dos Rios utility service area.



1. **CITY URBAN GROWTH BOUNDARY:** For development located in the City of Gunnison Urban Growth Boundary (UGB)..
 - (a) **PARCELS ELIGIBLE FOR ANNEXATION.** Development in these areas shall be subject to review by the City of Gunnison and shall work with the City to connect to utilities and annex.
 - (b) **PARCELS ELIGIBLE FOR PRE-ANNEXATION:** Any property located in the City Urban Growth Boundary that is not eligible for annexation shall work with the City to connect to utilities and enter into a pre-annexation agreement.
 - (c) **EXEMPTION:** The following activities shall be exempt from City development review:
 - i. **SECONDARY RESIDENCE, ADDITION, NON-HABITABLE STRUCTURE.** Any parcel within the Urban Growth Boundary with a legally established single family residence may construct an addition, secondary residence, or non-habitable structure such as a storage unit or a garage. The improvements of this section shall not require connection to City utilities, annexation, or a pre-annexation agreement.
 - ii. **MAINTENANCE.** Regular maintenance shall be permitted.
 - iii. **FORCE MAJEURE:** Replacement of a portion of or the entirety of a structure that was damaged and/or demolished due to circumstances beyond the control

of the property owner, also known as an “act of God”, including but not limited to fire or flood.

2. **NORTH URBAN TRANSITION AREA:** These areas are in Gunnison County that are not immediately eligible for annexation but are within the City of Gunnison utility service area. These areas are appropriate for potential annexation when they become eligible. Growth will be focused in these areas to leverage existing infrastructure, community services, and community characteristics to benefit future development.
 - (a) **APPLICABILITY.** Development is subject to this SAR and shall work with the City to connect to utilities.
 - (b) **PRE-ANNEXATION.** A Pre-Annexation Agreement with the City of Gunnison is required for development in these areas, pursuant to Subsection C.1, below.
 - (c) **EXEMPTION.**
 - i. **PRIMARY RESIDENCE.** Connection to City utilities and pre-annexation shall not be required for the development of a primary residence.
 - ii. **SECONDARY RESIDENCE, ADDITION, NON-HABITABLE STRUCTURE.** Any parcel within the North Urban Transition Area with a legally established primary residence may construct an addition, secondary residence, duplex, accessory dwelling unit, or non-habitable structure such as a storage unit or a garage, without triggering the requirements of this section. The improvements of this section shall not require connection to City utilities, annexation, or a pre-annexation agreement.
 - iii. .
 - iv. **MAINTENANCE.** Regular maintenance shall be permitted.
 - v. **FORCE MAJEURE:** Replacement of a portion of or the entirety of a structure that was damaged and/or demolished due to circumstances beyond the control of the property owner, also known as an “act of God”, including but not limited to fire or flood.
 - (d)
3. **SOUTH URBAN TRANSITION AREA:** These areas are in Gunnison County and are not expected to be annexed into the City. They are served by County utilities and may be served by City electric services. These areas are appropriate for potential annexation if and when they become eligible. Growth will be focused in these areas to leverage existing infrastructure, community services, and community characteristics to benefit future development.
 - (a) **APPLICABILITY.** Development is subject to this Special Area Regulations and applicants shall work with the County to connect to the appropriate utilities.
 - (b) **PRE-ANNEXATION NOT REQUIRED.** Parcels located within the Dos Rios utility service area are not required to annex into the City.
 - (c) **SECONDARY RESIDENCE, ADDITION, NON-HABITABLE STRUCTURE.** Any parcel within the South Urban Transition Area with a legally established primary residence may construct an addition or non-habitable structure such as a storage unit or a garage, without triggering the requirements of this section. The improvements of this section shall not require connection to county water and/or sewer,
 - (d) **MAINTENANCE.** Regular maintenance shall be permitted.
 - (e) **FORCE MAJEURE:** Replacement of a portion of or the entirety of a structure that was damaged and/or demolished due to circumstances beyond the control of the property owner, also known as an “act of God”, including but not limited to fire or flood
4. **RURAL TRANSITION AREA:** These areas are located in proximity to the City of Gunnison, but do not have immediate adjacency to the City boundary or City utilities.
 - (a) **APPLICABILITY.** Development in these areas is subject to the Gunnison County Land Use Resolution.

- (b) **PRE-ANNEXATION NOT REQUIRED.** Connection to City utilities and pre-annexation shall not be required for development in the Rural Transition Area.
5. **RURAL AREA:** These are areas within the Three-Mile boundary that are prioritized for preservation. These areas include lands having high ecological value, lands that are on ridgelines, critical wildlife habitat and migration corridors and hazardous lands. These areas are generally not appropriate for new development and shall be subject to the Gunnison County Land Use Resolution.
- (a) Development in the Rural Area is generally inappropriate, but when proposed shall be subject to the Gunnison County Land Use Resolution.
 - (b) **APPLICABILITY.** Development in these areas is subject to the Gunnison County Land Use Resolution.
 - (c) **PRE-ANNEXATION NOT REQUIRED.** Connection to City utilities and pre-annexation shall not be required for development in the Rural Transition Area

SECTION 3. RELATIONSHIP TO GUNNISON COUNTY LAND USE RESOLUTION

- A. **USES GENERALLY EXEMPT FROM LAND USE RESOLUTION.** Development in the Gunnison Special Area shall be exempt from the requirements of the LUR, unless otherwise specified herein, or by Gunnison County.
- B. **DEFINITIONS.** Terms that are not defined in these Regulations shall be defined pursuant to Article 2: *Definitions* of the Gunnison County Land Use Resolution.
- C. **CONFLICTS.** When there is a conflict with the Regulations herein and the Gunnison County Land Use Resolution, the Land Use Resolution shall control.
- D. **INTERPRETATIONS.** The Gunnison County Community and Economic Development Director shall have the authority to interpret these Regulations, pursuant to Land Use Resolution Section 1-114: *Interpretations*.
- E. **TECHNICAL MODIFICATIONS, TAKINGS, APPEAL AND EXCEPTIONS.** Requests pursuant to the Gunnison County Land Use Resolution Article 8: *Technical Modifications, Takings, Appeal and Exception* shall be reviewed pursuant to the applicable section(s) of Article 8.
- F. **CONSTRUCTION AND WORD USAGE.** Construction and word usage shall be interpreted pursuant to the applicable section(s) of the Gunnison County Land Use Resolution and LUR Section 1-111: *Construction and Word Usage*

SECTION 4. DEFINITIONS.

- A. **ANNEXATION.** Annexation is the process by which a city or municipality extends its boundaries to include additional territory. Colorado state law limits annexation to no more than three miles beyond the existing boundary in any year.
- B. **ARTICULATION, HORIZONTAL.** A method of breaking up large horizontal stretches through architectural elements.
- C. **ARTICULATION, VERTICAL.** A method of breaking up large vertical stretches through architectural elements.
- D. **RESIDENCE** means a structure or any part of a structure designed for residential purposes having one or more rooms, not more than one kitchen, and at least one bathroom, that is designed for long-term occupancy by one or more persons for living and sleeping purposes, and that may be placed on a permanent foundation. In addition, residences includes factory-built housing and alternative construction that comply with the requirements of this Resolution, and, as applicable, with standards of the applicable building code, adopted and amended by Gunnison County. Vehicles, excluding mobile homes, but including recreational vehicles, shall not be considered to be habitable residences.
 - **ACCESSORY DWELLING UNIT, ESSENTIAL HOUSING** means either a detached or attached residence that is subordinate to a Primary Residence, meets the definition of Essential Housing, including a kitchen with food preparation and storage area, sink, stove, and refrigeration, a bathroom with a toilet, sink, and shower or bathtub, a designated area

for sleeping, and general living area. All living spaces in the ADU must have adequate natural light and ventilation. ADUs may not be less than 400 sq. ft. in floor area as measured by LUR Section 13-103:E. *Measurement of Building Size*.

- **DETACHED SECONDARY RESIDENCE** means a secondary residence that is physically separate from the primary residence.
 - **DUPLEX** means a single building that contains two residences.
 - **MULTIPLE-FAMILY RESIDENCE** means a building that contains three or more residences, but not including hotels, motels, or lodges.
 - **PRIMARY RESIDENCE** means the largest single-family residence on a parcel.
 - **SECONDARY OR ACCESSORY RESIDENCE** means a residence that is an accessory structure to a primary residence, except this shall not include a secondary structure intended only for sleeping, pursuant to Section 9-101: Uses Secondary to a Primary Residence.
 - **SINGLE-FAMILY RESIDENCE** means a building that contains one residence.
- E. **FUNCTIONAL TURF.** Turf that is located in a recreational use area or other space that is regularly used for civic, community, or recreational purposes, which may include playgrounds; sports fields; picnic grounds; amphitheaters; portions of parks; and the playing areas of golf courses, such as driving ranges, chipping and putting greens, tee boxes, greens, fairways, and roughs.
- F. **MAKER SPACE.** A building, parcel, or portion thereof, that provides an area for artists, community members, and patrons to explore ideas, experiment, and create. These can be configured as individual spaces or as a common space. These spaces involve small-scale production, assembly, and fabrication conducted entirely indoors with minimal external impacts, and are a type of light industrial development. Maker Spaces may include the creation of goods, as well as their sale. Residential uses may be combined with Maker Spaces to create a mixed-use development.
- G. **MIXED USE.** The use of a building, parcel, or portion thereof, used for a variety of different land use types. This can be a single building that is used for a mix of uses, such as Neighborhood Commercial and residential, or it can be a single parcel with different buildings and/or areas used for different uses. In these Special Area Regulations, Mixed-Use developments shall comply with the requirements for Non-Residential Uses.
- H. **NEIGHBORHOOD COMMERCIAL.** The use of a building, parcel, or portion thereof, for active pedestrian-scale businesses and services primarily intended to serve the immediate needs of the local community. Examples include small shops, galleries, cafes, restaurants, personal services, child care center, group home, pharmacies, bakeries, breweries, distilleries, and the like.
- I. **NONFUNCTIONAL TURF.** Turf that is not functional turf.
- J. **NON-RESIDENTIAL USES.** These uses are all land uses, not including residential land uses.
- K. **PARKS AND OPEN SPACE.** An area dedicated to the public and reserved for recreational, education or scenic purposes.
- L. **GOVERNMENT AND INSTITUTIONAL USES.** A building primarily used by a government entity, educational institution, or a non-profit organization for organized government and/or institutional uses and supporting uses.
- M. **PEDESTRIAN AMENITY:** These are amenities that create a development pattern that creates safe and comfortable environment for pedestrians.
- N. **SHARED PARKING.** An arrangement in which two or more uses with different peak parking demands (hours of operation) use the same off-street parking spaces to meet their off-street parking requirements.

TRANSPARENCY. The amount of fenestration (windows) on buildings that allows the public to see inside from the sidewalk.

SECTION 5. GENERAL STANDARDS AND REVIEW PROCESSES.

A. NORTH URBAN TRANSITION AREA.

1. **PRE-ANNEXATION APPLICATION MEETING REQUIRED.** A pre-annexation meeting with the City of Gunnison and Gunnison County is required for applicable properties located in the North Urban Transition Area to review applicable requirements and understand requirements related to a Pre-Annexation Agreement.
 - a) Prior to filing an application for development in the North Urban Transition Area, the applicant shall meet with both Gunnison County Community Development Director and the City of Gunnison Community Development Director to obtain information and guidance on annexation eligibility and procedures.
 - b) The pre-application conference is required prior to filing an application for development on a parcel located in the North Urban Transition Area.
 - c) Items to be discussed during the pre-application conference may include, but not be limited to, the following:
 - i. The applicant should provide a written description of the proposed development, accompanied by a survey, site plan or other map illustrating the site's boundaries, and development design concepts.
 - ii. The Gunnison County Community and Economic Development Director and the City of Gunnison's Community Development Director should explain the procedures and review standards which apply to the proposed development, including which decision-making body or bodies will review the application, whether public notice is required and the sequence of actions and approximate time required to complete the development review process.

B. NORTH AND SOUTH URBAN TRANSITION AREAS REVIEW PROCESS: ADMINISTRATIVE PROJECTS THAT DO NOT REQUIRE LAND USE CHANGE PERMITS. Properties located in the North and South Urban Transition Areas, are not subject to a Land Use Change Permit, unless otherwise required in these Regulations.

1. **ADDITIONAL REVIEWS.** The following Administrative Review Projects may require a Building Permit, an Access Permit, a Reclamation Permit, or other County permit, but shall not require an additional Land Use Change Permit.
2. **COMPLIANCE WITH THE LUR.** Projects shall comply with all the other applicable requirements of the Gunnison County Land Use Resolution.
3. **TRIGGERS FOR A LAND USE CHANGE PERMIT.** If the Community Development Department determines during review of an application, including a Building Permit, that the proposed use exceeds the classification criteria of an Administrative Review Project, the criteria detailed in Gunnison County Land Use Resolution Section 3-111: B. 1: *Additional Criteria* shall be considered and the appropriate review process and submittals for an Administrative Review Project, a Minor or Major Impact Project shall be required and an application for a Land Use Change Permit shall be required to be submitted.
4. **REQUIRED ESSENTIAL HOUSING.** Projects in the Urban Transition Area shall provide Essential Housing, as defined by the Gunnison County Land Use Resolution and as acceptable by the Gunnison Valley Regional Housing Authority, as follows:
 - a) Projects that include one (1) to four (4) dwelling units shall not have a requirement for essential housing.
 - b) Projects with five (5) to ten (10) dwelling units shall provide a minimum of ten percent (10%) or at least one unit, whichever is greater, of the residential units as essential housing.
 - c) Projects with eleven (11) to twenty (20) dwelling units shall provide a minimum of twenty-percent (20%) of the residential units as essential housing.

- d) Projects in the Urban Transition Area that include twenty-one (21) or more dwelling units per acre shall be subject to the requirements of Section 5, Part C., below, including provision of thirty percent (30%) of the residential units provided as essential housing.
 - e) To the maximum extent feasible, Essential Housing units shall be dispersed throughout the development to ensure an economically diverse and vibrant neighborhood.
 - f) An Accessory Dwelling Unit may be counted as a half (0.5) unit of essential housing so long as the meet the essential housing definition.
 - g) Housing shall be provided as built units, dedication of land to Gunnison County equivalent to the required Essential Housing, as a fee-in-lieu according to the most recent adopted fee-in-lieu study (as may be amended from time to time), or a combination thereof.
5. **SUBDIVISIONS.** For Subdivision applications in the Urban Transition Areas, the review for the subdivision shall be completed as an Administrative Review, followed by approval of a Resolution and Plat signature by the Board of County Commissioners.
- a) The review process shall follow the requirements in Section 6-105 of the LUR, *Submittal For Final Action For Minor Impact Project*

C. **NORTH AND SOUTH URBAN TRANSITION AREAS: ADMINISTRATIVE PROJECTS THAT REQUIRE A LAND USE CHANGE PERMIT.** Projects in the North and South Urban Transition Areas that propose twenty-one (21) or more dwelling units per acre shall be subject to the requirements of this Section, in addition to those of Section 5, Part B, above. This applies to properties located in the City's utility service area (North Urban Transition Area) and properties located in the county's utility service area (South Urban Transition Area).

- 1. Thirty percent (30%) of the total residential units in the development shall be deed restricted as essential housing in accordance with the definitions in the Gunnison County Land Use Resolution. These projects are permitted to utilize the incentives identified in Section 8 of these Special Area Regulations.
- 2. Applications shall comply with the process identified in Gunnison County Land Use Resolution Section 5-104: *Administrative Review Project Application*.
- 3. Projects shall comply with all the other applicable requirements of the Gunnison County Land Use Resolution.

D. **APPLICABLE COUNTY LAND USE RESOLUTION REQUIREMENTS.** Development shall comply with the following sections from the Gunnison County Land Use Resolution (LUR), as may be amended:

- 1. Article 1: General Requirements
 - a) Section 1-104: *Permits Required*
 - b) Section 1-105: *Sections Necessary for Immediate Preservation of Public Health, Safety, Welfare, and the Environmental and Wildlife Resources*
 - c) Section 1-106: *Partially Exempt Land Use Changes*
 - d) Section 1-108: *Nonconforming Uses*
 - e) Section 1-109: *Vested Property Rights*
 - f) Section 1-110: *Process for Designating Special Areas*
 - g) Section 1-111: *Construction and Word Usage*
 - h) Section 1-112: *Use of Maps*

- i) Section 1-113: *Amending this Land Use Resolution*
- 2. Article 2: *Definitions*, with exceptions noted in Section 3:B and Section 4 of this title.
- 3. Article 8: *Technical Modifications, Taking, Appeals and Exceptions*
- 4. Article 11: *Resource Protection Standards*
- 5.
- 6. Article 13: *Project Design Standards*
 - a) Section 13-103:E. *Measurement of Building Size*
 - b) Section 13-103:F: *Minimum Residence Floor Area*
 - c) Section 13-103: *Height Measurements*
 - d) Section 13-104:B *Measurement*
 - e) Section 13-107: *Installation of Solid Fuel-Burning Devices*
 - f) Section 13-109: *Signs*
 - g) Section 13-112: *Snow Storage*
 - h) Section 13-113: *Fencing*
 - i) Section 13-114: *Exterior Lighting*
 - j) Section 13-115: *Reclamation and Noxious Weed Control*
 - k) Section 13-118: *Water Impoundments*
- 7. Article 15: *Right-to-Ranch Policy*
- 8. Article 16: *Enforcement*

SECTION 6. REQUIREMENTS FOR PROJECTS IN URBAN TRANSITION AREAS

- A. **PURPOSE.** This section applies to all projects located in an Urban Transition Area. The standards, allowances, and limitations apply to development to properties located in the City's utility service area (North Urban Transition Area) and properties located in the county's utility service area (South Urban Transition Area). Where there are different requirements for an area in the North Urban Transition Area or South Urban Transition Area, these are identified.
- B. **PERMITTED LAND USES AND DIMENSIONAL REQUIREMENTS.** The following land uses are permitted in the Urban Transition Areas.
 - a. **GOVERNMENT AND INSTITUTIONAL USES**
 - b. **NEIGHBORHOOD COMMERCIAL:** Neighborhood Commercial uses shall comply with LUR Section 9-301 D but not require additional review.
 - c. **MIXED USE:** Mixed Use shall comply with LUR Section 9-301:D but not require additional review.
 - d. **MAKERSPACE:** Makerspace uses shall comply with LUR Section 9-301:D but not require additional review.
 - e. **RESIDENTIAL.** As defined by this title.
 - f. **ADMINISTRATIVE REVIEW PROJECTS THAT REQUIRE LAND USE CHANGE PERMITS:** The following projects are permitted pursuant to LUR Section 5-102: *Projects Classified as Administrative Review Projects that Require Land Use Change Permits:*
 - 1. More Than One Home Occupation
 - 2. Boundary Line Adjustment

3. Lot Cluster
 4. Correction Plat
 5. Alteration of Approved Building Envelopes
 6. Subdivision Exemption to Validate an Existing Lot
 7. Plat for Approved Condominiums/Townhome Project
 8. Amendment or Termination of Subdivision Covenants
- g. **ADMINISTRATIVE REVIEW PROJECTS THAT DO NOT REQUIRE LAND USE CHANGE PERMITS.** The following projects are permitted pursuant to LUR Section 4-102: *Projects Classified as Administrative Review Projects that do not Require Land Use Change Permits:*
1. Barns and Other Agricultural Buildings on an Agricultural Operation
 2. Fences
 3. Gardens And Greenhouses
 4. One 200 Sq. Ft. Storage Shed
 5. Barns In Approved Subdivisions
 6. Gardens And Greenhouses That Are Home Occupations
 7. Pools and Recreation Facilities
 8. Special Events
 9. Temporary Structures
 10. Satellite Dishes
 11. Attached Wireless Telecommunications Device
 12. Keeping of Livestock Not on an Agricultural Operation
 13. Distribution or Service Line to Primary Residence
 14. Alteration and Repair of Existing Service Lines or Distribution Lines.
- h. **MINOR IMPACT PROJECTS:** The following projects are permitted pursuant to LUR Article 6: *Minor Impact Projects:*
1. Freestanding Wireless Telecommunications Devices
 2. Subdivision Plat Vacation, Amendment or Replat
 3. Transmission Lines
 4. Commercial Wedding Site

C. PROHIBITED LAND USES.

- a. Adult-Oriented Uses
- b. Construction of a Residential Access on a Vacant Parcel of Land Prior to Issuance of a Building or On-Site Wastewater Treatment System Permit.
- c. Marijuana Cultivation, Manufacturing or Testing Facility
- d. Alternative residential construction including but not limited to: yurts, tepees, or plastic units.

D. DIMENSIONAL REQUIREMENTS. The following dimensional requirements apply to development located in the Urban Transition Areas.

- a. **VARIANCE.** Setback variances may be requested pursuant to LUR Section 13-105:E. *Variance from this Section.*

DRAFT

TABLE 6-B – URBAN TRANSITION AREA PERMITTED LAND USES AND DIMENSIONS

Use Classification	Maximum Floor Area (sq. ft) Per Unit	Maximum Lot Size in Sq. Ft. (Residential: per Dwelling Unit; Non-Residential per Building)	Maximum Building Height	Off-Street Parking Spaces (Residential per Dwelling Unit; Non-Residential per 1,000 sq ft of Net Leasable)	Building Setbacks (Minimum)				Minimum Build-to-Line	Dwellings Per Acre	
					Front	Street Side	Interior Side	Rear		Minimum	Maximum**
Residential Uses											
Single Family	5,000	9,000	30	Min: 1 Space Max: 2 Spaces	10	5	5	5	At least 50% of building shall be at the minimum setback line	10	20
Secondary/Accessory Residence, Duplex Unit, ADU, Detached Secondary Residence	2,500	4,500	35								
Multi Family*	2,500**	N/A	40								
Mobile Home Communities	5,000	See Division 9-202: Mobile Home Communities in the LUR									
Non-Residential Uses											
Neighborhood Commercial	10,000	10,000	35	Min: 1 Space Max: 3 Spaces	0	0	5	0	At least 50% of building shall be at the minimum setback line	N/A	20
Makers Space	6,500	8,000	35	Min 1 Space Max: 4 Spaces; plus 1 Space for each Dwelling Unit	0	0	5	5			
<p>* Projects that include Multi-Family Dwelling Units of 20 dwelling units or less per acre, shall be subject to the requirements of this Section 6; Projects that include 21 or more dwelling units per acre shall be subject to the requirements of Section 5 Part C of these Special Area Regulations.</p> <p>**Floor area per multi-family residential unit is aggregate and inclusive of unit and non-unit floor area including but not limited to mechanical, egress, and common area(s).</p>											

E. **URBAN TRANSITION AREA GENERAL REVIEW STANDARDS.** These standards shall apply to all development in the Urban Transition Areas. This applies to properties located in the City's utility service area (North Urban Transition Area) and properties located in the county's utility service area (South Urban Transition Area). Certain requirements, including roads and utilities, have different standards depending on the utility service area. These are delineated where applicable.

1. **UTILITY REQUIREMENTS.** All development in Urban Transition Areas shall comply with the following requirements.

a) **GENERAL.**

- i. All utility connections, including all electrical, cable, fiber optic and telephone connections and installation of wires to buildings, shall be placed underground from the nearest available power source.
- ii. The location of transformers and other utility boxes that are placed on the ground shall be adequately screened, fenced or protected. When permitted by the utility provider, these features should be setback behind the front-most wall of the primary building.
- iii. All meters and pipes near or on a structure shall be located on a side façade and may not be located on a street facing façade. For corner lots, meters and pipes may be located on a street facing façade but shall be screened to the greatest extent practicable.
- iv. For all Multi-Family and Non-Residential uses, all utility and mechanical equipment located on a roof or piercing a roof shall be setback from the front-most façade of the building by a distance equal to the height of the equipment. A low wall, meeting manufacturer's specifications, shall be used to conceal roof equipment. This standard shall not apply to renewable energy systems.

b) **WASTE MANAGEMENT.** Waste service shall be located from an alley when one exists.

c) **NORTH URBAN TRANSITION AREA REQUIREMENTS.** Development within Urban Transition Areas that are located within the City's existing or future utility service area, shall be subject to the following requirements.

- i. **GENERAL.** Prior to the issuance of any building permit, all necessary utilities, facilities and services, as required by City of Gunnison LDC *Div. 15.4.011 Adequate Public Facilities*, shall be in place and available to serve the new development.
- ii. **WATER.** Connection to City of Gunnison water source is required and shall be at the sole expense of the developer. If existing water service does not extend to the property, connection to such service shall be included within the Pre-Annexation Agreement.
- iii. **SEWER.** Connection to a public central sewer service is required. This connection can be to a new central sewage service, an existing municipal or other special district central sewage service, or through an extension of an existing central sewage service. Connection shall be at the sole expense of the developer.
- iv. **ELECTRIC.** Connection to the City of Gunnison electric utility is required and shall be at the sole expense of the developer.

d) **SOUTH URBAN TRANSITION AREA REQUIREMENTS.** Development within Urban Transition Areas that are located outside of the City's existing or future utility service area, shall be subject to the following requirements.

- i. **WATER.** Connection to a water source provider is required, where available and shall be at the sole expense of the developer.

- ii. **SEWER.** Connection to a public central sewer service is required. This connection can be to a new central sewage service, an existing municipal or other special district central sewage service, or through an extension of an existing central sewage service. Connection shall be at the sole expense of the developer.
 - iii. **ELECTRIC.** When a property is located within the City of Gunnison Electric Utility area, a project shall connect to the city's system.
- 2. TRANSPORTATION.** The requirements of this section identify transportation related improvements, including streets, transit, parking, and pedestrian and bicycle facilities.
- a) **STREETS.** This section applies to all development in the Urban Transition Area.
 - i. **NORTH URBAN TRANSITION AREA:** A pre-annexation agreement shall be required with the City of Gunnison. The pre-annexation agreement will require compliance with Titles 9 and 12 of City of Gunnison Municipal Code.
 - ii. **SOUTH URBAN TRANSITION AREA:** All development in this area is subject to Section 12-103: Road System and the Gunnison County Specifications for Road and Bridge Construction Standards.
 - iii. **VEHICULAR ACCESS:** Vehicular access points in the Urban Transition Area shall be minimized to support pedestrian connectivity and are encouraged to be concentrated at mid-block locations.
 - b) **TRANSIT.** This section applies to all development of five (5) or more units or lots. Individual single family and duplex dwelling units are exempt from these requirements.
 - i. In areas where transit services are anticipated within the next 5–10 years as part of an adopted plan by Gunnison County, the City of Gunnison, RTA, CDOT or other relevant governmental body, the development plan should include considerations for future transit corridors, considering pedestrian connectivity to future bus stops, transit stations, and infrastructure such as bike lanes or pedestrian paths.
 - c) **PARKING.** This section applies to any Land Use Change Permit, all new development and any addition to an existing building in the Urban Transition Area.
 - i. The number of required parking spaces shall be determined pursuant to Table 6-2.
 - A. For building additions or a use change to an existing building that would increase the total number of parking spaces required for such building, any additional parking shall only be required for the incremental increase, not the existing building or use.
 - ii. Required off-street parking spaces shall be located on the same lot as the structure or business the spaces are intended to serve. Shared parking is permitted, pursuant to the following:
 - A. All developments involved in the shared parking must be located within a 1/8 to a ¼ mile from the shared parking, measured from the entrance of the use to the nearest parking space within the shared parking lot.
 - B. The site or sites involved must contain two or more separate and distinct building activities or functions which, by their nature, can use shared parking without having an adverse impact on traffic circulation or without impairing the overall functioning of the site or sites.
 - C. Shared parking may be required to be set forth in an instrument recorded with the Gunnison County Clerk and Recorder, describing the lands affected by the

- agreement to ensure unified operation, control, and continuation of multiple use or shared parking facilities
- iii. On-street parking adjacent to a commercial use can be used to meet the parking standards required in Table 6-2. Parallel parking is preferred over head-in parking, and head-in parking is preferred over diagonal parking.
 - iv. Street-facing parking lots are prohibited and parking lots shall be placed behind buildings. Where placement behind buildings is not possible, they shall be located at the rear of the property.
 - v. For single-family and duplex lots, off street parking shall be setback from the front-most façade of the building or accessed from a rear or side alley. A driveway is permitted between a street and a garage.
 - vi. Parking spaces, aisles, and turning areas shall be entirely within lot lines and shall not encroach on any public right-of-way.
 - vii. All parking spaces shall not be less than 9 feet in width and 18 feet in length, except that:
 - A. Up to 20% of parking spaces may be compact parking spaces, which shall measure not less than 7.5 feet in width and 15 feet in length.
 - viii. All parking provided in a common parking garage shall have a minimum clearance of 8 feet in height.
 - ix. Accessible spaces shall be provided in accordance with the Americans with Disabilities Act (ADA) Accessibility Standards for parking space size and quantities or as required during site plan review.
 - x. Parking shall be subordinate to the primary development. Commercial parking facilities are not permitted.
 - xi. Developments shall comply with the following parking calculation provisions:
 - A. Developments containing more than one use shall provide parking spaces in an amount equal to the total of the requirements for all uses.
 - B. Where fractional spaces result, the required parking spaces shall be construed as the next highest whole number.
 - xii. Loading facilities are prohibited from being located on street-facing facades and shall be co-located and screened when possible.
 - xiii. Off-street loading spaces shall be located on the same lot as the building or use served and shall not be located within a parking space or an access way or circulation aisle.
 - xiv. Parking lots shall comply with the following requirements to accommodate pedestrian access:
 - A. Parking lot design shall consider pedestrians access to the front of the building.
 - B. Sidewalks and crosswalks shall be designed so that pedestrians can be seen by motorists, and where they can cross most safely with the flow of vehicular traffic.
- d) BICYCLE FACILITIES.** This section applies to all development of five (5) or more units or lots. Individual single family and duplex dwelling units are exempt from these requirements.
- i. Bicycle racks shall be located on private property whenever possible. Racks may be located within a public or private right-of-way only if there is a clear pedestrian pathway meeting ADA requirements.

- ii. For projects with 21 or more vehicular parking spaces, bicycle parking shall be provided. Bicycle parking shall comply with the following:
 - A. Bicycle parking shall consist of racks, lockers, or other storage systems providing a safe and secure means of storing a bicycle.
 - B. Provide bike parking for one-half the number of vehicular parking spaces (i.e. if 10 parking spaces are required, 5 bike spaces are also required);
 - C. Be directly accessible from travel surfaces;
 - D. Be located a maximum of twenty-five (25) feet from the building's main entrance.
- e) **PEDESTRIAN FACILITIES.** This section applies to all development of five (5) or more units or lots Individual single family and duplex dwelling units are exempt from these requirements.
 - i. A detached sidewalk, which is separated from the curb or street pavement edge, shall be required for all new development adjacent to the right-of-way along Highway 135 and collector streets. Secondary or residential streets do not require a vegetative buffer, and no buffer is required where on-street parking is present.
 - ii. A minimum six (6) foot sidewalk shall be provided for all sidewalks located within the right-of-way. Sidewalk material in the right-of-way shall be EG concrete, bituminous asphalt, or other material approved by the Gunnison County Public Works Director.
 - iii. A vegetative buffer between the street and sidewalk may be included on secondary or residential streets at the discretion of the developer. If provided, the buffer shall be a minimum of three (3) feet and a maximum of six (6) feet. This area may be used for snow storage and may include vegetation, gravel, or xeriscape.
 - iv. Sidewalks shall meet accessibility requirements.

3. LANDSCAPING. This section applies to all development of five (5) or more units or lots. Individual single family and duplex dwelling units are exempt from these requirements.

- a) **REQUIRED DESIGN ELEMENTS.** The following standards shall be met.
 - i. A minimum of 1 tree and 3 shrubs per 1,000 sq. ft. of designated landscaped area is required for all development.
 - ii. Vegetation shall be maintained by property owners in such a way that it does not interfere with visibility, reduces fire risk, and enhance the aesthetic quality of the area. In locations where new development alters visually attractive and distinctive natural landscapes, the selection and arrangement of new plantings should be designed to complement and enhance the natural landscape character of the site.
 - iii. Healthy existing trees, grasses and shrubs shall be incorporated into the landscape to the maximum extent feasible. If located between the edge of curb and gutter and the property line, no existing tree of four inches diameter at breast height (DBH) or greater, or dense stand of trees or shrubs of four or more feet in both depth and height shall be removed, unless permitted by plant health, access, safety or identification of the premises, all as determined by the Community and Economic Development Department.
 - iv. Design of the landscape shall take existing trees and shrubs into consideration with an adequate area provided around each tree that is free of impervious material to allow for infiltration of water and air. This pervious area shall be equal to the drip line of the tree. Root zones of existing trees and shrubs to be preserved shall be protected from unnecessary disturbance due to cut or fill grade changes.

- v. The selection and arrangement of new plantings shall be planned to create visual appeal, to provide effective screening, to define site circulation and to enhance the use of the site.
- vi. Nonfunctional turf areas shall be prohibited. These areas may include medians, areas that receive little, if any, use.

b) GENERAL DESIGN GUIDELINES. Whenever possible, landscaping shall incorporate the following low-water principles and practices to reduce water consumption:

- i. Locate plant materials with similar water needs in the same area.
- ii. Design a balanced landscaped area with a mixture of turf and plant types.
- iii. Minimize the use of expansive turf areas. When turf is incorporated it shall be located so that it is effective or functional in terms of visual experience and use.
- iv. Incorporate a variety of plant materials that have low water needs and are indigenous to the area. Plant hardy, low water usage materials in south and west exposures. Use grasses that remain green with a limited amount of irrigation.
- v. Utilize soil amendments that enhance the ability of the soil to conserve moisture, such as organic matter, and certain fertilizers and polymers.
- vi. Use rock, or non-flammable natural materials to keep moisture in the soil around the planted materials and to control weeds.
- vii. Irrigation should be minimized. When included, an automatic irrigation system shall be designed and installed to provide maximum efficiency. The system should be adjustable to meet actual precipitation requirements of the various planting zones and should operate only when necessary. The type of irrigation components should be selected to meet the needs of the type of planting.

4. STORMWATER DETENTION AND TREATMENT REQUIREMENTS. All non-residential development, and areas within one hundred (100) feet of a waterbody as defined by the LUR SECTION 13-117 Drainage, Construction and Post-Construction Storm Water Runoff, in Urban Transition Areas shall comply with the following requirements. This applies to properties located in the City's utility service area (North Urban Transition Area) and properties located in the county's utility service area (South Urban Transition Area).

a) NORTH URBAN TRANSITION AREA. Development within the North Urban Transition Areas, shall be subject to the following requirements.

- i. Prior to the issuance of any building permit, all necessary stormwater detention and treatment facilities and services, as required by City of Gunnison LDC *Div. 15.4.011 Adequate Public Facilities*, shall be in place and available to serve the new development.
- ii. Permanent stormwater detention facilities are required to be multipurpose facilities designed to detain flows to historic peak discharge rates and to provide water quality benefits. Runoff after construction shall not exceed the level of runoff that occurred before construction.
- iii. All non-residential development is required to meet or exceed the standards of City of Gunnison, the Colorado Department of Public Health and Environment, and the U.S. Environmental Protection Agency with regard to water pollution control, stormwater control, and stormwater management. It is both the property owner's and applicant's responsibility to ensure compliance with state and federal regulations
- iv. Stormwater design shall comply with Section 700, Storm Sewer, Culvert and Irrigation System Specifications, of City of Gunnison Construction Standards.

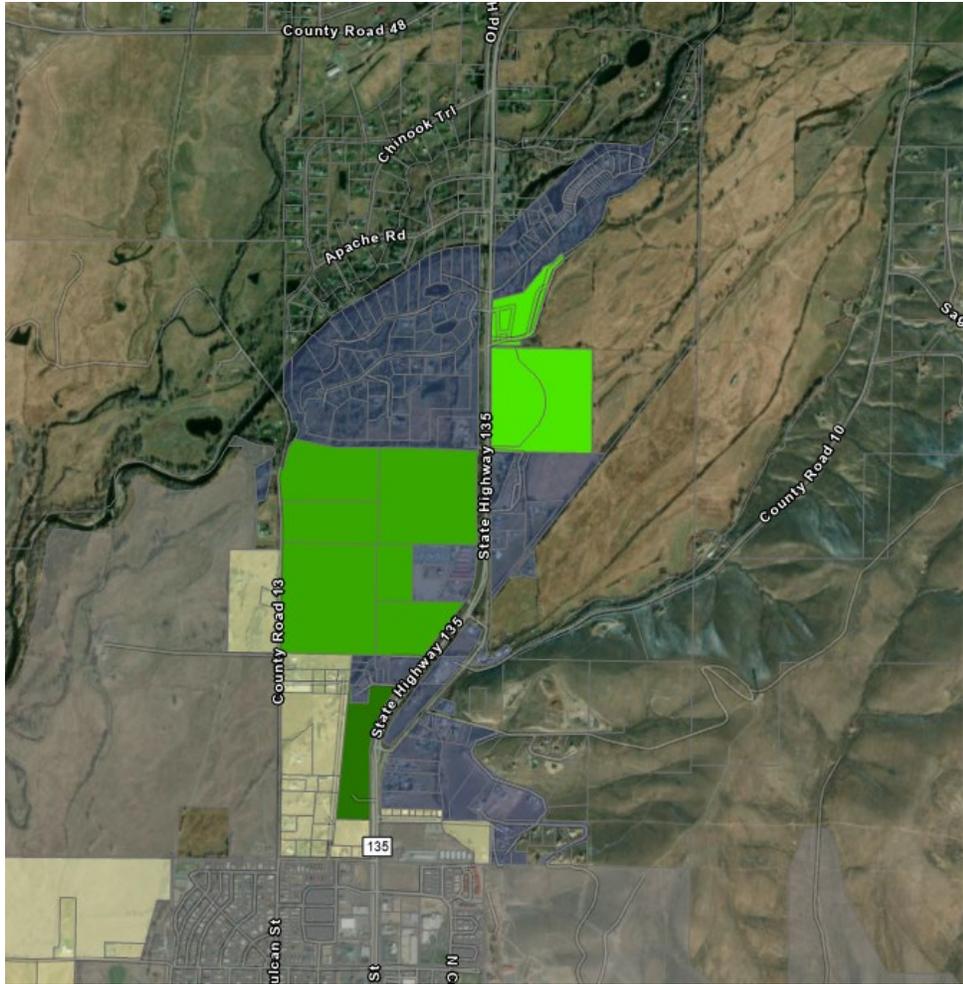
- v. All development shall provide adequate surface, subsurface, and road storm drainage facilities and appurtenances as required by the *City of Gunnison Stormwater Management Plan*, as it may be amended.

- b) **SOUTH URBAN TRANSITION AREA.** All development within the South Urban Transition Areas, shall be subject to LUR Section 13-117: *Drainage, Construction and Post-Construction Storm Water Runoff*.

5. PARKS, TRAILS AND OPEN SPACES. This section applies to all development of five (5) or more units or lots. Individual single family and duplex dwelling units are exempt from these requirements. Development that does not meet these thresholds may voluntarily apply these standards for the design of parks, trails, and public spaces. This applies to properties located in the City's utility service area (North Urban Transition Area) and properties located in the county's utility service area (South Urban Transition Area).

a) PARKS.

- i. Parks shall be required in the following locations:
 - A. As identified in the MetRec Regional Recreation Master Plan adopted by the county that identify future park locations; or
 - B. As identified in the Park Service Area Map(s)
[Maps to be inserted]



- ii. Parks shall be a minimum of 1,000 sq ft and a maximum of 1/2 acre.
- iii. The design should promote continuity of parks and public spaces. Design shall ensure pedestrian, bicycle, and vehicular access is reasonably provided to the spaces.
- iv. The location, shape, size, and character of park land shall be provided in a manner to meet the needs of the development.
- v. The park area(s) shall not include any area designated as a roadway, unit space, or storage area.
- vi. The park area should be conveniently located and free from all natural hazards.
- vii. The park area may count toward applicable minimum landscape requirements.
- viii. Parks shall be dedicated for public use.
- ix. Parks shall permit subgrade utility easements without limitation.

b) TRAILS.

- i. Trails shall be required in the following locations:
 - A. In those locations shown on the Gunnison Metropolitan Recreation District Master Plan adopted by the county that identify future trail locations.
 - B. Where determined by the Community Development Director to be necessary to link the property to schools, shopping areas, parks, trails, greenbelts, and other public facilities, to the maximum extent practicable; and
 - C. Where determined by the Community Development Director to be necessary to provide public access and fishing easements to adjacent lakes, rivers, and streams, to the maximum extent practicable and consistent with state law.
- ii. Trails shall be a minimum 15-foot right-of-way or easement dedicated for public use and have a minimum 8-foot-wide tread way surface which should be centered on the easement center line.
- iii. Trails shall be dedicated for public use.
- iv. The trail easement may overlap and include property previously included in other easements such as ditch, canal, utility and conservation easements, and public or private open space, provided it does not compromise the purpose or functional use of any easement with which it overlaps.
- v. Trails shall permit subgrade utility easements without limitation.
- vi. Access to the trail should be provided within the subject property or from the subdivision and be fully accessible to the general public during reasonable hours.
- vii. All trails should be designed and constructed in accordance with the Americans with Disabilities Act (ADA) and the specifications defined in the City of Gunnison Non-Motorized Transportation Plan, as it may be amended.

c) OPEN SPACE.

- i. Public spaces may include open lands. Trails may be included on designated open space.

- ii. The proposed development should promote continuity of public spaces. Design shall ensure pedestrian, bicycle, and vehicular access is reasonably provided to the spaces.

d) MAINTENANCE REQUIREMENTS. For any Park, Trail, or Open Space, the following maintenance requirement applies.

- i. The long-term maintenance of all designated parks, trails and open space shall ensure the safety and longevity of the improvements. All improvements shall be owned and maintained as public areas by the developer, owner of the property, or an organization established for its ownership and maintenance, unless otherwise approved by the County Community and Economic Development Department.

6. URBAN TRANSITION AREA DESIGN STANDARDS. Development within the Urban Transition Areas are subject to the following design standards. These standards shall apply to the design of multi-family uses, non-residential uses, and single-family and duplex development when part of a proposed subdivision with five or more lots. This applies to properties located in the City's utility service area (North Urban Transition Area) and properties located in the county's utility service area (South Urban Transition Area).

- a) MINIMUM STANDARDS.** These design standards are intended to ensure a minimum level of design is achieved. If an alternate design can be shown to meet the intent of these standards, or where it can be shown that strict compliance with these standards would cause negative environmental impacts or would result in adverse conditions on- or off-site because of unusual topography, size or shape of the lot, existing vegetation, or other exceptional situations or condition, then the County shall have authority to accept the alternative. The evaluation shall consider whether the alternative will provide for an equivalent level of public safety and whether the alternative will be equally durable, so that normally anticipated maintenance costs will not be increased.

b) DESIGN STANDARDS.

- i. **BUILDING PLACEMENT AND ORIENTATION.** The following standards are intended to create a development pattern that reinforces the street grid and provides a high-quality pedestrian experience.

- A. All buildings should be oriented to the street where one exists. All building facades shall be oriented to be parallel to the adjacent street.
- B. Build-to-Lines shall comply with Table C.3.

- ii. **ENTRANCES.** A building entrance shall include a door and entry feature that provides visitors with direct access to the building.

- A. For Residential buildings, the following standards apply:

- 1. The entry door shall be setback no more than eight (8) feet from the front-most wall of the building. The entrance may be accessed from a porch that is no more than one story in height and has a minimum depth of six (6) feet.
- 2. For duplex, triplex, or multi-family residential buildings with more than one entrance, at least one shall be no more than eight (8) feet from the front-most wall of the building. The entrance may be accessed from a porch that is no more than one story in height and has a minimum depth of six (6) feet.

- B. For Non-Residential buildings the following standards apply:

- 1. The facade closest to the front lot line shall have an operable entrance facing the street and a walkway to the nearest sidewalk.
- 2. An operable building entrance is required to be open and accessible during normal business hours. The entrance shall comply with applicable ADA standards.

3. Each building shall have clearly defined customer entrances that include at least two (2) of the following features:
 - a) Canopies, porticos, arcades, or overhangs;
 - b) Recesses or projections;
 - c) Over the door or peaked roof forms;
 - d) Arches;
 - e) Outdoor patios or plazas;
 - f) Display windows;
 - g) Obviously differentiating architectural details such as moldings that are integrated into the building structure and design; and/or
 - h) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
4. Buildings on corner lots are encouraged to have corner entrances. A chamfered corner is permitted to accommodate this type of entrance. Where a corner entrance is not provided, the building plan shall provide an architectural element or detailing (e.g., tower, beveled corner, art, special trim, etc.) that accentuates the corner location.

iii. TRANSPARENCY.

- A. Residential Uses shall have a minimum transparency of 15% of each street-facing façade at the ground level. This may be achieved through windows or doors. Window area is considered the entire area within the outer window frame, including any interior window grid.
 1. Windows used to meet this standard must be transparent and allow views from the building to the street. Reflective or darkened glass is prohibited on ground floors and discouraged on upper levels.
 2. Garage doors shall not be used to meet this requirement.
 3. Glass blocks, frosted glass, and other forms of privacy glazing do not meet this standard.
- B. Non-Residential and Multi-Family Residential Uses shall meet minimum transparency requirements.
 1. 40% of each street-facing façade at the ground level shall be transparent.
 2. A minimum of 20% transparency is required for second levels.
 3. Transparency may be achieved through windows or doors. Window area is considered the entire area within the outer window frame, including any interior window grid.
 4. Windows used to meet this standard must be transparent and allow views from the building to the street. Reflective or darkened glass is prohibited on ground floors and discouraged on upper levels.

iv. STREET LEVEL DESIGN. The following standards apply to Non-Residential Uses, Mixed-Uses, and Multi-Family Uses.

- A. For all ground floor neighborhood commercial or maker space in new development, the distance from the finished floor to the bottom of the ceiling structure above must be at least 12 feet. For ground floor area associated with a residential use, the minimum height must be at least 10 feet.

B. All non-residential eating and drinking establishments are encouraged to provide street-side outdoor/cafe seating and dining patios. Where possible, this area shall be between the public right-of-way and the front facade along primary streets.

C. Individual buildings may not exceed 150 feet in length along a street-facing lot line.

v. **BUILDING ARTICULATION.** A clear visual division shall be maintained between the ground level floor and upper floors, for example, by using a belt course, transom, awning, canopy, or similar division.

A. All buildings with three or more stories shall be articulated with varied massing to create dynamic facades and prevent flat, static streetscapes. Development should clearly articulate a horizontal hierarchy (base, middle, top), properly scaled to the height of the structure.

1. Side and rear elevations that do not face a street, public parking area, pedestrian access way, or plaza may utilize changes in texture and/or color of materials, provided that the design is consistent with the overall composition of the building.
2. Horizontal articulation shall be achieved through one or more of the following architectural features:
 - a) Wall Plane Offsets: Wall plane offsets shall be a minimum of 1 foot with a minimum width of 3 feet.
 - b) Accent Lines: Accent Lines shall have a minimum projection from the primary wall plan of 4 inches and a minimum width of 4 inches.
 - c) Bay windows: Bay windows shall be a minimum of 2 feet in depth and 4 feet in width;
 - d) Recessed entrances or windows: These shall be recessed a minimum of 4 feet in depth and 6 feet in width;
 - e) Niches: Niches shall be a minimum of 2 feet in depth and 4 feet in width;
 - f) Gateways that are a minimum of 4 feet in width;
 - g) Porches measuring at least 48 square feet; or
 - h) Colonnades that are a minimum of 4 feet in width.

B. All non-residential buildings are required to provide variation in facades to prevent long blank walls. These standards apply to all facades.

1. Structures greater than 60 feet in length, but less than 120 feet in length must exhibit a prominent shift in the facade of the building so that no greater than seventy five percent (75%) of the length of the Building Facade appears unbroken. Each shift shall be in the form of either a 10-foot change in Building Facade alignment or a 10-foot change in the Building Height, or a combined change in Building Facade and Building Height totaling 10 feet.
2. Structures that exceed 120 feet in length on any facade shall provide a prominent shift in the mass of the Structure at each 120-foot interval, or less if the Developer desires, reflecting a change in function or scale. The shift shall be in the form of either a 15-foot change in Building Facade alignment or a 15-foot setback on upper levels.

vi. **ROOF FORMS.**

A. The measurement of building height shall be based on the Gunnison County Land Use Resolution.

- B. Snow shedding shall be considered in all roof design. Roofs shall be designed and insulated to ensure valleys, areas over wall top plates and other similar building spaces do not form ice dams.
 - C. Where roofs will drip onto pedestrian, other public, or parking areas, buildings shall provide a system of gutters and downspouts to direct and channel roof run-off into the project's landscape areas and to prevent ice build-up in these areas. In non-pedestrian or public areas, roofs may drip to swales that direct water to the natural or proposed landscape.
 - D. Eaves and fascia shall generally be responsive and proportional to the design of the building.
 - E. The design of roofs shall address snow accumulation and ice/snow shedding. Entries, walkways and pedestrian areas shall be protected from ice/snow shedding.
- vii. **FENCES AND SCREENING.** All buildings shall comply with Gunnison County LUR Section 13-113: *Fencing*.
 - viii. **LIGHTING.** All buildings shall comply with Gunnison County LUR Section 13-114: *Exterior Lighting*.
 - ix. **SIGNAGE.** All buildings shall comply with Gunnison County LUR Section 13-109: *Signs*.

SECTION 7. PRESERVATION OF MANUFACTURED HOME PARKS

- A. The requirements of this Section apply to any existing manufactured home park that contains five or more occupied manufactured homes and is currently operating, where the park is being proposed for a change of use other than renting or offering space for manufactured homes, or if the park is being proposed for closure, either in whole or in part. This applies to properties located in the City's utility service area (North Urban Transition Area) and properties located in the county's utility service area (South Urban Transition Area).
- B. The requirements of this Section shall not apply if, prior to the change of use, the landowner and at least 75% of the manufactured home park tenants have entered into an agreement to waive the requirement for the conversion impact report. The agreement shall be provided to the County and shall be in a form satisfactory to the County Recorder.
- C. Mobile homes provide an important housing option for members of the community. The County prefers that existing Mobile Home Parks are preserved, consistent with the policies of the Regional Housing Study. To support these goals, providing mobile home residents the opportunity to become a Resident Owned Community (ROC) is preferred (See also Colorado House Bill 20-1201).
- D. A conversion impact report shall be completed and submitted to the County Community and Economic Development Department. The report shall include the following information:
 - 1. The names, addresses, and manufactured home site identification numbers of all persons living in or owning manufactured homes in the manufactured home park.
 - 2. The age and type of each manufactured home in the park, by site identification number, including date of manufacture, characteristics, and size.
 - 3. A list of known available manufactured home sites in comparable manufactured home parks within a 50-mile radius of the subject park.
 - 4. A schedule of site rental rates for each comparable manufactured home park and the criteria of the management of each park for acceptance of new homeowners and used manufactured homes.

5. A relocation plan, including the proposed date for closing the manufactured home park, what, if any, relocation assistance payments will be offered to the park tenants, and the method of calculation of such assistance.
 6. The intended use of the property following closure of the manufactured home park, including conceptual plans describing the proposed new use.
 7. Other information as may be required by County Staff or the BOCC.
 8. Certification from the applicant that the conversion impact report has been delivered to all of the owners and tenants of manufactured homes in the manufactured home park at least 60 days prior to the first public hearing.
- E. The County Community and Economic Development Department and the Board of County Commissioners have the authority to review the conversion impact report and evaluate the proposed use of the property following closure of the manufactured home park. While property owners have the right to propose new uses, approval is subject to compliance with zoning regulations, land use policies, and community impact considerations. The County may impose conditions, require modifications, or deny the proposed use if it is found to be inconsistent with adopted plans, regulations, or if the impacts on displaced residents are deemed inadequately addressed.

SECTION 8. DEVELOPMENT INCENTIVES.

- A. Affordable and attainable housing opportunities are needed throughout the Gunnison Valley to ensure housing is available for local residents and the workforce. Housing is generally considered to be affordable (or attainable) when the monthly housing payment is equal to no more than 30% of a household's gross income. New housing opportunities located within The Urban Transition Area is a specific goal of the Gunnison Area Plan. This section provides incentives for the inclusion of deed restricted housing in these areas. This applies to properties located in the City's utility service area (North Urban Transition Area) and properties located in the county's utility service area (South Urban Transition Area).
- B. **APPLICABILITY.** Projects shall receive incentives for complying with at least one (1) of the following options:
1. 40% of the total residential units in the development are deed restricted as affordable housing in accordance with the definition of essential housing in the Gunnison County Land Use Resolution.
- C. **BENEFITS.** Developments may receive the following benefits:
1. Decreased setbacks by up to 50% for all development on the applicable site or subdivision.
 2. Increased height allowance up to 50 feet for all development on the applicable site or subdivision.
 3. Expedited Review Process. All projects that meet the applicability requirements in Section G.1, shall be reviewed pursuant to Section E, regardless of location or density.
 4. Reduction in required amount of open space by up to 50%.
 5. Reduction in required minimum parking by 100%.

SECTION 9. DEVELOPMENT AGREEMENTS AND AMENDMENTS

A. DEVELOPMENT IMPROVEMENT AGREEMENT

1. A Development Improvement Agreement shall be required for all development undertaken pursuant to these regulations. This applies to properties located in the City's utility service area (North Urban Transition Area) and properties located in the county's utility service area (South Urban Transition Area).
2. A Development Improvement Agreement shall meet the requirements of LUR Section 16-118: *Development Improvement Agreement Required*.

B. MISCELLANEOUS PROVISIONS

1. **Amendment.** Unless amended or repealed in accordance with this Section, these Regulations shall remain in full force and effect. The following process shall apply to an application for any amendment to the SAR:
 - a. **Initiation.** An amendment to the SAR may be initiated by any of the following:
 1. **Persons with Standing.** A person with standing may initiate an application to amend the SAR by submitting an application to Gunnison County.
 2. **BOCC.** The Gunnison County Board of County Commissioners or the Gunnison County Community and Economic Development Director may initiate amendments to the SAR.
 - a. **Notification.** Notification of amendment(s) initiated by the BOCC or Community and Economic Development Director shall be provided pursuant to #####.
 - b. **Submittal of Draft Amendment Language.** Any initiative or application for amendment shall be submitted to the Gunnison County Community Development and Economic Director, or if initiated by said Director, to the BOCC, and shall include at a minimum the following:
 1. **Identification of Applicant.** The application shall state whether the application was initiated by a person with standing, the Community Development and Economic Director, or the BOCC.
 2. **Precise Wording.** The precise wording of the proposed amendment, and the section in which it is proposed to occur.
 3. **Rationale for the Proposed Amendment.** A concise statement of the purpose and justification for the proposed amendment.
 - c. **Approval by BOCC.** Any amendment to SAR shall be approved by the BOCC in a public meeting. The BOCC, in its sole discretion, may receive written or oral comment from the public.
2. **Repeal.** Any application for repeal of SAR shall be approved by the B.O.C.C. pursuant to LUR, Section 1-113: *Amending this Land Use Resolution*.
3. **All Owners Bound.** Any person who now owns or hereafter purchases or acquires rights in any improvements on any lot shall be bound by the terms and conditions herein, whether or not any reference to SAR is contained in the instrument by which such person acquired such interest or ownership.
4. **Severability.** If any part of the SAR or the development application or enforcement thereof with respect to any person or circumstance is held invalid by a court of competent jurisdiction, the remainder of the SAR and its application to other persons or circumstances shall not be affected thereby and shall remain in full force and effect.
5. **No Precedent Set by This Designation.** Neither the designation of the Gunnison Special Area, nor the SAR, procedures or approvals hereunder shall be construed as a precedent for any other Gunnison County action.

SPECIAL AREA REGULATIONS

GUNNISON SPECIAL AREA

Adoption Date TBD

DRAFT

Table of Contents

Purpose	3
Applicability	4
Relationship to Gunnison County Land Use Resolution	5
Definitions	5
General Standards and Review Processes	6
Requirements for Projects in Urban Transition Areas	7
Preservation of Manufactured Home Parks	20
Development Incentives	21
Development Agreements and Amendments	21

DRAFT

SECTION 1. AUTHORITY AND PURPOSE.

1.1. GUNNISON SPECIAL AREA.

- A. Title and Authority. The Gunnison Special Area Regulations (SAR) have been designated by the Board of County Commissioners of Gunnison County pursuant to Section 1-110: Process for Designating Special Areas of the *Gunnison County Land Use Resolution* (“LUR”), Resolution XXX as a Special Area.
- B. The Gunnison Special Area Regulations applies to all lands identified in the Gunnison Area (Three Mile Plan).

1.2. Purpose.

- A. These regulations are intended to ensure development in this area provides appropriate service levels and reflects the community’s goals related to land use, housing opportunities, community character, environmental sustainability, natural hazard mitigation, infrastructure access, access to employment centers and services, and multimodal connectivity. These Special Area Regulations shall be liberally construed to further the following purposes:
 1. **To simplify the LUR review and approval process.** To simplify the LUR review and approval process for real property wholly contained in the Gunnison Area.
 2. **To create a framework for coordinated development patterns in the Gunnison area.** To coordinate development requirements between the City of Gunnison and Gunnison County.
 3. **To provide additional opportunities for affordable and attainable housing.** To encourage the development of affordable and attainable housing in the Gunnison Special Area in order to further the goals of the Gunnison County Strategic Plan and the Gunnison Valley Housing Needs Assessment.
 4. **To provide opportunities for compatible commercial and light industrial uses.** To provide opportunities to neighborhood scale commercial land uses and light industrial maker spaces, as defined in these Special Area Regulations.
 5. **To ensure development is served by adequate infrastructure.** To locate development in areas where connection to existing and planned infrastructure, including water, sanitation, and roads, is possible.
 6. **To protect the environment; public health, safety and welfare; public services, facilities and property.** To avoid or mitigate potential impacts caused by land development within the Gunnison Special Area, to the environment, to public services and facilities, property and public safety and welfare, and land use within the Gunnison Special Area, to the maximum extent feasible.
 7. **To protect lands with environmental value and natural hazards.** To protect lands with high environmental value and/or natural hazards by limiting development in these areas.

SECTION 2. APPLICABILITY

2.1. REGULATION APPLICABILITY GENERALLY.

- A. The SAR applies to all development, including the development of new buildings or structures, expansion of existing uses, and change of the use of land or structures within the Gunnison Special Area, ~~including any and all commercial uses.~~

2.2. GUNNISON SPECIAL AREA DEFINED.

- A. There are four areas identified in the Gunnison Special Area, described in more detail below.

Gunnison SAR Geography

North Urban Transition Area

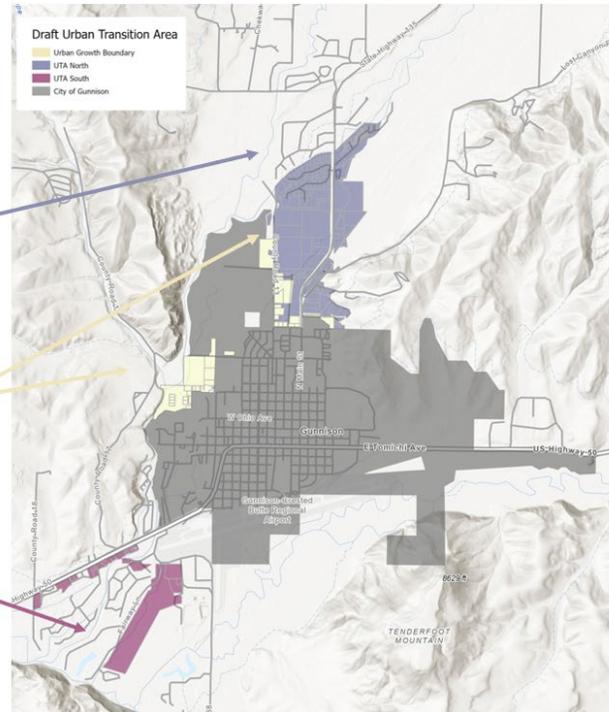
Areas are within the City's utility service boundary but not yet eligible for annexation, and require a pre-annexation agreement and utility connection for most development.

City Urban Growth Boundary (UGB)

Properties within the UGB that are eligible for annexation must work with the City to annex and connect to utilities, while others follow North or South Urban Transition Area rules.

South Urban Transition Area

County-managed areas may eventually annex but currently rely on County utilities, with annexation required only outside the Dos Rios utility service area.



1. **CITY URBAN GROWTH BOUNDARY:** For development located in the City of Gunnison Urban Growth Boundary (UGB), ~~all parcels which are eligible for annexation shall work with the City to annex and develop.~~
 - (a) **PARCELS ELIGIBLE FOR ANNEXATION.** Development in these areas shall be subject to review by the City of Gunnison and shall work with the City to connect to utilities and annex.
 - (b) **PARCELS ELIGIBLE FOR PRE-ANNEXATION:** Any property located in the City Urban Growth Boundary that is not eligible for annexation ~~shall work with the City to connect to utilities and enter into a pre-annexation agreement,~~ shall be subject to the requirements of the North Urban Transition Area or the South Urban Transition Area, ~~as defined in these Special Area Regulations.~~
 - (c) **EXEMPTION:** The following activities shall be exempt from City development review:
 - i. **SECONDARY RESIDENCE, ADDITION, NON-HABITABLE STRUCTURE.** Any parcel within the Urban Growth Boundary with a legally established single family residence may construct an addition, secondary residence, or non-habitable structure such as a storage unit or a garage. The improvements of this section shall not require connection to City utilities, annexation, or a pre-annexation agreement.

- ii. **MAINTENANCE.** Regular maintenance shall be permitted.
 - ~~iii.~~ **FORCE MAJEURE:** Replacement of a portion of or the entirety of a structure that was damaged and/or demolished due to circumstances beyond the control of the property owner, also known as an “act of God”, including but not limited to fire or flood.
2. **NORTH URBAN TRANSITION AREA:** These areas are in Gunnison County that are not immediately eligible for annexation but are within the City of Gunnison utility service area. These areas are appropriate for potential annexation when they become eligible. Growth will be focused in these areas to leverage existing infrastructure, community services, and community characteristics to benefit future development.
- (a) **APPLICABILITY.** Development is subject to this SAR and shall work with the City to connect to utilities.
 - (b) **PRE-ANNEXATION.** A Pre-Annexation Agreement with the City of Gunnison is required for development in these areas, pursuant to Subsection C.1, below.
 - (c) **EXEMPTIONS.**
 - i. **PRIMARY RESIDENCE.** Connection to City utilities and pre-annexation shall not be required for the development of a primary residence.
 - ii. **SECONDARY RESIDENCE, ADDITION, NON-HABITABLE STRUCTURE.** Any parcel within the North Urban Transition Area with a legally established primary residence may construct an addition, secondary residence, duplex, accessory dwelling unit, or non-habitable structure such as a storage unit or a garage, without triggering the requirements of this section. The improvements of this section shall not require connection to City utilities, annexation, or a pre-annexation agreement.
 - iii. ~~Connection to City utilities and pre-annexation shall not be required for the development of a single-family residence and/or a secondary residence on the same parcel of land. This exemption shall only apply to a development with four or fewer lots.~~
 - iv. **MAINTENANCE.** Regular maintenance shall be permitted.
 - v. **FORCE MAJEURE:** Replacement of a portion of or the entirety of a structure that was damaged and/or demolished due to circumstances beyond the control of the property owner, also known as an “act of God”, including but not limited to fire or flood.
- ~~(e)~~(d)
3. **SOUTH URBAN TRANSITION AREA:** These areas are in Gunnison County and are not expected to be annexed into the City. They are served by County utilities and may be served by City electric services. These areas are appropriate for potential annexation if and when they become eligible. Growth will be focused in these areas to leverage existing infrastructure, community services, and community characteristics to benefit future development.
- (a) **APPLICABILITY.** Development is subject to this Special Area Regulations and applicants shall work with the County to connect to the appropriate utilities.
 - (b) **PRE-ANNEXATION NOT REQUIRED.** Parcels located within the Dos Rios utility service area are not required to annex into the City.
 - (c) **SECONDARY RESIDENCE, ADDITION, NON-HABITABLE STRUCTURE.** Any parcel within the South Urban Transition Area with a legally established primary residence may construct an addition or non-habitable structure such as a storage unit or a garage, without triggering the requirements of this section. The improvements of this section shall not require connection to county water and/or sewer.
 - (d) **MAINTENANCE.** Regular maintenance shall be permitted.

~~(b)~~(e) **FORCE MAJEURE:** Replacement of a portion of or the entirety of a structure that was damaged and/or demolished due to circumstances beyond the control of the property owner, also known as an “act of God”, including but not limited to fire or flood

4. **RURAL TRANSITION AREA:** These areas are located in proximity to the City of Gunnison, but do not have immediate adjacency to the City boundary or City utilities.
 - (a) **APPLICABILITY.** Development in these areas is subject to the Gunnison County Land Use Resolution.
 - (b) **PRE-ANNEXATION NOT REQUIRED.** Connection to City utilities and pre-annexation shall not be required for development in the Rural Transition Area.
5. **RURAL AREA:** These are areas within the Three-Mile boundary that are prioritized for preservation. These areas include lands having high ecological value, lands that are on ridgelines, critical wildlife habitat and migration corridors and hazardous lands. These areas are generally not appropriate for new development and shall be subject to the Gunnison County Land Use Resolution.
 - (a) Development in the Rural Area is generally inappropriate, but when proposed shall be subject to the Gunnison County Land Use Resolution.
 - (b) **APPLICABILITY.** Development in these areas is subject to the Gunnison County Land Use Resolution.
 - ~~(a)~~(c) **PRE-ANNEXATION NOT REQUIRED.** Connection to City utilities and pre-annexation shall not be required for development in the Rural Transition Area
 - ~~(b)~~ One (1) single family residence and one (1) secondary residence are allowed in compliance with County LUR standards.

SECTION 3. RELATIONSHIP TO GUNNISON COUNTY LAND USE RESOLUTION

- A. **USES GENERALLY EXEMPT FROM LAND USE RESOLUTION.** Development in the Gunnison Special Area shall be exempt from the requirements of the LUR, unless otherwise specified herein, or by Gunnison County.
- B. **DEFINITIONS.** Terms that are not defined in these Regulations shall be defined pursuant to ~~the~~ Article 2: Definitions of the Gunnison County Land Use Resolution.
- C. **CONFLICTS.** When there is a conflict with the Regulations herein and the Gunnison County Land Use Resolution, the Land Use Resolution shall control.
- D. **INTERPRETATIONS.** The Gunnison County Community and Economic Development Director shall have the authority to interpret these Regulations, pursuant to Land Use Resolution Section 1-114: *Interpretations*.
- E. **TECHNICAL MODIFICATIONS, TAKINGS, APPEAL AND EXCEPTIONS.** Requests pursuant to the Gunnison County Land Use Resolution Article 8: *Technical Modifications, Takings, Appeal and Exception* shall be reviewed pursuant to the applicable section(s) of Article 8.
- F. **CONSTRUCTION AND WORD USAGE.** Construction and word usage shall be interpreted pursuant to the applicable section(s) of the Gunnison County Land Use Resolution and LUR Section 1-111: Construction and Word Usage.

SECTION 4. DEFINITIONS.

- A. **ANNEXATION.** Annexation is the process by which a city or municipality extends its boundaries to include additional territory. Colorado state law limits annexation to no more than three miles beyond the existing boundary in any year.
- B. **ARTICULATION, HORIZONTAL.** A method of breaking up large horizontal stretches through architectural elements.
- C. **ARTICULATION, VERTICAL.** A method of breaking up large vertical stretches through architectural elements.
- D. **RESIDENCE** means a structure or any part of a structure designed for residential purposes having one or more rooms, not more than one kitchen, and at least one bathroom, that is designed for long-term occupancy by one or more persons for living and sleeping purposes, and

that may ~~or may not be~~ placed on a permanent foundation. In addition, residences includes factory-built housing and alternative construction that comply with the requirements of this Resolution, and, as applicable, with standards of the applicable building code, adopted and amended by Gunnison County. Vehicles, excluding mobile homes, but including recreational vehicles, shall not be considered to be habitable residences.

- **ACCESSORY DWELLING UNIT, ESSENTIAL HOUSING** means either a detached or attached residence that is subordinate to a Primary Residence, meets the definition of Essential Housing, including a kitchen with food preparation and storage area, sink, stove, and refrigeration, a bathroom with a toilet, sink, and shower or bathtub, a designated area for sleeping, and general living area. All living spaces in the ADU must have adequate natural light and ventilation. ADUs may not be less than 400 sq. ft. in floor area as measured by LUR Section 13-103:E. *Measurement of Building Size*.
- **DETACHED SECONDARY RESIDENCE** means a secondary residence that is physically separate from the primary residence.
- **DUPLEX** means a single building that contains two residences.
- **MULTIPLE-FAMILY RESIDENCE** means a building that contains three or more residences, but not including hotels, motels, or lodges.
- **PRIMARY RESIDENCE** means the largest single-family residence on a parcel.
- **SECONDARY OR ACCESSORY RESIDENCE** means a residence that is an accessory structure to a primary residence, except this shall not include a secondary structure intended only for sleeping, pursuant to Section 9-101: Uses Secondary to a Primary Residence.
- **SINGLE-FAMILY RESIDENCE** means a building that contains one residence.

~~— **DWELLING UNIT, ACCESSORY.** A single building that contains one residence and is subordinate to the single family dwelling on the same property.~~

~~D. **DWELLING UNIT, DUPLEX.** A single building that contains two residences. Also known as Duplex Residence.~~

~~E. **DWELLING UNIT, MULTIPLE-FAMILY.** A single residential building or set of residential buildings on a single lot that contains three or more residences, but not including hotels, motels, or lodges. Units may share common walls or floor/ceilings with one or more units (also known as Multiple-Family Residence) examples include:~~

- ~~1. **COTTAGE COURT.** A group of small homes arranged around a shared community space, often a court that's visible from the street. These homes can be attached or detached.~~

~~F. **DWELLING, SINGLE FAMILY.** A building that contains one residence.~~

~~G. **DWELLING, TOWNHOUSE OR TOWNHOME.** A residence attached to other residences with one or both sides sharing common walls, depending on whether the unit is in a center or end position, erected as single buildings on adjoining lots, each residence being separated from the adjoining unit or units by a party wall or walls extending from the basement floor to the roof along the dividing lot line. Townhomes can be grouped together as small units, such as duplexes or triplexes, or they can be parts of a larger complex.~~

E. **FUNCTIONAL TURF.** Turf that is located in a recreational use area or other space that is regularly used for civic, community, or recreational purposes, which may include playgrounds; sports fields; picnic grounds; amphitheaters; portions of parks; and the playing areas of golf courses, such as driving ranges, chipping and putting greens, tee boxes, greens, fairways, and roughs.

H.F. **MAKER SPACE.** A building, parcel, or portion thereof, that provides an area for artists, community members, and patrons to explore ideas, experiment, and create. These can be configured as individual spaces or as a common space. These spaces involve small-scale production, assembly, and fabrication conducted entirely indoors with minimal external impacts,

and are a type of light industrial development. Maker Spaces may include the creation of goods, as well as their sale. Residential uses may be combined with Maker Spaces to create a mixed-use development.

I.G. MIXED USE. The use of a building, parcel, or portion thereof, used for a variety of different land use types. This can be a single building that is used for a mix of uses, such as Neighborhood Commercial and residential, or it can be a single parcel with different buildings and/or areas used for different uses. In these Special Area Regulations, Mixed-Use developments shall comply with the requirements for Non-Residential Uses.

J.H. NEIGHBORHOOD COMMERCIAL. The use of a building, parcel, or portion thereof, for active pedestrian-scale businesses and services primarily intended to serve the immediate needs of the local community. Examples include small shops, galleries, cafes, restaurants, personal services, child care center, group home, pharmacies, bakeries, breweries, distilleries, and the like.

I. NONFUNCTIONAL TURF. Turf that is not functional turf.

K.J. NON-RESIDENTIAL USES. These uses are all land uses, not including residential land uses.

L.K. PARKS AND OPEN SPACE. An area dedicated to the public and reserved for recreational, education or scenic purposes.

M.L. GOVERNMENT AND INSTITUTIONAL USES. A building primarily used by a government entity, educational institution, or a non-profit organization for organized religious services government and/or institutional uses and supporting uses.

N.M. PEDESTRIAN AMENITY: These are amenities that create a development pattern that creates safe and comfortable environment for pedestrians.

O-N. SHARED PARKING. An arrangement in which two or more uses with different peak parking demands (hours of operation) use the same off-street parking spaces to meet their off-street parking requirements.

P.—TRANSPARENCY. The amount of fenestration (windows) on buildings that allows the public to see inside from the sidewalk.

SECTION 5. GENERAL STANDARDS AND REVIEW PROCESSES.

A. NORTH URBAN TRANSITION AREA.

1. **PRE-ANNEXATION APPLICATION MEETING REQUIRED.** A pre-annexation meeting with the City of Gunnison and Gunnison County is required for all-applicable properties located in the North Urban Transition Area to review applicable requirements and understand requirements related to a Pre-Annexation Agreement.
 - a) Prior to filing an application for development in the North Urban Transition Area, the applicant shall meet with both Gunnison County Community Development Director and the City of Gunnison Community Development Director to obtain information and guidance on annexation eligibility and procedures.
 - b) The pre-application conference is required prior to filing an application for development on a parcel located in the North Urban Transition Area.
 - c) Items to be discussed during the pre-application conference may include, but not be limited to, the following:
 - i. The applicant should provide a written description of the proposed development, accompanied by a survey, site plan or other map illustrating the site's boundaries, and development design concepts.
 - ii. The Gunnison County Community and Economic Development Director and the City of Gunnison's Community Development Director should explain the procedures and review standards which apply to the proposed development, including which decision-making body or bodies will review the application, whether

public notice is required and the sequence of actions and approximate time required to complete the development review process.

B. **NORTH AND SOUTH URBAN TRANSITION AREAS REVIEW PROCESS: ADMINISTRATIVE PROJECTS THAT DO NOT REQUIRE LAND USE CHANGE PERMITS.** Properties located in the North and South Urban Transition Areas, are not subject to a Land Use Change Permit, unless otherwise required in these Regulations. ~~This applies to properties located in the city's utility service area (North Urban Transition Area) and properties located in the county's utility service area (South Urban Transition Area).~~

1. **ADDITIONAL REVIEWS.** The following Administrative Review Projects may require a Building Permit, ~~an On-Site Wastewater Treatment System Permit~~, an Access Permit, a Reclamation Permit, or other County permit, but shall not require an additional Land Use Change Permit.
2. **COMPLIANCE WITH THE LUR.** Projects shall comply with all the other applicable requirements of the Gunnison County Land Use Resolution.
3. **TRIGGERS FOR A LAND USE CHANGE PERMIT.** If the Community Development Department determines during review of an application, including a Building Permit, that the proposed use exceeds the classification criteria of an Administrative Review Project, the criteria detailed in Gunnison County Land Use Resolution Section 3-111: B. 1: *Additional Criteria* shall be considered and the appropriate review process and submittals for an Administrative Review Project, a Minor or Major Impact Project shall be required and an application for a Land Use Change Permit shall be required to be submitted.
4. **REQUIRED ESSENTIAL HOUSING.** Projects in the Urban Transition Area shall provide Essential Housing, as defined by the Gunnison County Land Use Resolution and as acceptable by the Gunnison Valley Regional Housing Authority, as follows:
 - a) Projects that include one (1) to ~~ten~~ four (4) dwelling units shall not have a requirement for ~~Essential essential Housinghousing~~.
 - a)b) Projects with five (5) to ten (10) dwelling units shall provide a minimum of ten percent (10%) or at least one unit, whichever is greater, of the residential units as essential housing.
 - b)c) Projects with eleven (11) to twenty (20) dwelling units shall provide a minimum of twenty-percent (20%) of the residential units as ~~ded restricted~~ essential housing.
 - e)d) Projects in the Urban Transition Area that include twenty-one (21) or more dwelling units per acre shall be subject to the requirements of Section 5, Part C., below, including provision of thirty percent (30%) of the residential units provided as ~~ded restricted~~ essential housing.
 - e) To the maximum extent feasible, Essential Housing units shall be dispersed throughout the development to ensure an economically diverse and vibrant neighborhood.
 - f) An Accessory ~~d~~Dwelling Uunits may be counted as a half (0.5) unit of essential housing so long as the meet the essential housing definition.
 - d)g) Housing shall be provided as built units, dedication of land to Gunnison County equivalent to the required Essential Housing, as a fee-in-lieu according to the most recent adopted fee-in-lieu study (as may be amended from time to time), or a combination thereof.
5. **SUBDIVISIONS.** For Subdivision applications in the Urban Transition Areas, the review for the subdivision shall be completed as an Administrative Review, followed by approval of a Resolution and Plat signature by the Board of County Commissioners.
 - a) The review process shall follow the requirements in Section 6-105 of the LUR, *Submittal For Final Action For Minor Impact Project*

- C. **NORTH AND SOUTH URBAN TRANSITION AREAS: ADMINISTRATIVE PROJECTS THAT REQUIRE A LAND USE CHANGE PERMIT.** Projects in the North and South Urban Transition Areas that propose twenty-one (21) or more dwelling units per acre shall be subject to the requirements of this Section, in addition to those of Section 5, Part B, above. This applies to properties located in the City's utility service area (North Urban Transition Area) and properties located in the county's utility service area (South Urban Transition Area).
1. Thirty percent (30%) of the total residential units in the development shall be deed restricted as essential housing in accordance with the definitions in the Gunnison County Land Use Resolution. These projects are permitted to utilize the incentives identified in Section 8 of these Special Area Regulations.
 2. Applications shall comply with the process identified in Gunnison County Land Use Resolution Section 5-104: *Administrative Review Project Application*.
 3. Projects shall comply with all the other applicable requirements of the Gunnison County Land Use Resolution.
- D. **APPLICABLE COUNTY LAND USE RESOLUTION REQUIREMENTS.** Development shall comply with the following sections from the Gunnison County Land Use Resolution (LUR), as may be amended:
1. Article 1: General Requirements
 - a) Section 1-104: Permits Required
 - b) Section 1-105: Sections Necessary for Immediate Preservation of Public Health, Safety, Welfare, and the Environmental and Wildlife Resources
 - c) Section 1-106: Partially Exempt Land Use Changes
 - d) Section 1-108: Nonconforming Uses
 - e) Section 1-109: Vested Property Rights
 - f) Section 1-110: Process for Designating Special Areas
 - g) Section 1-111: Construction and Word Usage
 - h) Section 1-112: Use of Maps
 - a)i) Section 1-113: Amending this Land Use Resolution
 2. Article 2: Definitions, with exceptions noted in Section 3:B and Section 4 of this title.
 - ~~2.3.~~ Article 8: Technical Modifications, Taking, Appeals and Exceptions
 - ~~3.4.~~ Article 11: Resource Protection Standards
 - ~~4.5.~~ Article 12: Development Infrastructure Standards
 - ~~5.6.~~ Article 13: Project Design Standards
 - a) Section 13-103:E. Measurement of Building Size
 - b) Section 13-103:F: Minimum Residence Floor Area
 - c) Section 13-103: Height Measurements
 - d) Section 13-104:B Measurement
 - a)e) Section 13-107: Installation of Solid Fuel-Burning Devices
 - b)f) Section 13-109: Signs
 - e)g) Section 13-112: Snow Storage

- ~~e)h)~~ Section 13-113: *Fencing*
- ~~e)j)~~ Section 13-114: *Exterior Lighting*
- ~~f)j)~~ Section 13-115: *Reclamation and Noxious Weed Control*
- ~~g)k)~~ Section 13-118: *Water Impoundments*

~~6-7.~~ Article 15: *Right-to-Ranch Policy*

~~7-8.~~ Article 16: *Enforcement*

SECTION 6. REQUIREMENTS FOR PROJECTS IN URBAN TRANSITION AREAS

A. **PURPOSE.** This section applies to all projects located in an Urban Transition Area. The standards, allowances, and limitations apply to development to properties located in the City's utility service area (North Urban Transition Area) and properties located in the county's utility service area (South Urban Transition Area). Where there are different requirements for an area in the North Urban Transition Area or South Urban Transition Area, these are identified.

B. **PERMITTED LAND USES AND DIMENSIONAL REQUIREMENTS.** The following land uses ~~and dimensional requirements apply to~~ are permitted in development located in the Urban Transition Areas.

a. **GOVERNMENT AND INSTITUTIONAL USES**

b. **NEIGHBORHOOD COMMERCIAL:** Neighborhood Commercial uses shall comply with LUR Section 9-301 D but not require additional review.

c. **MIXED USE:** Mixed Use shall comply with LUR Section 9-301:D but not require additional review.

d. **MAKERSPACE:** Makerspace uses shall comply with LUR Section 9-301:D but not require additional review.

e. **RESIDENTIAL.** As defined by this title.

f. **ADMINISTRATIVE REVIEW PROJECTS THAT REQUIRE LAND USE CHANGE PERMITS:** The following projects are permitted pursuant to LUR Section 5-102: *Projects Classified as Administrative Review Projects that Require Land Use Change Permits:*

1. More Than One Home Occupation
2. Boundary Line Adjustment
3. Lot Cluster
4. Correction Plat
5. Alteration of Approved Building Envelopes
6. Subdivision Exemption to Validate an Existing Lot
7. Plat for Approved Condominiums/Townhome Project
8. Amendment or Termination of Subdivision Covenants

g. **ADMINISTRATIVE REVIEW PROJECTS THAT DO NOT REQUIRE LAND USE CHANGE PERMITS.** The following projects are permitted pursuant to LUR Section 4-102: *Projects Classified as Administrative Review Projects that do not Require Land Use Change Permits:*

1. Barns and Other Agricultural Buildings on an Agricultural Operation
2. Fences
3. Gardens And Greenhouses

4. One 200 Sq. Ft. Storage Shed
5. Barns In Approved Subdivisions
6. Gardens And Greenhouses That Are Home Occupations
7. Pools and Recreation Facilities
8. Special Events
9. Temporary Structures
10. Satellite Dishes
11. Attached Wireless Telecommunications Device
12. Keeping of Livestock Not on an Agricultural Operation
13. Distribution or Service Line to Primary Residence
14. Alteration and Repair of Existing Service Lines or Distribution Lines.

h. **MINOR IMPACT PROJECTS:** The following projects are permitted pursuant to LUR Article 6: *Minor Impact Projects*:

1. Freestanding Wireless Telecommunications Devices
2. Subdivision Plat Vacation, Amendment or Replat
3. Transmission Lines
4. Commercial Wedding Site

C. PROHIBITED LAND USES.

- a. Adult-Oriented Uses
- b. Construction of a Residential Access on a Vacant Parcel of Land Prior to Issuance of a Building or On-Site Wastewater Treatment System Permit.
- c. Marijuana Cultivation, Manufacturing or Testing Facility
- a-d. Alternative residential construction including but not limited to: yurts, tepees, or plastic units.

D. DIMENSIONAL REQUIREMENTS. The following dimensional requirements apply to development located in the Urban Transition Areas.

- a. **VARIANCE.** Setback variances may be requested pursuant to LUR Section 13-105:E. *Variance from this Section.*

TABLE 6-B – URBAN TRANSITION AREA PERMITTED LAND USES AND DIMENSIONS

Use Classification	Maximum Floor Area (sq. ft) Per Unit	Maximum Lot Size in Sq. Ft. (Residential: per Dwelling Unit; Non-Residential per Building)	Maximum Building Height	Off-Street Parking Spaces (Residential per Dwelling Unit; Non-Residential per 1,000 sq ft of Net Leasable)	Building Setbacks (Minimum)				Minimum Build-to-Line	Dwellings Per Acre	
					Front	Street Side	Interior Side	Rear		Minimum	Maximum**
Residential Uses											
Single Family	5,000	9,000	30	Min: 1 Space Max: 2 Spaces	10	5	5	5	At least 50% of building shall be at the minimum setback line	10	20
Secondary/Accessory Residence, Duplex Unit, ADU, Detached Secondary Residence	2,500	4,500	35								
Multi Family*	2,500**	N/A	40								
Mobile Home Communities	5,000	See Division 9-202: Mobile Home Communities in the LUR									
Non-Residential Uses											
Neighborhood Commercial	10,000	10,000	35	Min: 1 Space Max: 3 Spaces	0	0	5	0	At least 50% of building shall be at the minimum setback line	N/A	20
Makers Space	6,500	8,000	35	Min 1 Space Max: 4 Spaces; plus 1 Space for each Dwelling Unit	0	0	5	5			
<p>* Projects that include Multi-Family Dwelling Units of 20 dwelling units or less per acre, shall be subject to the requirements of this Section 6; Projects that include 21 or more dwelling units per acre shall be subject to the requirements of Section 5 Part C of these Special Area Regulations.</p> <p>**Floor area per multi-family residential unit is aggregate and inclusive of unit and non-unit floor area including but not limited to mechanical, egress, and common area(s).</p>											

B-E. URBAN TRANSITION AREA GENERAL REVIEW STANDARDS. These standards shall apply to all development in the Urban Transition Areas. This applies to properties located in the City's utility service area (North Urban Transition Area) and properties located in the county's utility service area (South Urban Transition Area). Certain requirements, including roads and utilities, have different standards depending on the utility service area. These are delineated where applicable.

1. UTILITY REQUIREMENTS. All development in Urban Transition Areas shall comply with the following requirements.

a) **GENERAL.**

- i. All utility connections, including all electrical, cable, fiber optic and telephone connections and installation of wires to buildings, shall be placed underground from the nearest available power source.
- ii. The location of transformers and other utility boxes that are placed on the ground shall be adequately screened, fenced or protected. When permitted by the utility provider, these features should be setback behind the front-most wall of the primary building.
- iii. All meters and pipes near or on a structure shall be located on a side façade and may not be located on a street facing façade. For corner lots, meters and pipes may be located on a street facing façade but shall be screened to the greatest extent practicable.
- iv. For all Multi-Family and Non-Residential uses, all utility and mechanical equipment located on a roof or piercing a roof shall be setback from the front-most façade of the building by a distance equal to the height of the equipment. A low wall, meeting manufacturer's specifications, shall be used to conceal roof equipment. This standard shall not apply to renewable energy systems.

b) **WASTE MANAGEMENT.** Waste service shall be located from an alley when one exists.

c) **NORTH URBAN TRANSITION AREA REQUIREMENTS.** Development within Urban Transition Areas that are located within the City's existing or future utility service area, shall be subject to the following requirements.

- i. **GENERAL.** Prior to the issuance of any building permit, all necessary utilities, facilities and services, as required by City of Gunnison LDC *Div. 15.4.011 Adequate Public Facilities*, shall be in place and available to serve the new development.
- ii. **WATER.** Connection to City of Gunnison water source is required and shall be at the sole expense of the developer. If existing water service does not extend to the property, connection to such service shall be included within the Pre-Annexation Agreement.
- iii. **SEWER.** Connection to a public central sewer service is required. This connection can be to a new central sewage service, an existing municipal or other special district central sewage service, or through an extension of an existing central sewage service. Connection shall be at the sole expense of the developer.
- iv. **ELECTRIC.** Connection to the City of Gunnison electric utility is required and shall be at the sole expense of the developer.

d) **SOUTH URBAN TRANSITION AREA REQUIREMENTS.** Development within Urban Transition Areas that are located outside of the City's existing or future utility service area, shall be subject to the following requirements.

- i. **WATER.** Connection to a water source provider is required, where available and shall be at the sole expense of the developer.

- ii. **SEWER.** Connection to a public central sewer service is required. This connection can be to a new central sewage service, an existing municipal or other special district central sewage service, or through an extension of an existing central sewage service. Connection shall be at the sole expense of the developer.
 - iii. **ELECTRIC.** When a property is located within the City of Gunnison Electric Utility area, a project shall connect to the city's system.
- 2. TRANSPORTATION.** The requirements of this section identify transportation related improvements, including streets, transit, parking, and pedestrian and bicycle facilities.
- a) **STREETS.** This section applies to all development in the Urban Transition Area.
 - i. **NORTH URBAN TRANSITION AREA:** A pre-annexation agreement shall be required with the City of Gunnison. The pre-annexation agreement will require compliance with Titles 9 and 12 of City of Gunnison Municipal Code.
 - ii. **SOUTH URBAN TRANSITION AREA:** All development in this area is subject to Section 12-103: Road System and the Gunnison County Specifications for Road and Bridge Construction Standards.
 - iii. **VEHICULAR ACCESS:** Vehicular access points in the Urban Transition Area shall be minimized to support pedestrian connectivity and are encouraged to be concentrated at mid-block locations.
 - b) **TRANSIT.** This section applies to all development ~~including subdivisions with of five~~ (5) or more units or lots. Individual single family and duplex dwelling units are exempt from these requirements.
 - i. In areas where transit services are anticipated within the next 5–10 years as part of an adopted plan by Gunnison County, the City of Gunnison, RTA, CDOT or other relevant governmental body, the development plan should include considerations for future transit corridors, considering pedestrian connectivity to future bus stops, transit stations, and infrastructure such as bike lanes or pedestrian paths.
 - c) **PARKING.** This section applies to any Land Use Change Permit, all new development and any addition to an existing building in the Urban Transition Area.
 - i. The number of required parking spaces shall be determined pursuant to Table 6-2.
 - A. For building additions or a use change to an existing building that would increase the total number of parking spaces required for such building, any additional parking shall only be required for the incremental increase, not the existing building or use.
 - ii. Required off-street parking spaces shall be located on the same lot as the structure or business the spaces are intended to serve. Shared parking is permitted, pursuant to the following:
 - A. All developments involved in the shared parking must be located within a 1/8 to a 1/4 mile from the shared parking, measured from the entrance of the use to the nearest parking space within the shared parking lot.
 - B. The site or sites involved must contain two or more separate and distinct building activities or functions which, by their nature, can use shared parking without having an adverse impact on traffic circulation or without impairing the overall functioning of the site or sites.
 - C. Shared parking may be required to be set forth in an instrument recorded with the Gunnison County Clerk and Recorder, describing the lands affected by the

- agreement to ensure unified operation, control, and continuation of multiple use or shared parking facilities
- iii. On-street parking adjacent to a commercial use can be used to meet the parking standards required in Table 6-2. Parallel parking is preferred over head-in parking, and head-in parking is preferred over diagonal parking.
 - iv. Street-facing parking lots are prohibited and parking lots shall be placed behind buildings. Where placement behind buildings is not possible, they shall be located at the rear of the property.
 - v. For single-family and duplex lots, off street parking shall be setback from the front-most façade of the building or accessed from a rear or side alley. A driveway is permitted between a street and a garage.
 - vi. Parking spaces, aisles, and turning areas shall be entirely within lot lines and shall not encroach on any public right-of-way.
 - vii. All parking spaces shall not be less than 9 feet in width and 18 feet in length, except that:
 - A. Up to 20% of parking spaces may be compact parking spaces, which shall measure not less than 7.5 feet in width and 15 feet in length.
 - viii. All parking provided in a common parking garage shall have a minimum clearance of 8 feet in height.
 - ix. Accessible spaces shall be provided in accordance with the Americans with Disabilities Act (ADA) Accessibility Standards for parking space size and quantities or as required during site plan review.
 - x. Parking shall be subordinate to the primary development. Commercial parking facilities are not permitted.
 - xi. Developments shall comply with the following parking calculation provisions:
 - A. Developments containing more than one use shall provide parking spaces in an amount equal to the total of the requirements for all uses.
 - B. Where fractional spaces result, the required parking spaces shall be construed as the next highest whole number.
 - xii. Loading facilities are prohibited from being located on street-facing facades and shall be co-located and screened when possible.
 - xiii. Off-street loading spaces shall be located on the same lot as the building or use served and shall not be located within a parking space or an access way or circulation aisle.
 - xiv. Parking lots shall comply with the following requirements to accommodate pedestrian access:
 - A. Parking lot design shall consider pedestrians access to the front of the building.
 - B. Sidewalks and crosswalks shall be designed so that pedestrians can be seen by motorists, and where they can cross most safely with the flow of vehicular traffic.
- d) **BICYCLE FACILITIES.** This section applies to all development of five (5) or more units or lots. ~~including subdivisions with (5) or more lots.~~ Individual single family and duplex dwelling units are exempt from these requirements.
- i. Bicycle racks shall be located on private property whenever possible. Racks may be located within a public or private right-of-way only if there is a clear pedestrian pathway meeting ADA requirements.

- ii. For projects with 21 or more vehicular parking spaces, bicycle parking shall be provided. Bicycle parking shall comply with the following:
 - A. Bicycle parking shall consist of racks, lockers, or other storage systems providing a safe and secure means of storing a bicycle.
 - B. Provide bike parking for one-half the number of vehicular parking spaces (i.e. if 10 parking spaces are required, 5 bike spaces are also required);
 - C. Be directly accessible from travel surfaces;
 - D. Be located a maximum of twenty-five (25) feet from the building's main entrance.

e) **PEDESTRIAN FACILITIES.** This section applies to all development of five (5) or more units or lots, including subdivisions with (5) or more lots. Individual single family and duplex dwelling units are exempt from these requirements.

- i. A detached sidewalk, which is separated from the curb or street pavement edge, shall be required for all new development adjacent to the right-of-way along Highway 135 and collector streets. Secondary or residential streets do not require a vegetative buffer, and no buffer is required where on-street parking is present.
- ii. A minimum six (6) foot sidewalk shall be provided for all sidewalks located within the right-of-way. Sidewalk material in the right-of-way shall be EG concrete, bituminous asphalt, or other material approved by the Gunnison County Public Works Director.
- iii. A vegetative buffer between the street and sidewalk may be included on secondary or residential streets at the discretion of the developer. If provided, the buffer shall be a minimum of three (3) feet and a maximum of six (6) feet. This area may be used for snow storage and may include vegetation, gravel, or xeriscape.
- iv. Sidewalks shall meet accessibility requirements.

3. **LANDSCAPING.** This section applies to all ~~development~~development of five (5) or more units or lots, including subdivisions with (5) or more lots. Individual single family and duplex dwelling units are exempt from these requirements.

a) **REQUIRED DESIGN ELEMENTS.** The following standards shall be met.

- i. A minimum of 1 tree and 3 shrubs per 1,000 sq. ft. of designated landscaped area is required for all development.
- ii. Vegetation shall be maintained by property owners in such a way that it does not interfere with visibility, reduces fire risk, and enhance the aesthetic quality of the area. In locations where new development alters visually attractive and distinctive natural landscapes, the selection and arrangement of new plantings should be designed to complement and enhance the natural landscape character of the site.
- iii. Healthy existing trees, grasses and shrubs shall be incorporated into the landscape to the maximum extent feasible. If located between the edge of curb and gutter and the property line, no existing tree of four inches diameter at breast height (DBH) or greater, or dense stand of trees or shrubs of four or more feet in both depth and height shall be removed, unless permitted by plant health, access, safety or identification of the premises, all as determined by the Community and Economic Development Department.
- iv. Design of the landscape shall take existing trees and shrubs into consideration with an adequate area provided around each tree that is free of impervious material to allow for infiltration of water and air. This pervious area shall be equal to the drip line of the tree. Root zones of existing trees and shrubs to be preserved shall be protected from unnecessary disturbance due to cut or fill grade changes.

v. The selection and arrangement of new plantings shall be planned to create visual appeal, to provide effective screening, to define site circulation and to enhance the use of the site.

~~v.vi. Nonfunctional turf areas shall be prohibited. These areas may include medians, areas that receive little, if any, use.~~

b) **GENERAL DESIGN GUIDELINES.** Whenever possible, landscaping shall incorporate the following low-water principles and practices to reduce water consumption:

- i. Locate plant materials with similar water needs in the same area.
- ii. Design a balanced landscaped area with a mixture of turf and plant types.
- iii. Minimize the use of expansive turf areas. When turf is incorporated it shall be located so that it is effective or functional in terms of visual experience and use.
- iv. Incorporate a variety of plant materials that have low water needs and are indigenous to the area. Plant hardy, low water usage materials in south and west exposures. Use grasses that remain green with a limited amount of irrigation.
- v. Utilize soil amendments that enhance the ability of the soil to conserve moisture, such as organic matter, and certain fertilizers and polymers.
- vi. Use rock, ~~bark, pole peelings, or other natural mulches~~ or non-flammable natural materials to keep moisture in the soil around the planted materials and to control weeds.
- vii. Irrigation should be minimized. When included, an automatic irrigation system shall be designed and installed to provide maximum efficiency. The system should be adjustable to meet actual precipitation requirements of the various planting zones and should operate only when necessary. The type of irrigation components should be selected to meet the needs of the type of planting.

4. **STORMWATER DETENTION AND TREATMENT REQUIREMENTS.** All non-residential development, ~~subdivisions with five (5) or more lots,~~ and areas within one hundred (100) feet of a waterbody as defined by the LUR SECTION 13-117 Drainage, Construction and Post-Construction Storm Water Runoff, in Urban Transition Areas shall comply with the following requirements. This applies to properties located in the City's utility service area (North Urban Transition Area) and properties located in the county's utility service area (South Urban Transition Area).

a) **NORTH URBAN TRANSITION AREA.** Development within the North Urban Transition Areas, shall be subject to the following requirements.

- i. Prior to the issuance of any building permit, all necessary stormwater detention and treatment facilities and services, as required by City of Gunnison LDC *Div. 15.4.011 Adequate Public Facilities*, shall be in place and available to serve the new development.
- ii. Permanent stormwater detention facilities are required to be multipurpose facilities designed to detain flows to historic peak discharge rates and to provide water quality benefits. Runoff after construction shall not exceed the level of runoff that occurred before construction.
- iii. All non-residential development is required to meet or exceed the standards of City of Gunnison, the Colorado Department of Public Health and Environment, and the U.S. Environmental Protection Agency with regard to water pollution control, stormwater control, and stormwater management. It is both the property owner's and applicant's responsibility to ensure compliance with state and federal regulations

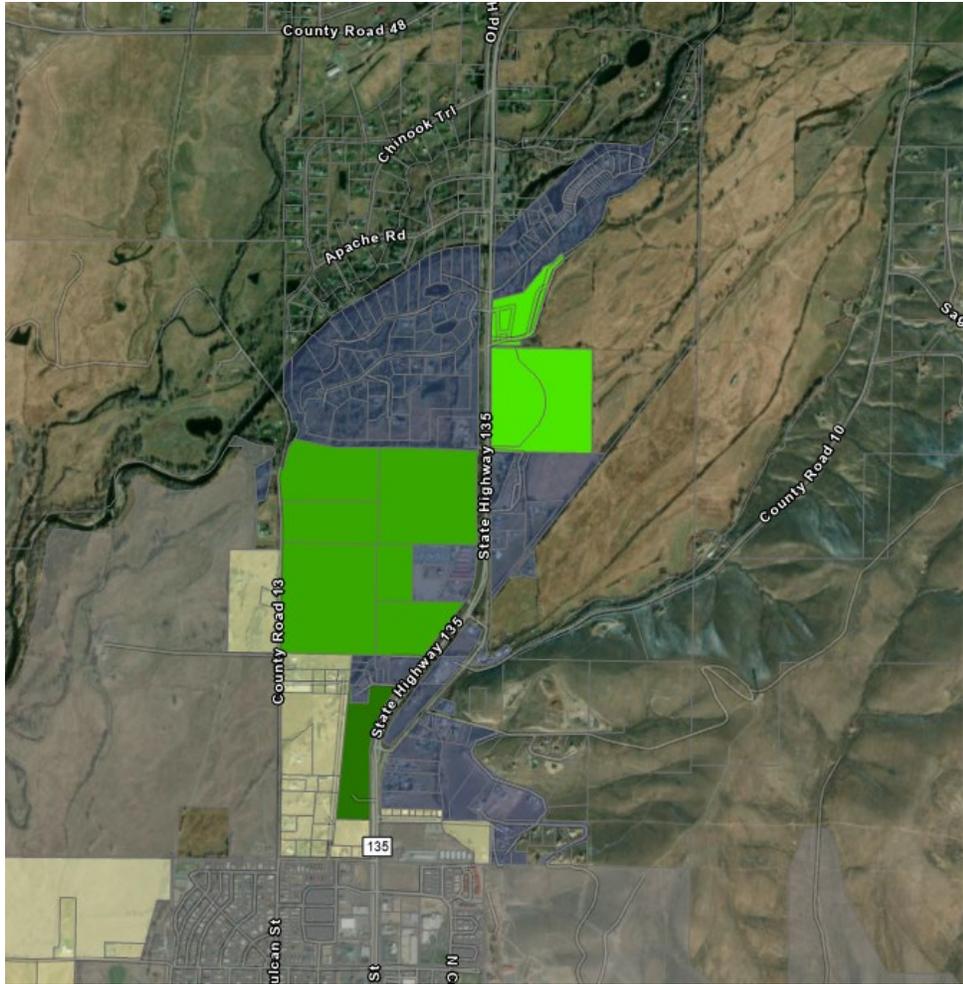
- iv. Stormwater design shall comply with Section 700, Storm Sewer, Culvert and Irrigation System Specifications, of City of Gunnison Construction Standards.
- v. All development shall provide adequate surface, subsurface, and road storm drainage facilities and appurtenances as required by the *City of Gunnison Stormwater Management Plan*, as it may be amended.

b) **SOUTH URBAN TRANSITION AREA.** All development within the South Urban Transition Areas, shall be subject to LUR Section 13-117: *Drainage, Construction and Post-Construction Storm Water Runoff*.

5. **PARKS, TRAILS AND OPEN SPACES.** This section applies to all development of five (5) or more units or lots, including subdivisions with (5) or more lots. Individual single family and duplex dwelling units are exempt from these requirements. Development that does not meet these thresholds may voluntarily apply these standards for the design of parks, trails, and public spaces. This applies to properties located in the City's utility service area (North Urban Transition Area) and properties located in the county's utility service area (South Urban Transition Area).

a) **PARKS.**

- i. Parks shall be required in the following locations:
 - A. As identified in the MetRec Regional Recreation Master Plan adopted by the county that identify future park locations; or
 - B. As identified in the Park Service Area Map(s)
[Maps to be inserted]



- ii. Parks shall be a minimum of 1,000 sq ft and a maximum of 1/2 acre.
- iii. The design should promote continuity of parks and public spaces. Design shall ensure pedestrian, bicycle, and vehicular access is reasonably provided to the spaces.
- iv. The location, shape, size, and character of park land shall be provided in a manner to meet the needs of the development.
- v. The park area(s) shall not include any area designated as a roadway, unit space, or storage area.
- vi. The park area should be conveniently located and free from all natural hazards.
- vii. The park area may count toward applicable minimum landscape requirements.
- viii. Parks shall be dedicated for public use.
- ix. Parks shall permit subgrade utility easements without limitation.

b) TRAILS.

- i. Trails shall be required in the following locations:
 - A. In those locations shown on the Gunnison Metropolitan Recreation District Master Plan adopted by the county that identify future trail locations.
 - B. Where determined by the Community Development Director to be necessary to link the property to schools, shopping areas, parks, trails, greenbelts, and other public facilities, to the maximum extent practicable; and
 - C. Where determined by the Community Development Director to be necessary to provide public access and fishing easements to adjacent lakes, rivers, and streams, to the maximum extent practicable and consistent with state law.
- ii. Trails shall be a minimum 15-foot right-of-way or easement dedicated for public use and have a minimum 8-foot-wide tread way surface which should be centered on the easement center line.
- iii. Trails shall be dedicated for public use.
- iv. The trail easement may overlap and include property previously included in other easements such as ditch, canal, utility and conservation easements, and public or private open space, provided it does not compromise the purpose or functional use of any easement with which it overlaps.
- v. Trails shall permit subgrade utility easements without limitation.
- vi. Access to the trail should be provided within the subject property or from the subdivision and be fully accessible to the general public during reasonable hours.
- vii. All trails should be designed and constructed in accordance with the Americans with Disabilities Act (ADA) and the specifications defined in the City of Gunnison Non-Motorized Transportation Plan, as it may be amended.

c) OPEN SPACE.

- i. Public spaces may include open lands. Trails may be included on designated open space.

- ii. The proposed development should promote continuity of public spaces. Design shall ensure pedestrian, bicycle, and vehicular access is reasonably provided to the spaces.

d) MAINTENANCE REQUIREMENTS. For any Park, Trail, or Open Space, the following maintenance requirement applies.

- i. The long-term maintenance of all designated parks, trails and open space shall ensure the safety and longevity of the improvements. All improvements shall be owned and maintained as public areas by the developer, owner of the property, or an organization established for its ownership and maintenance, unless otherwise approved by the County Community and Economic Development Department.

6. URBAN TRANSITION AREA DESIGN STANDARDS. Development within the Urban Transition Areas are subject to the following design standards. These standards shall apply to the design of multi-family uses, non-residential uses, and single-family and duplex development when part of a proposed subdivision with five or more lots. This applies to properties located in the City's utility service area (North Urban Transition Area) and properties located in the county's utility service area (South Urban Transition Area).

- a) MINIMUM STANDARDS.** These design standards are intended to ensure a minimum level of design is achieved. If an alternate design can be shown to meet the intent of these standards, or where it can be shown that strict compliance with these standards would cause negative environmental impacts or would result in adverse conditions on- or off-site because of unusual topography, size or shape of the lot, existing vegetation, or other exceptional situations or condition, then the County shall have authority to accept the alternative. The evaluation shall consider whether the alternative will provide for an equivalent level of public safety and whether the alternative will be equally durable, so that normally anticipated maintenance costs will not be increased.

b) DESIGN STANDARDS.

- i. **BUILDING PLACEMENT AND ORIENTATION.** The following standards are intended to create a development pattern that reinforces the street grid and provides a high-quality pedestrian experience.

- A. All buildings should be oriented to the street where one exists. All building facades shall be oriented to be parallel to the adjacent street.
- B. Build-to-Lines shall comply with Table C.3.

- ii. **ENTRANCES.** A building entrance shall include a door and entry feature that provides visitors with direct access to the building.

- A. For Residential buildings, the following standards apply:

- 1. The entry door shall be setback no more than eight (8) feet from the front-most wall of the building. The entrance may be accessed from a porch that is no more than one story in height and has a minimum depth of six (6) feet.
- 2. For duplex, triplex, or multi-family residential buildings with more than one entrance, at least one shall be no more than eight (8) feet from the front-most wall of the building. The entrance may be accessed from a porch that is no more than one story in height and has a minimum depth of six (6) feet.

- B. For Non-Residential buildings the following standards apply:

- 1. The facade closest to the front lot line shall have an operable entrance facing the street and a walkway to the nearest sidewalk.
- 2. An operable building entrance is required to be open and accessible during normal business hours. The entrance shall comply with applicable ADA standards.

3. Each building shall have clearly defined customer entrances that include at least two (2) of the following features:
 - a) Canopies, porticos, arcades, or overhangs;
 - b) Recesses or projections;
 - c) Over the door or peaked roof forms;
 - d) Arches;
 - e) Outdoor patios or plazas;
 - f) Display windows;
 - g) Obviously differentiating architectural details such as moldings that are integrated into the building structure and design; and/or
 - h) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
4. Buildings on corner lots are encouraged to have corner entrances. A chamfered corner is permitted to accommodate this type of entrance. Where a corner entrance is not provided, the building plan shall provide an architectural element or detailing (e.g., tower, beveled corner, art, special trim, etc.) that accentuates the corner location.

iii. TRANSPARENCY.

- A. Residential Uses shall have a minimum transparency of 15% of each street-facing façade at the ground level. This may be achieved through windows or doors. Window area is considered the entire area within the outer window frame, including any interior window grid.
 1. Windows used to meet this standard must be transparent and allow views from the building to the street. Reflective or darkened glass is prohibited on ground floors and discouraged on upper levels.
 2. Garage doors shall not be used to meet this requirement.
 3. Glass blocks, frosted glass, and other forms of privacy glazing do not meet this standard.
- B. Non-Residential and Multi-Family Residential Uses shall meet minimum transparency requirements.
 1. 40% of each street-facing façade at the ground level shall be transparent.
 2. A minimum of 20% transparency is required for second levels.
 3. Transparency may be achieved through windows or doors. Window area is considered the entire area within the outer window frame, including any interior window grid.
 4. Windows used to meet this standard must be transparent and allow views from the building to the street. Reflective or darkened glass is prohibited on ground floors and discouraged on upper levels.

iv. STREET LEVEL DESIGN. The following standards apply to Non-Residential Uses, Mixed-Uses, and Multi-Family Uses.

- A. For all ground floor neighborhood commercial or maker space in new development, the distance from the finished floor to the bottom of the ceiling structure above must be at least 12 feet. For ground floor area associated with a residential use, the minimum height must be at least 10 feet.

B. All non-residential eating and drinking establishments are encouraged to provide street-side outdoor/cafe seating and dining patios. Where possible, this area shall be between the public right-of-way and the front facade along primary streets.

B.C. Individual buildings may not exceed 150 feet in length along a street-facing lot line.

v. **BUILDING ARTICULATION.** A clear visual division shall be maintained between the ground level floor and upper floors, for example, by using a belt course, transom, awning, canopy, or similar division.

A. All buildings with three or more stories shall be articulated with varied massing to create dynamic facades and prevent flat, static streetscapes. Development should clearly articulate a horizontal hierarchy (base, middle, top), properly scaled to the height of the structure.

1. Side and rear elevations that do not face a street, public parking area, pedestrian access way, or plaza may utilize changes in texture and/or color of materials, provided that the design is consistent with the overall composition of the building.
2. Horizontal articulation shall be achieved through one or more of the following architectural features:
 - a) Wall Plane Offsets: Wall plane offsets shall be a minimum of 1 foot with a minimum width of 3 feet.
 - b) Accent Lines: Accent Lines shall have a minimum projection from the primary wall plan of 4 inches and a minimum width of 4 inches.
 - c) Bay windows: Bay windows shall be a minimum of 2 feet in depth and 4 feet in width;
 - d) Recessed entrances or windows: These shall be recessed a minimum of 4 feet in depth and 6 feet in width;
 - e) Niches: Niches shall be a minimum of 2 feet in depth and 4 feet in width;
 - f) Gateways that are a minimum of 4 feet in width;
 - g) Porches measuring at least 48 square feet; or
 - h) Colonnades that are a minimum of 4 feet in width.

B. All non-residential buildings are required to provide variation in facades to prevent long blank walls. These standards apply to all facades.

1. Structures greater than 60 feet in length, but less than 120 feet in length must exhibit a prominent shift in the facade of the building so that no greater than seventy five percent (75%) of the length of the Building Facade appears unbroken. Each shift shall be in the form of either a 10-foot change in Building Facade alignment or a 10-foot change in the Building Height, or a combined change in Building Facade and Building Height totaling 10 feet.
2. Structures that exceed 120 feet in length on any facade shall provide a prominent shift in the mass of the Structure at each 120-foot interval, or less if the Developer desires, reflecting a change in function or scale. The shift shall be in the form of either a 15-foot change in Building Facade alignment or a 15-foot setback on upper levels.

vi. **ROOF FORMS.**

A. The measurement of building height shall be based on the Gunnison County Land Use Resolution.

- B. Snow shedding shall be considered in all roof design. Roofs shall be designed and insulated to ensure valleys, areas over wall top plates and other similar building spaces do not form ice dams.
 - C. Where roofs will drip onto pedestrian, other public, or parking areas, buildings shall provide a system of gutters and downspouts to direct and channel roof run-off into the project's landscape areas and to prevent ice build-up in these areas. In non-pedestrian or public areas, roofs may drip to swales that direct water to the natural or proposed landscape.
 - D. Eaves and fascia shall generally be responsive and proportional to the design of the building.
 - E. The design of roofs shall address snow accumulation and ice/snow shedding. Entries, walkways and pedestrian areas shall be protected from ice/snow shedding.
- vii. **FENCES AND SCREENING.** All buildings shall comply with Gunnison County LUR Section 13-113: *Fencing*.
 - viii. **LIGHTING.** All buildings shall comply with Gunnison County LUR Section 13-114: *Exterior Lighting*.
 - ix. **SIGNAGE.** All buildings shall comply with Gunnison County LUR Section 13-109: *Signs*.

SECTION 7. PRESERVATION OF MANUFACTURED HOME PARKS

- A. The requirements of this Section apply to any existing manufactured home park that contains five or more occupied manufactured homes and is currently operating, where the park is being proposed for a change of use other than renting or offering space for manufactured homes, or if the park is being proposed for closure, either in whole or in part. This applies to properties located in the City's utility service area (North Urban Transition Area) and properties located in the county's utility service area (South Urban Transition Area).
- B. The requirements of this Section shall not apply if, prior to the change of use, the landowner and at least 75% of the manufactured home park tenants have entered into an agreement to waive the requirement for the conversion impact report. The agreement shall be provided to the County and shall be in a form satisfactory to the County Recorder.
- C. Mobile homes provide an important housing option for members of the community. The County prefers that existing Mobile Home Parks are preserved, consistent with the policies of the Regional Housing Study. To support these goals, providing mobile home residents the opportunity to become a Resident Owned Community (ROC) is preferred (See also Colorado House Bill 20-1201).
- D. A conversion impact report shall be completed and submitted to the County Community and Economic Development Department. The report shall include the following information:
 - 1. The names, addresses, and manufactured home site identification numbers of all persons living in or owning manufactured homes in the manufactured home park.
 - 2. The age and type of each manufactured home in the park, by site identification number, including date of manufacture, characteristics, and size.
 - 3. A list of known available manufactured home sites in comparable manufactured home parks within a 50-mile radius of the subject park.
 - 4. A schedule of site rental rates for each comparable manufactured home park and the criteria of the management of each park for acceptance of new homeowners and used manufactured homes.

5. A relocation plan, including the proposed date for closing the manufactured home park, what, if any, relocation assistance payments will be offered to the park tenants, and the method of calculation of such assistance.
 6. The intended use of the property following closure of the manufactured home park, including conceptual plans describing the proposed new use.
 7. Other information as may be required by County Staff or the BOCC.
 8. Certification from the applicant that the conversion impact report has been delivered to all of the owners and tenants of manufactured homes in the manufactured home park at least 60 days prior to the first public hearing.
- E. The County Community and Economic Development Department and the Board of County Commissioners have the authority to review the conversion impact report and evaluate the proposed use of the property following closure of the manufactured home park. While property owners have the right to propose new uses, approval is subject to compliance with zoning regulations, land use policies, and community impact considerations. The County may impose conditions, require modifications, or deny the proposed use if it is found to be inconsistent with adopted plans, regulations, or if the impacts on displaced residents are deemed inadequately addressed.

SECTION 8. DEVELOPMENT INCENTIVES.

- A. Affordable and attainable housing opportunities are needed throughout the Gunnison Valley to ensure housing is available for local residents and the workforce. Housing is generally considered to be affordable (or attainable) when the monthly housing payment is equal to no more than 30% of a household's gross income. New housing opportunities located within The Urban Transition Area is a specific goal of the Gunnison Area Plan. This section provides incentives for the inclusion of deed restricted housing in these areas. This applies to properties located in the City's utility service area (North Urban Transition Area) and properties located in the county's utility service area (South Urban Transition Area).
- B. **APPLICABILITY.** Projects shall receive incentives for complying with at least one (1) of the following options:
1. 40% of the total residential units in the development are deed restricted as affordable housing in accordance with the definition of essential housing in the Gunnison County Land Use Resolution.
- C. **BENEFITS.** Developments may receive the following benefits:
1. Decreased setbacks by up to 50% for all development on the applicable site or subdivision.
 2. Increased height allowance up to 45-50 feet for all development on the applicable site or subdivision.
 3. Expedited Review Process. All projects that meet the applicability requirements in Section G.1, shall be reviewed pursuant to Section E, regardless of location or density.
 4. Reduction in required amount of open space by up to 50%.
 5. Reduction in required minimum parking by 100%.

SECTION 9. DEVELOPMENT AGREEMENTS AND AMENDMENTS

A. DEVELOPMENT IMPROVEMENT AGREEMENT

1. A Development Improvement Agreement shall be required for all development undertaken pursuant to these regulations. This applies to properties located in the City's utility service area (North Urban Transition Area) and properties located in the county's utility service area (South Urban Transition Area).
2. A Development Improvement Agreement shall meet the requirements of LUR Section 16-118: *Development Improvement Agreement Required*.

B. AMENDMENT AND REPEAL MISCELLANEOUS PROVISIONS

1. Amendment. Unless amended or repealed in accordance with this Section, these Regulations shall remain in full force and effect. ~~This applies to properties located in the City's utility service area (North Urban Transition Area) and properties located in the county's utility service area (South Urban Transition Area). The following process shall apply to an application for any amendment to the SAR:~~

a. Initiation. An amendment to the SAR may be initiated by any of the following:

1. **Persons with Standing.** A person with standing may initiate an application to amend the SAR by submitting an application to Gunnison County.
2. **BOCC.** The Gunnison County Board of County Commissioners or the Gunnison County Community and Economic Development Director may initiate amendments to the SAR.

a. Notification. Notification of amendment(s) initiated by the BOCC or Community and Economic Development Director shall be provided pursuant to #####.

a-b. Submittal of Draft Amendment Language. Any initiative or application for amendment shall be submitted to the Gunnison County Community Development and Economic Director, or if initiated by said Director, to the BOCC, and shall include at a minimum the following:

1. **Identification of Applicant.** The application shall state whether the application was initiated by a person with standing, the Community Development and Economic Director, or the BOCC.
2. **Precise Wording.** The precise wording of the proposed amendment, and the section in which it is proposed to occur.
3. **Rationale for the Proposed Amendment.** A concise statement of the purpose and justification for the proposed amendment.

c. Approval by BOCC. Any amendment to SAR shall be approved by the BOCC in a public meeting. The BOCC, in its sole discretion, may receive written or oral comment from the public.

2. Repeal. Any application for repeal of SAR shall be approved by the B.O.C.C. pursuant to LUR, Section 1-113: *Amending this Land Use Resolution*.

3. All Owners Bound. Any person who now owns or hereafter purchases or acquires rights in any improvements on any lot shall be bound by the terms and conditions herein, whether or not any reference to SAR is contained in the instrument by which such person acquired such interest or ownership.

4. Severability. If any part of the SAR or the development application or enforcement thereof with respect to any person or circumstance is held invalid by a court of competent jurisdiction, the remainder of the SAR and its application to other persons or circumstances shall not be affected thereby and shall remain in full force and effect.

5. No Precedent Set by This Designation. Neither the designation of the Gunnison Special Area, nor the SAR, procedures or approvals hereunder shall be construed as a precedent for any other Gunnison County action.

~~2. These Regulations may be amended, modified, or repealed in whole or in part upon Acknowledgement by the Board of County Commissioners.~~